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OPOBO SINCE 1870

A DOCUMENTARY RECORD

WITH

AN INTRODUCTION

Dr. S. O. Jaja



Opobo Since 1870

**Opobo Since 1870:
A Documentary Record**

With An Introduction



KING JAJA
*The African Merchant Prince and
Founder of Opobo*
1821 - 1891

Ibadan University Press
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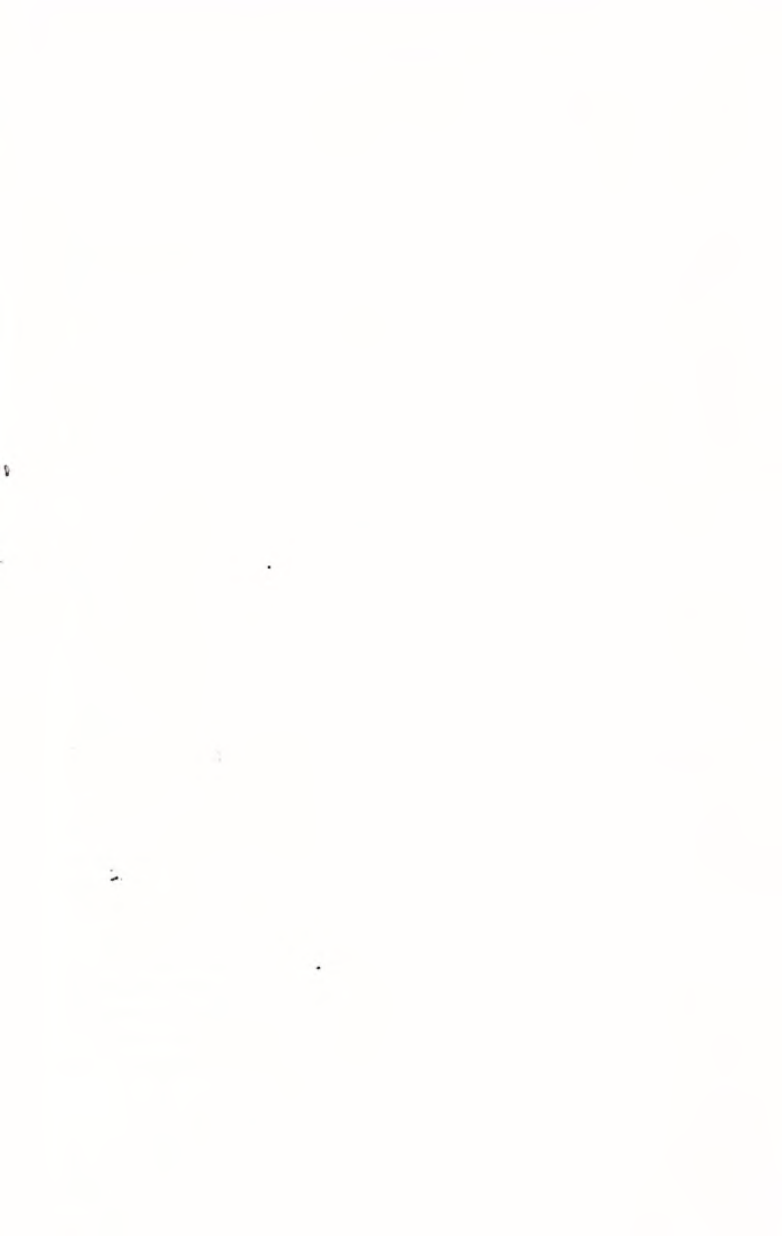
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DEDICATION

This book is dedicated to all lovers of world peace and the survival and progress of the black races of mankind.

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PREFACE

Opobo, the subject of this study is currently in Andoni/Opobo Local Government Area of the Rivers State of Nigeria. It is located very close to the estuary of the Imo (Opobo) River. The main island settlements occupied by Opobo people include Opobo Town, Kalaibiama, Kalama, Queens-Town and Mumakiri. Other smaller settlements are scattered around these islands or across the Imo River and its eastern tributaries and Ikot Abasi, further north of the River.

Since the publication of Prof. K.O. Dike's epoch-making book, *Trade and Politics in the Niger Delta*, in 1956, Opobo studies have received a boost. Unfortunately, however, the wider significance of the work of Jaja and his followers and the subsequent activities of the succeeding generations of Opobo people would seem to have been virtually neglected. Similarly, the strategies and role of the "Opobo Experiment" and its contributions to the making of modern Nigeria and indeed the African continent have not been sufficiently emphasized. The purpose of publishing this book is three-fold. First, it is expected, among other things, to contribute further to the growth of original source-materials documentation in Nigerian historiography. Secondly, it should, hopefully, aid further research into Opobo studies, possibly along a new and more holistic direction. Thirdly, it may, hopefully, stimulate further thoughts on a number of important, though somewhat marginalized issues in African development based on the Opobo Experiment. Such issues include Africa and the struggle for sovereignty; leadership in Africa, past and present; Africa and the question of reparation; and Africa and the search for world peace, to mention a few.

Concerning the last-named issue, the Introduction to this book, illustrates the fact that the "Opobo Experiment" which began in 1870 lasted in one form or another until 1 October, 1960 when the British Union Jack was lowered for the last time in Nigeria on attainment of independence. The "Experiment" also affords an excellent example of Africa's right to demand for just reparation, accord and satisfaction from Europe, for centuries of unprovoked attack, expropriation, wanton destruction and irreparable losses in human and material resources, following the earlier throes of the trans-Atlantic Slave Trade of the preceding centuries.

Attention was also drawn to another salient point in African development. In the last century and till the early years of this century, Africa was worsted in the hands of Europe. Could Africa expect a better treatment now and in the coming century as America sitting firmly on the saddle of world affairs gallops confidently across the globe in what has been

termed, the "technetronic age"? The present writer remains optimistic and hopes that African States and Statesmen would understand, cooperate and unite more than their forebears had done in order to stand the chance of reaping a fair and equitable benefit from the newly emerging devastating world order.

The research for the production of this book took about five years. I therefore wish, through this medium, to express my gratitude to the government and people of Cross River State for affording me the opportunity and rendering all the assistance that enabled me to carry out my research in Nigeria, Britain, the Republic of the Cameroons and other parts of West Africa on this and other related important issues on African development. My thanks also go to the King Jaja Executive Authority, based in Opobo, but for whose support and encouragement, this work might never have seen the light of day. The Authority yielded up readily several important ancient family documents and treasured records that facilitated the production of this work. My thanks go also to other families in Opobo that cooperated with me throughout the period of the research.

I am sincerely grateful to Prof. B.W. Andah, Principal, Okuku Campus of the University of Calabar (formerly Head, Department of Archeology, University of Ibadan), who gave me invaluable advice and paid personal attention to this work not only to ensure that it was published on time but also in a comprehensible form. My gratitude also goes to Prof. A.B. Abasiattai, Head, Department of History, University of Calabar, Prof. V.C. Uchendu, Director, Institute of Public Policy and Administration, University of Calabar, Prof. U.O. Umzurike, Dean, Faculty of Law, University of Calabar, Dr. E.O. Erim, Department of History, University of Calabar, Prof. T.N. Tamuno, (formerly, Vice-Chancellor, University of Ibadan,) Director of Research, National Institute for Policy and Strategic Studies, Kuru and a host of other friends and well-wishers who read this work at various stages of production and offered their comments and advice. I am however, personally responsible for any faults in this book.

I wish to thank and commend specially the staff of the Public Records Office and Foreign and Commonwealth Office, London, as well as those in the National Archives at Enugu, Ibadan and Kaduna for their invaluable assistance throughout the period of the research for this work.

My warmest gratitude also goes to the Director of Publishing, Ibadan University Publishing House, the entire staff of Ibadan University Press and all others who contributed in no small measure to produce this work at this time in spite of the constraints of time imposed on them by this work.

I cannot fail to mention here my debt of gratitude to Mr. N.O. Ikotudia of the Governor's Office, Calabar and all the staff of that office who undertook the typing and checking of the manuscripts. They also deserve a special mention.

S. O. Jaja
Calabar

Introduction

THE OPOBO EXPERIMENT

The Opobo Experiment began on 1 January 1870¹. It continued in one form or another till 1 October, 1960. The experiment which has remained a source of controversy in Nigerian history, may, for a long time to come, continue to be so. As more research is carried out on the area covered by the experiment, and more documents become available, it is likely that the experiment will continue to attract more comments and may become more interesting, even if more challenging.

The experiment also raises several problems in African history. Some of the problems fall outside the scope of this short work to attract closer examination. However, four of those which touch and concern the subject of this work will be raised here and discussed in outline. These are the dating of the Opobo experiment, its nature, scope and significance.

In connection with the problem of dating the experiment, at least three questions seem to arise. Why is 1870 rather than 1869 preferred as the commencement date of the experiment? One would suggest that the year 1870 should be preferred. As has been stated in several works, in 1869 Jaja and his followers left Bonny for an unknown destination in the course of their migration.² Before 1870, they were not settled and no place called "Opobo" had been established. It may be argued by some people that the word "Opobo" could be subsumed in an Agreement referred to by K.O. Dike,³ E.M.T. Epelle⁴, and S.J.S. Cooney⁵ as "Minima Agreement"⁶. As has been indicated elsewhere in this book, there was probably nothing like the "Minima Agreement". Indeed when the "Minima Agreement" was first brought to the notice of Nigerians in 1942, it did not bear that title. Even if such an Agreement had existed, the British obviously felt that it would be probably useless and unenforceable without its original. Moreover, usually in law, any agreement without its original or authenticated copy is unenforceable. Similarly, an agreement made for securing a non-existent object, right or property, which may only become realizable in future, is usually regarded as being merely executory. An executory agreement is unenforceable in law unless it is made under seal and is duly registered. The original of the document, as the British Government had observed in 1942 was not available anywhere. Our comment on this is in Part IV of this book. In any case, the testimony of Opobo Native Authority Council made by the Chiefs of Opobo in 1936 during the inquiry conducted by J.N. Dewhurst, Divisional Officer and acting President of the Opobo Native Authority Council (in the absence

of the Amanyanabo), would have mentioned the "Minima Agreement". It seems unbelievable that all the thirty-four Chiefs who had assembled and discussed Opobo history and constitution as they knew them, led by Chiefs Harry Toby and George Cookey Gam, forgot or merely overlooked such an important document.

By 1869 Jaja was still negotiating for the parcels of land on which Opobo settlements were established. But on 1 January, 1870 Jaja occupied Opobo, and changed his name from "Jack Jaja Annie Pepple" to "Jaja". He also dropped the "Chief"⁷ and took the title *Amachachi* (*Amanyanabo* (Founder and owner of the town)). For the Opobo, this event is very significant. Perhaps, it is for this reason that Opobo people have until today continued to celebrate the feast of the New Year's Day rather than that of the Christmas Day.

The second question arising from the problem of dating the experiment is equally interesting. Why should one stretch the experiment up to 1960, the year Nigeria became an independent nation, when apparently, it could be assumed that the experiment had nothing to do with Nigeria's independence or nationalist movement? One's view is that the Opobo experiment could be treated as a relevant issue or a neglected theme in the history of nationalist movement and decolonization in Nigeria and indeed the African Continent. This view will be specifically maintained in discussing the significance of the Opobo experiment further below.

A third question arising from the problem of dating the experiment is also interesting. It, however, draws attention to another important issue, the relevance of periodization in African history. In other words, to what extent can it be reasonably explained that the Opobo experiment which started as far back as 1870 in the pre-colonial times, still lingered on to the twentieth century to link up with other resistance, nationalist and decolonization movements up to 1960 when the British Union Jack was lowered for the last time in Nigeria? The periodization approach in African History, as is well known, has been adopted with considerable success by scholars and authors. In doing this, they have often based their analyses on three main periods, namely, "Africa before 1800", "Africa since 1800" and "African in the twentieth Century". There is nothing intrinsically wrong with this approach. Perhaps, this may not be the appropriate place to discuss this issue in detail, though one may confidently assert that currently, the approach has become very popular, particularly among textbook authors. The approach seems to make the understanding of events in history clearer and more easily appreciated by students and other general readers. However, this is not to say that, in spite of its obvious attractions, it is the only or the best possible approach for the discussion of all other important issues in African history. A

number of extant and authoritative works in history have shown clearly that periodization in history, based on the familiar watersheds such as "before 1800", "in 1800" and "since 1900", could be misleading and strictly inapplicable to several major events in African history. A few of such works include E. A. Ayandele, *Missionary Impact on Modern Nigeria 1842 - 1914*; J. C. Anene, *Southern Nigeria in Transition, 1885 - 1906*; and A. S. Adigbo, *The Warrant Chiefs: Indirect Rule in Southeastern Nigeria, 1891 - 1929*.¹⁰ Prof. J. F. Ade Ajayi, when discussing the significance of 1960 for Nigeria's independence had pointed out quite rightly that there is no magic in historical dates.

He concluded:

The day of independence is an important landmark. There is no magic about the date itself. It is almost fortuitous that Independence came in 1960 and not 1959 or 1962. Some of the changes implied by Independence have been foreshadowed for years past, whilst others will not be realized for years to come.¹¹

As may be observed from the documents and the brief discussion in this work, Opobo experiment, though started in the second half of the nineteenth century, had its problems and chequered history, but continued to exert a considerable influence in one form or another into the second half of the twentieth century up to 1960 when it came to an end.

Another problem of the experiment concerns its nature, main objectives and methods adopted in the attempt to reach its goal. Some authors, particularly European authors hardly regard what transpired as an experiment. They regard it as "Jaja affair", "Jaja and monopoly practice";¹² "a comedy of errors by an african Merchant Prince"; or an attempt to establish monopoly and thus compel Britain to vitiate her "engagements with foreign powers".¹³ These controversial views have already been commented upon adequately in several extant and authoritative works and so need not delay one here. To all intents and purposes, it may be pointed out, however, that it is a mistaken view to regard the phenomenon engulfed a pre-colonial African State in a confrontation with the British for almost a decade, even long after the death of Jaja, as "Jaja affair" or "Jaja question". What actually happened, in the view of the present writer, went beyond the limits of a one-man affair. It is possible, with perhaps the exception of a few Opobo opposition leaders like Chief Uruana and his followers, to say that the phenomenon involved the entire Opobo city state and what remained of it after the advent of colonialism. To regard it or dispose of it as "Jaja affair" is to say the least, to belittle

the magnitude of a major experiment that occurred in African history from the closing decades of the nineteenth to the first six decades of the twentieth century. It should be noted that any major document that was issued during the experiment was signed not by Jaja alone or by any single personality but by accredited representatives of the State or community involved in the experiment. Thus, after the deportation of Jaja and later his death and burial, other operators of the experiment continued with action in one form or another to sustain the experiment. It is probably an oversight that the British administrators in Nigeria did not realize this fact early enough.

Other authorities regard the phenomenon as a mere parody, a minor passing scene in a great drama. Perhaps, Sir Harry Johnston who deported Jaja was the greatest exponent of this view. When confronted by the Editor of *West Africa*,¹⁴ a popular and widely-read international magazine, with an article proposed for publication by Sir William Geary, a reputable lawyer and Africanist, Johnston disposed of the phenomenon as an attempt by a "puppet in a controversy which was really a Liverpool contention for free trade as opposed to a Glasgow movement for the establishment of a monopoly in palm oil export from the Opobo region."¹⁵ For him, it was a "Jaja question" as well as a side show in a great drama staged by powerful Liverpool and Glasgow palm oil brokers.

Johnston was also of the view that the phenomenon, by its nature, went far beyond the confines of African shores. It had both national and international implications. Alex A. Cowan, an official of the Royal Liverpool Building in Liverpool, in a short rejoinder demanded from Johnston a further explanation as to the nature and extent of the international implications of the phenomenon.¹⁶ Apparently, with a shrewd official mind, Johnston declined to make further comments on a question which according to him, Parliament had disposed of in 1888.¹⁷ He regarded the matter as closed. However, closed at the time or not, the event and its aftermath, as a part of the Opobo Experiment, continued in one form or another to attract world attention. For example between 1887 and 1891, the experiment and its events attracted attention world-wide, throughout Africa, Britain, America, West Indies and other areas of the wider world. In 1929, with a new gear and a revised strategy, Opobo women, scattered in various towns and cities of Southeastern Nigeria, joined their compatriots during the Women's War of 1925 to 1929 to draw the attention of the sympathetic world once more to Opobo. As Prof. Afighbo had pointed out quite rightly, the so-called "Aba Riot" (Women's War) neither started at Aba nor did it reach its peak there. Opobo Massacre of 1929 was the highest water-mark of that celebrated frontal opposition of Nigerian women to British Colonialism. That massacre provoked two

separate public international inquiries and, but for the intervention of Lord Passfield, the Secretary of State for the Colonies, it would have given rise to a third public inquiry.¹⁸ From 1929 to 1945, the operators of the experiment took up and successfully maintained yet another strategy through their petition of right that went up to the British Parliament for payment of compensation or reparation for arms and ammunities seized from Opobo Chiefs and people conditionally in 1892 and 1893.¹⁹ The way the demand was conducted brought shame and disgrace to the British administration in Nigeria and a world-wide condemnation for Britain's approach to racism. It went so far as to question the British sense of justice and fairness to subject people in particular and to the black races in general. Eventually, Parliament decreed in favour of Opobo the payment of some aspects of the compensation in 1944. But, due to the length of time wasted, the politics and propaganda that resulted from the discussions and the correspondence on it, the harm had already been done. Tempers had risen high everywhere. The British administration in Nigeria had become further discredited. Petitions on similar issues from 1945 to 1950, were not successful, but the method by which they were conducted continued to raise doubts on the British sense of fairness in dealing with the black races of mankind.²⁰

Other authorities, particularly African Scholars and authors, seem to regard the phenomenon as a "tragedy".²¹ In their view, it was more like a tragedy in which, an eminent Nigerian of the nineteenth century lost out, some say gallantly while others say otherwise unlike what should be expected of Jaja and his followers. Jaja is remembered throughout the event as an able and wise leader of his people who know where to stop and cut the line in order to avoid a total disaster; a shrewd African personality, who was resourceful, able and far-sighted; a distinguished African who rose from grass as an ex-slave boy to grace as an eminent ruler in the nineteenth century Niger Delta. However balanced these views may be, one's objection to them is that the views tend to confine the phenomenon to a "Jaja affair". As comments recorded in biographies of Jaja,²² this assessment may be acceptable. However, what has been said so far by scholars and authors may not rule out the need for a closer examination of the phenomenon as an "Opobo Experiment". What is being suggested here is that it seems even more tragic for African history, to view the history of Opobo or Opobo experiment as merely an account of a "Jaja affair" or "Jaja question". For biographic purposes, there is nothing wrong in mirroring the perspective, life and times of great kings and leaders. However, if from the views expressed and the works on Opobo studies produced so far, it is assumed that there is no more need for a full-scale history of Opobo as a people or if it is intended to ascribe

their national epic or experiment to a single king or leader, such approaches, in our view, will amount to, to say the least, a travesty of African history. For example, in spite of his greatness or wealth, Louis XIV had his own separate history from the history of France of his own times. In spite of his domination of that history or his claims to absolutism or that the "State, it is me"²³, the history of Louis XIV did not render the history of France irrelevant.²⁴ The Opobo experiment like those of Egypt, Ethiopia, Sudan, Congo and other African kingdoms, should be seen and regarded as a struggle not only between the rulers and the invading external forces but rather as an effort by a pre-Colonial African State to survive and retain its sovereignty in the face of the changing international economy of the closing decades of nineteenth century Africa. It was an effort to bequeath its example, possibly to contemporary sister African states, by an African State later reduced to colonial status to support other states in the African continent in their effort towards decolonization. For decolonization effort, the Opobo experiment seemed to contend, though this has often been misunderstood and misinterpreted, was not and could never have been a one-sided affair, with the initiative from Europe alone.²⁵

The main objectives of the Opobo experiment are equally controversial. As has been noted above, some authorities view it as an attempt to install a "monopoly" as a counterpoise to the new concept of "free trade" guaranteed by the Berlin Act of 1885 in far away Europe. Basil Davidson,²⁶ Alan Burns²⁷, Michael Crowder²⁸ and a host of other non-African scholars and authors hold this view very tenaciously. Basil Davidson, a well-known Africanist, unfortunately, for example, in his scintillating book, *Africa in Modern History*, tended to succumb to the prevailing interpretation of the phenomenon when he concluded his views in the following words:

Again one may speculate on what might then have developed without the Colonial enclosure. As it was, each of these innovators was broken on the wheel of Colonial policy, even though each behaves precisely as the kind of modernizing agent which Colonial policy was supposed to promote. King Jaja of Opobo was tricked by the British into allowing himself to be arrested in 1887 and was forthwith deported from the scene.²⁹

Other scholars and authors state the main objectives differently.

They view the main objectives as the effect of the attempt by one of the trading states of the Niger Delta to build up wealth and power for its supremacy over the other competing States in the area;³⁰ or an effort to sustain the House system as a corporation behind the successes of a new

city State³¹ or an effort aimed at providing a competing alternative political and economic model which, as Acting Consul Harry Johnston had concluded, would have upset the European model in the Niger territories and compelled Britain "to vitiate her engagements with foreign powers". Each of these views about the main objectives of the phenomenon has some merit, no doubt. But, unfortunately, none of them seems to explain what happened fully. This is so apparently because, most works on the subject, treated the phenomenon as "Jaja affair", or "Jaja question" and stopped there. The objectives may be clearer and more comprehensive if surveyed within the frame-work of an African experiment or Opobo experiment that lasted for about ninety years. In our view, there were several objectives of the experiment, but the most important of them fall under four main categories - political, economic, socio-cultural and legal.

The main political objectives of the experiment were, among other things, to create a model but relatively small state in Africa that might serve as an example and pave the way for the survival of the sovereignty of African States, the regeneration of the depressed concept of African personality and the cordial but gradual Afro-European dialogue and friendly relations in political affairs which over the years had begun to deteriorate.

The main economic objectives of the experiment sought, among other things, to provide an economic model or pattern of trade and commerce that might provide and support African initiatives and the search for continued independence in Africa's commercial and economic relations with Europe. When Europe came together and fashioned a new economic order as a response mainly to African initiatives under the guide of "free trade", the Opobo experiment looked inwards and anchored its trade practices on what the Africans had understood and practised for long with considerable benefits to all sides largely devoid of heartless exploitation or the merciless imposition of trading formula from outside the African Continent. When Britain, for example, licensed and patented corporate bodies like the Royal Niger Company and recognized combinations or trading cartels in Opobo (Imo River), the experiment responded and circumvented all this. It introduced a bilateral system of trade between Europe and Africa that swept away the tripartite European trading system which was masquerading under the guise of "free trade". Britain indeed overtly recognized the authority of her Corporate Companies and other exploitative agencies such as Combinations and Cartels with some connivance under the watchful and protective eyes of Consuls, as if Africans had no viable alternatives. However, Europe was doubly astonished when the Opobo experiment placed African Coastal trade direct with Europe, starting from the

famous British ports of Liverpool and Glasgow. As the experiment continued, it cut too deeply in and conflicted with the European concept of carriage by sea, by seeking to own its own fleet which would be placed at the disposal of other African states, possibly at affordable rather than extortionate and uncompetitive prices.³² African trade and commerce seemed nearer the threshold of modernization, away from the stronghold of Europe. It seemed to Europe that a new star had arisen from the east, not the Far East or the Near East but rather from the east of the River Niger, further down the coastlands of the eastern Niger Delta. Scientific entrepreneurship, as a part of the modern factors of production, began to be adopted and applied openly by an African state. It was immediately felt that the Opopo experiment had gone too far. Its opponents as against its apologists felt that it had bitten more than it could chew and had to be crushed. When eventually crushed and almost emasculated, the Opopo experiment, exhibiting a remarkable resilience in African history, also changed its tactics and redirected its effort and campaign strategy to discredit the new economic system imposed by Europe until the struggle for decolonization and the dismantling of the edifice of the old free trade system in the African continent and the decolonization movement began in full. The Opopo experiment, as has been pointed out already also played a significant role, though, unfortunately, it seems this has not been sufficiently emphasized in Nigerian or African history.

The main socio-cultural objectives of the Opopo experiment are equally noteworthy. Its philosophy was, probably influenced by and hinged on what Edward W. Blyden had termed, in his discourse delivered before the American Colonization Society in May 1880, in another context, the concept of "Africa and the Africans",³³ Nkrumah termed in 1960 as the concept of "African personality",³⁴ and Leopold Senghor addressed in the 1960s also as "Negritude".³⁵ Perhaps this is not the appropriate place to comment on the origins and the impact of these concepts or to compare them in detail with what the Opopo experiment had tried to offer the African Continent in its heyday. Suffice it to say that for Opopo experiment, black was beautiful, the old cultures, religion and belief systems were good in themselves but, they were no longer the very best. For Africa and the Africans, what seemed appropriate was to adopt what was good and possible from Europe, to reform and enrich what Africa already had and at the same time reject any attempt by Europe to Europeanize Africans without discrimination or to produce a race of de-tribalized Africans. The choice and initiative to adopt, adapt and assimilate change in culture, the experiment argued, must be left primarily in the hands of the Africans themselves. Europe, however, viewed this approach as totally unacceptable.³⁶

With regard to the main legal objectives, the Opobo experiment accepted the concept of the new international order and international law. It however, insisted on some basic conditions for the operation of the new international order and international law. First, the concept of equality of States must continue to be recognized, whether those states were European or African.³⁷ In this regard, all states should be free to communicate with one another without undue restraint. Otherwise, in the view of the experiment, the recognition of Opobo and other states and African kingdoms by European powers should be viewed and regarded as a sham. It was either freedom or death³⁸.

Secondly, all recognized states and kingdoms should abide by the international law concept of *pacta sunt servanda* (respect for treaties or agreements freely negotiated)³⁹. A State that sought to impose its own treaty or agreement on another should be regarded as playing a wrong rule of the legal game. Similarly, a state that recklessly acted in breach of a negotiated treaty or agreement had no moral or legal right to expect compliance or good offices from a friendly state be it European or African.

Thirdly, arbitration which had become a familiar source of settlement of disputes between States should be upheld as part of the law of nations. A state that arrogated to herself the right to invade another state recognized at law, made retrospective legislations and tried the citizens of a non-belligerent state at will and at her own illegal courts, deserved to be condemned. As Nelson Mandela later interpreted this factor, the idea of a "blackman in a white court" must be viewed with disgust.

Fourthly, the British sense of justice must be extolled and, if possible emulated. Britain also had a duty to continue to maintain the great confidence reposed in her by all friendly states concerning her sense of justice, and fair administration of the affairs of her nationals resident in other states. The laws of the sea, rivers and their distributaries in Africa should be obeyed as has been in Europe since the Vienna Congress of 1815.

Fifthly, no state, the Opobo experiment contended, must be held bound by an agreement to which it was not a party.⁴⁰ The basic principles of law and equity as well as the international law of the times were very clear on those issues and so must be respected by all recognized and friendly states. Sir William Geary summarized the policy and the resultant situation thus:

Fortunate is it for the British Empire when white and black can work together, as I have quoted, and blessed are they who, though of a different race, can trust and like each other, and thrice cursed be he, white or black, but more especially white who does aught to interfere with this good feeling and to disturb the old and well-grounded love⁴¹

Methodology of the Experiment

The Opobo Experiment was carried out primarily in three phases. Each phase had its own methods of operation as outlined below.

a. Phase I: 1870-1884

This may be regarded as the pre-colonial phase of the Opobo Experiment. Michael Crowder had summarized the situation that occurred and the methodology of the operators on both sides of the experiment in a concise but loaded tone. He concluded:

Jaja had at first been treated with considerable sympathy by the British Consul. In 1875 he had even sent a contingent to the Ashanti war, as a result of which he was given a sword by Queen Victoria.⁴²

What Crowder was trying to explain in this statement seems much wider than what the statement attempts to explain. Though Crowder had applied the case of Jaja and the British Consul as the usual "Jaja Affair", what actually happened was that both Britain and Opobo, states involved in the unique experiment, cooperated between themselves perhaps, to an unheard of extent in the nineteenth century African history. In fact, apart from sending a peace-keeping force to Ghana (then Gold Coast), Opobo exchanged usual courtesies, like any friendly nation with Britain. Both nations enforced the rules governing international trade and commerce, signed a treaty of friendship setting out the pattern and limits of their business relations, such as the payment of tariffs and customs duties - "hand-shake", "top-side" "comey" and so on. Both states respected all laws governing navigation in the open sea and tidal rivers as well as all the accepted international laws relating to state sovereignty, receiving of state representatives, foreign visitors and exchange of letters and other forms of correspondence and even gifts. They set out a mode of handling offences by British nationals and trial of cases involving the British and the Opobo on the Opobo River. The Queen honoured Jaja, the founder and King of Opobo as well as the leader of the experiment with the title of "King", presented him with a golden sword neatly embossed with her name and a military uniform of a kingly rank for ceremonial occasions and her large-sized photographs. A friendly European visitor presented Jaja with a large-sized Bible which Jaja called "Opu Bible" or "Great Bible". Perhaps this was not a name for commemoration of his great

ancestor of Bonny as he had done in 1870 when he and his followers had named his town *Opobo* instead of "Jaja-Ama" or "Jaja's Town". Rather, it was a Bible Jaja treasured and retained for display of the names of his children to all his foreign visitors whenever he received them as he was wont to do in his Court, which was directly opposite the Great Palace, a three-storey building, perhaps, the first of its kind built by any african in Southern Nigeria in the nineteenth century. During this phase of the experiment, it seemed that Africa and Europe were about to enter into a new relationship or partnership for the mutual benefit of both the black and white races of mankind. The operators of the experiment on the Opobo side also added the policy of adaptation and change to mere cooperation. They showed their response everywhere in a remarkable manner - their buildings, mode of dress, trade goods, education of their children, jewelry, menu and even warfare. Jaja established the first primary school of its type in the Niger Delta; he and other leaders of the experiment educated their children in the school and overseas. It seemed to surpass the Portuguese - Benin experiment of three or four centuries earlier. During this phase of the experiment, the operators of the experiment observed restraint in many ways. For the Opobo, the reception of English culture and tradition was to be gradual and syncretic; all forms of imposition were to be avoided; religion as a matter of individual conscience was not to be imposed. A separate village "Epellama" on the other side of one of the Creeks, called the "strongface Creek" was set aside for *Oko Epelle* and his followers most of whom had become Christians before their arrival at Opobo in 1873, (i.e., three years after the foundation of Opobo). Chief Uranta who wanted to exercise a similar privilege but in Opobo Town, the main island settlement, was debarred from acting in breach of the rules of the game. This, among other things, led to his breaking away to a new settlement he named "Queen's Town" where he later established himself. He even applied for and obtained the Queen's protection when he was further threatened by Opobo Council of Chiefs led by Jaja. The Queen of England intervened and Jaja and his chiefs accepted her intervention and the protection offered Queen's Town. However, the whole affair was regarded with suspicion as an undue interference in Opobo domestic affairs. Opobo was now used widely to arbitrate among warring neighbours. It took part on the arbitration panels for settlement of disputes between the Okrika and Kalabari as well as in the Kalabari dispute of 1879.

In December, 1884, the experiment was jolted by a conflict that arose between Opobo and Britain, over a new form of treaty presented without

discussion for the King and chiefs of Opobo to sign. It was called a "treaty of protection". After much debate and exchange of correspondence on the issue, Opobo people led by Jaja and his chiefs accepted the treaty but expunged Article six, which dealt with "free trade" and the right of European traders and visitors, not just the Consul or the Senior Naval Officers alone, to travel to any part of the hinterland, cross the "white-man's beach" and the limits set up opposite the Hippopotamus River by the Anglo-Opobo Treaty of 1873, use the rivers and waterways in and around Opobo at will and trade anywhere with anyone the British traders would like to deal with. Missionaries were to do the same. Opobo people also rejected the imposition of religion and missionaries on them, for obvious reasons. However, in the end, they accepted to deal with white missionaries, apparently opposing the presence of black missionaries. This attitude of Jaja and other operators of the experiment has caused a great deal of surprise to many scholars and authors who have resorted to various interpretations of the situation. Perhaps, the most acceptable and oldest oral tradition recorded as an explanation is the one offered by Rev. J.A. Pratt in 1910. He concluded thus:

For many years during the life-time of King Jaja the door was practically barred against the Gospel in Opobo. King Jaja would not have any mission in his territory, not so much out of hostility to christianity, it was said but on account of an unfortunate misunderstanding between himself and the late Bishop Crowther. The facts of the case were these. Some children were rescued one night during the civil war of 1870 by our agent at Bonny from among fifty others who were that night put to death. After Jaja had settled in Opobo he sent and demanded these children. But as the war still continued and peace was not yet made, the Bishop would not give them up, fearing their lives might be imperilled. This greatly offended the King, who interpreted the Bishop's action to taking sides with the Bonny division.⁴³

As the operators of the experiment saw it, religion was a matter for the individual conscience. Effort at compulsory conversion by even black missionaries, most of whom were overzealous, was to be resented. Any religion from Europe or elsewhere which did not take into consideration, the views, customs and traditions of the African in his home environment must be viewed with suspicion. It is almost a coincidence that in the same period the Opobo experiment came to a head-on collision with the British, independent African Churches had already started their rebellion against the orthodox Christian Churches, starting from Lagos. In signing the treaty and excluding black missionaries, the above ugly incident may not have failed to weigh seriously in the minds of the Opobo.

b. Phase II: 1885 - 1895

This was a period of crisis and conflict: The method adopted by Britain and Opobo were confrontational. The issue has been discussed in several works on aspects of Opobo studies already and so need not cause delay here. The warm relationship of the past between Britain and the Opobo eventually collapsed. It could hardly be mended until the British left Nigeria.

c. Phase III: 1896 - 1960

Britain won a temporary victory, installed and operated colonialism all over Nigeria. Depressed and beaten in the struggle, the Opobo resorted to all sorts of curious strategies, rear-guard actions and combination with other Nigerians to struggle for decolonization.

The Significance of the Experiment

The Opobo Experiment, like the Congo Experiment in Central Africa and the short-lived Portuguese - Benin Experiment in Nigeria in the 15th century, has far-reaching significance, particularly, for Africa today.⁴⁴ A few aspects of it may be mentioned here.

The African Condition

As Ali Mazrui once pointed out quite rightly in his book, *The African Condition*⁴⁵, Africans and African leaders today should not indulge in the mistaken notion that the white races of the world are now prepared to move Africa away from the periphery to the Centre. For leaders of today, as it was also for the men of the 19th century and the early decades of the 20th centuries, the concept of racism, it should be noted, may hardly be divorced from any dealings between the white and black nations of the world. Therefore, in the journey towards the twenty-first century, Africans and their leaders must beware of the essential rules of the game, its traps and pitfalls. As the old experiment had warned, so Ali Mazrui had also recently advised:

Africa is still on the periphery of the game of proliferation. In the move from the periphery to the main stream of action in the nuclear field, Africa will have to get out of its technological shyness and nuclear inhibitions.⁴⁶

Leadership in Africa

Whether one talks of nuclear arrangements, technological or industrial advancement, the story seems to be the same. The industrialized nations

of the world are watching. They may never allow the opportunity to slip from their hands. They were stirred into action by Africa's palm produce and other resources in the 19th and early 20th centuries. In the latter part of the 20th and perhaps, a greater part of the 21st centuries, the *casus belli* may not be unconnected with Africa's mineral oil, minerals and iron and steel deposits or her nascent iron and steel industries. African leaders must beware.

Furthermore, as Kwame Nkrumah, in his scintillating book, *Africa Must Unite*⁴⁷ had warned, so the old 'Experiment' had admonished African leaders and states a long time ago but, in a subdued tone, that Africa must unite, if she must survive within the comity of nations and the cross-currents of modern international high politics of the 20th and the 21st centuries.⁴⁸ The Opobo Experiment collapsed while other contemporary African States stood by and watched helplessly, each sharing with the other some basic grudges, fears and suspicion. It took gallant Opobo women of the "Women's War" fame and their *Ibibio, Annang, Nkoro, Andoni* and *Ibo* compatriots in South-eastern Nigeria, their lives and property to rally their fellow women throughout Nigeria and public opinion throughout the world to sound a resonant note of resistance that ultimately helped to rock British Colonialism in Nigeria between 1925 and 1929.⁴⁹ That incident also helped to set the pace for decolonization in Nigeria.

Within ten years after, Opobo chiefs and people, as the women's male counterparts led by the principal or Opobo Head chiefs, followed up with more punches in the form of petitions in and outside the British Parliament to demand reparation or compensation for their arms and ammunition seized conditionally when the old experiment was virtually crushed out of existence in 1892 and 1893. They paraded everywhere an "agreement" said to have been signed by W. Cairns Armstrong a British Deputy Commissioner and Vice Consul in Opobo on 17th June 1892, and demanded their pound of flesh from Britain.⁵⁰ They openly accused Britain of perfidy, gross injustice, indiscipline and racism and through their British lawyers, particularly Sir William Geary, mobilized public opinion against Britain in and outside the British Parliament at a time when Britain was deeply engulfed in the Second World War, 1939-1945. Britain complained bitterly that she was prosecuting a war but the Opobo operators of the experiment made more destabilizing comments, moves and protests out of this excuse, which they had regarded as a "lame excuse for delaying justice" or as Sir William Geary himself termed it, for "milking the blackman"⁵¹. It was no longer the time for cooperation with the forces of imperialism the Opobo concluded. In the past, cooperation had not paid off. "Once bitten, twice shy", the Opobo seemed to remind





KING JAJA
*The African Merchant Prince and
Founder of Opobo*
1821 - 1891



**CHIEF
FREDERICK SUNDAY JAJA
1893 - 1915**



**CHIEF MARK PEPPLE JAJA
1916 - 1936**



CHIEF DOUGLAS JAJA
1936 - 1980



Chief Harvey Jim Jaja
1929 - 1981

QPOBO MAIN HOUSES

King Jaja Group of Houses King Jaja House

Other Component Houses

Sam Annie Pepple
Oko Jaja
Petesi Oko Jaja
Sunday Jaja
Saturday Jaja
Aaron Jaja
Bruce Jaja
Accra Jaja
Accra Sam Annie Pepple
Mark Pepple Jaja
Omubo Pepple
Thomas Jaja
Jim Jaja



Chief Harvey Jim Jaja
with company of other Chiefs



Chief John Africa
1837 - 1907
Chief in Opobo
1870 - 1907



Chief William Ubani
1884 - 1920
(In Opobo)



Chief Toby
1812 - 1882
Chief in Opobo 1870 - 1882



Chief Legg Jack Tolofari
A Chief in Opobo
Died 19 May, 1929



Chief Cookey
1873 – 1921 (in Opobo)

MAIN HOUSES

Oko Epelle Group of Houses
Chief Oko Epelle
(Died 1880)

Component Houses

Mirini Oko Epelle
Sam Oko Epelle

Chief Sam Oko Epelle
A Chief in Opobo
Died 1913





**Other Component
Houses**

Opusunju Dappa
Tilibo Dappa
Kalasunju Dappa
Brown Agent Dappa
Doctor Dappa
Branga Dappa

Gogo
Finebone
Jungo Manilla
Obonna B. Fubara
Ogolo B. Fubara
Duke Norfolk

Chief Opusunju Dappa
Evacuated from Opobo
Town to Kalama in 1895
Head Epellama Village
and Opusunju Dappa
House 1895



Chief Ogolo (Annie Pepple)
1873 - 1899
(in Opobo)



Chief Shoo Peterside
Chief in Opobo
1875 - 1923
Died December 1923



Chief Waribo Uranta
1860 - 1907
Chief in Opobo 1886 - 1907

MAIN HOUSES

6. **Kalaomuso Group of Houses**
(John Tom Brown)
(Died 1879)
John Tom Brown House

Other Component Houses

Yellowe John Tom Brown
Jacob John Tom Brown
Cockeye Brown
Peter Cockeye Brown

7. **Kiepirima Group of Houses**
Chief Toby House

Sam Toby
William Toby
Annie Stewart



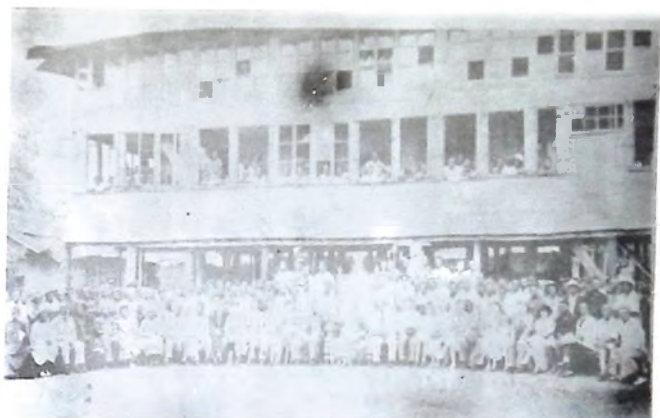
Chief Cockeye Brown
1845 - 1910

8. **Iroanya Group of Houses**
(Chief (Captain) Uranta)
(Died 22 January, 1891)
Chief Uranta House

Itchie Obomanu
Kala Itchie Obomanu
Waribo Uranta



Chief Raymond Ogolo
1903 - 1984
Became the head chief of
Diepiri Group of Houses in
1959.



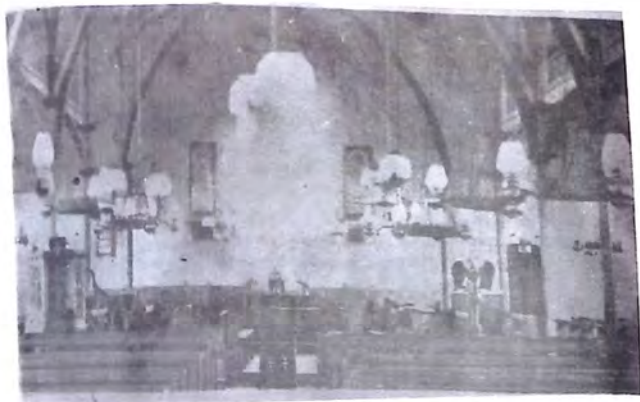
King Jaja's Palace -a three -storeyed building: the first of its kind among the royal palaces in Southern Nigeria



*An old 19th Century type of pre-fabricated building (background)
A mud and corrugated iron sheet type of building (Fore ground)*



Chief Uranta's building at Opobo (Interior View) A human-size clock stands at the background as a part of the fixtures and interior decorations



St. Paul's Church, Opobo Town – Interior View. A brass eagle lectern, a relic of pristine religious excellence in Southern Nigeria may be seen standing at the background



An old mud and wattle building with a corrugated iron roof in ruins along a side road in Opobo Town



A modern building under construction through Women Development Association effort in Opobo Town



A modern house with parks and gardens. The owner of the house, Mr. Adolphus Bell-Gum of Opobo was a pioneer patron of Opobo Women Development Associations which before Nigeria's independence encouraged and demonstrated the relevance of women and development in Opobo Town and in other Opobo Settlements.



A flotilla of Opobo canoes in a boat regatta. The canoes were specially carved, designed and decorated to accommodate 60 - 100 paddlers at a time and platforms for regatta leaders standing in the canoes.



Opobo foreshores before Nigeria's independence. The Imo (Opobo) River flowing gently into the Atlantic Ocean, transport canoes with shades, open dug-out canoes and the men handling them as well as the sand banks at ebb tide can be seen clearly at the foreground. This was a scene of coastal erosion and dangerous flooding before the embankment of Opobo foreshores (1974 - 1982)

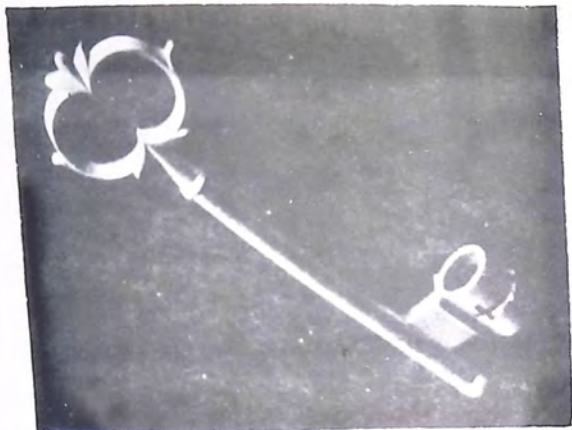


At the Foreground

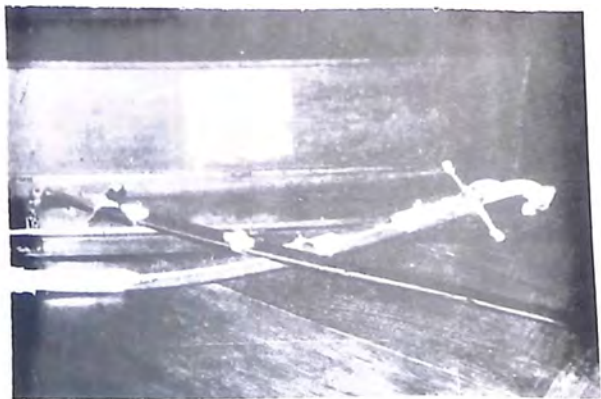
The great Bell of King Jaja erected in 1887 at the Centre of Opobo Town, a symbol of authority and African discipline. The bell was tolled once a year at the midnight of 31st December every year to announce the coming of a new year (Iwo Kwora) It was also tolled at an emergency to rally the people together.

At the Background

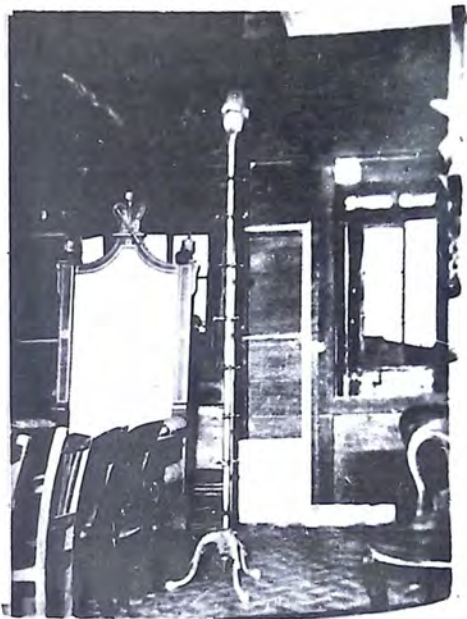
An Owu Ogbo Society House. The Owu Ogbo served as the local police for maintenance of internal security and discipline. It also controlled central Opobo masquerades as well as the affiliate masquerade clubs (Ekine) in various Houses.



Symbol of Royal Authority: King Jaja's Great Key



Symbol of royal authority: King Jaja's Golden Sword. It was presented to him by Queen Victoria of Great Britain to commemorate the role of Opobo's peace-keeping force in Ashanti, Ghana (Gold Coast), a friendly African Kingdom.



*Symbol of Royal Authority: King Jaja's Palace: Interior View.
The royal throne and the long Manilla Tree beside it may be seen at the foreground.*



Symbol of Royal Authority: The Short Manilla Tree (usually in the King's Court).



St. Paul's Church, Opobo Town – Exterior View



St. Paul's Church, Opobo Town – Interior View



St. Paul's Church, Opobo Town - The North-End. The First church congregation and choir after the dedication service in 1908.



St. Paul's Church, Opobo Town - At the end of the first communion service 1908 As much as possible every communicant wore a white or whitish apparel. A lady in front (right) wore a whitish popo cloth, which took its name from Opobo Town where it was woven first. The cloth later developed a variant known as Akwete cloth, woven mainly at Akwete, a town now in Abia State



A Christian Wedding Group – the first in Opobo Town



The first Christian Evangelists from Opobo Town to Bende and Arochukwu, the home of the famous Chuku shrine. The evangelists reached there in 1904 and were responsible for the spread of the Christian mission in Arochuku and other neighbouring villages in the Imo-River basin complex (courtesy Rev. J.A. Pratt's private collections and diary)



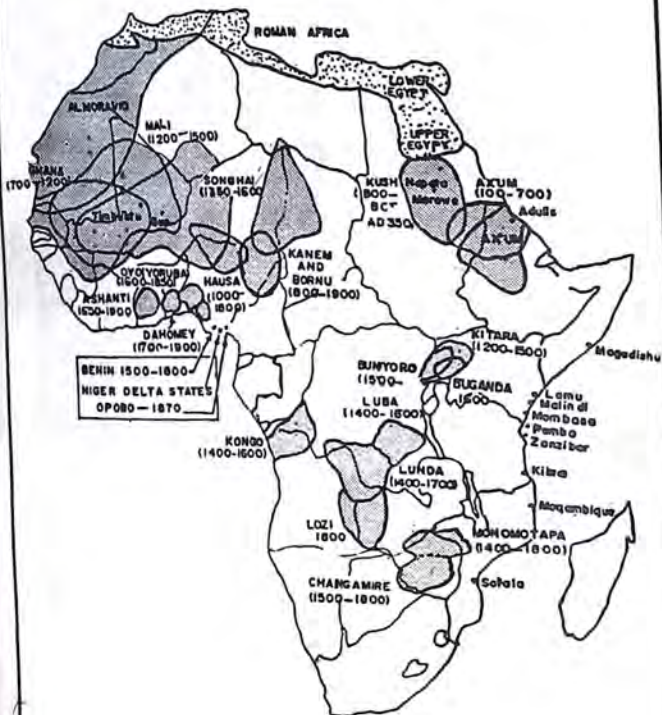
A new lamp for old

The advent of St. Paul's Church School, Opobo Town (A humble beginning).

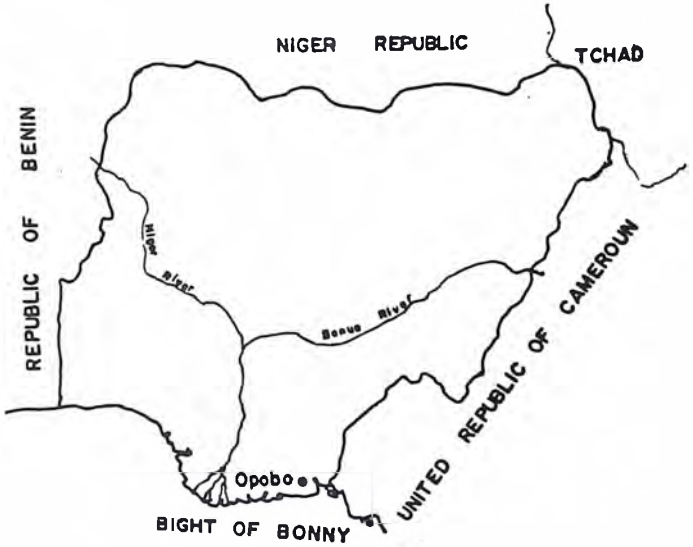
The School became the cradle of formal education of the primary school type in the Imo-Qua-Iboe River basin complex.

The school replaced the old J. Jarrett Gooding's school established by King Jaja in Opobo in 1874.

MAJOR PRE-COLONIAL STATES AND EMPIRES



MAP OF NIGERIA



THE DELTA STATES OF NEW CALABAR, BONNY, OKRIKA, OFOBO AND OIL MARKETS IN THE NINETEENTH CENTURY



Part I

THE FOUNDATION YEARS

The account of the Bonny Civil War of 1869 and the establishment of Opobo as a city State in the Niger Delta late in the 19th century has been narrated in several authoritative works and needs no further treatment here.¹ There are however, several misconceptions and errors which have passed probably unnoticed in the account of the Bonny Civil War and the establishment of Opobo. A few of these may be pointed out here and corrected in the light of available records and other evidence.

THE BONNY CIVIL WAR - IMMEDIATE CAUSES

There are several variants of the account of the immediate causes of the Bonny Civil War of 1869. Unfortunately, all of these omitted the main immediate cause of the Civil War, namely, the conflict between Oko Epelle and Jaja.² According to the Arbitration Panel of 1873 headed by Prince Amachree of Kalabari, in January 1869, a peace-keeping panel was set up in Bonny. Chief Oko Epelle from Annie Pepple Group of Houses was one of the Chiefs duly nominated to represent that group of houses on the panel. Later, the panel disbanded and apparently, Oko Epelle refused to return to the Annie Pepple Group of Houses but rather insisted that he must attach himself and his house to the Bonny Royal House headed by King George Pepple. This caused considerable misunderstanding. Later, one of Oko Epelle's slaves deserted him and returned to rejoin Annie Pepple Group of Houses. Jaja received him, though the slave later escaped to a nearby village, off Bonny. Oko Epelle, on hearing of this insisted that Jaja must return the slave personally to him. Jaja made efforts to find the slave but failed. Meanwhile, Oko Epelle misconstrued this fact as a clever ruse to deprive him of his slave.³ He also exaggerated the number of slaves involved and reported the case direct to King George Pepple and Bonny Council of Chiefs. The Bonny Council of Chiefs held a meeting, where they took a decision against Jaja and his followers before summoning Jaja to appear before it. Jaja protested that there was no fair hearing and in particular, that the insult on him and his people was unnecessary. War was declared by Bonny Council of Chiefs. Jaja evacuated from Bonny and took up residence in Aya Minima and later Minima Villages. The King-in-Council sent him conditions for peace, which was payment of 1,000 puncheons of oil (about £15,000 then) or his exile.⁴ Jaja refused any of these terms and declared

that all Bonny men were his enemies. He decided to go in search of freedom anywhere he could settle in peace, moving down stream with Bonny men pursuing him and his followers. Some of his entourage like Oko Epelle, Cookey and Wariso quickly made peace with the Bonny. Wariso later found an opportunity to move out to join Jaja while Oko Epelle and Cookey remained behind until the end of the war. As the Bonny-Opobo Treaty of 1873 indicated, Chief Oko Epelle and Chief Cookey returned to Opobo in 1873 as "Jajamen", following Jaja's insistence to receive them in Opobo and his guarantee to pay 1,000 puncheons of oil as penalty if he failed to settle them well,⁶ to allay their fear of victimization. These Chiefs and their houses formed a part of the second Opobo migration but their arrival was very significant in the history of Opobo and the development of the Opobo Experiment.

THE DATING OF OPOBO MIGRATION

This has also been a source of confusion.⁷ However, Oko Jumbo's letter to the British Consul, dated 7th March, 1870 throws a considerable light on the matter. According to him:

It was about a week after that we knew that Jaja intended to have it out with us -fortified himself both by sea and land about three days previous, we seeing that began our own fortifications as some of the Europeans in our River could testify to. On the 13th September last during the absence of King George to a small country the fight commenced; we fought for the whole of the 14th when Jaja in consequence of his being over-powered by our numbers ran away with his men to Iya-Minima, Minima, Epelema, and Elawma (Iloma), all small countries belonging to the Bonny Territory.⁸

Opobo migration may be dated correctly as having commenced on 14th September, 1869. But with regard to the course of the migration subsequently, Oko Jumbo, the principal belligerent continued in his letter thus:

We accordingly began by sending messages to him and he to us until about 10 days or so after the fight he ran away to Andoni with half part of the inhabitants of Bonny and with a debt of about two thousand (2,000) puncheons of palm oil to the super cargoes in our river

In effect, the migration of Jaja and his followers to Andoni territory took effect from about the 24th of September, 1869, not the middle of October,

1869 as is often imagined. By this date, according to the principal belligerent, Oko Jumbo, Jaja and his followers were already in the Andoni territory. It appears, therefore, that there was no room for Jaja to return to Bonny a second time or to remain in Minima up to 13th October, 1869 as some records suggest.

DATE OF FOUNDING OF OPOBO

Two dates are suggested. These are 1 January, 1870 or 25 December, 1870. Dike prefers the latter date and is followed closely by other scholars and authors on Opobo studies. However, 1 January, 1870 is preferred since oral tradition supports it and there is evidence also that as early as 31 January, 1870, Jaja was already settled in Opobo and was able to issue letters to Consul Livingstone from Opobo, not Nkoro. A copy of Jaja's letter is enclosed under this part of this book.

THE TREATY OF 1873

This treaty guaranteed the payment of "comey" a sort of custom's duty to Opobo at the same rate as was payable in Bonny; recognition of Jaja as King and by implication, Opobo as a sovereign state; and the mode of settling disputes in an acceptable form. Any offending ship or steamer was to be seized and detained by Jaja until a fine of 100 puncheons was paid by the owners to Jaja. The offence should arise if the trading ship or steamer proceeded further up the river than the "white man's beach", a boundary land set up opposite Hippopotamus Creek for white settlers. This treaty was the corner-stone of the new Anglo-Opobo cooperation agreement under the Opobo Experiment.

PUBLIC RECORD OFFICE COPY

(Pursuant to statute 6 & 7 Elizabeth II, c.51)

SHEET NO.

General Correspondence:

Foreign Office:

Slave Trade

FO S4/1326

We Annie Pepple part chiefs & co do hereby and for the future agree to give up the following parties, viz. Tilibor, alias Gogoe Fourbra, Fine Bone, Jongo, Black Foubra, Strong face, Oko Epelleh, Antonia, Tom Brown, Tobin, John Africa, Jack Tillifare, Warrisso, Seinah Sunju, Young Trader, and Tarribor, to be masters of their own Houses, and to have no interference with their House

and Trade businesses and management; and they, the above named parties, also promise not to give or sell themselves or House to Annie Pepple, Mannilla Pepple or to any person or persons, whatever, but in the event of any disputes arising between any two Houses, they are to endeavour with the Juju men to settle any such disputes amicably.

Done at Bonny Town this 7th day of January in the year of our Lord 1865.

We do hereby agree and give our signatures to abide by all the statements of the said agreement. Done at Bonny Town this 7th day of January 1865.

THEIR MARKS

ANNIE PEPPLE	X
ANNIE STUART	X
WOGO DAPPA	X
TOBY STUART	X
URANTA	X

AGREEMENT BETWEEN THE KING AND CHIEFS OF BONNY FOR THE PRESERVATION OF PEACE, BONNY, 20 January 1869

It has been deemed necessary and expedient, for the preservation of peace and unity in this country, to form and construct the following new laws and regulations:

1. That the neutral party are from date, head of their own respective houses, and are not, under pretext whatever, allowed to sell or give themselves or houses to either Annie Pepple or Manilla Pepple's houses.
2. That the neutral party are forbidden from date to assist either Annie Pepple's or Manilla Pepple's houses in fighting or quarrelling, directly or indirectly, but are to, with the King, mediate and settle any misunderstanding between the two houses, or any other house or houses.
3. That the neutral party are forbidden to give or allow Manilla Pepple or Annie Pepple's houses to take any of their work-bars.
4. That from date no parties shall be allowed to fight with cannons, guns or firearms of any description whatsoever in the country or in the Eboe.

5. In the event of any dispute or misunderstanding taking place, all parties are forbidden to molest any canoes and men going to and from the fair, or Eboe.
6. In the event of any dispute arising between any of the neutral party and Opobo or Foubra House Chief or Chiefs, and should that neutral chief acknowledge himself to be wrong, and intercede and beg accordingly, any such Opobo or Foubra party must listen to the entreaties of any such neutral Chief or Chiefs.
7. This does not exclude any Chief of the neutral party from paying debts which they may have owed to the Manilla Pepple or Annie Pepple's houses previously.
8. Furthermore, it is enacted that any breach or violation of any of the above regulations shall be punished by the party or parties, house or houses, chief or chiefs, guilty of the same, paying a fine of 50 puncheons of saleable palm-oil.
9. It is also agreed that these regulations be binding for the period of 10 years from that date, when, at the option of the country, a new one shall be drawn or not.

Done and dated Bonny, this 20th day of January, in the year of our Lord 1869.

GEO. PEPPLE REX BONNY.
OKO JUMBO

	Their		Their
CAPTAIN HART	X	WOOGU DAPPA	X
JACK BROWN	X	TILLIBO OR DUKE	
		NORFOLK	X
ADDA ALLISON	X	BLACK FOUBRA	X
WARRISO	X	FINE BONE	X
DUBLIN GREEN	X	JONGO	X
WILCOX	X	ANTONIO	X
LEMAH SOUJOE	X	DICK TALLIFARI	X
JACK TALLIFARI	X	JOHN AFRICA	X
STRONG FACE	X	OGI AFRICA	X
GEORGE GOODHEAD	X	BONNY FACE	X
KING HALLIDAY	X	OKO APPALAY	X
TOBIN	X	TARRIBO	X
YOUNG TRADER	X		Marks
ANNIE PEPPLE	X		
	Marks		

Hulk Dayspring, Bonny River, this 21st Day of January 1869.

Before us: FRANK WILSON, Her Britannic Majesty's Acting Consul, J.P.
 JONNES PARRY, Commander, Her Majesty's ship "*Speedwell*"
 THOS. CAMPBELL, Chairman Court of Equity.

To: Chairman
 Dear Gentlemen,

Bonny, 14th September, 1869

I beg to inform you this to say that now I want tell court that I cannot fight anymore, because I have (no) guns to fight as all were burnt and now I have no house to live in and how the small countries which we have in hand belongs to the Queen now, and if any live, he live to Consul and when he come we settle it at once. As I have told Queen before that every house and properties which I have belong to her hand so if any of my house or some properties, specie lost, then it may be Queen palaver no more to say than my best regards.

Your every truly
Signed Annie Pepple Jaja

PUBLIC RECORD OFFICE
COPY

The Right Honourable Earl of Clarendon

From: Jaja, late chief of Bonny now chief of the Andony Country - West Coast Africa.

Opoobo, 31 January 1870

My Lord

We trust you will not deem our addressing you out of place. Your Lordship will please to remember that all our trade has for many years been carried on with your country, and that a Treaty has existed betwixt both countries, in which, the interest your country takes in our affairs is expressly implied - in particular the clause in the Treaty which imposes a heavy fine on the first chief beginning a war in our country.

We beg therefore to enclose for your Lordship's consideration copies of correspondence previous to the treat (sic) in our country (Bonny) which will we hope convince your Lordship that Manilla Pepple's people were the aggressors and that we fought only when forced against our countrymen, compelled either to continue fighting or tamely submit to see the run of our house and people - we have instead of either alternative, withdrawn ourselves from the Bonny territory - entered into and formed our alliance with the Andony country - of which country we now form a part.

Whitemen in all our former trars and quarrels, have been held neutral and could always pass unmolested from one place to another or wherever met with.

Your Lordship we believe will view with displeasure any permission granted for the destruction of your countrymen. Mr. Livingstone has, 'we learn from many people', given permission to Manilla Pepple's people to fire into and destroy any ships, boats or Whitemen visiting or residing here. This partiality has surprised us, at the same time, we believe it to be a single man's act.

We beg to assure your Lordship however, no injury is likely to occur from Mr. Livingstone permission as Manilla Pepple's people cannot enter the Andony.

We are My Lord

Your obedient Servant

Signed for and by permission) Jaja

of Jaja or Annie Pepple)Amachachi

PUBLIC RECORD OFFICE

COPY

(Pursuant to Statute 6 & 7 Elizabeth II c.51)

SHEET NO.

FO 84/1326

FOREIGN OFFICE

GENERAL CORRESPONDENCE BEFORE 1906 SLAVE TRADE

Bonny Town

March 7, 1870

To

H.B.M. Consul

Charles Livingstone Esquire

Dear Sir,

Yesterday about a little after midday, a man-of-war arrived here, about a couple of hours after yourself and Captain landed on the Beach at Oko Jumbo's house; after the usual courtesies being paid, you enquired into the state of the country as well as the war between us and Jaja. You informed us that Mr. Charles de Cardi told you that he was nearly shot by our war canoes' men in a boat while in the Adony River, also that Jaja had invited you to come over and see him, at the same time you asked whether there was no other road to our fairs or oil markets without having to pass where Jaja was stationed - to all of these queries we gave you the requisite answers as satisfactorily as we could.

After a pause you then forbade any whiteman, ships, boats or specie to be fired at while in the Andony & Ecom Rivers; we promised we would see you on board the following day but being somewhat awkward with regards to speaking

English and not knowing how to convey our thoughts suitably, we beg leave most respectfully and have endeavoured to set forth in this letter all our opinions and resolutions as regards this war in Bonny between us and Jaja and his party which has greatly impeded the progress of the trade carried on between us natives and Europeans in our River.

In the 1st place we wish to inform you as regards the cause of this fight or war and how matters stood from the 13th of September 1869 up to this present date. You may recollect that a similar war like this threatened about January last year and it was through the vigilance, untiring zeal and efforts of King George that it was brought to a favourable decision. After this we lived peaceably for sometime till the great fire that broke out in April 7th last which destroyed about three quarters of the town including many of our houses, effects and property as also those of Jaja and his party. We began building our houses when one day Oko Epelleh informed us all the chiefs of both the Manilla and Annie Pepple's sides being present that Jaja had taken sixty niggers from him and refused to deliver them up, we accordingly enquired into the matter and found the same to be true thereupon we demanded that Jaja should give up the men as by allowing that, it would be a violation of the treaty made in January 1869 between the two Houses which declared every chief to be free and have his own head and niggers. Jaja refused - what with the tursing and turning here and there, the tricks he played us as well as the Europeans all which if noted would tire you to read. Matters stood thus until the later part of August last when Jaja went and built or rather fortified a stronghold with men, muskets, cannons, powder and other stores about 4 or 5 miles from Bonny Town, just in the thermorpylea as we may so call it of Bonny, we foreseeing his intentions fortified another opposite to his, so it was until the beginning of September. It was about a week after that we knew that Jaja intended to have it out with us - he fortified himself both by sea and land about three days previous, we seeing that began our own fortifications as some of the Europeans in our River could testify to. On the 13th September last during the absence of King George to a small country the fight commenced; we fought for the whole of the 13th and part of the 14th when Jaja in consequence of his being over powered by our numbers ran away with his men to Iya-Minima, Minima, Epplema, and Elawma, all small countries belonging to the Bonny Territory.

We were just on the point of pursuing the fugitives to try to hem in Jaja and his party so that famine would insue and all of them be brought to bay and parlay with us, had it been so the palaver would have been settled about amonth or so after its commencement when the Europeans told us to cease and leave of pursuing him, a little while after Jaja wrote a letter to the court of Equity informing them that he had been beaten, tired and was now ready for a settlement of the palaver, the Europeans on the strength of this again forbade us to have anything more to do with him but to try and see what way the matter would be settled. We accordingly began by sending messages to him and he to us until about 10 days or so after the fight he ran away to Andony with half part

of the inhabitants of Bonny and with a debt of about two thousand (2000) puncheons of palm oil to the super cargos in our River - at the same time deceiving them that he would not run away to please everybody, and would act very honourably as he was already indebted to them - he thus made a fool of the Europeans and we all left to see about ourselves after he has blocked up all the roads for oil. It appears from all we could gather, see and hear of that one or two of the Europeans trading in our River had made a bargain with Jaja telling him if he went to Andony he would get supplies of cargo from them and they oil from him for it was not scarcely a month or so after his absconding to Andony that two trading vessels went to that river and have been there up to this time. We beg leave to add that it was through the efforts of Messrs Sletting de Cardi and McEachen that Jaja is still standing and able to keep with our arms, it went so far that Mr. Sletting himself confessed that had it not been for him the palaver would have been settled and put his signature to an agreement that if we paid him 200 puncheons of palm oil he would bring Jaja back to Bonny - so far about the war and the incidents connected with it.

With regard to your queries and order in the former part of this letter, we beg leave most respectfully to say, we have no quarrel, neither would wish any with Europeans, it has ever been our praise not to touch or kill any whiteman - we have a fight with Jaja and his party and if any whiteman assist or aid him directly or indirectly with ammunition or other stores, we shall not stand security for any such whiteman's safety. You the Consul command that we must not touch any whiteman in the Andony or Ecom Rivers. Is it possible? One would think you would tell the traders to come from that River as it is a battle field so to speak and any man who persists to stay there would only be making himself a target or shield to cannon balls. If you tell us not to touch whiteman nor molest any boats, canoes, specie & co you make Jaja by far superior to us - he who had tricked all the whiteman, proved false to them and who had been the great draw back to the settlement of this palaver to be thus allowed quarter we think such to be partial and will on no account agree to the same. Had it not been that we honour Europeans the Queens' flag as well as Her Most Gracious Majesty think you we would listen to anything the Europeans said. Had it not been for that would Jaja run away and leave us thus impossible! We told them not to interfere, they would not, and thus is the fruit of all - and in bareface of all this, we are to stand responsible for any whiteman's safety - how is this? We protest against any such. If any harm is expected please tell the traders there to leave the two Rivers Andony and Ecom and we continue our fight with Jaja. If the crow don't go near the windmill the windmill would have no occasion to trouble or hurt them - Is this the return for our constance and all our attentions in listening to what the supercargos said? While Jaja who has made null and void his

declaration of not running away has gone to live in peace and quiet in Andony - preventing us to go to our oil markets. We will not have it, we will rather die than see such things done. If you the Consul are able to settle the fight between us and Jaja try and do so with God's speed if not leave us natives to ourselves without aiding them.

To show another instance of the respect we have for the supercargos after the fight we were the first to go to the Eboe market to see about our boys, cargos & co, after we came back Jaja petitioned to send his people down, we refused until we were persuaded by the whiteman to let him go, had we known that things would turn out thus we would not have agreed to Jaja's going down to the fari and we would be in power of the position he now holds. Our boys, palm oil, cargoes and co are all now in the Eboe and the supercargos are troubling us for their debts and where are we to get oil?

For this reason we are the more urgent that Jaja should not be contenedanced any longer nor provided with further supplies.

Furthermore when last in Bonny we informed you all about the fight and told you that Jaja had cut off all communications between us and the Eboe as also that we would have to go to Andony and fight him there and if any whiteman or property was lost we would not be answerable, same time you warned the members of the Equity Court of this. You were also informed that since then some white traders have gone to the Andony and Ecom Rivers to trade with Jaja more especially assisting him with powder and guns and co. as this entirely stops our trade in Bonny for with such supplies Jaja could not be brought to terms, we therefore have respectfully to inform you and request that you give notice afresh to white traders in the Andony River that we will from this date use every endeavour to stop all trade in Andony and Ecom Rivers and however much we would regret any injury to whitemen or their property we will not hold ourselves accountable for same, as by their assisting Jaja, in the way they are doing now, they are ruining us in Bonny.

With due respects
we have the honour to be
Yours sincerely

Their marks

X	Manilla Pepple		<i>The Chiefs of the Manilla House</i>
X	Oko Jumbo	X	Long John
X	Capt. Hart	X	Jack Brown
X	Adda Allison	X	J.W. Pepple
X	Gaco Eppelleh	X	Dublin Green
X	Squeeze Banigo	X	Dick Tillifary
X	Fine Country	X	George Goodhead
		X	Antonio

FO 84/1326

The Right Honourable
The Earl of Clarendon,H.M.S. *Pert*
Bonny June 4, 1870

My Lord

On arrival of H.M.S. *Pert*, Commander Jones, May 27, I proceeded to Bonny as directed by Your Lordship's Despatch No. 16 of April 8.

The only inhabitants of the town since the war are the people of Manilla Pepple's house; Annie Pepple having settled on the river Opobo, 35 miles East of Bonny.

King George Pepple being in England, I had the honour to hand your Lordship's letter to Oko Jumbo and Manilla Pepple, the real and nominal rulers, and found them anxious, apparently, to have the war ended, and Annie Pepple restored to Bonny. I told them that I was about to visit the Opobo, and asked what they were willing to concede to Jaja, now evidently master of the situation, to induce him to cease fighting, and return in peace to Bonny. They agreed

- i. To yield the point which had caused the war, all the independent houses that had joined Annie Pepple's house, might remain connected with it;
- ii. They would not ask from Jaja their thousand puncheons of oil which, at the beginning of the war, he had seized in the oil markets; and
- iii. They were willing to conclude a written agreement binding themselves in future, under penalty, to submit their quarrels to the arbitration of H.M. Consul.

The Bonny Agents, whose trade has been ruined by the war, say that Jaja's trade must be stopped by H.M. Govt. before he will yield to any reasonable terms of peace. There are no Foreign Trades in Bonny. For a number of years past, the Trade has been entirely in the hands of English Traders. This is true also of new Calabar. No Foreign Traders are in the Opobo.

I have the honour to be my Lord
Your Lordship's Obedient servant
Charles Livingstone
H.M. Consul.

PUBLIC RECORD OFFICE
COPY

FO 84/1326

8929

Opobo 20th August 1870

Charles Livingstone Esq.
H.B.M Consul

Sir,

I am sorry to see the way you going on with me. Since yesterday afternoon there is one of my house women drown in the water: she did not know what was coming on here. She only coming down with a small canoe to see his people. Now I see that is very bad. If you were to come also with your man of war to do me all this thing we would think it is you. But now Oko Jumbo and others of their party on board you doing this. How do you think about this yourself. Yesterday I offer to send four of my people round to Bonny to prove if my people were all there. You refuse. There is 31 your Brown people in Ja ja. In 32 of John Africa. 26 of Black John 35 of Uranta at Argaryan and lots of people in Krakar all this people were not killed in the war. There is plenty of this people sold to Okrikar man, that I redeem back since I have been here and this is the fact.

As this people were not living in the town we fighting and these were the people I require before you left this place the last time, and you promise me to go and enquire after them. Now you return back with Oko Jumbo instead of my people. And you wish me to sign without any satisfactory answer of my people and that I objected to. Now you know very well that I am sick, you send to call me to come, after which I come, you refuse me to go back tomorrow and no doctor to look me in this place. You wish me to die I suppose, when I come on board the other day you never told me not to go to Inkoron. If you had told me that I would not attempt to go. But when I was going away you fire shut after me; and what do you wish me to do. I only could think that you believe Oko Jumbo to do harm. Lots of different country people coming down here such as Andoney, Ogoni native and Okorotor people blockading the place. This people trying to go and come in this place, you fire after them. If there is any of this country people kill, there is a great deal of trouble more than what was expected. If you like you can enquire from the people you got on board they will tell you - only I am sorry.

I am Consul
Your Obedient Servant.
Ja Ja

PUBLIC RECORDS OFFICE

COPY

(Pursuant to Statute 6 & 7 Elizabeth II, c.51)

SHEET NO.

ADMIRALTY AND SECRETARIAT PAPERS ADM 1/6260

We the undersigned Chiefs of Bonny and Opobo having agreed to refer the matters in dispute to the Chiefs of the Okrika Country and to King Amachree and the Chiefs of New Calabar, with Commodore John Edmund Commerell VC. C.B. ADC of HM Ship "*Rattlesnake*", and Charles Livingstone Esquire Her Britannic Majesty's Consul as referees - do hereby promise and pledge ourselves to abide by the decision of the arbitrators.

The Arbitration is to take place each morning at ten o'clock inside the Bar of the Opobo, and we pledge ourselves to be there at that time, on board H.M. Ship "*Pioneer*".

The Commodore hereby gives notice that in the event of any breach of this agreement, or any failure of its provisions, a blockade of the Trade of the offending party, and such measures as he shall think fit to adopt, shall be duly carried out by the Commodore.

J.E. Commerell

Commodore

Charles Livingstone

*HBM's Consul*Dated on board HMS "*Pioneer*".

in the River Opobo

the 1st January 1873

PUBLIC RECORD OFFICE

COPY

(Pursuant to Statute 6 & 7 Elizabeth II, c.51)

SHEET NO.

SESSIONAL PAPERS, HOUSE OF COMMONS: ACCOUNTS AND PAPERS

ZHC 1/5055

Treaty signed by the Kings and Chiefs of Bonny and Opobo, January 3, 1873 (Original given to the King and Chiefs of Bonny; duplicate given to the King and Chiefs of Opobo; triplicate given to the Commodore).

We, the undersigned King and Chiefs of Bonny and Opobo, considering that our mutual security and the good of our countries require that we should be united in friendship, did on the 2nd and 3rd January, 1873, meet together on board Her Britannic Majesty's ship "*Pioneer*", in the River Opobo, and having

referred various matters in dispute to King Amacree and the Chiefs of New Calabar, and the Chiefs of the Okrika country, as Arbitrators, with Commodore John Edmund Commerell, Esq., V.C., C.B., A.D.C., commanding Her Britannic Majesty's ship "Rattlesnake" and Commodore commanding-in-chief on the cape of Good Hope and West Coast of African Station, and Charles Livingstone, Esq., Her Britannic Majesty's Consul as Referees, do hereby bind ourselves to the following conditions, which have been mutually agreed to by the Kings and Chiefs undersigned:-

ARTICLE I

No more war between Bonny and Opobo from the 3rd of January, 1873.

ARTICLE II

The Bonny men are not to detain any of Ja Ja's men who wish to return, and Ja Ja is not to detain any of the Bonny men who wish to return.

ARTICLE III

The Bonny men are to have the following six markets for their exclusive use:-

Arguatay.

Obunku.

Urata (four markets)

ARTICLE IV

The roads of these markets are to be open in two months from this date, viz. the 3rd January, 1873.

Any guns or forts which are on the creeks to these markets are to be taken away.

ARTICLE V

All armed men belonging to Bonny and Ja Ja are to be withdrawn in two months from the 3rd January, 1873; and Andoney men are to go to any market they like, and are not to be molested or hurt.

ARTICLE VI

Neither Ja Ja nor the Bonny men are to punish the Ebo men for the side they have taken in the war.

ARTICLE VII

The Arbitrators decide that the Oko Epella and Kuke belong to the house of Ja Ja, and that they should return to Opobo. Jaja binds himself to a fine not to exceed 1,000 puncheons not to injure them in any way.

ARTICLE VIII

In case either party infringes any of the articles of the treaty, the matter shall be referred to Her Britannic Majesty's Consul, who will impose a fine not exceeding, 1,000 puncheons on the offending party, and all trade will be stopped until the fine is paid.

ARTICLE IX

If the Opobo men attack the Bonny men, or the Bonny men attack the Opobo men, the opposite party is not to retaliate, but refer the matter to Her Britannic Majesty's Consul, who will investigate the case, and fine the aggressors.

ARTICLE X

Any houses may be made by either party for trade, but no great guns are to be put in them.

Signed on board Her Britannic Majesty's ship "Pioneer", in the River Opobo, on the 3rd day of January, 1873.

King and Chiefs of Bonny,
 (Signed) GEORGE, King of Bonny
 WARRABOO, his X mark.
 OKO JUMBO.
 ADDA ALLISON, his X mark.
 JACK BROWN.
 CAPTAIN HART.

King and Chiefs of Opobo
 (Signed) KING JA JA.
 D.C. WILLIAMS, Secretary.
 OGODOPPO, his X mark.
 SAM G. TOBY.
 BLACK JOHN, his X mark.

Arbitrators:

King and Chiefs of New Calabar,
 (Signed) KING AMACREE, his X mark.
 GEO. AMACREE, ditto.
 JNO. BULL, ditto.
 HORSFUL MANUEL, ditto
 HARRY BRAID, ditto
 BOB MANUEL, ditto.
 WEST INDIA, ditto.
 GEO. WILL, ditto.

King and Chiefs of Okrika,

(Signed) ABANDA, his X mark.
TODDIBBO, ditto.
SAWMARY, ditto.

WAGO, ditto.

EURAKA NOLO, ditto.

Referees:

(Signed) J.E. COMMERREL, Commodore,
Commanding-in-chief, Her Majesty's Naval
Forces on the Cape of Good Hope and West Coast of Africa Station.
CHAS. LIVINGSTONE,
Her Britannic Majesty's Consul for the Bights of Biafra and Benin.

**PUBLIC RECORD OFFICE
COPY**

FO 84/1377 73686

The Right Honourable
Earl Granville

British Consulate
Old Calabar
January 16, 1873

My Lord

The following are notes of Prince George Amachree's speech to the rural chiefs of Bonny and Opobo just before giving the decision of the Arbitrators. It was spoken in the native language; and translated to me afterwards by Mr. Speaker in his broken English.

The Right Honourable
Earl Granville

Charles Livingstone
H.M. Consul

"Jaja! - Oko! You were friends once. You quarreled. You "went to war. We let you alone for a time because your stomachs" "were too hot to hear us." Afterwards we tried to settle the" "palaver for you - Calabar tried; Okrika tried, but you would" "not listen. Now we have come to help you settle this palaver" "We have given you 3 days to talk over what things make you" "vexed. We hear what both say, and we wish to settle this" "palaver proper, so that it will not come up again. We want" "nothing for ourselves, and when we speak here, it is the Queen"

of England who speaks; it is the King of Calabar who speaks;" "it is the King of Okrika who speaks, and you must hear them," "for what they say must be true, and what they say must be law". Three similar meetings were called and Jaja went to the last: "The foolish O.E. gave Jaja "sauce mouth", and King George" "gave Jaja more sauce mouth. Jaja left the meeting after asking" "why they allowed sauce mouth. Thereupon King George cried out", "Better take juju off i.e. Break or suspend all law, and directly" "after Oko Jumbo party pointed their guns at Jaja's side of Bonny" "Jaja who had gone to the small town of Minima, sent word to" "his people in Bonny. If George break the law come to me". "I no will to fight. But several of his Chiefs remained in" "Bonny to protect their property. Oko Jumbo commenced hostilities" "and after driving Jaja's chiefs off seized everything and sent "his savage followers into Jaja's small town when they killed "all the women and children. Bonney met gave Jaja the hard" "choice of exile, or a fine of a thousand puncheons (£15000)" "Jaja said, I lost my houses by the great fire; those I rebuilt" "Oko has destroyed; he has killed my women and children; I have" "nothing left, and can never pay this unreasonable fine; All "Bonny are my enemies. I go to seek a new country where I may" "live in peace. Jaja went with the Andony country, and the" "Andoney men by permission of King Amachree gave him the Opobo" river and country, and God has helped him after a libation to" "the God of the land and the sea, the Speaker addressed the" "Supreme Being and said God! we beg glad if you come to help us" "settle this palaver, for it be too hard for us. Make Jaja" "listen to what we tell him; make Oko listen. A terrible curse" "was invoked if the Arbitrators were partial, and all responded" "that they were impartial and unbiassed.

The speaker met gave a brief history of the whole palaver" "when George Pepple became King, Oko and Jaja gave him 4 houses" "each to help him settle disputes. By and by Oko's houses left" the King and returned to Oko; then Jaja's went back, except the" "house of Oko Epelle. One of the Oko Epelle's boy, ran away from him" "and went to one of Jaja's small towns. O.E. demanded him back" "and Jaja said he would return him as soon as he could." "But O.E. complained to the King that Jaja had taken the boy" "away, and refused to give him up. King George, who was all on" "one side, sent mouth to Jaja, You must send the boy back. Jaja" "was willing but not having the boy, could not send him back" "at once."

"King George not wait - called a meeting of every" "gentleman in town except Jaja; and then summoned Jaja to attend," "but Jaja felt slighted and refused to do so unless invited" "properly like the others. But Bonny men did wrong. It was bad" "to treat Jaja as they did. We think so. But we have to come to" "settle this palaver, and to make you friends again, and each" "must be willing to give up something he would like to have." "It is bad to keep on fighting. God has given us just as man" "years to live; if we fight away and the years are lost," "God can give us no more. God, he be one God, and he takes care" "of us, and after God, the Queen of England takes care of us." "The Queen be good woman, and sends her officers to help us" "black men settle our palavers. They are our

friends and want" "nothing for themselves, and you must listen to them. After" "thanking God, we thank the Queen of England for helping us to" "settle palavers that be too hard for us. God no fit to help" "Jaja, if he no listen, God no fit to help Oko if he no listen" "We live on Jaja's side if Oko no listen; and we live on Oko's side if Jaja no listen".

PUBLIC RECORD OFFICE

FO 84/13377

73686

The Right Honourable
Earl Grenville,

British Consulate
Old Calabar

June 25, 1873

My Lord,

I have the honour to transmit herewith more of the Bonny - Opobo chronic wranglings, which King has sent me.

On May 28 Jaja accuses the Bonny Chiefs of certain violations of the Treaty of Jan last; and on June 4, they "proceed with as little ceremony as possible to show to you (Jaja) that not us but you are the guilty party"; and on June Jaja "begs to state that all what they write down is quite untrue". As this bickering seems to please them, and does not hurt us, but little notice need be taken of it. It is different however when one party acknowledges that it means to break the Treaty.

On page 9 of their letter to Jaja, the Bonny Chiefs seem to intimate an intention of violating Art. 5.

Article 3 refers to Bonny men and Opobo men only. "The Bonny men", it says, "are to have six markets for their exclusive use", i.e. the Opobo men are not to go to these 6 markets. The other markets are for Opobo's exclusive use i.e. the Bonny men are not to go to these markets.

But besides Bonny men and Opobo men, whose palaver we were settling, there were the absent Andoney men, owners of the country, though acknowledging King Amachree of new Calabar as a sort of Suzerain none of their rights or privileges as owners of all the Creeks leading to the markets were to be sacrificed in a Treaty between Bonny and Opobo, hence at the suggestion of the Arbitrators, was added to Article 5 "Andoney men are to go to any markets they like", " and are not to be molested or hurt." Markets man oil-markets throughout, never "fish".

In 1870, - and it is useful in these palavers to remember what one has heard incidentally in the past, the Opobo Agents told me as an item of interesting news that since Jaja had come to Opobo, the Andoney men had gone largely into the oil trade, and become energetic traders. The Andoney men have risen from fishermen to oil traders, and during the past four years have, as lords of the soil, been trading in all the oil markets, and the Treaty secures to them this right of

theirs, and meant to do so, for surely it would have been monstrously unjust had we deprived people whom we had never seen of the right to go to their own markets, for the sake of either Bonny or Opobo, and not only so, but crushed them down to hopeless fishermen, never to rise to be traders, which is what the Bonny Chiefs wish, but entirely opposed to the policy of H.M. Govt.

My Lord

Your Lordship's Obedient servant

Charles Livingstone

H.M. Consul.

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COPY

(Pursuant to Statute 6 & 7 Elizabeth II, c.51)

ADMIRALTY AND SECRETARIAT PAPERS (1660 - 1969)

ADM 1/6260

Bonny and Opobo, Rivers:- Affairs in the

"Rattlemake", at

Cape Coast Castle

12th August 1873

The Secretary of
the Admiralty

Sir,

I have the honour to inform their Lordships that I have received a communication from Mr. Consul Livingstone at Old Calabar, enclosing copy of an alleged despatch from the Foreign Office, which *Mr. Livingstone* from many circumstances considers to be a forgery on Lord Granville, and has transmitted the same to his Lordship with his remarks.

As I have not seen the document, I am unable to give an opinion as to its genuineness, but a copy I have before me shows the last paragraph to be so entirely at variance with the usual routine of official correspondence, that I am induced to think it bears out the opinion the Consul has formed.

You will communicate a copy of this despatch to the Senior Naval Officer on the Station.

In considering all the circumstances however, I deem it but right to offer the following remarks. It has been reported that in the absence of the on other service, the "Pioneer" was sent to Mr. Livingstone to act under the

orders I issued on the subject (approved by your letter 15 July: W.62) 1873 and under his requisition, the trade was stopped in the River, Bonny and as this had been arranged between the Consul and myself, I perfectly agreed with his having stopped the trade as it would have been done in the Opobo if Jaja had not complied with his part of the treaty.

3. In regard to the remark in the alleged forged letter "no time" however is fixed in the Treaty within which the "people alluded to are to return, and the treaty moreover" does not provide that any force is to be used to compel" them to do so."

I have to observe that the whole of the chiefs perfectly understood that the 3rd March was the time fixed for the completion of the Treaty and I distinctly told the Bonny Chiefs that Oko Epelle should be sent back by that time otherwise they would be fined. I saw Oko Epelle for several days and discovered him to be a man of weak intellect, completely under the influence of the Bonny Chiefs and though the later did not use outward force to detain him, it is pretty well known on the Coast that they deterred him from returning to Ja Ja by frightening him as to what he would have to encounter in Opobo and the anxiety of People and the Bonny Chiefs to interest themselves on his behalf was by no means intrinsically for his advantage but remembering that he originally was the cause of the war, they thought if they retained him, they would still be considered as successful notwithstanding the Treaty.

4. In the alleged forgery, stress is laid on the words "*who wish*" and "*are not to detain*" and "*would return*", but I am confident their Lordships will understand the difficulty that gentlemen unaccustomed to diplomacy, must experience in making a treaty, now appearing to demand that each word is to be weighed, so as to bear only one meaning; whereas recent cases of Arbitration have shown that questions of double meaning may arise, however careful and experienced the Arbitrators may be.

5. From the commencement of the negotiation it was apparent to any impartial observer that Ja Ja intended to adhere to the decisions of the Arbitrators, whilst on the other hand, the Bonny Chiefs (no doubt influenced by interested white Traders) had determined if the arbitration went against their interest, to upset the agreement by every low quibble, or to use the words of Pepple, King of Bonny, "diplomatic finesse".

Firm action to enforce the stipulations of the Treaty has resulted in peace, excellent trade, and good behaviour of Ja Ja, and I trust that Her Majesty's Government would not permit the dishonest elements to triumph under any circumstances over an honest Chief who is prepared truly to keep his work and abide by the arrangements of the Treaty.

7. From the very first, Mr. Livingstone and myself have acted in this matter in perfect accord, but I am aware many of the white merchants are impossible to him.

Their Lordships may rely upon it, that this is caused by trade jealousy and partly with the hope that any gentleman who might succeed him would view matters in a "trade" light only; and I may say general experience on the Coast does not induce me to recognize "trade motives" on the Coast to be greatly imbued with motives of truth and justice.

I have the honor to be

Sir

Your most obedient servant.

Sgd.

Commodore.

PUBLIC RECORD OFFICE

COPY

(Pursuant to Statute 6 & 7 Elizabeth II, c.51)

SHEET NO.

ADMIRALTY AND SECRETARIAT PAPERS (1660-1969)

ADM 1/6260

Enclosure No. 3 in Commander Commerell's letter No. 30/4/am/3

Copy Commodore

1. In the name of Her Britannic Majesty's Government, we hereby acknowledge Ja Ja King of the Opobo, and fully entitled to all consideration as such.

2. The British traders in the River Opobo shall pay the same amount of 'comey' as British traders in Bonny. No other tax or impost shall be placed on them. Any disputes which may occur with Ja Ja's people are to be referred to Her Britannic Majesty's Consul for settlement.

3. After April 5, 1873, the King of Opobo shall allow no trading establishment or hulk in or off Opobo Town, or any trading vessel to come higher up the river than the white man's beach opposite Hippotamus Creek. If any trading ship or steamer proceeds further up the river than the creek above mentioned, after having been fully warned to the contrary, the said trading ship or steamer may be seized by King Ja Ja, and detained until a fine of 100 puncheons be paid by the owners to King Ja Ja.

Signed on board Her Britannic
Majesty's ship "*Pineer*" off Opobo Town
on the Fourth day of January 1873 -

(Signed)

J.E. Commerell (Commodore
(Commanding in Chief
(HBM's Naval Forces

(on the Cape of Good Hope
& West Coast of Africa

(Signed)

Charles Livingstone (Her Britannic Majesty's
(Consul for the
(Bights of Benin & Biafra

(Signed)

pp. King Ja Ja
D.C. Williams
Secretary
King of Opobo

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(Pursuant to Statute 6 & 7 Elizabeth II, c.51)

SHEET NO.

SESSIONAL PAPERS, HOUSE OF COMMONS: ACCOUNTS AND
PAPERS
ZHC 1/5055

Papers relative to King Ja Ja of Opobo, and to the Opening of West African
Markets to British Trade.

No. 1.

Consul Livingstone to Earl Granville - (Received February 8) (Extract)
"Pioneer", off Breaker Island, January 7, 1873.

While visiting the Oil Rivers last month Commodore Commerell, V.C.,
C.B., arrived with the news that Her Majesty's Government had determined to
settle the Bonny-Opobo difficulty.

At the request of that able officer I placed myself at his disposal to render
him all the assistance which some years of experience in African palavers might
suggest.

On getting Jaja the rival Chiefs signed an Agreement to abide by the
decision of the Arbitrators.

A Treaty, based on the decision of the Arbitrators, was drawn up at once
and signed by the Kings and Chiefs of Bonny and Opobo, and by the Commo-
dore and Consul.

SECTION B

DEVELOPMENT, PROGRESS, CRISIS AND CONFLICT

Part II

DEVELOPMENT, PROGRESS, CRISIS AND CONFLICT

G. Hartley wrote to King Jaja on 25th March, 1875 requesting for permission to come to Opobo to present to him a sword from Queen Victoria of Britain as an evidence of her gratitude to him for providing (peace-keeping) troops during the Ashanti War of 1874. The war was actually ended in 1873.¹

On 15th October, 1877, Jaja now a peace-maker and a member of the Niger Delta Arbitration Panel helped to settle a number of wars and disputes, for example the war between Will Braid and the King and Chiefs of Kalabari.²

Lands acquired by Jaja for settlement of his people and key operations of the experiment in 1869 had little or no problems until long after his death. In 1923, the Andoni and the Ibibio, Opobo neighbours, took action against Chief Mark Pepple Jaja, the brother and successor of Chief Frederick Sunday Jaja. The whole of Opobo rose on his defence. Eventually, the case was settled amicably by the West African Court of Appeal (W.A.C.A.). A copy of the document is also enclosed here.³ (see page 28))

THE TREATY WITH OPOBO 1884⁴ (page 40)

This treaty soured the relationship between the British and the Opobo. It introduced the ideas of a "Protectorate System" of Government which would undermine the sovereignty of Opobo and other African States which had signed it. Could there be half or partial sovereignty? Opinions were divided then as now on this issue. An argument ensued between the British and the Opobo. In the end; the Opobo accepted the agreement, signed the treaty for whatever it was worth and eventually prepared for the worst. Could one agreement (1884) dispose of another existing agreement not specifically mentioned in it? Before they signed it, however, the Opobo expunged Article VI to the treaty which had provided for "free trade" as a part of the new protectorate system. They also struck out the word "black" immediately before the word "missionaries" and substituted the word "white". The reason for this action had already been explained.⁵ The Opobo firmly believed in the rule of law and that a subsisting agreement or treaty would be honoured by the parties concerned until it was expressly or impliedly abrogated. The British thought otherwise and pleaded the authority of a Supervening Berlin Act.

The rest of the documents in this part of the book illustrate types of exchange of documents between Britain and Opobo on the subject of Sovereignty of African States, which unfortunately, was treated as disagreement with Britain over "free trade" or extension of *Pax Britannica* to the hinterland, the Opobo and Bonny markets as well as to other areas beyond⁶. Eventually Jaja was deported.⁷

Other documents in this part illustrate the character of the relationship between the Opobo Experiment and the British following the deportation of Jaja,⁸ the appointment of J. Gierl, a German, as the first Permanent Chairman of the Agents of the African Association. He was unanimously elected President of the Governing Council by the Agents of all the factories in Opobo.⁹

The text of the first British regulations for the maintenance of peace and order in Opobo District is also reproduced and enclosed in this part of this book. The regulation served as a model for later years, particularly for the Niger Coast Protectorate and later the Protectorate of Southern Nigeria.¹⁰

'BONNY RIVER,
"26th March 1875

"KING JAJA

"I have been requested by Commodore Sir W.N. Hewett to deliver to you a sword which Her Majesty the Queen of England has been pleased to award you in recognition of your services during the late Ashanti War.

"I therefore purpose visiting Opobo next week, travelling through the creeks in the steam launch.....It is, however, necessary that I am informed before doing so whether the Bonny people or yourself have any objection to my passing through these creeks on an occasion like the present

"G. HARTLEY,
"H.B.M.'s Consul."

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FO 93/618

15th October, 1987

Perpetual Treaty of Peace between
Will Braid the head of the Barboy House
and the King and Chiefs of new Calabar:-

1. Perpetual peace shall exist between Will Braid, the head of the Barboy House and King Amachree and the Chiefs of new Calabar.
2. Will Braid or his successors and people may at any time return to new Calabar Town.
3. Will Braid and his peoples shall, at all time have free access to all the new Calabar markets and shall trade exclusively in new Calabar.
4. Will Braid shall leave his present position at Ewaffa and shall choose any place subject to the approval of the arbitrators.
5. All property in Ewaffa and the other markets held by Will Braid and proved to be property of the new Calabar people shall be returned with as little delay as possible.
6. All property held by the people of new Calabar claimed and proved by Will Braid to be his shall be returned to him with as little delay as possible.
7. Will Braid shall receive back such of the people as belong to him or his house, but not chiefs he claims by right of descent.
8. Any dispute or difference arising between Will Braid and the King and Chiefs of new Calabar shall be referred to the arbitration of the Kings and Chiefs of Bonny, Opobo and Okrika whose award subject to ratification by H.M. Consul shall be final.
9. The King and Chiefs of new Calabar engage not to interfere with or molest Will Braid whilst under the protection of Bonny Opobo and Okrika and Will Braid and his people engage on their part not to interfere with or molest any subject of new Calabar.
10. On his return to new Calabar Will Braid shall retain the rank and privileges he enjoyed prior to his cessation.
11. If either Will Braid or the people of new Calabar should punish or oppress the Ebo Kilu for the part they have taken during this quarrel, it is to be considered a breach of this treaty.
12. Four weeks shall be given to either party to open the markets and destroy their fortifications under a fine of 100 puncheons. Five months will be allowed to Will Braid to settle finally.
13. The arbitrators on this occasion bind themselves to see this Treaty carried into effect on every point, and that they shall regard as a common enemy, either party that may breach any of the clauses of this Treaty.
14. A fine of 400 puncheons of palm oil shall be inflicted for the breach of any article of this Treaty to be divided 100 to Bonny, 100 to Opobo, 100 to Okrika and 100 to Her Majesty the Queen, the latter to be paid first, and the Bonny, Opobo and Okrika peoples shall assist the Consul in levying this fine.

	his		his
Prince X Jaja		Will X Braid	
mark		mark	
Okrika			

his	his
Wogo X Dappa	Manilla X Pepple
mark	mark
his	his
Fine X Bone	Adda X Allison
mark	mark
his	his
Young X Briggs	Yellow X
mark	mark.

CHIEF EFEREKUMA ARO (SUBSTITUTED FOR
CHIEF OGBORO ARO DECEASED) AND
OTHERSPlaintiffs-Appellants

v.

CHIEF MARK PEPPLE JAJA...Defendant-Respondent.
AKPAN UDO EKPO, REPRESENTING
THE QUA IBOSPlaintiffs-Appellants.

v.

CHIEF MARK PEPPLE JAJA
AND
CHIEF EFEREKUMA ARO (SUBSTITUTED FOR
CHIEF OGBORO ARO, DECEASED) AND
OTHERSDefendants-Respondents

Claim by Andoni and Qua Ibo people to land occupied by Opobo people on
both banks of the Opobo River.

In the first of these two actions, which were consolidated, the plaintiffs, as representing the Andoni people, claimed as against the defendant, as representing the Opobo people, a declaration of title to all the land between the Andoni and Opobo Rivers, together with an injunction restraining the defendants from "interfering or in any way dealing with" the said lands, and damages for trespass.

In the second action the plaintiffs, on behalf of the Qua Ibo people, asked for a declaration of title to certain land on the right bank of the Opobo River and a piece of land known as Uta Ebua on the left bank as against the Opobo people, and also an injunction restraining the defendants from "alienating or in any other way interfering with" the said land.

The plaintiffs in the first action were then of necessity joined as defendants to this second action, so far as it concerned land on the right bank of the Opobo River.

The Divisional Court granted a declaration of title to the Andoni people with respect to portions of the land claimed, but refused it as to other portions. An injunction in limited terms was also granted in respect of some portions of the land.

CHIEF
EFEREKUMA
ARO AND
OTHERS

The claim of the Qua Ibo people was dismissed, except as to Uta Ebuja. In this case a declaration of title was granted and it was ordered that the Qua Ibos should share equally with the Opobos any rent or royalty received by the latter in respect of the use of the land by the Government. As injunction, however, was refused.

v.

CHIEF
MARK
PEPPLE
JAJA,
AKPAN
UDO
EKPO,

The Full Court upheld the decision of the Divisional Court in the first action, but varied the judgment in the second action by granting an injunction restraining the Opobo people from leasing or alienating in any way any portion of the land known as Uta Ebuja without the consent of the Chiefs and people of the Kwa Ibo tribe.

These actions were tried in the Divisional Court at Calabar and judgment was delivered on the 15th October, 1925.

Macaulay, Moore, Ata-Amonu, Dove-Edwin and J.V. Clinton for Eferekuma Aro and others.

v.

CHIEF
MARK
PEPPLE
JAJA

Inyang and Essin for Akpan Udo Ekpo.

Gibson, Clinton Senior, Paul and Renner for Mark Pepple Jaja.
Webber, J.

The plaintiffs on behalf of the Andonis by their writ of summons claim:

AND
CHIEF
EFERE-
KUMA ARO
AND
OTHERS

1. A declaration of title as owners of certain portions of land particularly defined on the plan.
2. An injunction restraining the defendants and their people from interfering or in any way dealing with Andoni lands.
3. Damages for certain alleged trespasses committed by the defendant.

There was also a claim for a declaration to the effect that the Andonis were subject to the Opobos. This claim was struck out by order of the Court.

The named plaintiffs, who originally numbered six are now five namely:-

1. Eferekuma Aro, the principal plaintiff in place of V.Ogboro Aro, deceased.
2. Finle Utuajuja
3. Asito

WEBBER,
J.

CHIEF
EFEREKUMA
ARO AND
OTHERS

4. Egbunijo
5. Ejele.

v.

CHIEF
MARK
PEPPLA

Before the hearing of this case a writ was issued by the Chiefs of Egwanga represented by Akpan Udo Ekpo against Mark Pepple Jaja in respect of certain lands included in the lands claimed by the Andonis, namely Kilibia-ma Idoro and Okorobo, and it became necessary to join the Andonis as defendants in this second action. The Egwan-gas, who are Ibibios called Kwa, claim in addition to the above, J. Opobo, Uta Ebua and Edim Nta, the last named known to Andonis as Okporobo.

JAJA,
AKPAN
UDO
EKPO,

By consent of all parties these two actions were consoli-dated. There were pleadings in both actions.

It will be seen on reference to the plea that the Andonis claim a declaration of title to right islands.

As to Opobo Island itself, they say they gave King Jaja this island and they claim no title to it now.

v.

CHIEF
MARK
PEPPLA
JAJA
AND
CHIEF
EFERE-
KUMA ARO
AND
OTHERS

The Opobo's principal plea is long and uninterrupted possession and the pleas estopped, laches and acquiescence V. follow. They deny that the Andonis own these islands and say that they are not entitled to damages for trespass or to an injunction, and in answer to these claims for trespass they say they have been continuously exercising rights over these lands since Jaja's occupation and that these rights have never been interfered with. Their pleas in the second action are practically the same. As against the Opobos, neither the Andonis nor the Kwas seek to recover possession of the lands which they, the Opobos, have undoubtedly occupied for a period of fifty years or more; but both the Andonis and Kwas seek an injunction to restrain Mark Pepple Jaja from interfering or in any way delaing with the lands.

WEBBER,
J.

It is perhaps more convenient to deal first with the claim of the Kwas to the lands on the right bank of the Opobo River namely Kilibia-ma, Idoro, Opobo, Edim Nta and Oko-robo, and I find on the evidence that the Kwas never exercised ownership of any land on the right bank of the Opobo River, that they never at any time owned these lands, and, if they occupied any places on the right bank of the river, such occupation was temporary and may have consisted of the erection of a few huts for purpose of fishing - if at all they resorted to this means of livelihood, which is denied by the Andonis. I have come to this conclusion after the most careful consideration. Land boundaries in this

CHIEF
EFEREKUMA
ARO AND
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country have always been natural boundaries - either a stream or river, a range of hills or some natural formation of the land - in the nature of a land mark, and in tribal disputes, where there is no definite or natural physical formation, the planting of some trees has generally been resorted to. In these places by the sea, one looks to the main rivers as a natural boundary between tribes who live there, and the only natural boundary between the Kwas and the Opobos or Andonis would seem to be the Opobo River. The Kwas, however, claim ownership of specific islands on the right bank, obviously basing their claim on alleged occupation. If Kwa land extends to this bank of the Opobo River, I can see no logical reason why they should not claim all Andoni and all the islands west as far as the Andoni River. Why their territory should stop at Nkoro I cannot understand. The evidence, however, shows that, if there was any occupation at all, it was temporary.

v.

CHIEF
MARK
PEPPLE
JAJA,
AKPAN
UDO
EKPO,

I am unable to accept the evidence that the Kwa Chiefs put King Jaja on Kilibiama and Opobo. It is not supported by the testimony of a single outsider, and Otua, the son of Okpokpo, does not bear out the case as presented by the Kwas. That the Kwas gave Jaja land is beyond doubt, and this land is at Egwanga and was the subject of litigation in the case Akpan Owov. Cookey Gam(1) heard by me in 1912. Okpokpo of Nkoro, who was related to the Kwas, was instrumental in getting this land for King Jaja, and the object of this acquisition was to establish a camp for strategic purposes and for keeping a control of the markets towards Asumini.

v.

CHIEF
MARK
PEPPLE
JAJA
AND
CHIEF
EFERE-
KUMA ARO
AND
OTHERS

I now come to the claim of the Andonis. It seems to me to be immaterial where the Andonis originally came from. It is known that, when King Jaja came from Bonny to these regions, the Andonis had established themselves on and occupied certain portions of land between the Andoni and Opobo. At the time (in or about the year 1875) several Andoni villages were in existence, the most important being Alabia, Ngo, Ayanda, Okendo, Ikuru, Ayangala, Uruaja, Agana and Ubuama. There were a few others. One witness states that there were fifteen villages. The greatest portion of land occupied was situated behind the forest swamp which is the sea. Uruaja and Ayanda villages are on islands not the subject of dispute, but it is important to note that the island on which Ayanda is situated is in the middle of islands 1,3,4,5 and 6 in dispute. Ubuama is on island 3. the

WEBBER,
J.

CHIEF
EFEREKUMA
ARO AND
OTHERS

Andonis claim that Okrika is their boundary; they make no claim to Nkoro, which they say was given to the Okrikas. The evidence of Obuhikari, an Alabia juju priest called by the Opobos, supports this. Duke, the chief of the Ogonis, called by the Andonis, and Jegene of Ogoni, called by the Opobos, both state that Nkoro is part of their boundary with the Andonis.

v.

CHIEF
MARK
PEPPLE
JAJA,
AKPAN
UDO
EKPO,

Now it seems to me to be the fact that, before the Bonny war, the known existing peoples in the vicinity were the Bonny people by the sea, the Andoni people by the sea and the Ibibio (Kwas) by the sea, and the Okrika and Ogoni peoples behind inland. the portion of land occupied by the Andonis appears to have been situated between the Andoni and Opobo Rivers. It is probably true that the Andonis once traded in the Andoni River. They ceased to do so long ago and fishing became their sole occupation.

v.

CHIEF
MARK
PEPPLE
JAJA
AND
CHIEF
EFERE-
KUMA ARO
AND
OTHERS

It seems to be clearly proved that most of the Andonis lived behind the forest swamp where nearly all the important towns are situated. We have Agana and Ayangala on the extreme West, then Ngo, Okende and lastly Ikuru on the East side but not the extreme East. the Andonis did not seem to venture beyond Ikuru. One of the Andonis said that the Andonis feared the whiteman and probably that is the reason why they did not occupy any land further East than Ikuru. They may have fished in the creek even as far as the mouth of the Opobo River, but the last village was Ikuru.

WEBBER,
J.

It seems also clear that the Andonis occupied some of the islands between their villages and Nkoro for fishing purposes, and the evidence shows that on at least three islands were villages established. Uruaja was one little village on one island. Ubuama was a large one on another island and Ayanda was permanently established on a third. The villages are situated right at the water's edge; and it is significant that according to the map produced by the Andonis there is not a single Andoni farm shown on these islands and no occupation elsewhere than at the water's edge.

There can be no doubt, however, that at the time of the Bonny war the Andonis regarded all that portion of land with the Okrikas and Ogonis as boundaries and between the Andoni and Opobo Rivers as their own. They exercised ownership by giving to the Okrikas the land known as Nkoro; and I am satisfied on the evidence that when King

CHIEF
EFEREKUMA
ARO AND
OTHERS

Jaja came, in the same generous spirit, they gave him whatever he wanted. The creeks were much more important to the Andonis, who were fishermen, and the land, as long as they were not deprived of their fishing villages, was welcome to be used by strangers, provided they took the oath that they would not wage war against them or interfere with their occupation. The evidence of Eferekuma Aro shows that the Andonis gave to King Jaja, in addition to Opobo, the two islands adjacent and what is known now as Queen's Town.

v.

CHIEF
MARK
PEPPLE
JAJA,
AKPAN
UDO
EKPO,

In giving the Okrikas Nokoro, island 4, and King Jaja and his people island 1 and 2 and Opobo, as well as Queen's Town on the mainland by the entrance of the Opobo River, the Andonis felt themselves absolutely protected from sea aggression, the Andoni River no longer being a trade route. there was no idea then of an annual tribute and the usual customary dashes were no doubt given.

v.

CHIEF
MARK
PEPPLE

With the exception of Opobo, which is not claimed, there is no reliable evidence of any actual occupation by the Andonis of island I (Kilibiama) and island 2, where Henry Renny's Factory stands, or of that portion of the mainland where Queen's Town is situated.

JAJA
AND
CHIEF
EFERE-
KUMA ARO
AND
OTHERS

For fifty years King Jaja's people have lived there, have used and dealt with the land as their own and in the case of the second island, have put Europeans on the land, and on no single occasion has there been any demand for tribute, on no single occasion has tribute been paid, and on no single occasion has any objection been communicated as to the letting of a portion of the land to Europeans. The case already quoted, *Awu v. Cooney Gam (I)* deprives the plaintiff of any claim to a declaration as to these lands.

WEBBER,
J.

I now come to the islands numbered on the plans 3,4,5,3,7, and 8. As to island 4, I find for reasons stated above that this island was already given to the Okrikas, that since then the Andonis have never exercised ownership over the same and that their claim for a declaration cannot be sustained.

I am of opinion on the evidence that the islands Nos. 3,5,6,7 and 8 belong to the Andonis.

These islands form part of the Andoni territory and they are entitled to a formal declaration of title as to each. As to 3,5 and 6, these islands have been in the occupation of Opobos for a considerable number of years. I am not prepared, on that account, to make a general injunction

CHIEF
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KUMA ARO
AND
OTHERS

WEBBER,
J.

against them, but the Opobos living on these islands are restrained from dealing in future with strangers as to these lands. The present status quo will continue and the existing buildings will remain and the Opobos shall continue to farm as they have done before. This permission to continue applies only to the members of the particular house occupying these lands. They are not permitted to use the land in any way other than in accordance with Native Law and Custom. The usual Native Law and Custom will apply on abandonment of land and buildings. As to islands 7 and 8 no evidence was offered by the Opobos as to these. They are islands in the same group and a declaration of title is granted to the plaintiffs as to these. I think the five plaintiffs are properly before the Court. The evidence clearly shows that the Adonis regard themselves as a nation. There may be a certain amount of independence between them, but we have them meeting together at Alabia and elsewhere on matters affecting the whole community.

From the day when Jaja arrived, when the Chiefs met, up to the day when they met to discuss the conduct of the Opobos before bringing this action, they showed an unitedness on matters affecting the community. It is true some disagreed on the question of litigation with the Opobos. They are entitled to do so, whatever their reasons may be. The evidence shows that a majority of those present agreed and the action was accordingly instituted.

On the claim for damages for trespass the evidence is insufficient to justify this Court making any award.

My judgment in the case between the Andonis and the Opobos is as follows:-

1,2,4. - In respect of islands numbered 1,2,4 on the plan the claim is dismissed with costs to the Opobos, assess at fifty guineas.

7,8. - In respect of islands numbered 7 and 8 this Court grants a declaration of title as asked and no more. Costs to the Andonis, assessed at ten guineas.

3,5,6. - In respect of islands numbered 3,5,6 this Court grants a declaration of title as asked. An injunction is granted to this extent only, that the present occupiers are restrained from dealing in future with strangers or with

CHIEF
EFEREKUMA
ARO AND
OTHERS

members of other houses of Opobo concerning these lands. They are permitted to continue to occupy these lands in accordance with Native Law and Custom, and through their long and uninterrupted possession they shall not be liable to pay rent or tribute. Costs to Andonis assessed at fifty guineas.

v.

The claim for damages is dismissed with costs to the defendant Mark Pepple Jaja assessed at thirty guineas.

CHIEF
MARK
PEPPLE
JAJA,
AKPAN
UDO
EKPO,

There now remains the claim of the Kwa Ibos, through their Head Chief Akpan Udo Ekpo and Others, to Uta Ebua which is situated on the left bank of the Opobo River.

I have no doubt in my mind that Ota Ebua is on land belonging to the Kwa Ibos. They had long acquiesced in the occupation by Jaja and his people, who for very many years farmed and lived alongside the Ibibios without any interference from them.

v.

When the brickmaking industry was started and rent and royalty were being paid, the Kwias rightly stepped in and claimed either a share of this royalty or some tribute or rent for the land so used by the Opobos. I think the Kwa Ibos are entitled to a declaration of title and an injunction as to Ota Ebua.

CHIEF
MARK
PEPPLE

As regards the claim brought by the Kwa Ibos my judgment is as follows:-

JAJA
AND
CHIEF
EFERE-
KUMA ARO
AND
OTHERS

The claim against the Opobos, in which the Andonis were joined, for a declaration of title and for an injunction as to lands on the right bank of the Opobo River is dismissed with costs both to the Opobos and to the Andonis assessed at fifty guineas each.

WEBBER,
J.

As to the land known as Ota Ebua I grant a formal declaration of title as asked. Owing to their long occupation, no injunction is granted, but any rent or royalty received by the Opobos in respect of the use of the land by Government must be shared in equal proportion. Costs against the Opobos to be paid to the Kwa Ibos assessed at twenty-five guineas.

The assessment of costs on each issue has become necessary, and in the cases where costs are given to or against the Opobos, they are given to or against Chief Mark Pepple Jaja as representing the Opobos. The costs for damages are awarded to Mark Pepple personally, and the costs to and against Andonis and Kwa Ibos are to and against the individual parties representing them and stated in the respective claims.

CHIEF The plaintiffs in each action appealed to the Full Court.
 EFEREKUMA Macaulay for Eferekuma Aro and Others.
 ARO AND Inyana, Essin and Dohody for Akpan Udo Ekpo.
 OTHERS Gibeon, Clinton and Rhodes for Mark Pepple Jaja.

The judgment of the Full Court, consisting of Combe, C.J., Van der Meulon and Tew, J.J., was delivered on the 6th March, 1926 by Tew. J.

CHIEF These two actions were consolidated in the Divisional
 MARK Court. In the one the plaintiffs, as representing the Andoni
 PEPPLE people, asked for a declaration of title to all the lands
 JAJA, between the Opobo and Andoni Rivers, with the exception
 AKPAN of Opobo Island, as against the defendant as representing
 UDO the Opobo people. They also claimed an injunction and
 EKPO, damages for trespass.

In the other the plaintiffs, representing the Kwa Ibo
 people who live to the East of the Opobo River, sought to
 establish their title to the islands on the right or West bank
 of the Opobo River known respective as Opobo Island,
 Lilibiama, and Idoro, and also to the site known as Edim
 Nta or Queen's and to Uta Ebuwa. This latter place is erro-
 neously described in their Statement of Claim as being on
 the right bank of the Opobo River, but is actually situated
 on the left or East bank at the mouth of the Jaja Creek.

This action was originally only against Mark Pepple
 Jaja, as representative of the Opobo people; but in conse-
 quence of the claim by the Andonis to all the land, except
 Opobo Island, on the right bank of the Opobo River, it
 became necessary to join the representative of the Andonis
 as defendants.

A plan of the disputed territory was put in evidence and
 referred to in the judgment of the Court below and this
 judgment must also be read with reference to that plea.

The learned Judge in the Divisional Court held that, of
 the eight islands in dispute between the Andonis and Opo-
 bos, the former had made out no case as regards the islands
 numbered on the plan as 1,2 and 4 and known respectively
 as Kilibiama, Idoro and Nkoro. He held further with regard
 to the islands numbered 1 and 2 and Queen's Town that the
 Andonis, though they had at one time claimed ownership
 of these lands, had never actually occupied them and had
 willingly surrendered their rights in perpetuity to the Opo-
 bos. As for the island numbered 4, he held that the Andonis
 had similarly surrendered their rights to the Okrika people.

WEBBER,
 J.

CHIEF
EFEREKUMA
ARO AND
OTHERS

He granted to the Andonis a declaration of title in respect of the islands numbered 7,8,3,5 and 6, and in the case of the three last an injunction restraining the Opobos from "dealing in future with strangers or with members of other houses of Opobo concerning those lands". He dismissed the claim for damages.

v.

CHIEF
MARK
PEPPLE
JAJA,
AKPAN
UDO
EKPO,

In the action by the Kwa Ibos against the Opobos and Andonis the learned Judge dismissed the plaintiffs' claim to any rights over land on the right bank of the river, as a natural consequence of his decision in favour of the Opobos against the Andonis. In respect of Uta Ebua on the left bank, he granted to the Kwa Ibos a declaration of title, but, on the ground of long occupation by the Opobos, refused an injunction restraining them from alienating this land. He added, however, that any rent or royalty received by the Opobos in respect of the use of the land by Government must be shared in equal proportions.

v.

CHIEF
MARK
PEPPLE
JAJA
AND
CHIEF
EFERE-
KUMA ARO
AND
OTHERS

The plaintiffs in each action have appealed against these decisions.

It is not necessary to deal at length with the history of the settlement on the Opobo, otherwise known as the Imo, River, of the people now called Opobos. It is well known that the leader of the original settlers was one Jaja, who left Bonny with a considerable following about fifty years ago and moved towards the East to find a new home. The only question is how he obtained the land which is now occupied by the descendants of himself and of those who followed him into his voluntary exile.

WEBBER,
J.

I am of opinion that the learned Judge in the Divisional Court was fully justified on the evidence in coming to the conclusion that the Andoni people originally claimed rights of ownership over the whole of the land between the Andoni and Opobo Rivers, but that they never effectually occupied islands 1,2 and 4 or Queen's Town on the mainland.

I have little doubt that the reason for such non-occupation was their desire to keep a fringe of "No Man's Land" along the river to protect the towns in which they lived from sudden forays from the persons occupying the East side of the river.

They were not traders, but fishermen, and the numerous lagoons round the islands which they occupied were quite sufficient for the purposes of their avocation without need for recourse to the Opobo River, where they might

CHIEF
EFEREKUMA
ARO AND
OTHERS

have come into conflict with the Kwa Ibo people. It was in furtherance of this object that they gave island 4 on the north to the Okrika people, and in pursuance of the same policy they relinquished to Jaja all their rights over islands 1 and 2, Opobo Island, and Queen's Town. They were thus screened from aggression on the north and east even more effectively than before the Okrika or Jaja came.

v.

CHIEF
MARK
PEPPLE
JAJA,
AKPAN
UDO
EKPO,

Turning to the claim by the Kwa Ibos to islands on the right bank of the river, I am in entire agreement with the learned Judge in holding that they never exercised any ownership over land on that side, and that their assertion that they, and not the Andonis, placed Jaja on Kilibiam and Opobo Islands is not supported by the evidence. Their natural boundary on the West would be the Opobo River, and I have no doubt that this river was in fact their effective boundary. That they did erect, and temporarily occupy fishing huts on the right bank is quite possible; but I do not believe that their alleged occupation ever went any further or that they ever exercised such control as would enable them to deal with the land in any way. The islands and that part of the mainland which they claim form part of that fringe of territory which I have described as No Man's Land, and which before the arrival of Jaja was in my opinion never effectively occupied or controlled by anyone.

v.

CHIEF
MARK
PEPPLE
JAJA
AND
CHIEF
EFERE-
KUMA ARO
AND
OTHERS

The claim of the Kwa Ibo people to Uta Ebua on the left bank of the Opobo River is, I think, indisputable. On this point the learned Judge in the Court below said as follows:-

I have no doubt in my mind that Uta Ebua is on land belonging to the Kwa Ibos. They had long acquiesced in the occupation by Jaja and his people, who for very many years farmed and lived alongside the Ibibios without interference from them.

When the brickmaking industry was started and rent and royalty were being paid, the Kwas rightly stepped in and claimed either a share of this royalty or some tribute or rent for the land so used by the Opobos.

I think the Kwa Ibos are entitled to a declaration of title and an injunction as to Uta Ebua."

I quite concur in this opinion and I do not understand why the learned Judge went on to refuse an injunction on

WEBBER,
J.

CHIEF
EFEREKUMA
ARO AND
OTHERS

the ground of the long occupation of the land by the Opobbo people. On this point he said "owing to their long occupation, no injunction is granted, but any rent or royalty received by the Opobos in respect of the use of the land by Government must be shared in equal proportions."

v.

CHIEF
MARK
PEPPLE

In my opinion not only should any rents or royalties received in respect of Uta Ebua be shared equally, but an injunction should be granted restraining the Opobos from leasing or alienating in any way any portion of the said land without the consent of the Chiefs and people of the Kwa Ibo tribe.

JAJA,
AKPAN
UDO
EKPO,

I think also that the costs awarded to the Kwa Ibos as against the Opobos should be increased from twenty-five to thirty-five guineas.

v.

CHIEF
MARK
PEPPLE
JAJA
AND
CHIEF
EFERE-
KUMA ARO
AND
OTHERS

In my opinion the judgment of the Court below, so far as it relates to the first action, should be affirmed; but, so far as it related to the second action, in which the Kwa Ibo people were plaintiffs, it should be varied to the extent which I have indicated.

WEBBER,
J.

TREATY WITH OPOBO, 1884

Preliminary Treaty with the King and Chiefs of Opobo, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, etc., and the King and Chiefs of Opobo, being desirous of maintaining and strengthening the relations of peace and friendship which have so long existed between them:

Her Britannic Majesty has named and appointed E.H. Hewett, Esq., Her Consul for the Bights of Benin and Biafra, to conclude a Treaty for this purpose.

The said E.H. Hewett, Esq., and the said King and Chiefs of Opobo have agreed upon and concluded the following Articles:-

ARTICLE I

Her Majesty the Queen of Great Britain and Ireland, etc., in compliance with the request of the King, Chiefs, and People of Opobo, hereby undertakes to extend to them and to the territory under their authority and jurisdiction Her Gracious favour and protection.

ARTICLE II

The King and Chiefs of Opobo agree and promise to refrain from entering into any correspondence, agreement, or Treaty with any foreign nation or Power except with the knowledge and sanction of Her Britannic Majesty's Government.

ARTICLE III

This Preliminary Treaty shall come into operation from the date of its signature.

Done in Duplicate the first day of July, 1884, on board her Britannic Majesty's *Flirt*, anchored in Opobo River.

(Signed) EDWARD CHARLES HEWETT.
KING JAJA
COOKEY.

Seal of the British
Consul for the
Bights of Benin and Biafra.

PUBLIC RECORD OFFICE

FO 93/6/16

8892

TREATY with King and Chiefs of Opobo

19th December 1884

Signed at

Opobo

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, & c., and the Kings and Chiefs of Opobo being desirous of maintaining and strengthening the relations of peace and friendship which have for so long existed between them;

Her Britannic Majesty has named and appointed E.H. Hewett, Esq., Her Consul for the Bights of Benin and Biafra, to conclude a Treaty for this purpose.

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ARTICLE II

The King and Chiefs of Opobo

agree and promise to refrain from entering into any correspondence, Agreement, or Treaty with any foreign nation or Power, except with the knowledge and sanction of Her Britannic Majesty's Government.

ARTICLE III

It is agreed that full and exclusive jurisdiction, civil and criminal, over British subjects and their property in the territory of Opobo - is reserved to Her Britannic Majesty, to be exercised by such Consular or other officers as Her Majesty shall appoint for that purpose.

The same jurisdiction is likewise reserved to Her Majesty in the said territory of Opobo -

over foreign subjects enjoying British protection, who shall be deemed to be included in the expression "British subject" throughout this Treaty.

ARTICLE IV

All disputes between the King and Chiefs of Opobo - or between them and British or foreign traders, or between the aforesaid King and Chiefs and neighbouring tribes, which cannot be settled amicably between the two parties, shall be submitted to the British Consular or other officers appointed by Her Britannic Majesty to exercise jurisdiction in Opobo territories for arbitration and decision, or for arrangement.

ARTICLE V

The King and Chiefs of Opobo - hereby engage to assist the British Consular or other officers in the execution of such duties as may be assigned to them; and, further, to act upon their advice in matters relating to the administration of justice, the development of the resources of the country, the interests of commerce, or in any other matter in relation to peace, order, and good government, and the general progress of civilization.

ARTICLE VI

The subjects and citizens of all countries may freely carry on trade in every part of the territories of the Kings and Chiefs parties hereto, and may have houses and factories therein.

ARTICLE VII

All white ministers of the Christian religion shall be permitted to reside and exercise their calling within the territories of the aforesaid King and Chiefs, who hereby guarantee to them full protection.

All forms of religious worship and religious ordinances may be exercised within the territories of the aforesaid King and Chiefs, and no hindrance shall be offered thereto.

ARTICLE VIII

If any vessels should be wrecked within the Opobo territories, the King and Chiefs will give them all the assistance in their power, will secure them from plunder, and also recover and deliver to the owners or agents all the property which can be saved.

If there are no such owners or agents on the spot, then the said property shall be delivered to the British Consular or other officer.

The King and Chiefs further engage to do all in their power to protect the persons and property of the officers, crew, and others on board such wrecked vessels.

All claims for salvage dues in such cases shall, if disputed, be referred to the British Consular or other officer for arbitration and decision.

ARTICLE IX

This Treaty shall come into operation, so far as may be practicable, from the date of its signature, article VI as herein printed being expunged.

DONE in duplicate at Opobo this Nineteenth day of December in the year one thousand eight hundred and eighty-four.

Edward Hzek Hewett

PP Cookey Gam

Prince Saturday Jaja

Finebourne his X Mark

John Africa X his mark

How strongface X ditto

Ogolo X ditto

William Obamy

Black Foubrah X his mark

William Joly

Sam Annie Pepple X his mark

The Ja Ja X ditto

Sam Oko Epelle X ditto

Duke of Norfolk X ditto

Jungo X ditto

Capt. Uranta X ditto

Warisou X ditto

Sam Geo Joly

Witnesses for the above twelve marks

H.M. Vice Consul

R.D. Boler

Chairman of the

Court of Equity.

XC/A/099316

FO 84/1916

Copy of letter sent by Consul H.H. Johnstone to
King Ja Ja.

Opobo River
 September 18th, 1887

Sir,

In reply to your note, I beg to say that whatever Uranta may or may not have said to you is of no importance and can affect in no way the issue of tomorrow's meeting.

I have summoned you to attend in a friendly spirit. I hereby assure you that whether you accept or reject my proposals tomorrow, no restraint whatever will be put on you, you will be free to go as soon as you have heard the message of the Government.

If you do not attend the meeting, no further consideration will be shown you and you will simply be treated as an enemy of the British Government. I shall proclaim your deportation and hand your markets over to the Bonny men.

If you attend tomorrow, I pledge you my work that you will be free to come and go but if you do not attend I will conclude you to be guilty of the charges brought against you and shall immediately proceed to carry out your punishment.

I am Yours obediently
 (Signed.) H.H. Johnstone
 Acting Consul

To: King Jaja
 Opobo

XO/4/099516

Reference: FC 84/1916

4, St. Mary Ave. London,
 20th February 1888

The Most Honourable
 The Marquess of Salisbury KG VC.VC
 Foreign Office SW

My Lord Marquess

We have the honour to enclose for your Lordships information an account of the recent disturbances at Opobo between acting Consul Johnstone and King Ja Ja and his people, together with copies of correspondence between parties on the Coast, so far as in our possession, as well as of all the letters that have passed between your Lordship and ourselves.

We have stated in narrative form, as briefly as possible, the history of Opobo and the causes which led to the existing dispute.

We desire to state that we have not at any time doubted the sincerity and earnest desire of your Lordship to get at the real facts of this case so as to do justice to all parties, and we have steadily kept in view the difficulty your Lordship would have in dealing with disputes of the kind where information has to be taken second hand from parties who may possibly have personal interests to serve. In order to remove any doubt as to our action throughout those disputes we have put in print all our letters written since January 1886 up to the present time, to our agents at Opobo as well as to Ja Ja himself. These letters were not written in the expectation of being published and will so much the better show your Lordship what are the real grounds of dispute. We have made some remarks on the enquiry held by Admiral Sir W. Hunt Grubbe, to which we respectfully ask your Lordship's consideration, in which we deal particularly with the "judgment" of the Admiral and the grounds upon which he formed it.

The leading points to which we have thought it necessary to advert are:

1. That the disputes originated in trade questions and that all the subsequent events were governed by trade interests.
2. That careful consideration of the Treaty of 1873 and of the Treaty of 1884 governed as it is by the letter of Consul Hewett of 1st July 1884 gives intelligent explanation of King Ja Ja's reluctance to concur in all the demands of H.M. Consuls and how he, in perfect good faith and without any hostile spirit towards H.M. Government, was tenacious of rights that the Consul had led him to understand were not abrogated by the Treaty of 1884.
3. The claim and dignified manner in which Ja Ja bore with Consular mandates while viewing them as unjust and the innocent confidence with which from first to last he trusted the Consul a guilty man and especially a guilty man of King Ja Ja's education would not have acted in the open and confiding manner in which he did.
4. That in the overwhelming trouble brought upon Ja Ja himself and his people, he and they have before and since the trial behaved themselves in a most exemplary manner and have not through all the period of trouble shown the turbulent spirit which the Consul's charges imply.
5. That notwithstanding Consular interference, Opobo has during the past three years prospered to an extent which proves the people must have been peaceful and industrious.

6. That in conducting the trial at Accra the Admiral had to rely on evidence collected by the Consul who Ja Ja and his people had all along charged with partizanship and irritating conduct towards them. The evidence itself being of a secret character which the admiral at a subsequent date when at Opobo, cautioned the Consul against making use of in the future.
7. That Ja Ja had only two days notice that he was to be placed on trial and being a prisoner 600 miles from his own country had no opportunity of producing witnesses who would have proved his innocence of the charges imputed to him.
8. That a "trial" not an enquiry took place at Accra under the circumstances described instead of at Opobo as had been promised.
9. That in the circumstances of the case Ja Ja was found guilty without a particle of evidence than can be called substantial.
10. That we are prepared to put a witness on oath who can positively deny the gravest charge that was laid against Ja Ja. This witness we have brought to England for the purpose.

On all these and many other grounds we believe that your Lordship being desirous to do justice to Ja Ja will after proper investigation feel it to be your duty to quash the whole proceedings and send Ja Ja back to Opobo until he is found guilty of some crime deserving deportation, which, to a man of his age is a penalty to which death itself would be held as light

We have the honour to remain
Your Lordship's obedient Servants,

XC/A/022316

FO 84/1916

276

55 Waterloo Street
Glasgow 29th Feb: 1888.

To
The Right Honourable
The Marquis of Salisbury
Honourable Secretary of State for Foreign Affairs.

My Lord Marquis,

We have the honour to transmit copy of a letter by Acting Consul Johnston sent to King Jaja on 18th September last. This copy only reached us this morning.

We have the honour to remain

Your Lordships obedient Servants
Alex Miller Brothers

PUBLIC RECORD OFFICE, LONDON

FO 84/1916

399

Downing Street,
2nd March, 1888.

Sir,

I am directed by Lord Kuntsford to transmit to you for the consideration of the Marquis of Salisbury, a copy of a despatch from the Governor of the Gold Coast Colony, enclosing a request from King Ja Ja for permission to send his son Sunday to England to finish his education.

Lord Kuntsford desires to be favoured with Lord Salisbury's opinion as to what answer he desires should be returned to this request.

I am,

Sir,

Your most obedient Servant,

Under Secretary of State
Foreign Office.

PUBLIC RECORD OFFICE COPY

FO 84/1916

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177

COPY OF LETTER**BY MESSRS ALEX MILLER, BROTHER & CO., OF GLASGOW****ADDRESSED TO THE MARQUIS OF SALISBURY****WITH COPY OF CONSULAR LETTER REFERRED TO THEREIN****TOGETHER WITH****COPIES OF ALL LETTERS****SENT BY THEM TO THEIR AGENTS & TO KING JA JA, AT OPOBO****ALSO TO MR. BANNERMAN, SOLICITOR OF ACCRA.**

LONDON:
H.V. CLEMENTS & CO., 7, MARK LANE, E.C.

1888

4, St. Mary Ave, London.
25th January, 1888.

To the Right Honourable the
MARQUIS OF SALISBURY

H.M. Secretary of State for Foreign Affairs.
My Lord Marquis,

I enclose for your Lordships's perusal copy of a letter, dated Opobo, 11th December, 1887, sent by Acting Consul JOHNSTON to Mr. DAVID FARQUHAR, who is our representative there.

I am surprised that such a letter should have been sent, containing, as it does, serious charges against my firm, which are unfounded and contrary to the facts, and I will be glad, if on their behalf, your Lordship will cause an investigation to be made as to the truth of these statements.

With regard to the threats which Consul JOHNSTON has used against Mr. FARQUHAR, I will be glad if your Lordship will inform me whether such a letter meets with your approval, and whether our business at Opobo may be interfered with in the way in which he threatens.

Our whole action in Opobo during the unfortunate disputes between Ja Ja and the Consul, is open and known to your Lordship, and no step has been taken by us in the direction of instigating opposition to Consular authority.

I have the honour to remain,

Your Lordship's most obedient Servant,

GEO MILLER.

For: ALEX MILLER, BROTHER & CO., OF GLASGOW AND LONDON

Opobo River,
11th December, 1887

Sir,

As I learn that you are about to return to the Opobo River As Agent for Messrs. ALEX MILLER BROS., I think it better to warn you that whether you act solely on your own responsibility, or under orders from your Firm, I cannot allow any renewal on your part of the policy of obstruction to Consular authority and infringe with the natives, which had hitherto been the characteristic of Messrs. MILLER BRO'S action in the Opobo River.

Your predecessor, Mr. TURNBULL, several times came into conflict with my orders, and I should have dealt more severely with this insubordination, had I not known that Mr. TURNBULL was acting under express orders from his firm, and that personally he was desirous of respecting my authority. But the

object of this letter is to assure you, that no further consideration will be shown to any person who attempts to exert an improper influence in native affairs for the purpose of acquiring an increased share of the trade, or who excites the chiefs to disregard and disobey Consular orders, or who himself defies these orders.

King Ja Ja has recently been deported from Opobo, and exiled from West Africa for these offences. It is not likely therefore that any less person so offending will be spared. If you or any other European agent in the River set my authority at defiance, and attempt to interfere unduly in native affairs, I shall deport you from the river and close your factory.

I trust, however, that I am about to find in you a loyal supporter of the provisions which have been made for the preservation of peace and order in Opobo River. As soon as I am assured of this, I shall appoint you a member of the Governing Council so that you may take your share in the government of the country.

I am, Sir,
Your obedient Servant,
(Signed) H.H. JOHNSTON,
Acting Consul.

To D. FARQUHAR, Esq., Opobo River

**Extracts from Letters sent by ALEXANDER MILLER,
BROTHER & CO., to their Agent at Opobo.**

24th January, 1886

"If we assume that the other merchants go to the markets as traders, we must also assume that they do so because Ja Ja and his chiefs have boycotted them, and are giving their oil to us. We do not believe that Ja Ja and his chiefs will persist in boycotting the others.

"We rather think that very soon the agents will make proposals to them in the shape of a compromise, and that the trade will run on as before by Ja Ja and the other chiefs coming to an arrangement with them".

15th January, 1886

"As we understand the dispute, no power can interfere with the natives trading with whom they like, so long as Ja Ja does not, as chief, prevent those who wish to trade to do so with whom they like. No power can compel any trader to trade except where he pleases."

12th November, 1886.

"If this plan (of going into the interior) is followed by the agents, Ja Ja should not do anything to bring upon him the vengeance of the British Government. He should control his people and in no way do anything to involve himself in trouble. He should certainly not allow his people to fire on any English boat, canoe or person. Let him act as a trader, equip his people, let them have goods at cost price, and meet the English traders on their own ground. We think he can compete with them quite well." 7th January, 1887.

"He (Ja Ja) must on no account resort to force, or do anything to bring down upon him the arm of the law we think now is his time to enter on the interior trade (if forced on him), when he will have our support, and have a good chance of success, and be able to deal with the interior men on as good, if not a better footing than the amalgamated firms."

18th August, 1887

"We were intending to write the MARQUIS OF SALISBURY either today or tomorrow about the arrival of the two Chiefs from Opobo, but we did so immediately on getting your wire, referring the matter out of Consul JOHNSTON's hands to those of LORD SALISBURY, until we have an interview. We have asked an interview for Monday, 29th August, or as early as possible thereafter, and we will use the cable to let you know anything that is done. Meantime, and until you hear from us definitely by cable or otherwise, trade can be gone on with as before. It seems too absurd for Consul JOHNSTON to attempt to stop such a trade as ours in the peremptory manner he attempted, regardless of the immense loss that would arise through steamers being detained, contracts unfulfilled, &c., &c."

2nd September, 1887

"On 19th August, we received your cablegram as follows: 'Consul stop trade also Ja Ja's; has he power?' and we replied, 'Continue trade till Consular action confirmed.'"

"On Saturday, 20th August, we again wired: 'Fex, union, wander, web, unicorn - get produce quickly from natives lest stoppage confirmed;' and on Monday, 22nd, we had your reply, 'Have 999 casks oil and 660 tons kernels on hand; Ja Ja fears fine £500; interior object white men, this causes stoppage.' This reply was conclusive. If Ja Ja would not trade, we could only wait till a settlement was reached. We do not know of any power the Consul has to stop trade, but it is perhaps as well that no trade has been done since, as we do not conflict with H.M. Government. We have all along been desirous not to give the Government occasion to think that we or the Opobo people are hostile to them."

16th September, 1887

"We enclose copy of letter sent Ja Ja by this steamer, which will give you all the news regarding political matters. We think the mission of the Deputation

has succeeded, and even although it is found that Ja Ja has in the past threatened and hindered by force the white men from trading at his markets, we believe Ja Ja will only be warned not to do so again. He can easily arrange with the Eboe men to trade with him and the Opobo men only, and if he can run the bulk of the trade for even six months, he will so weary the amalgamated people that they will be glad to leave. It is a case of competition, and if the Opobo men are as active as they should be, they can clear away all the produce, so that none of it goes to Bonny or the amalgamated people."

**Copy of letter sent to King Ja Ja on 15th September, 1887,
referred to in above paragraph.**

GLASGOW, 15th September, 1887.

Dear Ja Ja,

The Deputation are to sail by the s.s. "Benin" for Opobo on Saturday, and they will explain all that has been done since their arrival, and give you the details which we cannot put into this letter.

We sent you a telegram after the Deputation returned from the Foreign Office, saying: "Had interview, 'SALISBURY cabling enquiry," and we cabled yesterday again after a further interview, as follows: "Admiralty officer will proceed Eboe markets to enquire whether Ja Ja hinders trade, if country quiet, trade will be reopened, Deputation returning Saturday."

In a former letter to Mr. TURNBULL, we said we were glad that the Deputation was coming, and, we are now able to say, that their being in London was very fortunate, as without them we would not have got on so well as we have done. It gave us sincere pleasure to meet the Deputation and to learn from them all the circumstances of the various matters under dispute. Indeed we may say, that we could not have placed everything before LORD SALISBURY in the clear manner that was done without their aid.

In the absence of the MARQUIS OF SALISBURY we were received by SIR JAMES FERGUSSON and SIR PHILIP CURRIE, the Under-Secretaries of the Foreign Office, who heard the whole story with the utmost patience and kindness, and expressed the deep interest of LORD SALISBURY and themselves in you, your country and people; and they also said that LORD SALISBURY is most anxious, as they themselves are to set all matters right, so as to preserve peace and friendship in the future.

They especially impressed upon us that the Foreign Office had no intention or desire to act unfairly to you or to anyone, and all that they desire to see is peace and quietness and the country prospering.

Having expressed themselves so, they said that as there had come to them several conflicting reports as to what had really occurred in the river, they had decided to send an impartial and independent naval officer to enquire as to

whether you had instigated the people of Eboe to molest English traders who had gone there. They said that they do not wish to interfere at all in trade matters, and that you and the Eboe people can trade with whom you please, only that you must not threaten to punish any Eboe man if he does trade with the white men. The chief point that LORD SALISBURY wishes you to understand is that the white men may go and trade in Eboe if they like, and that if the Eboe men wish to trade with the white men, you are not to threaten them if they do so; and that if they do not wish to trade with the white man, they are not to be compelled to do so.

LORD SALISBURY looks upon the "shakehands" question as settled. Had it been a decision of his own he might probably have reconsidered it, but as it was settled by LORD ROSEBERY, prior to his taking office, the etiquette, or custom, or usage of the Foreign Office prevents him from altering a decision given by his predecessor. We felt the force of this argument and considered it better not to press where we had no chance of succeeding.

Consul HEWITT was present at the interview and took part in the discussion, and we think he is now more inclined to be agreeable to you. Consul JOHNSTON'S action in stopping trade was discussed, and it was decided that trade would be reopened on arrival of the naval officer if he found the country quiet. The 30 puncheons fine will be repaid.

In our second interview with one of the permanent officials, he expressed the opinion that COOKEY should go home as soon as possible, so that he might be present when the naval officer is at Opobo. We felt the force of his advice, and knowing how important COOKEY'S evidence is in the Eboe Ju Ju, we advised him to sail by first steamer. This, COOKEY and the other members of the Deputation at once agreed to in the most willing manner, and we feel sure it would be great satisfaction for you to get our telegram, knowing as you do, how useful COOKEY will be in the markets while the investigation is going on.

We had hoped that the Deputation would have come to Glasgow for a time and enjoyed our hospitality, but as the whole circumstances pointed to urgency for their return we advised them to go at once, while regretting their inability to come here.

This letter will explain pretty clearly what has been done, but the Deputation will tell you how everything we did was most carefully considered among us, and how friendly and harmonious we have all wrought together for the purposes of the embassy.

We think the result of our work is highly satisfactory, and if there is nothing new happened since the Deputation left Opobo for Liverpool to still further complicate matters, you will find no further difficulty from the Consul if you do what you can to promote quietness.

We are, Dear JA JA.

Yours most faithfully,

(Signed) ALEX. MILLER, BROTHER & CO.

30th September, 1887

"Since we wrote you last on 23rd September, we received your cablegram as follows:

'Trade reopened one month; stop shipments; bailable, Madeira, 'bawble, constancy; JA JA go Accra, judge Palaver.' We were pleased to have this wire, and we assume that JA JA will stop the Deputation at Accra, and finish the Palaver. We had a further reply from Foreign Office acknowledging our letter referred to in last, saying that they would do all in their power to push on a settlement of the whole question."

7th October, 1887

"We enclose a copy of our letter sent to JA JA at Accra today. It explains fully what has been done. We sent LORD SALISBURY a copy of your letter of 29th August in so far as it referred to the Palaver, and also copies of the documents. We made some remarks in our letter showing that an act of injustice had been committed.

"The writer will see the Foreign Office people, and if anything new transpires he will telegraph. So far as we see, we must wait LORD SALISBURY'S pleasure. He has JA JA in his power at present, and we cannot move faster than LORDSALISBURY will permit. We presume LORD SALISBURY feels that he cannot very easily overturn the Consul's acts without investigation.

"If all goes on well at the enquiry, the result will be so much the better for JA JA and the people of Opobo".

Extracts from Letters sent by ALEXANDER MILLER, BROTHER & CO.,
to KING JA JA.

4th October, 1887

"We had a telegram from Opobo, on 27th September, saying, 'JA JA go Accra, judge Palaver.' We presume that meant, that the enquiry was to be held at Accra. We see however, from the newspaper, a statement that you had been arrested and sent to Accra, to be out of the way when the enquiry is being proceeded with at Eboe and Opobo.

"We yesterday telegraphed to Opobo, as follows: 'SALISBURY surprised JOHNSTON cunningly arranged JA JA's absence while enquiry proceeding; protest till JA JA, care Chief WUARTEY, Accra. Have asked LORD SALISBURY cable authority take you Opobo, SALISBURY surprised Consul's action.' We also wrote a letter to LORD SALISBURY, pointing out that you

had been led to go to Accra, under a false pretence, and that he should at once cable the authorities at Accra to carry you back, we also pointed out that it was unfair to hold an enquiry at Opobo, in your absence, and when COOKEY and the Deputation were absent, while those on the other side who had raised the troubles were permitted to be present.

"We received this morning letters from MR. TURNBULL, of 18th August, containing the correspondence between him and Consul JOHNSTON on trade matters, and the copy of the agreement you signed. We are today sending copies of all of them to LORD SALISBURY, with extract of Mr. TURNBULL'S LETTERS, and again calling upon the Foreign Office to send you back to Opobo immediately, and to arrange that any enquiry to be held, is held in an even-handed and just manner.

"We have no suspicion that the Foreign Office have instructed JOHNSTON to act as he has done, indeed they express their surprise, and we feel sure they will not approve the Consul's action.

"We send this care of Chief QUARTEY, who will send it on to you if you are not at Accra."

7th October, 1887

"We received your telegram as follows, reading as follows: 'Received, thanks; Consul gone; JA JA still Accra; pray press SALISBURY JA JA return Opobo; reply care BANNERMAN, Solicitor.'

"We immediately telegraphed to the Foreign Office as follows: 'Have just received telegram from JA JA's solicitor, Accra, requesting us to press LORD SALISBURY to order his return to Opobo immediately,' and we followed this up by a long letter in which we explained fully the urgency of your telegram, expressed our deep regret that action of that kind had been taken against you, as we believed you were not guilty of any act that justified such a course, and pointed out the danger that in your absence, and in the absence of the Deputation, serious disturbances might arise, &c, &c.

"This morning we received a letter from the Foreign Office, dated 6th October, reading as follows: 'I am directed by the MARQUESS OF SALISBURY to acknowledge the receipt of your letter of the 3rd inst., and, in reply, I am to state to you that his Lordship considers it expedient that JA JA should for the present be detained at Accra, but that the question of his presence at the enquiry to be held at Opobo, will be fully considered when the time comes for holding it. I am, &c (Signed) P.W. Currie."

"On receiving this letter we at once wired as follows: 'JA JA, BANNERMAN, Accra. SALISBURY declines interfere till enquiry arranged; and going London; Ethiopie; 'and we also wired, TURNBULL, Opobo, as follows: 'FARQUHAR, Bonny. JA JA detained Accra, pending enquiry.'"

13th October, 1887.

"As arranged, I left Glasgow last Monday to go to London, I to see the Foreign Office people. I called at Liverpool on my way, and learned that I could not see anyone there till next week, so that I go on to London to be there on Monday.

"I have had two or three letters from LORD SALISBURY, and my brother has seen SIR PHILIP CURRIE twice, and the end of it is that in the meantime, the Foreign Office people with you to remain at Accra, and they will arrange later on as to whether you are to be present at Opobo while the enquiry is going on.

"I will telegraph you from London as soon as I get any satisfaction from the Foreign Office, and I feel sure that in the long run you will find that everything will turn out favourably at least you may rely on my doing all in my power to make things right.

"I am sending to the Foreign Office extracts of the letters Mr. TURNBULL sent us home by '*Westfalia*,' which are very good, and when I am there next week, I will discuss it all over with them. Meantime I am assured by the Foreign Office, that you are made very comfortable at Accra, and they telegraphed you themselves, that they wished you to remain at Accra for a little."

20th October, 1887

"I got your telegram, saying you had shipped 40 casks oil on Board '*Teneriffe*,' and to send money to you immediately through SWANZY, at Accra.

"Being in London, I went to SWANZY and asked them to telegraph their agent at Accra, to pay you any money you wanted up to £1,000. They said they could not do it, as their agent had just written them to say he had no money and needed some himself.

"They agreed, however, to cable their agent to pay £50 at once, and I then cabled to our people at Cape Coast Castle to send you £200, and to wire you that they were doing so.

"Write them for any money you need, or draw a bill upon us. You do not need to advise us beforehand, nor do you need to ship oil beforehand if you want money. You can have whatever you ask or want by letting us know, or drawing upon us in Glasgow, or on our firm at Cape Coast Castle.

"You and we have known each other long enough to have confidence in each other, and whatever we can do for you, either with money or in any other way will be done with pleasure.

"I went to the Foreign Office yesterday and saw Sir PERCY ANDERSON.

"I confirm all I said in the letter that COOKEY took to you from me. I am quite satisfied that everything will come right in the end, and I do not think Mr. BANNERMAN should take any action that will weaken the friendly and kindly feeling that LORD SALISBURY has.

The moment I see the foreign Office change in their feelings towards you, and attempt to do anything harsh, I will wire you how to act. At present it is arranged that Admiral GRUBBE is to make the enquiry, and Captain HANDS will assist him.

"I feel you are in good hands, as both Admiral GRUBBE and Captain HANDS will be fair and honourable.

"The Foreign Office say that Consul JOHNSTON did not consult them when he took you to Accra, and before they alter that they wait to see the letters from Consul JOHNSTON.

"Unless the Consul has good grounds for having done so, they will disapprove of his action."

21st October, 1887

"I have just returned from the Foreign Office; there is no more news since I saw them on Wednesday, and they say they must now wait till they have their despatches. I was able to show them two telegrams from Opobo, denying certain rumours which appeared in the newspapers, and stating that the Eboes were still opposed to white men, and are not trading with the white men.

"I confirm all I have already written about the goodwill of LORD SALISBURY to yourself.

"Let us have patience, and not do anything to weaken the position, and I feel sure all will be well."

Letter from ALEXANDER MILLER, BROTHER & CO., to E. BANNERMAN, Esq., Solicitor, Accra.

14th November, 1887

We are much obliged by your letter of 15th October, duly received.

The trouble to King JA JA has vexed us very much, and we thank you for the assistance rendered.

We wrote to LORD SALISBURY on Tuesday, 7th inst., complaining very strongly of the Consular action and requesting his Lordship to cable to Opobo at once, requesting Consul JOHNSTON not to further irritate the people of Opobo. We accompanied our letter by copies of others from Opobo, a Protest by the people there, your letter and the copy of the letter by the Consul of 17th September.

We enclose for your information copies of five letters received from the Foreign Office since King JA JA was arrested, and if any other letter comes to us before this mail closes, we will send a copy.

These copies will show that after deliberation LORD SALISBURY has decided that JAJA is to remain at Accra until the enquiry by Admiral GRUBBE has been completed.

We have been unable to alter this determination, and in light of what follows, we do not feel surprised at our not being able to do so.

The Deputation, along with the writer and Mr. FARQUHAR, were received at the Foreign Office by SIR JAMES FERGUSSON and SIR PHILIP CURRIE, the Under-Secretaries, on the 13th September, and we were at the Foreign Office again on 14th and 15th September.

Nothing could have been more satisfactory than the kindly feeling evidenced by those gentlemen, and they stated LORD SALISBURY was of opinion that the whole question should be investigated by an independent naval officer, and until his report was in their hands, nothing could be done in the matter.

They promised to consider the whole facts carefully, and hinted that they felt the Consul had been rather severe, and the impression left in our minds was that even though JAJA and his people had erred, the Government would simply reprimand him and caution him to be more careful in future.

Before leaving London, we learned that the Foreign Office had already communicated with the naval authorities, asking them to conduct the enquiry. The early departure of the Deputation was brought about by their advice, that they should be on the spot while the enquiry was being conducted, and in all our interviews they were frank and kindly towards JAJA, and we feel bound to say they had then no intention of deporting JAJA from Opobo.

During the early part of August we heard it stated that if trade matters were not settled in a satisfactory way, the Consul would exile JAJA, and we were informed in the middle of August, that the amalgamated merchants were confident that JAJA's power would be broken and that they would open up the interior markets to the white men.

These rumours and statements received our careful consideration and we were well pleased when we knew that a Deputation was on the way to England to see LORD SALISBURY, and we felt sure that the Consul (HEWITT) in conjunction with the Liverpool merchants, had concocted some scheme, which they wished to keep secret, which would be prevented by their arrival.

Our reception by the Government was friendly and open, and we had confidence that events would go in favour of JAJA.

It appears that it was on or about 17th September and probably after Consul JOHNSTON had information that there was to be a naval enquiry, that JAJA was arrested.

Immediately on hearing of this by wire, our Mr. MILLER went to the Foreign Office, asking if the report was true, and SIR PHILIP CURRIE said it was, and it came to the Foreign Office as a surprise.

It then appeared to us that the Consul had put into action a preconceived plan for removing JA JA, hence our remonstrances to LORD SALISBURY, and his decision at first not to order his return, and finally his decision that JA JA should remain at Accra, until the enquiry had been completed.

We have written very fully on the matter that you may understand clearly the course of events here, and that you may explain them fully to JA JA.

The writer went to London lately to see the Foreign Office people and had an interview on two occasions with SIR PERCY ANDERSON, the permanent official, who had the affair in hand.

His statement was to the effect that LORD SALISBURY had done nothing and would do nothing until he had Admiral GRUBBE's report, that if JA JA had obstructed the Consul it would be a serious thing, but that in coming to a decision it would be taken into consideration that his action may have proceeded from a sense of the justice of his position; the impression left on his mind being that as formerly stated by SIR JAMES FERGUSSON, they would view JA JA's position as leniently as possible.

We have been informed that soon after King JA JA's arrest the Consul was at Bonny, in close communication with the Foreign Office by cable, and we have reason to believe that he was then being called upon to explain his action, and that he justified it by the statement that since JA JA had been removed, affairs at Opobo were going on smoothly.

Finally, in our view no change has come over the position of matters in regard to the attitude of LORD SALISBURY. From the first his Lordship said he would await the report of the enquiry and Admiral GRUBBE, before coming to any decision.

The arrest of JA JA is an act done, wholly, in our opinion, by the Consul on his own responsibility, and as the outcome of a preconceived agreement, probably concocted and recommended by Consul HEWITT, and known by the members of the amalgamation.

Nothing can be done until Admiral GRUBBE sends in his report, and when it is in his hands his Lordship will view it favourably from JA JA.

Under these circumstances we think we serve JA JA best by keeping on the most friendly terms with the authorities at the Foreign Office, and not doing anything or saving anything that can be construed by them as offensive or aggressive.

We have counselled the people of Opobo to be patient and not to give any cause of offence; assured that acting thus, they will be more likely to retain the friendly feeling and goodwill of the Government.

We have decided that Mr. FARQUHAR proceeds to Opobo by first steamer, and JA JA may rest assured that his interests will be carefully guarded by us.

Governments work slowly, and if we attempt to hasten we do harm instead of good.

PUBLIC RECORD OFFICE COPY
(Pursuant to Statute 6 & 7 Elizabeth II, c.51)

Foreign Office:

General Correspondence:
Slave Trade

FO 84/2020

40

July 1 1890

Draft.

Acting Consul Annesley

Old Calabar

Tel.

6.15 p.m.

When will balance of
Ja Ja's commey due to
end of 1889 be sent home?

Comey. When may
balance for 1889 be
expected to reach
England, as also
remittance for
current year.

Signed.

COPY
PUBLIC RECORD OFFICE

Reference FO 84/2020

To: Her Majesty's Consul.

Opobo Town

73699

July 17th 1890

Sir

We feel much gratify of your visiting the town of Opobo with peacefulness which we highly esteem, and as a proof of the assurance of your good wishes and welfare of the inhabitants of this place, we welcome you with cheering hearts.

We think it will be unnecessary to complain of the many troubles which we have underdone for the past three years since after deportation of Jaja, but briefly state our grievances for the stringent and forcible measure taken against us last year by Consul Hewett without any crime or charge alleged against us, for which we humble crave your assistance on the matter if you can in any way use your influence on our behalf that we shall be compensated for those war

implements which we have always kept for the defence of our town against sudden attack by any of the neighbouring country; for when the Consul asked us to deliver those war implements, he assured us that he will also disarm the other Protectorate Countries as Bonny, new-Calabar and Okrika; After we had delivered up our war canoes guns and rifles, the Consul never disarm those above named countries who still in possession of their war implements which are similar construction as our war canoe.

In a letter by Consul Johnstone - which we now forward you a copy - that when he asked us to deliver our machinery guns and canoes, he assure us that if he do not disarm the neighbouring countries he will return ours we think by that letter we are entitled to compensation for all the war implements we have delivered to Consuls Johnstone and Hewett for which we here humble solicit your honourable favour to use your influence on our behalf that we may be compensated.

The town would have been long deserted by its inhabitants if we had not strictly prevented it, really all valuable goods and furnitures are taken away from the Town to villages and markets Town, to be kept for we are always expecting that this Town, will be bombarded, for the frequent threatening of the Consuls made us to have that opinion. Many houses required repairing but are left to be fallen down, on that account also the street of the town remain in the filthy condition uncared for.

We beg to point also Consul Hewett's treatment to us respecting debts owing to us by the interior's people before the place had become a protectorate that for and on account of those debts persons had been given to us as guarantee which we kept as our domestic servants and took all possible care with them as they are to return to their masters when such debts shall be paid, but consul Hewett forcible made us to return those people to their masters without the debts being paid to us nor that he give us any hope as to how and when the debts will be paid to us which still is remaining in the hands of the interior's people.

We are a people not much employed in cultivation nor have we sufficient lands for that purpose, but chiefly on trading with European goods for the exchange of our produce, and on that we strictly adhere to, for the maintenance of our houses, and where we can get a case of gun more from any of the Agents in the river than the others there we have our produce and such had been doing for ages.

We hope and trust that before your departure from this river you may be able to arrange all matters to the satisfaction of the European Agents in the river and us the native of this place, that we may have the assurance of a peaceful and quiet settlement with a contented mind to do our business as formerly.

We shall here humble crave your indulgence to permit the boldness which we are now taken to ask for the assistance of your honourable influence with the Government on behalf of Ja Ja our ex-King who is now on exile in the Island of St. Vincent and that the Government may reconsider his case which we think he had had sufficient punishment as a warning although we are ignorant of the

nature of the crime he is undergoing such punishment - if it may be your influence to effect his release to return to his home. We the chiefs of this place will give guarantee for his good behaviour at all times, he may not be in his former position as a King but it will be a satisfaction if he will return and as a private gentleman with no interference about the century's matter. We also think that age is telling fast on Ja Ja although he is well considered by the Government. It may be necessary to enlighten you on the subject of Ja Ja's deportation. We forward you two copies of petitions which had been forwarded to the Foreign Office.

We also present you our grievances and amount of Arms taken from us by consul Hewett and copy of Consul Johnstone's letter and another letters for your perusal which we hope as an assistance to enlighten you for any assistance or advice we are in need with the highest esteem and regard.

We remain

Sir

Your most Obedient
and humble Servants

Chiefs of Opobo Town

PUBLIC RECORD OFFICE*
COPY

(Pursuant to Statute 6 & 7 Elizabeth II, c.51)

Foreign Office:
Slave Trade

General Correspondence:

FO 84/2020

Day Spring House,
Opobo, July 18. 1890
314

The Chiefs of Opobo
Opobo.

Gentlemen,

In reply to your letter of yesterday, I now repeat to you in writing, as you wish me to do so, what I told you yesterday, viz:

1. It is not the desire of H.M. Government to harass or trouble anybody without cause and if you continue living in the quiet, orderly manner you have

done of late, you need have no fear that your town will be shelled. On the contrary Her Majesty the Queen desires to see all who are under her protection happy and contented. You may therefore rest assured that I shall do all I can to make you happy, but you must strictly obey all Consular Orders, the same as every one else.

2. What I chiefly desire is that you do not trouble trade in any way, that you do not interfere with European or any other Traders in the markets and that you keep the rivers and creeks open for trade.

3. As you yesterday promised me, in the presence of the Agent of Messrs Alexander Miller, Brother and Company and the Chairman of the African Association, to do this, I do not think there will be any trouble between us.

4. You are perfectly at liberty to sell your oil, kernels, etc. to anyone you please.

5. I do not wish to make any rules or regulations concerning commerce or to fetter trade in any way. I therefore do not deem it expedient to make any regulations concerning the "topside" question. I would advise you to come to a friendly understanding with the European traders on that subject, which seems to me easy enough.

6. You appear to think that some of the European traders have a grudge against you. I have spoken to all of these gentlemen and everyone has informed me that they have not the slightest ill-feeling against you and that they would be only too glad to renew the friendship which formerly existed.

7. Agreeable to your wish, I shall place all your grievances before the Foreign Office, but cannot hold out any hope that you will be compensated for the loss of your arms.

8. I shall also mention your wish to have Ja Ja back again. However as H.M. Government has refused to allow him to return to Opobo, notwithstanding the numerous petitions received by the Foreign Office. I do not believe your petition will have much effect. Should Ja Ja return it will be solely through the clemency of her most gracious Majesty the Queen and not on account of your or any other petitions.

9. In conclusion, I request you to keep your houses and streets in proper repair and dance and "play" as you did formerly. There is no cause for you to be dejected in future if you only do the few things I ask you to do. I repeat that if you behave like sensible men and obey the Consular Orders there will not be the slightest trouble between us and I shall do all in my power to make you happy.

I remain,

Your friend,
(Signed) George F. Annesley
Acting British Consul.

PUBLIC RECORD OFFICE

COPY

FO 84/2020

No. 32 Her Majesty's Principal
Secretary of State for
Foreign Affairs.

British Consulate
Old Calabar

My Lord,

August 13, 1890

I have the honour to report that I have appointed, subject to your Lordship's sanction, Mr. Johannes Gierl Acting Consular Agent at Opobo.

My reason for doing so, is that a Consular Officer is much needed there on account of the dangerous bar at the mouth of the River, several ships having been wrecked there.

Besides a Consular Agent would be of great service to me by keeping me informed of what is going on in the District and facilitating my intercourse with the natives.

Mr. J. Gierl is very much esteemed on the Coast where he has resided for many years. Although a German he is Permanent Chairman of the Agents of the African Association and was unanimously elected President of the Governing Council by the Agents of all the Opobo Factories. He is as popular with the natives as he is with the Traders, being a very just and kind-hearted gentleman.

His appointment as Consular Agent would be especially advisable in case of Ja Ja's return to Opobo.

I have the honour to be,

My Lord,

Your Lordship's Most Obedient,

humble Servant

George Annesley.

**PUBLIC RECORD OFFICE
COPY**

(Pursuant to Statute 6 & 7 Elizabeth II, c.51)

SHEET NO.
Foreign Office

General Correspondence:
Slave Trade.

FO 84/2020

BRITISH PROTECTORATE OF THE OIL RIVERS

REGULATIONS

FOR MAINTAINING PEACE AND ORDER IN THE
DISTRICT OF OPOBO

1. Every Agent or person in charge of a Factory is responsible for maintaining peace and order on his beach, and is therefore empowered to inflict punishment on his employees for trivial offences as heretofore.
2. Any trouble or difficulty arising between employees of different Factories, no matter what their nationality, will be settled by the Governing Council.
3. Cases brought before the Governing Council wherein British Subjects or Kroobos solely are concerned must be tried by the European Members only.
4. The Members of the Governing Council are appointed and can be removed by Her Majesty's Consul.
5. At present the Governing Council is constituted as follows:

President - J. GIERL

European Members
F.D. MITCHELL
ROBERT FOSTER
A.B. HALLOWELL
W. BRUCE
R.N. WILLIAMS
ARTHUR C. HEWITT

Native Members
CHIEF COOKEY GAM
" JOHN AFRICA
" FINE BONE
" OGOLO ANNIE PEPPL
" JOHN BLACK FOBRA
" OKO JA JA
" SAMUEL TOBY

6. The Governing Council has the general duty of assisting Her Majesty's Consul by its advice and the special duty of carrying out Consular Orders with a view of preserving the peace and keeping the Rivers and Creeks open for Trade.

The Council should have the welfare of Opobo at heart, and therefore, whenever an occasion may arise, offer suggestions for new Regulations, &c., in the interests of the District. Accordingly the construction of highways and the maintenance of other means of communication, or similar improvements tending to benefit the community at large, should come within the scope of the deliberations of the council.

7. In a similar way as every Agent is responsible for peace and order being maintained on his beach, every Native Chief is responsible for the good behaviour of his "boys", and therefore also has the power to inflict punishment on the members of his House for trivial offences.

8. Any difficulty that may arise between the members of two or more Native Houses should be settled by the Chiefs of these Houses. If the difficulty cannot be settled by these Chiefs, then the case should be brought before all the Chiefs of Opobo. Should they also not succeed in arranging the matter, then the case should be referred to the Governing Council for settlement.

9. The Governing Council has to settle, amicably if possible, all difficulties that may arise between Europeans and Natives.

The Council is therefore empowered to hear in court minor civil action and criminal charges.

10. No case in which natives or native interests are involved is to be tried or decided by the Governing Council without due notice having been sent to the Native Members of Council, so that an opportunity may be given them to attend. If they absent themselves from the meeting of the Council after receiving this notice they can raise no after objection to the decision or verdict of the council which has been given in their absence.

11. The verdicts and decisions of the Council shall go by majority of votes, the President to have the casting vote.

12. Three Members will constitute a quorum.

13. Appeals from the decision of the Governing Council may be made to Her Majesty's Consular Court at Old Calabar under the following conditions:

- a. The appeal must be made to Her Majesty's Consular Court not less than fifteen days after the decision upon which the conviction or order was forwarded.
- b. The appellant must, within seven days after such decision, serve on the other party and on the President of the Council notice in writing of his intention to appeal, and of the general grounds of such appeal.

- c. The appellant must, when giving the notice of appeal as above directed, deposit with the Governing Council the full amount of such fines and costs as the Council may have sentenced him to pay; and he must further enter into such recognisance as Her Majesty's Consular Court may direct pending the hearing of such appeal.
- d. When the appellant is in custody, the Council may, should it think fit, release him, on his entering into such recognisance or giving such security as may appear adequate to ensure his presenting himself for the hearing of the appeal. As the same time, the Council may, at its own discretion, direct the appellant to be held in custody until the appeal has been heard in Her Majesty's Consular Court.

14. No fine can be inflicted by the Governing council which exceeds Ten pounds, nor corporal punishment to a greater extent than fifty lashes. Corporal punishment should, however, only be resorted to when other measures have failed to have the desired effect.

15. In the event of any case being brought before the council wherein after conviction it appears to the majority of the Members that a penalty exceeding those already mentioned should be inflicted, the case must first be submitted to Her Majesty's Consul, and only after obtaining his written sanction will the Council be enabled to award and carry out the increased penalty.

16. The costs of hearing cases in Court by the Council are not to exceed the rate of thirty shillings per day. This does not include the Costs of Summons, which are four shillings each.

17. The Accounts are to be kept in pounds, shillings and pence, and all fines, Fees, &c., to be paid in cash.

18. At the expiration of every quarter the President will make up an account of the receipts (fines, fees, &c.,) and expenditure of the Council during the past quarter.

19. Until it has been decided what remuneration the President is to receive, all Fees, Fines, &c., collected by him shall be retained by him in order to compensate him for his clerical expense and the loss of time incurred by him in his capacity as President.

20. The business transacted should be entered into the court Books at the time of transaction.

21. The Council will meet whenever it is found necessary to do so at the house of the President.

22. If a Member resigns, the President will report the fact to Her Majesty's Consul, at the same time submitting the name of a new Member for the Consul's approval. Any Member who absents himself for a longer period than three months will be considered to have resigned his appointment.

23. If the President intends absenting himself for a longer period than three months, he will give notice of his intention to Her Majesty's Consul within reasonable time to enable him to appoint another Member in his place. The President will at the same time submit the name of his successor for the Consul's sanction.

24. The President of the Governing Council will without delay report to Her Majesty's Consul any attempt to infringe the Order of October 20, 1887, prohibiting the importation, sale, or purchase of Machine-guns, Cannon, Breech-loading Rifles, Guns, Bullet-cartridges, &c.

25. The President of the Council should likewise report any attempt to export slaves.

26. The President will collect the Comey every three months and forward the amount to Her Majesty's Consul.

27. The President will likewise collect the Manifests and keep them filed for reference.

28. The President will act as Postmaster in the sense that he is empowered to open the mail-bag and distribute the letters on board the mail steamers as soon as they shall have arrived. Two pence may be charged for each letter newspaper, parcel, &c., if there is no one authorized to receive them at the time the mail-bag is opened.

If the mail-bag arrives in a canoe from Bonny the President will hoist the usual flag as soon as the mails have reached his beach. Two pence will have to be paid for every letter, &c., that is not sent for within one hour after the flag is hoisted.

29. Whenever Her Majesty's Consul is absent from Opobo, the British consular Agent will act in his place.

GEORGE F. ANNESLEY,

Acting British Consul.

OLD CALABAR, September 1, 1890.

SECTION C

YEARS OF CONFLICT AND CRISIS

Part III

THE DEPORTATION AND TRIAL OF JAJA: REACTIONS TO BRITISH DECISIONS

The account of the deportation, trial and treatment meted out to Jaja as the leader of the Opobo Experiment has been given in various extant and authoritative works and so need not delay one here¹. The documents in this part of this book are important for at least three reasons. First, they show that the Opobo Experiment, though its main objectives were not immediately successful, had left examples which later ruined Colonialism, British interests and efforts in the Niger Delta. For example, the direct overseas trade championed by the Opobo Experiment was readily adopted for practical application everywhere as a part of the new African economic and commercial practice. The Consul could not halt it. It took the direct intervention of Admiral Sir Walter Hunt Grubbe, the Commander-in-Chief of the British West African Squadron to impose a ban on it indirectly through prohibitive tariffs. A copy of his address to the Chiefs of the Oil Rivers Protectorate assembled in Bonny on 12th December, 1887 is also enclosed here. He left no one in doubt that the British forces had won a success over the Opobo Experiment. He assured the assembly:

I do not believe that such a meeting as I have convoked today has ever before taken place in Bonny. I see before me representatives of the Church Missionary Society, Agents of all the European firms trading in the Protectorate. The important Chiefs of Brass, New Calabar (*Kalabari*), Okrika, Bonny and Opobo met in a friendly and orderly assembly to hear what I have to say representing the affairs of this Protectorate. I trust that this mass meeting is of good augury that having now for the first time met together as friends you will never again meet in enmity.²

He seized the same opportunity to announce the main item on the agenda for that day - the deposition and exile of Jaja after a "patient and careful inquiry." He also announced that an important change was taking place in the Government of the Protectorate. The Consul had been authorized to inaugurate a series of Governing Councils in the more important rivers. Those in Old Calabar, Opobo and Brass had already been established. Bonny and rear Calabar (*Kalabari*) would soon follow.³

Another issue of importance could not escape mention on that occasion with all the emphasis Grubbe could place on it. The issue concerned

largely the fate of the African Model for implementation of the free trade policy introduced by Britain. In the British model of free trade, whitemen, their factories and companies were to handle entrepreneurship of African produce and carriage-by-sea transactions to the exclusion of black men or African entrepreneurs. The African on the Coast and their customers formed trade links and adopted an alternative method of dealing with the new free trade policy. African businessmen, decided, following the example of the Opobo Experiment which had sparked off trouble, to purchase and ship produce direct to Britain. This brought about a reprimand from the British Government expressed through Grubbe, in a subdued tone in the following words:

With regard to natives of the Protectorate trading direct with Europe, I have to inform them that they are at perfect liberty to do so, but all persons, Kings, Chiefs, natives or foreigners exporting oil and kernels from the Protectorate will have to pay comey alike; that is to say if King George of Bonny or Chief Ogolo send oil home to England they must pay the same comey on it per ton, as would any European Agent in the Rivers.⁴

Africans were now to pay comey where the British alone had been paying. African Sovereignty had been taken over by Britain and so also the right of collecting tariffs on rivers and seas in Africa. But, did the word "foreigners" include British nationals in the Protectorate? Even if it had included them, the African exporters were henceforth placed under inhibitive charges imposed on them by British officials in an effort to leave the African produce trade and freight in the hands of British traders and businessmen.⁵ As events proved, British efforts and initiative did not last for long.

Grubbe also bade them a farewell on the same occasion before he left the Coast of West Africa.⁶

The articles and rejoinders in the West African papers and magazines of 1888 are not only interesting but, they are also provocative. Some of them have been included in this part of the book as evidence of the sort of debate that went on about the Opobo Experiment and the fate of its leader, Jaja.⁷

However, considering later development, little did Hunt Grubbe and the British realize that their victory would be ephemeral.⁸

Copy
Memorandum
of
Admiral Sir Walter Hunt Grubbe's
address to the chiefs of the Oil Rivers'
Protectorate assembled in Bonny,
12th December 1887

Gentlemen,

I do not believe that such a meeting as I have convoked today has ever before taken place in Bonny.

I see before me representatives of the Church Missionary Society, Agents of all the European firms trading in the Protectorate. The important Chiefs of Brass, New Calabar, Okrika, Bonny and Opobo met in a friendly and orderly assembly to hear what I have to say respecting the affairs of this Protectorate. I trust that this mass meeting is of good augury that having now for the first time met together as friends you will never again meet in enmity.

You will no doubt have heard the immediate reason of my visit to this part of my district; I was requested by H.M.'s Government to proceed to Accra in order to enquire into the causes which had led to King Ja Ja's removal from Opobo, and pronounce a decision as to whether it was expedient that Ja Ja should be allowed return:- After giving three days to a patient and careful inquiry during which Ja Ja had the advantage of legal assistance, I found the greater part of the charges brought against him were proved, and I inflicted on him the following sentence:

1. King Jaja is deposed, and is no longer King of Opobo
2. He is to leave the West Coast of Africa and take up his residence in one of the four undermentioned places:
The Cape Colony, West Indies, St. Helena or Ascension.
3. He is to receive an annual pension, independent of his personal property, of 800 a year.
4. No person will succeed Jaja as King of Opobo; the country will for the future be ruled by the Governing Council under the supervision of H.M. Consul.

It has not been without considerable reluctance that I have felt myself called upon to pass this severe sentence on King Ja Ja, exiling him from his country and deposing him from his Kingship, but the step was rendered imperative by Ja Ja's repeated breaches of Treaty obligations and his resolute disregard of

advice from H.M. Consul and from the various Naval Officers who were deputed by me to visit the Opobo river. Let what has befallen Ja Ja, therefore be a lesson to the Chiefs of the Oil River Protectorate. As long as they act loyally towards the British Authorities they will receive the support and assistance due to all under the gracious protection of Her Majesty the Queen, but I can assure them that H.M.'s Government will resolutely punish any further attempt on the part of the chiefs or natives of the Oil Rivers to attempt any further opposition to Consular Authorities to interfere with free trade.

An important change is taking place in the Government of the Protectorate. The Consul is instituting a series of Governing Councils in the more important Rivers. Those in Old Calabar, Opobo, and Brass are already established. Bonny and new Calabar will soon be added to the list. These Councils composed as they are, of Native Chiefs and European residents in equal proportions will I trust prove, at any rate, the beginning of a stable system of local government. They will be under the immediate supervision of the Consul and will prove no doubt a valuable auxiliary to him in administering the affairs of this wide Protectorate. I desire that all shall accord to them their loyal support and it will give me pleasure to learn that your influential chiefs are taking an active and intelligent share in the government of the country.

I now wish to speak to you about the markets. From and after the 1st of January 1888, the markets throughout the British Protectorate will be thrown open without any reservation whatsoever, for all to trade in alike. That is to say that after Christmas time, Bonny men may trade in Opobo markets, Opobo men may trade in Bonny markets, new Calabar shall trade at Endelli, and Bonny at Obiatubo. Everybody shall trade wherever they will in the Protectorate without let or hindrance.

With regard to natives of the Protectorate trading direct with Europe, I have to inform them that they are at perfect liberty to do so, but all persons, Kings, Chiefs, natives of foreigners exporting Oil and Kernels from the Protectorate will have to pay comey alike; that is to say if King George of Bonny or Chief Ogolo of Opobo send oil home to England they must pay the same comey on it per ton, as would any European Agent in the Rivers.

From what I have seen and from what your Consul tells me, I consider the present condition of the British Protectorate of the Oil Rivers more satisfactory than it has been for a considerable length of time. The Chiefs of Brass have evinced a marked determination to follow the Consul's advice, and have responded well to his efforts to introduce better Government into the country. I am pleased to learn that the Bassambri people have paid their share of outstanding fines and I trust the Balamambri side will follow their example. It is encouraging to know that the chiefs of new Calabar are endeavouring to develop the natural riches of their country, the camwood, gum, and rubber. The Bonny Chiefs deserve especial commendation from their quiet behaviour and general disposition to be guided by the Consul's advice - at the same time the various chiefs and people of this protectorate are far from being faultless. The

Brass chiefs behaved very badly in stopping Mr. de cardi's hade, and the new Calabar chiefs are remarkable as being obstinate debtors - such men as *King Amakri*, *George Amakri* and *John Bull* have owed small sums for a long period and will not pay them Commercially speaking they are a shame to their country. *Will Braid* is nearly as bad. In Bonny also there are, I understand, many wealthy chiefs, who are endeavouring to shirk the payment of their debts. With regard to Bonny, I cannot let this opportunity pass without expressing my astonishment and indignation at the attempt which was recently made by Bonny people to sever the cable of the Telegraph Coy. Had this attempt succeeded, such a punishment would have been inflicted on Bonny town by the Consul as would not soon be forgotten. I shall expect to hear that the chiefs of Bonny have discovered and brought to justice the persons who attempted to cut the wires. I am pleased to see the chiefs of Okrika here today, but I trust they will make a resolute endeavour to put a stop to the disgraceful cannibalism which still prevails in their country. I shall be glad to hear that this odious custom is extirpated. I also hope the chief and people of new Calabar will give up their ridiculous and childish superstitions by which nearly all useful articles of trade are made 'ju ju' and forbidden. If they would only put 'ju ju' on rum, gin, and gunpowder, I would not mind, but when they put 'ju ju' on cooking grapes, and plates, and fruited cottons, it is time such rubbish was put a stop to.

In conclusion, gentlemen, I repeat that my farewell visit to the Oil Rivers has afforded me pleasure and interest and I take leave of you in the full hope that you are contributing by your own efforts to an era of prosperity greater than any you have yet known.

JAJA, AN AFRICAN MERCHANT PRINCE
SIR WILLIAM NEVILL M GEARY
WEST AFRICA - 14th January 1888

The story of Jaja and his deportation illustrates the extinguishment of the old trading system in the Niger Delta. The facts can be gleaned from the Jaja Blue Book Parl. P. 1888, Vol. 74 (C. 5365), questions in Parliament, and the records in the Foreign Office.

The tragedy of Jaja dramatizes some characters and an inexorable fate worthy of the Attic stage. The victim is the African merchant prince struggling hopelessly with the march of civilization against forces whose strength he could not measure, and herein the characters play their part. There shines the noble statesmanship of Lord Salisbury, Prime Minister of England, in all the pride of power, race and intellect, applying twice his wisdom to the far-off problem of this trading chief caught up in the machinery of Empire, and what the Premier wrote is worthy of England at its best. The acting-Consul is a vigorous figure of the 'man on the spot', keen and active for the progress of trade and the development of the country, and restive under interference from Downing Street; the Admiral, a kindly, fair-minded naval officer, but no lawyer, and misunderstanding the issue referred to him; and in the mellow epilogue Sir Claude MacDonald acts generously and wisely as a soldier and a gentleman to a fallen foe; and, lastly, the typical British merchant, Mr. G.W. Neville, exemplifies the Englishman who extends British trade and wins the confidence of the Native by sympathy and inherent intelligence and common sense.

Lord Salisbury, the Prime Minister and Foreign Secretary, did not approve of the proposed deportation. A cable from the Acting-Consul, H.H. Johnston, asking leave to deport Jaja, crossed a cable from the Foreign Office, which was naturally read by that official as an authorization. Having been carried out, it was ratified.

The deportation of Jaja, in September 1887, was the first signal act of authority after the proclamation of the Protectorate, and was carried out by Acting-Consul H. H. Johnston.

Bonny River was the great oil market. The titular king of Bonny was Peppie, but the two great trading chiefs were Oko Jumbo and Jaja. In September 1869 Jaja and a portion of the Bonny people left Bonny and established themselves at Opobo, in the Andony country. Jaja was officially recognized as King of Opobo. Jaja was recognized as having the exclusive right to the Andony oil market as broker and trader.

Jaja was originally a slave of the Pepple House, but by his ability and industry he rose to wealth and freedom. After he had removed from Bonny, enfranchised himself and set up at Opobo, he acquired a commanding position. He had a fleet of 50 canoes armed with breech-loading cannon and rifles. Jaja could speak English well, and according to Consul Johnston's description, he exercised a generous hospitality to the naval officers and traders, his demeanour was marked by quiet dignity, and his appearance and conversation were impressive. His correspondence with the Secretary of State and the Consul displays admirable diplomatic ability in stating his case.

He was a middleman, but, as Sir John Kirk in the 'Brass' Blue Book points out, that is no disparagement, as the Liverpool merchant is also a middleman. After his removal to Opobo from Bonny, Jaja prospered greatly. Disputes took place between Jaja and the Bonny people, which were settled by Consul Livingstone's treaties of 1873.

Jaja, like all the Oil River trading chiefs, sought to establish a monopoly over as wide an area he could control. His boys (i.e., slaves, but domestic slaves and well treated) went up the river and bought oil from the actual producers. The actual producers were not allowed to meet the European buyers (i.e., the supercargoes and agents in the hulks and factories at the river mouth), and the Europeans were not allowed to go up-country to deal direct with oil producers.

This system of exclusive and compulsory brokerage may be a bad system, but it was the course of trade which had existed ever since the abolition of the slave-trade and legitimate commerce in palm-oil began. It existed throughout all the rivers, and in particular at Bonny, before Jaja left Bonny. Jaja was brought up in this system of trade, and carried it on like other trading chiefs, but with greater method and success. He had force at his command to support his monopoly and to suppress any interference. He never killed - he would not have dared to kill - any European; that, he knew, would have resulted in a punitive naval expedition. But if an European firm attempted to go up the rivers and trade direct, he could put pressure on the oil producers, and this invariably was successful in the long run in stopping the trade. Against the Natives he would, if necessary, use force of arms, but the terror of Jaja was usually sufficient to enforce the boy-cotting of the trader, and the picketing - peaceful or otherwise - of any Native who attempted to trade with the European agent.

This was the custom of the trade, and this custom was, as regards Jaja, to some extent legally recognized by the British Government. By the treaty of 1873 the Bonny people were given the exclusive right of six

markets, and Jaja had the exclusive right to Opobo River, according to Consul Livingstone's letter of 15 July 1873. Between Old Calabar River, which was entirely outside Jaja's sphere, and Bonny river, which he had left, were three rivers - Andony or Antonio River, between Bonny and Opobo, Opobo River, and the Qua Ibo River, between Opobo and Old Calabar. As Jaja increased in wealth and power he endeavoured, in 1881, to extend his monopoly to the Qua Ibo country by force of arms, killing those who resisted him, but the British Government would not allow this, and Jaja was fined.

But Jaja's title to Opobo River was not questioned, and he received 'comey' as a ruling chief and other 'dashes', 'toppings' and 'shake-hands' - various forms of presents or commissions. In 1884 Consul Hewett was negotiating treaties with the chiefs whereby they were to accept British protection, and the efforts of foreign Powers would be excluded.

Consul Hewett, on 1st July 1884, wrote to Jaja:

I write, as you request, with reference to the word "protection" in the proposed treaty, that the Queen does not want to take your country or your markets, but at the same time is anxious no other Natives should take them. She undertakes to extend her gracious favour and protection, which will leave your country still under your government. She has no wish to disturb your rule.

After this, on 19th December 1884, a treaty of protection was signed by Consul Hewett with Jaja, wherein a proposed sixth article 'The subjects and citizens of all nations may freely carry on trade in every part of the territories of the kings, chiefs, parties thereto, and may have houses, factories therein' was by Article 9 expressly expunged.

Jaja stipulated for the monopoly of his river, and to this the British Government, according to the above-cited official document, agreed: at all events, implied. This was Jaja's impression.

But in February 1885 the General Act of the Conference of Berlin, to which Great Britain and all the other Great Powers were parties, by Articles 26 - 33 declared the freedom of navigation in the Niger and its affluents, and it was laid down that no exclusive privileges of navigation should be granted to companies or private persons. This freedom of navigation was excellent in principle, but inconsistent with Jaja's treaty rights. Moreover, under the charter granted in 1886 to the Niger Company, freedom of navigation became practically impossible, not by reasons of the charter, but by the way it was worked by the company.

However, this principle of freedom of navigation was strictly and instantly enforced against Jaja for the benefit of the European mer-

chants. The first notice of it to Jaja was on 3rd June 1885, from Acting-Consul White. On the proclamation of the British Protectorate, on 5th June 1885, the European agents proceeded to go up the river to the Native markets, and Jaja sent an agent to hinder their trading and to prevent Natives selling to them.

The intervention of the Consul was requested, and on 24th March 1886 Mr. Hewett decided, on the strength of the Berlin Act, that the merchants were in their rights to go to the markets. Jaja appealed to the Secretary of State, and for the next eighteen months correspondence went on between the Foreign Office and Jaja, while the situation became even more acute. The correspondence was sometimes between the Foreign Office and Jaja direct, and sometimes through the Consul, as set out in the Blue Book of 101 pages.

In January 1887 Consul Hewett decided that there was no longer any obligation to pay 'comey' to Jaja, in consequence of the Protection Treaty. But at Brass the chiefs still received 'comey' down to 1888, when it was changed into an export duty, the proceeds whereof the chiefs shared. The 'comey' at Brass, by the treaty of 17th November 1856, was for two-masted ships two puncheons' worth of goods, and for three masted ships three puncheons' worth, payable to King Mayo and King Orishuma.

Another ground that was alleged why Jaja had lost his right to 'comey' was that he was shipping oil direct to Europe on his own account, and so competing unfairly with the European traders, who paid 'comey'.

Whatever the merits of the dispute, the abolition of 'comey' was a substantial loss of income to Jaja, and an interference with his vested rights, long enjoyed, which he never anticipated. Jaja, besides corresponding, now sent a deputation to Europe consisting of Cookey Gam, Shoe Peterside, Albert Jaja and Sunday Jaja, who had an interview with Sir James Fergusson, the Under-Secretary of State, on 13th September.

The Acting-Consul warned Lord Salisbury against Cookey Gam as one of the bitterest and most unscrupulous opponents of the extension of British trade to the markets of the interior, and related that he had forced many of the Native tribes to swear they would do no trade with white man. Cookey Gam was a man of weight in the oil rivers, but when confronted at the Foreign Office with that Scotch-ex-Guardsman, Sir, J. Fergusson, he confined himself to certain 'disjointed and incoherent utterances'. But an European gentleman, Mr. G.W. Neville, who knew and was on friendly terms with Cookey Gam, describes him as of very pleasing and gentle appearance, and ordinarily not hostile to Europeans.

In July 1887 there arrived a young and newly appointed official of great energy, Mr. H.H. Johnston, who was Acting-Consul. He held a meeting at Opobo on 28th July, where Jaja, with all his chiefs and all the white traders, were present, whereas Jaja admitted that he had caused the people of the interior 'chop ju ju' (to sweat a solemn oath) to trade exclusively with him and his people.

The Acting-Consul Johnston went up the River Opobo for three full hours to a village called Ohombela, on an affluent of Opobo River.

Now, if Jaja had any right to the Opobo markets, this would naturally include markets situated on affluents of Opobo River other than lateral creeks communicating with rivers having a separate sea mouth. But as regards Ohombela itself, it had been Jaja's market in 1882, as is evidenced by a despatch from Captain Craigie, of H.M.S. Flirt, with my enclosed, dated 1/10/1884, which had been forwarded to the Foreign Office. Jaja and the Opobo chiefs had trading stores at Ohombela. Their men, when Consul Johnston arrived, gave notice to Ohombela people not to speak to the Consul, and they accordingly ran away into the bush, and the village was deserted.

Mr. Johnston was now very angry with Jaja, whom he officially describes as a 'grasping, unscrupulous, overbearing mushroom king', a 'swaggering bully', a 'grasping ruthless, overbearing ex-slave'. No doubt Jaja's motive was his own profit, but the European firms who opposed him were equally self-interested, and had lately been defeated by Jaja in an attempt to form an oil-buying 'pool'. In 1883 and 1884 the price of oil rose, and the six merchants made an agreement not to pay more than a price fixed by themselves. Jaja defeated this commercial combination by himself shipping oil direct to Europe, and subsequently detached one of the combination - Messrs Miller Bros - by giving them all his trade, while the other five did no business.

After leaving Ohombela, Acting-Consul Johnston went up another creek, Essene, which communicates with Qua Ibo River.

On his return to Opobo, Mr. Johnston, with two naval officers, Captain Hand and Captain Pelly, had an interview with Jaja, who gave up all claim to Essene Creek, but maintained his right to Ohombela. Consul Johnston threatened to send for men-of-war, and Jaja, yielding to force, signed, on 5th August 1887, an express submission to free trade in the markets, and undertook to send up a big chief to Ohombela 'to break ju ju', i.e. to release the people from their engagements to trade with him. At the same time, Jaja raised an express protest, verbal and in writing, against what he had been compelled to sign, and wrote to Lord Salisbury. Nevertheless, Jaja, though with some reluctance, sent his agent, Ogolo,

with Consul Johnston to break *ju ju*. Ten days later, Consul Johnston again went to Ohombela and found considerable opposition. On his return he forbade all British subjects to trade with Jaja, under a penalty of £500, a totally illegal action. Jaja pointed out that Consul Johnston was residing and holding meetings at Messrs Harrison's factory, a firm who were Jaja's trade rivals. Consul Johnston's next step was to return to Ohombela and make a free trade treaty with the King of Obako, who, according to Johnston, exercised a kind of sovereignty over Ohombela. Johnston gave the King of Obako a present.

Consul Johnston and Jaja were at arm's length, but Jaja, though bitterly opposed to Mr. Johnston's actions, took no open, direct action.

Acting-Consul Johnston made an order against Jaja that there was to be absolute free trade at Opobo for white and black, and that Jaja should surrender a beach at Ohombela.

Johnston cabled his reports on 19th August to the Foreign Office, thus:

Through Jaja's actions, agreement with us markets broken. Obligated prohibit Jaja trading until fulfil engagement.

The papers now came before the Prime Minister, Lord Salisbury, who personally considered the matter, and on 29 August 1887 wrote as follows:

I gather from these papers that Jaja is a sovereign holding a strip of coast near Bonny, and a river called Opobo, which gives access to further creeks and lands in the interior. With respect to this territory of Opobo, there is no complaint, but higher up the river is a place called Ohombela, with which European merchants have never traded yet, but with which they desire to trade. An attempt on their part to open trade with this place was met with a refusal by the king of it, who stated that it was in the dominion of Jaja, who had forbidden any intercourse with Europeans. A number of Jaja's soldiers, armed with rifles, were seen in the place. Some of the apparently subordinate chiefs intimated to the merchants that nothing but Jaja's prohibition prevented them from trading.

On this it is recommended that two gunboats should be sent to Opobo; that the captain of one of them, carefully concealing his intention, should summon a meeting of Jaja and other chiefs on board his vessel, and then, when he had got him there, should carry him off the sea and deposit him in some place which is not named. It is suggested that the other gunboat should remain, in order to see that due access is given to the people of Ohombela to the merchants who wish to trade there.

I am unable, from the papers before me, to see what cause of complaint we have against Jaja. If we are to proceed according to any rule of international right, he is evidently sovereign or suzerain of the place Ohombela, and the prohibition to trade with Europeans is a matter perfectly within his discretion. It is said he is contravening the stipulations of a treaty made in 1873. I can find no provision of that treaty which is contravened by the action that he has taken in this instance. It is said he is acting against orders that were transmitted to him in a despatch of Lord Rosebery's last year. This would hardly be a sufficient ground of action unless we are satisfied that the orders were such as this country is entitled to carry out by force. But I cannot see that he has resisted the directions given in Lord Rosebery's despatch. That despatch is directed against the practice of using the position at the mouth of the river to intercept the trade going up through that river to the interior. If this had been Jaja's proceeding, our course would have been very clear. He could not be allowed to stop a natural waterway. But this is a very different thing from prohibiting access to territories which are confessedly under his control. I cannot at present see that we have any cause of war against Jaja. The course of action which is proposed by Consul Hewett¹ would be open to great exception, even if we had a cause of war against this chief. To invite a chief on board your ship, carefully concealing the fact that you have any designs against his person, and then, when he has put himself in your power, to carry him away, is hardly legitimate warfare, even if we had a right to go to war. It is called "deporting" in the papers, but I think this is a euphemism. In other places it would be called kidnapping.

I append a letter from Admiral Hood, the First Sea Lord of the Admiralty, showing that if necessity or cause arose for hostile measures, they would be attended with some difficulty and probably some expense. The climate would practically forbid the employment of any but black troops for the purpose. But I see no ground for hostile action so far as my present information goes. I think it would be better to request the admiralty to send a gunboat there, with instructions to demonstrate with Jaja and obtain such relaxation of his restrictions as can be done by negotiation. The Commander should, however, unless under some unforeseen necessity, be precluded from taking any aggressive action without further orders.

After writing this Lord Salisbury went abroad to the Continent, but the papers were sent to him again for a second memorandum, and on 9 September 1887 he wrote as follows:

Nothing in the memorandum of the Department or in the papers sent with it, throws any light on the most important issue, namely, whether Jaja is in any sense ruler of the territory of Ohombela, from which he

¹Johnson?

excluded our trade. If he is ruler, then assuming we are dealing with him according to strict law, he is in his right. If he is not ruler, and is merely making use of his power as a waterside king to stop the highway, then he is in the wrong. I have not the papers here, but I recollect that in the statements of the merchants it was said that the traders who tried to go to Ohombela were met by the king of that place, who informed them that he had been there by Jaja, and that "Jaja had made and owned the land". This, if true, seems to me an indication of de facto dominion, and any discussion about his title becomes irrelevant. De facto dominion is the only thing of which we can take notice, for none of us are learned enough to determine the legitimacy according to Native law of a Guinea king.

The only thing that is to be done under the circumstances is to task the Admiralty to send a gunboat, that the captain should be instructed to inquire into the case; if there is any evidence of an attempt to block the highway, that he should inflict whatever punishment he can, and thinks right, but that if Jaja's actions had been confined to excluding us from countries which are under his control, that then he should negotiate and make the best terms he can, and that in all matters he should act upon his own judgment, and if in doubt, refer to his superior officer. I am not satisfied with the entire impartiality of Consul Johnston's judgment, although he has gone less astray than Consul Hewett, but I think his actions may be approved by telegram, and that he should be informed at the same time of the application: we are making to the Admiralty.

As the Foreign Office pointed out:

Jaja is the ablest of the coast middlemen. He is a man of energy and considerable ability. The African traders of Liverpool who support the middlemen of the Brass River against the Niger Company wish to break Jaja in order that they may trade freely in Opobo and Eboe Creeks. In each case they follow their own interests, but if Jaja clashes with those interests, it does not follow that he is criminal for acting in the manner for which the Brass men are approved. The traders wish to throw the trade open, and penetrate into the interior; he wishes to keep his middlemen's profits; he is sharp enough to hold his own with the Europeans, and powerful enough to overcome the Natives in the interior. We consequently fall back on Hewett's recent treaty of 1884. Now as to this, it is the fact that Jaja refused to sign the clauses admitting foreigners to freedom of trade and settlement. so that the clause is not in the treaty which he signed. Under these circumstances it would be hardly consistent with good faith to act absolutely as if he had signed. Our course has been quite consistent. We have said, the Livingstone treaty being abolished, we insist on the rights of free passage to the interior, of free transit and free shipment of goods in transit; as regards

the produce of your own territories and settlements, you have freedom of action. His envoys claim that all the interior markets, known as Eboe, belong to him. Hewett and the traders say he has no markets at all. A Commission should be appointed to ascertain what the actual territory was at the time of the Hewett treaty. I do not believe, in present circumstances, in deportation; he has done no act to justify permanent imprisonment.

The memorandum of Lord Salisbury, written from the Continent on 9th September 1887, was transmitted to Acting-Consul Johnston by a cable despatched on 12 September 1889, at 3.45 p.m.:

Your actions with regard to Jaja approved. Further instructions will be sent after communication with Admiralty.

The cable was in effect an order to Johnston to 'mark time'. But meanwhile since the cable of 19th August 1887 from Johnston, there had been ever-increasing friction between the Consul and Jaja, and on 12th September 1887 Johnston sent the following cable to the Foreign Office:

Ask immediate permission remove Jaja temporarily Gold Coast. Organizes armed attacks, obstructs waterways, markets. Intrigues render this course imperative. Despatch following explains. Ask Admiralty telegraph assistance.

This cable from Johnston was received at 3.55 p.m. on 12th September 1887 at the Foreign Office; i.e., ten minutes later than the above-quoted cable sent from the Foreign Office to Johnston.

When this cable was received, it was too late to stop the cable sent ten minutes previously, though, of course, there was time to send another explanatory cable, but this was not done. Acting-Consul Johnston naturally interpreted the cable from the Foreign Office, despatched 3.45 p.m., as a reply to his cable received, in fact, at 3.55 p.m.; it was not then the practice to number cables.

Lord Salisbury telegraphed on 13th September to the Foreign Office:

Adhere to my instructions already given and execute them. Consul's language and proposals do not inspire me with confidence. Naval Officer will be less under the influence of merchants.

Also, on 13th September, Sir J. Fergusson, the Under-Secretary of State, received at the Foreign Office Jaja's deputation.

Meanwhile, in West Africa, consular action was being taken against Jaja. He was asked to attend a meeting to be held at Messrs. Harrison's factory, Opobo. He refused to attend unless a white man was put in his people's hands as a hostage. This was refused by Acting-Consul Johnston, who wrote on 18th September 1887:

I have summoned you to attend in a friendly spirit. I hereby assure you that whether you accept or reject my proposal, no restraint whatever will be put upon you. You will be free to go as soon as you have heard the message.

But, as the Acting-Consul wrote, after the event, in his despatch of 24th September to the Foreign Office:

Before I left Bonny I arranged with the Bonny chiefs to block with their canoes certain creeks at the back of Jaja's town, so that in case Jaja should attempt to escape into the interior, his flight might be arrested.

Jaja attended with his followers at Harrison's factory; and the Acting-Consul landed with the officers of H.M.S. *Goshawk*, which was on the river.

The *Goshawk* cleared for action, and turned its guns on Jaja's followers.

The ultimatum prepared by acting Consul Johnston was read to him; that he was to leave Opobo at once, and go to Accra to be judged. He was given an hour to decide yes or no, and, if he said no, he was to be warred upon, declared an outlaw and a reward offered for his capture.

Faced with this alternative, surrounded by armed force, and threatened, Jaja surrendered, and was put on board H.M.S. *Goshawk*, which took him to Bonny, where he was transhipped and taken to the Gold Coast.

It was not Lord Salisbury's intention to authorize this course, but no doubt the Consul read the telegram of 12th September, 3.45 p.m. as a reply approving it.

On 21st September the Acting-Consul cabled:

Jaja surrendered. Am now taking him on mail steamer to Accra. Opobo quiet, no fighting. Peaceful settlement. Trade reopened.

The Foreign Office cabled back:

Report by telegraph precise circumstances under which you thought arrest necessary.

Johnston replied, 23rd September:

Jaja preparing escape, strong place interior, where he built houses and stores supplies; able there to throttle all Bonny and Opoobo trade and European building at markets unsafe. Instead of allowing him time to escape summoned him to surrender at discretion, and promised him fair hearing of case by Secretary of State; being unprepared, surrendered; now with me on mail steamer proceeding instantly Accra.

Jaja had no alternative in the circumstances but to submit. But, rightly or wrongly, it was considered that he had been kidnapped.

The Acting-Consul's letter to Jaja was, it would seem, a 'safe conduct', and by military and international law, a safe conduct is not to be converted into a snare; the safety of the bearer is guaranteed, and the guarantee must be allowed time and liberty to depart in safety. The drawing of a cordon behind Jaja and the allowance of one hour for reply, with threats of instant war, allowed neither liberty nor sufficient time to withdraw. Jaja's freedom of action was analogous to that extended by the cat to the mouse.

The Foreign Office, however, did not disavow the Acting-Consul. But it was decided that an inquiry should be held by the naval commander-in-chief. Meanwhile, the Foreign Office, after receiving all Johnston's despatches mentioned in the note and subject to the Admiralty's report, wrote to Johnston that the circumstances fully justified them in ratifying his proceeding.

The allegation to be tried was that Jaja, by the impositions of Juju and by other acts of intimidation, was in the habit of preventing the European agents from carrying out legitimate trade with Native tribes beyond Jaja's rightful jurisdiction. At the same time, Lord Salisbury wrote:

It must, however, be borne in mind that Jaja refused to agree to Article 6 of the treaty when it was negotiated, and that it may consequently be inferred that he is within his rights in denying free trade to British subjects within his actual territory. That privilege, however, does not warrant him in barring the trade to the inland districts beyond his own jurisdiction, such as Ohombela is alleged to be. To this point the inquiry should be specially addressed. The officer who may be entrusted with this mission should, therefore, in Lord Salisbury's opinion, be instructed that if he finds that there is evidence of an attempt on the part of Jaja to block the highway, he should be at liberty to inflict whatever punishment he may deem right, but, on the other hand, should Jaja's action have been confined to excluding trade from territories which are under his control, negotiations should be entered into with a view of securing the most favourable terms for British traders that can be obtained.

Admiral Hunt Grubbe arrived, and, after reading the papers, held an inquiry into Jaja's conduct on 29th November, at Christianborg, Accra, Jaja being present and represented by a Native solicitor, and entitled to call witness.

The points of the inquiry were three:

1. Have you at any time barred the trade to the inland districts beyond your own jurisdiction, such as Ohombela is alleged to be?
2. Have you at any time blocked the highway?
3. Have you, since the Protectorate treaty of 19th December 1884, loyally endeavoured to carry out the provisions of that treaty?

The Admiral tried the case with kindness and impartiality, as was admitted by Jaja and his solicitor.

The first charge he held not sufficiently proved, though there was evidence of complicity.

About the second, he considered it proved, because the Consul's progress was barred by a boom across the Azumena creek. Jaja's men were present, and though they did not actually obstruct so far from helping, they jeered. Jaja's canoes meanwhile passed through an opening.

The third he considered proved by the reluctance of Jaja's compliance with the Consul's order. The Admiral gave the curious further reason that Jaja's sending a mission to England without the sanction of the Consul was a breach of Article 5 of the treaty; considering that the Foreign Office corresponded directly with Jaja, and Sir James Fergusson received the mission despatched this reason seems ill-founded.

Thereupon the Admiral decided that Jaja must be deported for at least five years, and offered him a choice of his place of detention, either Ascension or St. Helena or Cape Colony or a West Indian island, and during exile he was to receive from £800 to £1,000 a year, and his property was not to be confiscated, but administered as he thought fit.

The Acting-Consul's proceedings were formally and finally ratified by the Foreign Office in April, 1888, and the arrest and deportation, therefore, justified as an act of State. The conviction of Jaja seems quite justified by the evidence and commission, considering the form of the inquiry. But the inquiry made by the Admiral was different from that directed by the Foreign Office. He was trying Jaja for doing what Jaja claimed a right to do - asserting his trade monopoly. If the subject of the inquiry had been -

1. Had Jaja a trade monopoly previous to the protection treaty?
2. Did the protection treaty expressly or impliedly recognize this trade monopoly?
3. Was Ohombela within the district of this trade monopoly?
4. If not, did Jaja bona fide believe he had a trade monopoly recognized by the British Government, and that Ohombela was within his district?

The decision probably in the first three points, and certainly on the fourth, would have been in Jaja's favour.

The hardship was all the greater in that in the previous year the charter granted to the Niger Company enabled them to establish an artificial but legally protected trade monopoly, exactly the same in nature, but wider in scope and more profitable, than that for which Jaja was deported. When their charter was abolished, in 1899, they received compensation, and this was how Jaja should have been treated.

It is obvious that a trade monopoly such as Jaja claimed was inconsistent with the British Government, and sooner or later must terminate. But, considering that in the past the slave-trading chief, who sold to the European slavers, had a five years' subsidy from the British Government as compensation in respect of his trade monopoly, which was the local custom, and had in his case been expressly or impliedly recognized by the British Government. Jaja was deported to the West Indies, and though he was most kindly treated, his health gradually decayed, not only owing to change of climate, but from home-sickness, according to the official reports.

No beneficial results came of the deportation of Jaja; on the contrary, suspicion was aroused of the good faith of the Government, as it was generally thought locally at the time that Jaja had been kidnapped by the Consul. In fact, when Nana, in 1896, was requested to come in by Sir R. Moor, he declined, saying 'I fear you go catch me all same Jaja'.

There were grave political risks involved in Europeans going up the creeks. The Foreign Office might support the action taken on broad grounds of duty under the Protectorate proclaimed on 5 June 1885, and under the international obligations of the 'Berlin Act', and the impossibility of a barbarous chief being allowed to bar the highway, having forfeited his privileges by abusing them. And it may be conceded that if Jaja's vested rights under his treaty and the consular letter to him above quoted were irreconcilable with the British Protectorate and British international obligations subsequent in date, still it was politically justifiable to override them under the inherent State Right of Eminent Do-

main, but the exercise of such high right called for deliberate negotiations, compromise and compensation, and only in the last resort force. Apart from such question of abstract right the action taken was premature. For this was a Protectorate without force, which did not protect. The Consul had no constabulary at his disposal to enforce order and punish and protect. Previous to 1891 the Protectorate was an unorganized paper Protectorate. If Europeans did go up the creeks there was a risk of their being killed or assaulted or their property stolen without any means of redress, and therefore it was better that they should not go.

Commercially the result was equally futile, for though the European firms at once proceeded to build factories at Ohombela, the bone of contention, they soon found it a useless expense, and by 1893 the factories were abandoned, the firms preferring to have factories at Opobo only, with the Natives brought their oil. I quote from the report of Vice-Consul W. Cairns Armstrong on Opobo. He held a meeting of all the important chiefs at Opobo:

They expressed their satisfaction in once more having the markets to themselves. They informed me that they worked in connection with the Bónny chiefs, and had bought out the African Association and Miller Bros; that now perfect harmony existed between the European traders and themselves...I then proceeded to Ohombela to see King Ba Ba. I received the most friendly reception from this old chief, who hoped that he had done nothing wrong according to his treaty in allowing the white man to retire from Ohombela.

After referring to the flourishing state and increase of trade on the river, he says:

This improvement, no doubt, is due, to a great extent, to the white trader having left the markets, as undoubtedly the great advantages of working these markets at a profit lies with the middlemen, whose experience of years and cheap slave labour made competition for the white man, with his necessary launches, establishment up country and European employees, almost impossible.

Of this gentle Consul, who succeeded the active and zealous Johnston, Sir Claude MacDonald writes:

A very great deal of their friendly feeling on the part of the Opobo chiefs is due to the personality of the late Vice-Consul and Deputy Commissioner, Mr. William Cairns Armstrong, who fell a victim to the climate on 3 January this year, 1894. He was much beloved by the chiefs, and they subscribed £30 to a monument to his memory.

But to return to Jaja in exile. Considerable interest in Parliament was aroused in his fate, and many questions were asked. At last, in 1891, after he had given assurances in writing that when he returned to Opobo as a private person he would abstain from forming disturbance and conduct himself peaceably and loyally, and after effective Government in the Protectorate had been set up, it was decided that he should be repatriated. But he was a dying man, and on his way back he expired, at Tenerife. Shortly before his death he said: 'If Consul Hopkins had lived there would have been none of this palaver'.

Jaja during his exile had retained the faithfulness and love of Cookey Gam and his other devoted adherents. When the news of Jaja's death at Tenerife reached these men, their wish was that their chief's body should be brought back to Opobo for reinterment. Fortunately, there was then at Opobo, on business for Messrs Elder Dempster, an English gentleman who had the confidence of the Africans, and had been a friend of Jaja's - Mr. G.W. Neville, who afterwards founded the Bank of British West Africa - and he was consulted. Being a man of sense and feeling, he saw the justice and expedience of this consideration for the feeling of the people, and his report to this effect was brought before Sir Claude MacDonald, who at once said: 'I will do this.'

Application was made diplomatically to the Spanish Government and the body of Jaja was returned to Opobo for interment, where there was a ceremonial burial and a monument erected with a statue of Jaja showing force and dignity of character.

Sir Claude MacDonald reported that the arrival of the body of Jaja at Opobo and its identification by his subjects produced an excellent effect, and created a friendly feeling towards the Administration on the part of the chiefs of Opobo. They kept loyally their compact, that if ever they could get back the body of Jaja, buried in Spanish territory, they would give no trouble, but engage in peaceful trade.

The subsequent result still further justified Sir Claude MacDonald's kindly and sympathetic action, and justified his prescience, and the previous suspicion was allayed.

An official, subsequently stationed at Opobo, testified to me:

I knew Cookey Gam, Ojobo and Shoe Peterside well, and they were all of the greatest assistance to me, especially the former. Cookey Gam assisted me greatly at all times; he was essentially an African gentleman. He helped me in every way with information with regard to the Aros. He also found me carriers for the Benin expedition - i.e., to go by sea to

a far country - a thing none of them had done before, as at that time the inland waterways through the creeks between Opobo, Bonny, Brass and Warri were not open. He also supplied me with 100 well-equipped men for an expedition of my own into the interior to deal with a recalcitrant town.

Fortunate is it for the British Empire when white and black can work together, as I have quoted, and blessed are they who, though of difference race, can trust and like each other, and thrice cursed be he, black or white, but more especially white, who does aught to interfere with this good feeling and to disturb the old and well-grounded love of Africa for Great Britain!

A NOTE BY SIR HARRY JOHNSTON

In view of the prominent mention of Sir Harry Johnston in the above article, the editor of *West Africa* sent him proofs, with an invitation to comment. Sir Harry replied as follows:

I am not going to be drawn from the completion of my Bantu and semi-Bantu studies into a futile controversy with Sir William Geary on the Jaja questions. It is sufficient to say that, going by extant records, Sir William's own services in West Africa (Gold Coast) did not begin till 1895, nearly ten years after the leading events in the Jaja controversy had taken place. I am not aware that he ever visited Opobo, which lies some 400 miles east of the Gold Coast. The account here given is far from being a full story. The full story was related in Parliamentary debates in 1888, when the Government's endorsement of action was approved. Jaja was little more than a puppet in the controversy, which was really a Liverpool contention for the establishment of a monopoly in palm-oil export from the Opobo region. The establishment of such a monopoly would have vitiated our engagements with foreign Powers.

Rejoinder No.1
JAJA, AN AFRICAN MERCHANT PRINCE
ALEX A. COWAN
West Africa, 21st January 1888

Sir, - I am sure most readers of West Africa will have been keenly interested in Sir William Geary's article on Jaja, and to those of us who can go back to the 'eighties it must be particularly gratifying to find the disinterested historian summing up the character of Jaja as he has done; but, generous as the estimate may seem, I am satisfied that even now Jaja's memory is not getting full justice.

He was in all respects a big man, and, as I think, Consul Johnston himself said in one of his despatches, was 'born to be a king'. Certainly in his case I should say it is a mistake to speak of him as a 'victim...struggling hopelessly with the march of civilization against forces whose strength he could not measure'. Had he only got fair play and common justice, I am convinced he would have played a great part in the opening up of Nigeria to commerce, and in so doing he would have worked loyally and hand in hand with the British Government. This, too, would have rendered unnecessary many of our punitive expeditions that have cost so much in blood and treasure. I would instance that against the Aros. At the same time, no record of the Jaja case could be complete without something being said of the prominent part played by Mr. George Miller - perhaps Sir William Geary in a future issue may come back to this?

Again, most of your readers must view with regret Sir H. Johnston's decision not to allow himself to be drawn from present studies in order to take part in what he suggests will be a futile controversy. It is to be hoped he will yet see his way to reconsider this decision, and if he reads Sir William Geary's article again, I fancy he will seek to qualify what he has already said regarding Sir William's qualifications for writing the article. In point of fact, most of those I have come across during the past few days look upon it as uncommonly well done.

In any case, Sir H. Johnston has, I am sure, been a bit hasty in speaking of Jaja as a puppet. This is utterly out of keeping with his own previous estimate of Jaja's character.

The veiled reference to 'a Liverpool contention for free trade' and 'a Glasgow movement for the establishment of a monopoly in a palm-oil export from the Opobo region', cannot be left where it is, and now that we are trying to get at historical facts, we must ask Sir H. Johnston to be more definite.

It would also be interesting to many of us to know how any so-called monopoly in one of the smaller rivers in the centre of the Niger Delta could possibly vitiate Britain's engagements with foreign Powers.

I am, yours most truly,
 ALEX A. COWAN

Rejoinder No. 2

JAJA, AN AFRICAN MERCHANT PRINCE

Rev. M.J. Elliot, D.D.

West Africa, 18th January 1888

By his admirable contribution on King Jaja in West Africa for 14 January - confirmed and emphasized last week by Mr. Alex A. Cowan, of Liverpool - Sir W. N.M. Geary has again shown his sympathetic understanding of, and his genuine friendship for, Africa and the African; and, as another of 'those who can go back to the 'eighties', I heartily echo the sentiments of both articles.

Early in 1879, appointed to my first post in West Africa, under the W.M.M.S., I went out in charge of the late Rev. John Milum *F.R.G.S.*, general superintendent of what is now called the Lagos district, embracing the Yoruba and Popo countries. Mr. Milum (one of the most capable administrators and one of the most devoted missionaries his Church ever had) had instructions to break his journey at the Gambia, there to introduce and initiate two young missionaries who accompanied us. This detained us three weeks. Proceeding, we were joined at Freetown, Sierra Leone, by the late Captain David Hopkins, British Consul for Calabar, the Oil Rivers, Fernando Po. etc., whose company we found most delightful, and his friendship invaluable. This Consul was held in the highest esteem by European and African alike. In conversation the name of King Jaja came up, and he was universally spoken of as a true friend of the European. It was known, too, that Jaja wanted European missionaries in his country. The late Bishop Crowther, whose intimate friendship it was my great privilege to enjoy, a cultured gentleman of unquestionable worth and character, whose clergy and other mission workers were all, like himself, Native Africans, had sought permission to extend his operations into Opobo, but his appeal was dismissed by Jaja in language more forceful than choice. Nevertheless, heathen though he was, he desired British missionaries, and the Consul kindly volunteered to introduce Mr. Milum to King Jaja; and a few months later in the same year, not long before the Consul's lamented decease, the interview took place at Opobo, of which a detailed account appeared in Wesleyan Missionary Notices. King Jaja was delighted, and promised, if a British missionary was sent, not only to grant a suitable and sufficient site, but to erect thereon a church, a school and a residence for the missionary. Unfortunately, the state of the society's funds at that time was such that the general committee in London declined to sanction this extension of work and responsibility.

All this I recapitulate because of the sequel. In 1891, at Teneriffe, I met King Jaja returning from his exile, and had a conversation with him, just a week before his death on that island. We talked of the visit to him, a dozen years before, of Consul Hopkins and Mr. Milum, and he repeated to me his earnest request that British missionaries should be sent to his country; and the tall old man - every inch a king - spoke the words quoted by Sir W.M. Geary, as uttered

by Jaja 'shortly before his death', which I can confirm to the letter, for they were said to myself. We were both standing in the hotel, facing each other, and on the mention of the name of Consul Hopkins, the king's eyes glistened, and, placing a hand on each of my shoulders, looking straight into my eyes, he said, with pathetic emphasis: 'You knew Consul Hopkins? Ah! if Consul Hopkins had lived there would have been none of this palaver'. That conviction I shared then, and I hold it as firmly today.

JAJA, AN AFRICAN MERCHANT PRINCE

Sir W.N. Geary

West Africa 1888

With reference to the article by Sir W.N. Geary on the Jaja episode, in *West Africa* for 14 January, and the letters from Mr. Alex. A. Cowan and Dr. Elliott on 21 and 28 January, we have received a further communication from Sir William Geary, in the course of which he remarks:

Sir H.H. Johnston writes that Jaja was a puppet in a controversy and contention between a Glasgow monopoly and Liverpool free trade, but if one is to use figurative language, it would be more exact to say that Jaja was drowned in a Liverpool.

Free trade and monopoly are excellent catchwords, but business men know that the price of commodities and the course of trade are in practice usually regulated by pools, combines, trust and cartels; just as the price of labour is directed by trade unions, strikes and lock-outs. Whoever tries to fight these potent influences may be successful, but he is up against a hard proposition, and will certainly meet some bumps. Civilized Governments now adhere to a policy of non-intervention in these trade disputes, unless there is actual violence, or the supply of food is endangered, or there is a risk of irremediable injury, e.g., flooding the coal mines. Such interference as may be requisite necessarily demands a strong, well-disciplined police force, which should be available everywhere and immediately.

The full story of the Opobo dispute is as follows:

From 1885, when the Protectorate was proclaimed, down to 1891, when it was made effective, there were no police or constabulary, and the Consul could only support his authority by the occasional presence of a gunboat in the navigable waters, so it was a mere "paper Protectorate", except on the actual coast and the lower estuaries. Factories had been established at Opobo by several European firms, mostly from Liverpool, but one from Glasgow - Miller Bros - whose local agent was first Mr. Farquhar, and afterwards Mr. Turnbull.

In the beginning of 1885 the local agents of these firms entered into an agreement, commonly called a "pool", with the object of reducing the price paid to the seller by the European purchaser of African produce. Such an agreement is obviously to the detriment of the African vendor, but it is, as between the signatories, perfectly legal; and, beside many

other instances in African and elsewhere, a kernel pool was made at Lagos in 1898 or 1899 (I personally drew up the agreement, as a conveyancer), and such an agreement may be enforced by legal process, and also by extra-legal, but not necessarily illegal, sanctions (e.g., peaceful picketing).

The Opobo pool was determinable by three months' notice in writing, and when the Glasgow principal heard of it, he directed his local agent to give this notice. Accordingly the pool came to an end on 27 September 1885, when the other members of the pool, who were called to Amalgamates, and included Messrs Harrison, boycotted Millers' factories and employees.

The trade war then began. The result was favourable to Millers and adverse to the Amalgamates, because Jaja, who was on friendly terms with Millers, continued to send an ample supply of African produce to them, and he refused to sell any produce to the Amalgamates, who thereby lost their trade, and their European barter goods deteriorated in store. The Amalgamates thereupon began to go up the river in launches, and endeavoured to deal directly with the interior tribes, who refused to trade with them.

So far it is the story of a dead and buried trade fight between shrewd businessmen, who could take care of themselves. The Amalgamates, being worsted by their trade rivals, appealed, and successfully, for Government intervention. Jaja had made an agreement with the interior tribes that they would not trade with white men otherwise than through him, an agreement not, of course, in writing, but under solemn oath of Jaja which the interior tribes considered binding upon them, and consequently acted upon it, and on the strength of it declined to trade with the white men. But the Consul declared that the agreement was contrary to free trade, created a monopoly and violated the treaty of protection. This agreement had subsisted for ten years previous to the Protectorate, proclaimed in June 1885. According to English law, it seems *prima facie* a perfectly valid agreement. E.g., why should not a firm of brewers in England agree with a body of Kentish farmers and landowners to take the whole of their hop crop, with a superadded condition that they were not to sell to any other brewers? Would not this be valid and legally enforceable? The agreement of Jaja with the interior tribes might be impeached as in restraint of trade and contrary to "public policy", but, as Lord Bramwell quoted in the House of Lords' judgment in the Mogul case, "public policy is an unruly horse, and difficult to ride". Here, how-

ever, was an agreement which the parties thereto wished to abide by; and, at the least, the official attitude to it should have been that of neutrality, till it was either legally set aside, or, at all events, repudiated by the parties thereto. If strangers to a contract attempt to induce any of the parties thereto to break the contract, it is actionable.

'The material dates are the period of two years between the cessation of the pool, 27 September 1885, and the arrest of Jaja, 19 September 1887. When the agents of the Amalgamates went up the rivers to attempt to open direct trade with the interior, Jaja protested to Lord Salisbury, in two letters, dated 26 November and 10 December 1885, that they were interlopers into his territories and markets reserved by treaty. The first Consular action was in March 1886, when Consul Hewett ruled that all merchants had the right of going up the rivers by reason of the Berlin Act. Against this decision Jaja protested by letters to Lord Salisbury, dated 26 March and 2 April 1886, whereto Lord Rosebery, who had taken office February 1886, replied by a despatch of 16 June 1886, which, after declaring generally the right of the merchants to go up the rivers, recognized Jaja's rights to his own territories. However, for more than a year matters remained quiescent. Lord Salisbury became again Foreign Secretary, January 1887, and Jaja wrote to him, 13 and 24 January and 5 May, and also sent a deputation to England, who were received at the Foreign Office by Sir J. Fergusson, the Under-Secretary, Lord Salisbury being abroad. Lord Salisbury, however, had meanwhile written a memorandum deciding, inter alia, that Ohombela was within Jaja's territories. Ohombela was at least 25 miles up-stream from Opobo, on the Imo River. In July 1887 Acting-Consul Johnston insisted on going to this Ohombela, to bring pressure on the people to trade direct with white men. No violence was offered to him, but he was boycotted, some of the inhabitants saying it was by Jaja's orders. These proceedings are related by Mr. Johnston in two despatches - of 28 July and 1 August 1887 - received at the Foreign Office after Lord Salisbury's first memorandum. Mr. Johnston's next step was to call a meeting at Opobo, on 5 August 1887, when he insisted on Jaja's signing a document to "break juju" (i.e., renounce his rights under the agreement and release the interior tribes from their obligations thereunder, not to trade with white men). On 7 August Mr. Johnston went again to Ohombela, escorted by an armed naval cutter, with a Gatling gun. Jaja by letter of 12 August, as signed under duress, and protested against Mr. Johnston's proceedings at Ohombela. On 17 August Mr. Johnston went again to Ohombela, accompanied by the agents of the five Amalgamates, who brought building materials to erect factories, but they were met with passive resistance from the Natives, acting, as they said, under Jaja's orders. Mr. Johnston returned to Opobo, and by notice of

18 August 1887 stopped trade with Jaja and Ohombela. Miller's agent, Mr. Turnbull, protested against the lucrative trade his firm was carrying on with Jaja being stopped, but Mr. Johnston, by two letters of 19 and 21 August 1887, insisted on the prohibition, with a threat of £500 fine, blockage of the factory of naval forces, confiscation of goods, and ultimately by a threat of deportation against Mr. Turnbull personally. These two letters from Mr. Johnston to Millers' agent were dated from Harrison's factory, one of the Amalgamates, and Millers' trade rivals. Lastly, Jaja was arrested, as already related.

'Jaja's fate was the sequel of a trade dispute between the Amalgamates and Millers, but why should the Consuls Hewett and Johnston have intervened, and acted, as above narrated, to constrain the interior tribes to break with Jaja and trade direct with the Amalgamates?

'Admiral Hunt Grubbe's instructions were to hold an inquiry, but he proceeded to try and sentence Jaja. I have already shown that, if the proper issues had been submitted, the issue should have been in Jaja's favour. When sentence of banishment had been passed on Jaja, the partners in the firm of Miller Bros. honourably and generously used to the utmost their influence on his behalf, and had several interviews with members of the Government, endeavouring to procure the release and return of their former business associate, but pardon came too late, for, as I narrated, the old man pined and sickened in exile, and he never saw his home again, but died on his way back.'

JAJA OF OPOBO THOMAS WELSH

West Africa, April 1888

Sir, - My attention was drawn recently to some correspondence regarding the deportation of Jaja, of Opobo. I have not seen all the letters, but there is a little bit of half-forgotten history in connection with him which may be interesting, and from which we may assume that Jaja had ceased to be persona grata with the British Foreign Office long before the troubles arose which led to his removal. In the 'seventies' and early 'eighties there was in Old Calabar a Mr. George Watts, trading on his own account until the formation of the African Association, of which he became one of the founders. About 1880, I think, one of his Calabar friends told him of a river lying to the westward, between Calabar and Opobo, where no European firm was established, where good business could be done, and where the Natives were very desirous of having a white man to trade with. the little business they did filtered through either to Calabar or Opobo.

Mr. Watts said nothing, but with his Native friend started off one morning in his six-oar gig for the 30 or 40 mile journey to the mouth of the Cross River, where he spent the night with a Native chief. Next morning they pulled out to sea, and, turning westward, arrived off the bar of the Qua Ibo River at sundown. There were three courses open to them - to land through the surf on the open beach, which involved the risk of having the boat mashed; to keep at sea all night and wait for daylight; or to risk crossing the bar in the semi-darkness. They chose the third alternative and got shore without mishap. The Natives (Ibenos) were delighted to see them - promised land for building, help of every kind, and as much trade as Mr. Watts could handle, for a time, at least.

Mr. Watts returned to Calabar, got a schooner which could carry seven or eight tons, and started operations at once. When I visited Qua Ibo some years later, he had one main station and three branches up-river, at which he had begun coffee and cocoa plantations, in addition to carrying on the usual trade. These plantations were run on a communistic basis, but, I am afraid, unsuccessfully.

When Jaja heard of Mr. Watt's operations, he sent to the Ibeno chiefs, and tried to cajole them into boycotting Mr. Watts, and, when this failed, he used threats.

They replied that the country was their own, that they had entered into an agreement which they meant to keep, and were sorry they could not fall in with Jaja's views. This all happened before the 'scramble for Africa', when there was no administrative authority other than Native in that part of Nigeria.

Jaja, perhaps influenced by his success in getting hold of Opobo, prepared an expedition, and, in the absence of Mr. Watts sent it to attack the unsuspecting Ibenos. It was well armed - no doubt with Gatlings and Nordenfeldts, the quick-firers of that day - and, from Jaja's point of view, eminently successful, as 200 Ibenos, mostly women and children, were slain or captured, and some villages burned. The expedition returned to Opobo, flushed with victory and loot, and there followed an orgy of feasting, drinking and the putting to death of prisoners - such an orgy as is not uncommon with primitive peoples, animistic in their form of worship.

Mr. Watts and his friends in England at once made representations to the Consul and the British Foreign Office, and Jaja was warned that the Ibenos were now under British protection, and that he must not interfere with them again.

I write from memory, but the accuracy of the tale can be tested by a perusal of the Consul's despatches, which are probably to be found in the Public Records Office. I often wonder if no one is sufficiently interested to read up the despatches of the successive British Consuls for the Bight of Benin; those from Messrs Beecroft, Richard Burton, Livingstone, Sir Harry Johnson and others must contain matter for half a dozen romances; I am, etc.,

PUBLIC RECORD OFFICE**COPY**

(Pursuant to Statute 6 & 7 Elizabeth II, c.51)

Foreign Office: General Correspondence: Slave Trade

FO 84/2020

Draft

Sept. 19 1890

Acting Cons. Annesley
Old Calabar.

Sir,

I am directed by the Marquis of Salisbury to acknowledge the receipt of your remittance of £537.6.4 on account of Comey due in respect of the period from August 1889 to June 30, 1890.

(Signed)

AN AGREEMENT

We the headmen and canoe Captains and traders of the late King Jaja's house do hereby promise and agree this day 3rd June 1893 to recognize Frederick Sunday Jaja as head and Master of the late King Jaja's house and to obey him and do our duty to him as faithfully as we did to our late Master King Jaja.

And we also do here sincerely promise and agree from this date never to touch or take the Topping of any - produce we may have, and if we are found guilty of so doing we are willing to undergo any form of punishment which our Master Frederick Sunday Jaja may think fit to inflict upon us.

	Signed	Chinaka Jaja	His x mark
REGISTERED BEFORE ME	"	Wanquo Jaja	His x mark
AT THE VICE CONSULATE,	"	Bukunabea Jaja	His x mark
OF APRIL, 1895.	"	Bebamah Jaja	His x mark
	"	Prubomah jaja	His x mark
(Sgd.) G.C. Digan		or agent)	
Asst. Vice Consul.	"	Deanyea Jaja	His x mark
No. 78			
Articles '95	"	Ireatamuama Jaja	His x mark
Emerepo, M.K.T.			
	"	Asprabeator Jaja	His x mark
	"	Wozu Jaja	His x mark
	"	Albert Jaja	His x mark
	"	Elasa Jaja	His x mark

	"	Sam Jaja	His x mark
	"	Ekrew Jaja	His x mark
	"	Opokuri Wangiary Jaja	His x mark
	"	Atabarafiny	His x mark
Apala mkt.	"	Wosu Boobeller	His x mark
	"	Omeari Omendisia	His x mark
	"	Egpo Tilly	His x mark
	"	Sam Jaja	His x mark
	"	Ogolo Orchicha House	His x mark
	"	Blazer Jaja	His x mark
	"	Okorie Maschine	His x mark
	"	Accra House	His x mark
	"	Cowinnun Akampa House	His x mark
	"	Wanjawoh Jaja	His x mark
Committed suicide) at Tom Jaja House)			

WITNESSES

(Sgnd)	Chief Sam Annie Pepple	His x mark
"	" Oko Jaja	His x mark
"	" Accra Jaja	His x mark
"	" Arthur Mc. Pepple	
"	" Cookey Gam	
"	" John Africa	His x mark
"	" Ogolo Annie Pepple	His x mark
"	" Jack Toby	His x mark
"	" Jno Tom Brown	His x mark
"	" Cockeye Brown	His x mark
"	" Jungo Manilla	His x mark
"	" Warribo Uranta	His x mark
"	" Abranga W. Dappa	His x mark
"	" Fine Bone	His x mark
"	" Obediah Tom Jaja	

JUNE 3RD, 1893

OPOBO

Certified True Copy
 Director National
 Archives.
 22/1/91

Minutes of Extraordinary Meeting of Council held on Saturday the 17th of October, 1936, in the Native Court Hall at 11.15 a.m.

Chairman: J.V. Dewhurst Esq., District Officer.

1. *Opening Devotion:* Chief George Cookey Gam offered prayer.

2. *Reading of minutes of last meeting:* The minutes of meeting of Council held on the 5th September, 1936, were read. The Chairman asked whether the minutes were correct. Chief Higgs Bruce rose to correct the statement he made with reference to the telegram from Mbawsi that "it did not come through a proper source". The Chairman asked whether the council accepted the amendment. On the motion of Chief Claude Ogolo, seconded by Chief Francis William Toby, the minutes with the amendment made were passed as correct.

3. *Roll Call:* 34 Chiefs answered to their names. Chief Rusus Nzekwe entered immediately after the register has been marked and closed.

4. *Chairman's opening speech:* The District Officer referred to the death of Chief Mac Pepple - Jaja. Eventually there arose disputes about his successor and he had a meeting with the Opobo Town Chiefs when he advised that the election of a new Amanyanabo should follow the same process by which the late Amanyanabo was elected. Report from Chief Aaron Jaja reached him that an election has been made. He concluded that he would listen to speeches to be made by chiefs.

5. *Speeches:* The Vice-President of Council - Chief Harry Toby delivered a speech in which he expounded the two customs of succession in Opobo Town in the Royal House and in a War-Canoe House. The Head of the Royal House has been automatically the Amanyanabo and that there was no instance in Opobo History of the Head of the Royal House and of the Town have been two different persons. He dismissed the fear about the age of the new Amanyanabo and referred to Josiah of Old and to the late Chief Sunday Jaja who began to reign when they were under 21 year of age. Prince Douglas being a little over 21 year the question to be determined was one of "natural right". His election should be approved provided there was none with more "natural right". He concluded that the Native Authority to be constituted would be composed, not of the Amanyanabo alone, but of the Amanyanabo and the Council. The Native Authority thus composed would be responsible for the administration of Opobo Town. The Amanyanabo is President of Council but nothing could pass without the consent and approval of the Council. The next speaker, chief Dappu Black Fubara, supported the Vice-President. He said that he had become a Chief before the late Chief Sunday Jaja became Amanyanabo. He was one of those Chiefs who arranged the election of the late Amanyanabo. Jaja House Chiefs and elders met, in each case, and elected a Head who subsequently was introduced to the chiefs. The old place of meeting exists today. In each case the Town Chiefs raised no objection but having approved the elect he became Amanyanabo and was introduced to the Government. The present system of election of

ordinary persons was strange to him. If any one had the "natural right" of succession it is Chief Mac's son. Chief George Cookey Gam said he supported the Vice-President. The late Chiefs Sunday, Mac, and himself were together under the training of the late King Jaja until three of them proceeded to England for education. Sunday and Mac were regarded by the King Jaja as his sons; he treated them both alike and had in view one common object for them. Now that Chief Mac is dead Prince Eugene Sunday Jaja, but for his malady, should be the next to succeed. His younger cousin, Douglas, the son of the late Amanyanabo, has no one with better right and claim. He should be the Amanyanabo of Opobo. Chief Yellow Wosu John Tom Brown said he supported the Vice-President. It would be encouraging chaos and confusion to support the institutional election that had been going on. He became a chief at the age of 17 years and he had men who guided him. Question of age ought not to debar a person from getting his right. The only qualified person to become Amanyanabo, according to his knowledge, is Chief Mac's son. Other than he, he knew of no one else. Chief George Oko Epelle said he supported the Vice-President. The public have been misled by the stress on age by which the promoters of the unconstitutional election had sought to deceive the public. One up to 21 years is no longer a minor. He became a chief under the age of 21 years. Douglas is the only one qualified to succeed the late Amanyanabo. Any other claimant is an impostor. Chief Daniel Ebranga Dappa said he spoke independently. He represented Wogu House. He wanted to know the meaning of "OPU-WARI", whether "Opu-Wari" meaning "Big-House" or "Opu-Wari" meaning "Opubo House". If "Opobo House" he represented a Branch of the House and a Branch that must have a say in the election of an Amanyanabo. His House was unaware of any movement in connection with the election of Douglas. Jaja alone did not come here but he came with other chiefs who elected him as Head. How could any successor be elected without the knowledge of the Town. Even of the 14 war-canoe Houses comprising Jaja House only five voted for Douglas; the majority opposed and as such his election of Douglas left much to be desired. If the D.O. left he would soon be receiving complaints and petitions against the election. Anything about that election had not been properly done. The Town Chiefs have not been properly informed, nothing about the election of Douglas has been done according to native law and custom. He had come to the Council to hear of the election.

Chief Samson Waribo Uranta said he spoke conscientiously and he would not for any private appreciation or filthy lucre hide the truth. It pained him to the core that while the son of the late Amanyanabo is alive people groped for a successor. He preferred to die than to share the disgrace. Opobo people are regarded as civilized enough; but it would be a downright degradation if Opobo people should make any mistake in the election of a successor. It is said that a Kingdom rises against itself and this rising is sometimes so unobserved until the people have destroyed themselves. The Amanyanabo question had rifts among families and even among the Chiefs that unless the question were settled

immediately the consequences would be dangerous. He held that it was absurd to talk of unanimity for until the end of the world people would not be unanimous. He challenged any one to suggest any person in the whole of Opobo Town with more "natural right" than the son of the late Amanyanabo. It is a disgrace that some chiefs have connected themselves with the unconstitutional election. The Chiefs, to maintain their dignity and respect, ought not to be connected with any of the processes, their opinion would be given publicly in the Council. The oldest and most senior chiefs who knew more than any one else about the constitution of the Town have spoken supporting, as constitutional and right, the election of Douglas and he warmly endorsed their speeches.

Mr. M.D.O. Epelle said as President he spoke for the Opobo Improvement Union representing the Young Generation. If any Chief in the Town were elected to be the Amanyanabo other chiefs would oppose and similarly, too, there would be a storm of opposition if the vote was for a Chief or an Elder in Jaja House. He strongly believed that the election of Douglas would end all rivalry and contention. In any community there are genuine and unguine classes of people, it is impossible to expect unanimity as Chief Samson had said. The only guiding factor is "natural right". He did not know of any one with more natural right than Douglas, the son of the late Amanyanabo.

6. *Motion:* The Chairman called for motion for the adoption of the candidate elected for the Amanyanabo-ship. On the motion of Chief Harry Toby, seconded by Chief Dapou Black Fubara and carried by a majority of 25 against 8, 1 abstained from voting, Prince Douglas Jaja was adopted as Amanyanabo. Before the voting the D.O. said that only members of Council should vote. Chiefs who voted against: Jim Shoo Peterside, Claude S. Ogolo, Heggs Bruce, Daniel Ebranga Dappa, Amose Sam Oko Epelle, Heremiah Miariibo D. Ogolo, Datiari Opusunju and Francis Toby.

7. *Presentation of the new Amanyanabo:* The Jaja House Chiefs and Elders retired and returned with the new Amanyanabo who was presented to the Chairman and Council by Chief Aaron Jaja. The new Amanyanabo delivered his maiden speech. He expressed his fears on being called upon the Chair of his late father but he depended upon God. He asked for the co-operation of the Council. He thanked the District Officer and the Assistant Commissioner of Police for being present to represent the Government and also thanked the Agent who represented the Mercantile Firms. He also thanked the Opobo Improvement Union whose services during the time of his late father he noticed and he besought their co-operation. He hoped that conceived prejudice would be obliterated and peace restored in Opobo Town. The speech was interpreted into Ibo by the Court Scribe, Mr. Walter Minima.

8. *Closing speech by the Chairman (D.O.):* In receiving the new Amanyanabo the Chairman, on rising, said:

You have been elected by the Jaja Chiefs and you have been approved by the Council, you are on probation for four years during which time the Government shall be watching your movements. Jaja House Council and the Town Council will help you. I would give you any advice you require. Your late father was a fine man both in body and in manners. You should follow his footsteps.

9. *Closing:* After the singing of the first three bars of "The National Anthem" the Secretary called up "Three Cheers" vociferously responded. The Vice-President pronounced the Benediction.

Meeting closed at 12.50 a.m.

Visitors: Rev. V.E. Boyle, Pastor and Superintendent of Opobo District, Rev. T.O. Weeks, Assistant Superintendent, Opobo District, A.C. Butler Esqr. of G.B. Ollivant Ltd., Opobo.

(Sgd.) E.M.T. EPELLE
Secretary

(Sgd.) J.V. DEWHURST, D.O.
Chairman.



SECTION 'D'

OPOBO AND REPARATION



PART IV

OPOBO EXPERIMENT AND THE REPARATION CASE

In January 1939, about ten years after the Opobo Women Massacre of 1929, the chiefs and people of Opobo decided to take the Opobo Experiment one step further. They wrote a petition to the Resident, Calabar Province, J.W. Hartley asserting their claims for compensation in respect of war canoes, guns and ammunition surrendered to the British Government conditionally in 1892. They produced supporting documents in making the following claims:

- (i) payment of the sum of £9,600 being compensation due to Opobo chiefs, their heirs and successors for war canoes, guns and ammunitions. The document in support of this claim was dated 17th June, 1892 and was signed by W. Cairns Armstrong, Deputy Commissioner and Vice-Consul.
- (ii) refund of £1000 deposited as security for good and loyal behaviour for three years. This claim is also supported by the document containing the "decretal part of the sentence read to the chief of Opobo at Messrs Stuart and Douglas' Factory on 12th March, 1889 and also by a letter from Messrs Alex Miller Brothers and Co. which confirmed that the security was actually paid.
- (iii) payment of £870 to Chief Sam Annie Pepple being compensation for arms and ammunition conditionally surrendered. The claim was equally supported by a document.
- (iv) payment of £950 to Chief Browne Jaja being compensation for guns and ammunition conditionally surrendered. The claim was also supported by a document.
- (v) payment of the sum of £10,771, the value of property of the Epelle House which, it was alleged, was seized in 1889 on the order of the Consul. This claim was not supported by a document.

A list of the guns, canoes and other ammunitions destroyed by the Consul was kept. Though Opobo chiefs were promised that other states would be similarly treated, this never happened. They were also promised that if other states were not similarly treated, their arms and war canoes would

be returned to them. The promise was not kept. Rather, the Consul ordered that the guns and ammunition should be dumped into the sea as soon as he left the shores of Opobo. The only saving clauses were the compensation or reparation clauses in the agreement with W. Cairns Armstrong. The Opobo seized upon those clauses for the next stage of their action.

The clauses in the agreement provided a condition that Britain should pay and deliver to Opobo chiefs concerned, their heirs, or successors, the sum mentioned in the agreement, any time, upon the production of the document within 50 (fifty) years thereafter from 1st January, 1893, after an interim of 30 (thirty) years from the date "assigned for the occupation and development of the resources of the interior territories by the British Government".² The agreement was witnessed by W.V. Turner (Pro Consul) and was executed in the presence of R. Fistu, Chairman, Court of Commerce and Mary Stowe, Government Interpreter.³

The list of the Houses affected and the extent of their claims are shown in the enclosed documents. The chiefs of Opobo obtained and retained the services of Sir William M. Geary, Solicitor, as the advocate for Chief Douglas MacJaja and other affected Opobo Chiefs and Houses. The issue provoked discussions and correspondence in Nigeria, in the British House of Commons, America, Europe and other parts of the world. Geary enlisted the cooperation of the press and all other persons and organizations interested in blacks throughout the world as well as in the issues concerning reparation and human rights.⁴ In the end, the British Parliament approved that compensation should be made to the relevant Opobo Chiefs and Houses.⁵

Meanwhile, other claims had surfaced - those presented by Chief Uranta and the President and members of Opobo League, Lagos. The President of the League then was one J.A. Cookey. The Vice-Chairman was A.J.I. Obomanu and the Honorary Secretary was W.D. Dappa. Chief Uranta had no document to support his claim and so his claim failed.⁶ However, on its own part, Opobo League put forward an "agreement" said to have been "signed by the Chiefs-Founders of Opobo before the outbreak of the Civil War in Bonny in 1869".⁷ The agreement was not

called a "Minima Agreement" at that time. Their claims were thrown out also. In their submission, the Opobo League had requested that the sum of £11,420 should not be paid to the chiefs concerned because according to the authors of the petition "common sense and prudence therefore, dictate that something better should be done."⁸

They suggested, among other things, that:

- a. An "Opobo Improvement Fund" be established forthwith.
- b. The amount concerned be paid direct into a bank for that Fund.
- c. Trustees comprising the Chief Commissioner (or Resident) or the District Officer, three leading chiefs and three other natives of Opobo be appointed.
- d. A "Jaja Memorial College" be established at Opobo.
- e. A fishing factory be established.
- f. Launch transport services be opened between Egwanga and Opobo.

It may be noted that that was the first time the Agreement surfaced in the history of Opobo. The Agreement had an entirely different heading from its later copies published by Prof. Dike, Prof. Cookey and E.M.T. Epelle.⁹ The Attorney-General of Nigeria excused the document when it was referred to him and confirmed that there was no original of it anywhere. In any case, the document signed in 1869, if genuine, could not have been construed so as to affect retrospectively an obligation which arose in 1892. He however commended the Opobo League's proposal for a welfare scheme for the people and felt that it could not be acceded to, in view of the fact that Opobo had a House system and not the sort of Governmental organization that, as the League had thought, would have enforced a corporation obligation on the people, arising directly from such an agreement. G. Macdonald, the Acting Chief Secretary to the Government of Nigeria then in his reply to the Secretary Eastern Provinces on 22nd June, 1944, concluded, among other things, as follows:

With reference to your confidential letter No. 18989/321 of the 31st of May, I am to inform you that the papers have been referred to the Attorney-General, especially with a view to ascertaining whether the Agreement dated the 13th October, 1869, would provide sufficient grounds for paying the money to the Native Authority. The Acting Attorney-General (Mr. Howe) has minuted:-

The first point which arises is where is the original of the document...? (i.e. the 1869 Agreement). Without the original or an authenticated copy the writers (i.e. the Opobo League Lagos) are not much further on....Assuming that the document is in existence, the following points arise:

- (a) The document is dated 1869 and the documents of claim on which the £11,420 has been admitted bear date 1892/93 (The Agreement of 1869) may not I consider be construed as in any way altering the House system of the Opobo people but is a joint undertaking to pool Houses resources for the one specific purpose of the war with the Manilla people. I am not aware of the date by which this war had finished but it seems unlikely that it lasted for over twenty years in which circumstances the purposes of the document had expired before the documents of 1892/93 on which the money is now being paid were executed."¹⁰

In connection with the House System in Opobo and Opobo history, thirty-four chiefs of Opobo had an opportunity to express their honest views. The document dated 1836 is referred to in part III of this book and seems to have relevance here also, especially with the views of the Opobo League of 1944 led by J.A. Cookey and others.¹¹ It may be noted that none of the chiefs alive then and present at the meeting ever mentioned or referred to the Agreement of 1869 which was later styled "Minima Agreement" by Dike, Cookey and Epelle in their books.¹²

CONCLUSION

The Opobo Experiment has many lessons to offer mankind as the nations of the world progress from the last decade of the 20th century towards the 21st century. Perhaps, the experiment may be seen and regarded as the last example of its kind in the African continent of Afro-British cooperation agreement conceived in good faith but later aborted in bad faith during the precolonial closing decades of 19th century Africa. While the British and the Opobo have their own sides of the event, the arguments are still capable of being further explored, though, one fact seems clear. After fourteen years of the Experiment (1870-1884) one side to the agreement felt the need to set it aside as a part of its effort, as Consul Johnston, who played a key role for the British in toppling the agreement explained, to avoid Britain being compelled "to vitiate her engagements with foreign powers".¹ It is instructive that until now, where the interest of European or the foreign powers clash with those of African states and indeed the Third World, those of the foreign powers usually prevail. Within the meaning of the "centre-periphery theory", this seems obvious.² The questions that are however, being asked by policy makers, at this stage of African development, are equally pertinent. How long shall the policies of domination last? How fair are they? Do they serve the interests of all concerned? Do they make for better friendship and cooperation? Do they help towards the maintenance of world peace? With America now on the saddle and Europe adjusted to play the second fiddle, perhaps, some day, these questions may find more favourable answers for the African continent and the Third World.³

The Opobo Experiment also offers Africa and African leaders the re-assurance that, as Dr. Nnamdi Azikiwe, the first indigenous President of Nigeria and the *Owelle of Onitsha* once reminded his fellow Nigerians and the world at large, "no condition is permanent".⁴ The closing decades of the 19th and the early decades of the 20th centuries, saw the ascendancy of Europe in Africa, especially the leading role of the British Empire, "the Empire where the sun never set"; one saw and felt the impact of colonialism in full dress; one also witnessed decolonization in Africa and the gradual slump of the former first powers of the world to the position of second-rate powers. Today, America stands out prominently as the leading power in what Z. Brzezinsky had termed "the technetronic age" while

Russia begins to back-pedal.⁵ Is it possible now to begin to think aloud with Oswald Spengler, the famous author of *Decline of the West* (1918), that empire-building is subject to a cyclical order of change and development or rise and fall in a predetermined sequence?⁶ Perhaps, with Shakespeare, the famous 16th century English sage, one may more readily agree that "the world is a stage". Being a stage on which America has become privileged to play a leading part today, one may further ask, should Africa and African peoples, the black races of mankind and indeed the Third World hope to receive better treatment than they had received during the ascendancy of Europe in Africa?⁷ The present writer is optimistic.

The chances now seen to be better than ever before for the progress of the African continent towards a continental unity. The states of the African Continent and their leaders also have a better chance of co-operation among themselves and between them and the wider world.⁸ The Opobo Experiment should remind them all that with fortitude, it is possible with time to turn a seeming defeat in the changing phases of international politics, and economy, into victory. This could be so whether the challenge emanated from colonialism as before or neo-colonialism now.

In the history of decolonization in Nigeria and indeed in the African Continent, the roles played by the Opobo Experiment do not seem to have been sufficiently emphasized so far. Perhaps, with other emerging issues and contributions by the Opobo Experiment as highlighted by some of the documents published in this volume, the strategies and role of the Opobo Experiment deserve to be reconsidered.

It is also possible that when the history of human rights and reparation struggles in Africa will be written in full, the role played by the Opobo Experiment may never be written in full, the role played by the Opobo Experiment may never be overlooked.

In our view also, a full-scale history of Opobo and its people, the courageous Nigerians who made spectacular history in modern Nigeria and indeed Africa, seems now overdue. Opobo studies deserve to be given all encouragement.

*Attachment 'A'***AGREEMENT WITH THE CHIEFS OF OPOBO****SOLA**

Whereas the Chiefs of Opobo have by their loyal conduct in recent years won the confidence of Her Britannic Majesty's Government, and whereas trade and commerce have vastly increased in the River, and whereas in 1891, £9,600 (Nine thousand, six hundred pounds) Sterling was recommended by the Consular Court as a compensation for the war canoes and guns, as by the list annexed, conditionally surrendered to H.B.M. Government. And whereas, H.B.M. Government shall not uphold any claim for properties, guns and ammunitions, &c. confiscated as a punishment elsewhere outside the limits of the town of Opobo, and whereas I am appointed by the commissioner and Consul-General to make and execute this document upon the terms herein contained, now the condition is such that H.B.M. Government shall pay and deliver to the Chiefs of Opobo concerned, their heirs, or successors, the sum hereinbefore mentioned, any time, upon the production of this document within 50 (fifty) years ensuing from the 1st of January, 1893, after an interim of 30 (thirty) years from the date hereof assigned for the occupancy and the development of the resources of the Interior Territories by the British Government.

*Given under my hand at H.B.M. Vice-Consulate, Opobo
the 17th of June, 1892.*

*(Sgd.) W. Cairns Armstrong
Deputy Commissioner & Vice Consul.*

*(Sgd.) by the said W. Cairns Armstrong in the presence of
(Sgd) W.V. Tamer (Pro Consul)*

*Made and Executed in our presence,
(Sgd.) R. Fistu (Chairman, Court of-Commerce)
Mary, Stowe (Government Interpreter)*

Certified a true copy,

Sgd.
for: Secretary
Eastern Provinces

List of war canoes surrendered and confiscated to Her Britannic Majesty's Government by the Chiefs of Opobo 1888 to 1889 (?)

Chief	War Canoe	Guns
Sam Annie Pepple	1	2
Cookey Gam	1	2
Black Fobra	1	2
Fine Bone	1	2
Wogo Dappa	1	2
King Jaja's own (1)	Queen	2
" " " (2)	Oby Jack	2
Ogollo Annie Pepple	1	2
John Africa	1	2
Saturday Jaja	1	2
Jacob Annie Stuart	1	2
Oko Jaja	1	2
Toby	1	2
John Tom Brown	1	2
Bruce Jaja	1	2
How I. Strongface	1	2
Sam Oko Epelle	1	2
Deerie Tislefare	1	2
Obanny	1	2
Jungo Manilla	1	2
Cockeye Brown	1	2
Warri	1	2
Jack Kefary	1	2
Sam Toby	1	2
Duke Silk	1	2

(Sgd.) W. Cairns Armstrong
Deputy Commissioner & Vice Consul.

Certified 1892.

Certified a true copy.
Sgd.
Secretary
Eastern Provinces.

*Attachment 'B'***Decretal part of Sentence read to Chiefs of Opobo at Messrs Stuart and Douglas' Factory 12th March, 1889**

1. You are to pay a fine of three hundred (300) puncheons of palm oil.
2. You are to deliver up all your war canoes, guns and rifles to be confiscated to the Queen.
3. You are to give tangible security to the amount of one thousand pounds (£1,000) for your good and loyal behaviour for three years.
4. You are further to clear out all your people - chiefs and boys - and your canoes from the Azumini creek, nor will you be permitted to go into that creek or use the markets situated on it for a period of three months - an exception to this exclusion from the Azumini creek is made in favour of Chief Uranta. It may be found necessary to extend this period for excluding you from the Azumini markets if your behaviour should be such as to lead to the supposition that you would again work mischief there. As to the payment of the fine it may be possible that you have not three hundred (300) puncheons ready to heave in which case when you shall have delivered up your war canoes - guns and rifles - given bail for your good behaviour and cleared out of the Azumini creek - security for the payment of the balance of the fine will be accepted.

The Commander-in-Chief has given instructions for a strict blockade of the town of Opobo to be at once established and it will be maintained with rigour until you shall have complied with the 2nd, 3rd and 4th clauses of the sentence of punishment on you which you have heard.

You will have to obey such orders as you may receive from me for summoning all your people from the markets generally from which they will continue to be excluded during the period that it is necessary to keep up the blockade of the town - the oil belonging to Opobo people that may be found at the markets will be seized and taken in part payment of the three hundred (300) puncheons fine. Your people at the markets are to be allowed to join you in town. When the blockade shall have been raised you will be allowed to trade at all the markets except those on the Azumini creek from which as I have already told you you are to be excluded for three (3) months. If after taking measures for recalling your people now at the markets any one Opobo chief or boy should be found there the houses you have built at the markets will be burnt or destroyed. Your houses at the markets should be left to the care of some Chief at each market but he will not be responsible for the loss you will sustain if they are destroyed by my orders. Your oil canoes which may be used for conveying any oil seized at the markets to the beach of the Vice President of the Governing Council will be detained at your risk until the blockade shall have been raised when they will be returned to you.

will not be responsible for the loss you will sustain if they are destroyed by my orders. Your oil canoes which may be used for conveying any oil seized at the markets to the beach of the Vice President of the Governing Council will be detained at your risk until the blockade shall have been raised when they will be returned to you.

You will perceive by the orders issued by the Admiral respecting the blockade that you will have means of communicating with me but you must be careful to observe to the letter the steps you are to take if you wish to avail yourselves of the privilege. A copy of these orders you will receive before you leave. Let me particularly warn you not to attempt to break the blockade or to fire on the gunboat the steam launches or any boats from them which may be approaching your shore - such an act on your part will cause a bombardment of the town which will necessarily entail loss of life and property.

OPOBO - 12 March, 1889.

True copy.
 (Sgd.) E.H. Hewett
 Consul.
 Certified as true copy.
 Sgd. Secretary, Eastern Provinces

CS026/38706 Vol. I

No. E.P. 12468/152

Secretary's Office
 Eastern Provinces

Enugu Nigeria
 20th August, 1940

The Honourable
 The Chief Secretary to the Government
 Lagos.

Epelle House, Opobo Town Subsidy

My letter No. E.P. 12468/145 of the 20th August. In January, 1939, the Resident, Calabar Province, (Mr. J.W. Hartley) reported that the Chiefs of Opobo had made claims for compensation in respect of war canoes, guns and ammunitions surrendered to Her Britannic Majesty's Government in 1892 and that they had produced documents in support of these claims. The claims are as follows:

- (i) The payment of the sum of £9,600 being compensation due to the Opobo Chiefs for war canoes, guns and ammunitions conditionally surrendered to her Britannic Majesty's Government. This claim is supported by a document dated the 17th of June 1892 and signed by Mr. Armstrong, Deputy Commissioner and Vice Consul and marked 'Attachment A'.
- (ii) The refund of a payment of £1000 being security deposited for good and loyal behaviour for three years. This claim is supported by the document containing the "Decretal part of the sentence read to the Chiefs of Opobo at Messrs Stuart and Douglas' factory March 12th 1889 marked 'Attachment B', and by a letter from Messrs Alex Miller Brother & Co. which mentions this security and which is marked 'Attachment C'.
- (iii) The payment of £870 to Chief Sam Annie Pepple being compensation for arms and ammunition conditionally surrendered. This claim is supported by documents dated the 19th of June 1892 and the 25th of June 1892 and marked 'Attachments D and E'.
- (iv) The payment of £950 to Chief Browne Jaja being compensation for guns and ammunition conditionally surrendered. This claim is supported by a document dated the 23rd of June 1892 and marked 'Attachment F'.
- (v) The payment of the sum of £10,771 being the value of property of the Epelle House which it is alleged was seized in 1889 by order of the Consul. This claim is not supported by any document'.

2. His Honour is advised that the documents submitted in support of claims (i) - (iv) appear to be valid and enforceable but that careful enquiry should be made to make certain that they have at no time been cancelled, since it is possible that a sum of money was paid by way of settlement while the interests were still contingent. The documents dated the 19th, 23rd and 25th of June refer to terms which had been recommended by the Consular Court in 1891 and it is not clear from these documents whether they relate to parts of the sum mentioned in the document submitted in support of the first claim - 'Attachment A' - or whether they relate to separate transactions; the Resident, Calabar Province, has therefore been asked whether any records of this Court are extant and, if they are, to forward them for examination in connection with these claims.

3. With regard to the claim for a refund of the £1,000 paid as security His Honour is advised that security for good behaviour is not usually paid unless it has been declared to be forfeit, although paragraph 5 of the letter from Messrs Alex Miller Brothers, 'Attachment C', appears to substantiate the claim that the money was actually deposited with the Consul.

4. It is requested that the advice of the Attorney-General may be sought with regard to these documents, and in the meantime, a copy of this letter has been sent to the Accountant-General with a request that the Treasury Records may be searched in an endeavour to ascertain whether any money was ever paid to the Opobo Chiefs in settlement of their claims, and/or whether any trace exists of the payment of the £1,000, the subject of the second claim.

5. With regard to the fifth claim, a copy of the list of properties belonging to Chief Sam Oko Epelle alleged to have been seized in 1889 on the orders of the Consul is attached for information. This claim is supported by no documentary evidence and His Honour proposes to inform the applicant that it is open to him, if he wishes, to seek redress in the Courts.

6. Finally, typed certified copies of attachments A - F are forwarded herewith. It is requested that the originals (for which we are responsible to the claimants) may be returned under registered cover in due course, and their safe receipt acknowledged.

(Sgd.)
Secretary
Eastern Provinces.

Attachment 'C'
217 West George Street,
Glasgow.

5th December, 1889.

To
The Right Honourable
The Marquis of Salisbury
H.M. Secretary of State for Foreign Affairs

My Lord,

We last addressed your Lordship on 21st February, 1888, when we had the honour to send for your information a narrative of events which occurred at Opobo, West Africa, previous to the trial of JA JA by Admiral Sir Hunt Grubbe at Accra. We desire respectively to ask your Lordship's reconsideration of the view of JAJA's case which we then stated.

As soon as it was announced in Parliament that it was your Lordship's intention to send out a Special Commissioner to report as to the best means of administering the Protectorate of the Oil Rivers, and when that administration was established the return of JAJA to Opobo might be re-considered, we deemed it our duty not to take part in any further agitation for his immediate release.

As Major Macdonald has now returned from Africa, we consider this a fitting opportunity to recall your Lordships's attention to our letter and enclosure of 21st February, 1888, and to state, as briefly as possible, the events which have since taken place at Opobo.

The forcible removal of JAJA from Opobo on 19th September, 1887, left his people without anyone having authority or power to settle disputes and keep all the internal affairs of the country working smoothly.

The country was disarmed by Consul Johnston, who undertook to return their arms in the event of his not dis-arming all the neighbouring countries. Consul Johnston did not disarm their neighbours nor did he return to the Opobo people their arms.

During February of 1889, Consul Hewett ordered the people of Opobo to remove a "Boom" that had been placed across a creek in the interior, alleging that it had been placed there at their instigation. This the people denied, and requested him to prove, offering at the same time to go and remove the "Boom" if the Consul would protect them, as they had no influence with the people in the interior. Without further warning or any attempt to prove his assertion or assist in removing the "Boom", the Consul stopped trade, inflicted a fine of 300 punchons of oil, equal in value to £3000, on the chiefs and country, stopped their trade with the interior and their intercourse with Europeans. He demanded a guarantee of £1000 for their good behaviour for three years, and passed an ordinance debarring them from entering their trading markets for three months, and at the same time, instigated the people of Bonny and the surrounding tribes to go to their markets and take possession of their trade. Not satisfied with this the Consul demanded them to give up to him all their war canoes and cannon, machine guns, or other material of war that remained in their country, and blockaded the town until they agreed to his demands.

The poor people could do nothing but submit, as the Consul, backed up by the naval force, seemed determined to go any length in his efforts to crush the Opobo people. With their markets closed to them, the surrounding tribes in arms against them, their towns blockaded and themselves shut out from help, they, after much difficulty, succeeded in paying the fine of £3000, the security of £1000, and delivered up all their war canoes, guns, &c. which had been their defence against outside attacks.

When the three months had expired, they asked the Consul's permission to resume trade in the country markets, but this he declined, alleging that he had been told that there were still some guns left in their country, on delivery of

which he would grant them permission to open trade. They denied having any guns, and volunteered to take a solemn oath that all had already been delivered up. The Consul did nothing for other two months, when he proposed they should go to Bonny and swear the oath in the presence of the Bonny Chiefs, their hereditary enemies, which they accordingly did, expecting that all difficulties were now removed. Not so, however, for the Consul still delayed their return until he could get two bonny chiefs to accompany the Opobo traders to the markets, for what purpose no one knew; so that in one way and another, with varying excuses, six months passed, during which the Bonny men and other outside parties had the run of the markets, while the Opobo men were excluded.

Every one knows that the Consul's aim was to thoroughly humble the Opobo men, and to introduce opposition traders, so that the Opobo men should gradually lose their business connections which had been built up at great expense during twenty years.

The practical result of the Consul's policy is that he inflicted loss of £12,000 on the Opobo men, and indirectly a further loss to us of other £12,000, and since the markets were re-opened to the Opobo men every European trader in Opobo is paying £2.10s. per ton more for palm oil that can be got for it in Europe, and in the hot competition engendered, the natives of the interior are being paid a price for their produce 25% to 30% more than it can be sold for in England. In other words, a puncheon of oil netting £11 value on the quay at Liverpool is being bought in the African markets for £11, and merchants have to supply caskage value £2.10s per ton, besides losing all their working expenses. This is the result of Consul Hewett's policy.

We desire to state that the natives of Opobo have not been compensated, as promised, for the guns, cannons, &c., taken from them by Consul Johnston, and they have had no satisfaction given them for the guns, canoes, and property confiscated by Consul Hewett; they have been fined so heavily and treated so hardly by Consuls Johnston and Hewett that we fail to find any parallel in history, although we go as far back as the Pharaohs.

We cannot but express our deep regret that such things have been done by Consuls who represent our most Gracious Queen and in the name of a nation, professedly among the most civilized in the whole world.

We consider it our duty to point out that while in Opobo, Consuls Johnston and Hewett resided in the house of one or other of the Agents representing the faction that was antagonistic to JAJA, the Opobo people and ourselves, and we have no doubt their minds were thereby unfairly prejudiced. They held meetings with the natives from time to time, which resulted in certain measures being adopted. Those measures were, generally known, and reported to us by friends in the employ of the opposite faction several days before the meetings with the natives took place, although such measures were represented as being the outcome of such meetings, and we believe the intentions of the Consul were known and discussed before the meetings were held.

We are of opinion that the Consuls' actions were of a partisan character, and aimed indirectly at us. Major MacDonald may recollect that when our Agent, Mr. Bruce, got his permit to proceed to Opopo Town, in order to use his influence in a peaceful direction, Consul Hewett intercepted him, and refused to allow him to proceed.

We desire, in conclusion, to say that after the fullest consideration and enquiry into the facts of the case, the actions of Consuls Johnston and Hewett have led to no beneficial results, have inflicted serious loss on all parties, both European and native, and that all that H.M. Government may have aimed at might have been attained by judicial and peaceful measures. The poor broken-down and sadly abused Chief JA JA is an exile at St. Vincent, because he held to his treaty rights, and depended on the honour of a British Consul, the people of Opopo are being slowly but gradually ruined, British Merchants are losing large sums of money in trade, while the interior tribes are getting their goods at a discount of 20% from the merchants who are anxious to realize their property, because of the uncertainties of the situation.

We have the honour to be,

Your Lordship's obedient servants,

ALEX MILLER, BROTHER & CO.

Certified true copy,

Sgd.

Secretary

Eastern Provinces.

Attachment 'D'

In accordance with the terms recommended by the Consular Court in 1891 Chief Sam Annie Pepple is hereby entitled to £640 (Six hundred and forty pounds) sterling being compensation for arms and ammunitions he conditionally surrendered to Her Britannic Majesty's Government in 1889.

Now the condition is such that Her Britannic Majesty's Government upholds this claim for the sum hereinbefore mentioned any time, upon the production of this document by the said Sam Annie Pepple, his heir or successor, within 50 (fifty) years from the 1st of January, 1893.

Given under my hand at H.B.M. Vice Consulate, Opopo, the 19th of June, 1892.

(Sgd.) W. Cairns Armstrong
Deputy Commissioner and Vice Consul.

Executed in my presence.

(Sgd.) W.V. Tamer

Pro Consul.

certified true copy,

Secretary,
Eastern Provinces.

Attachment 'E'

I hereby certify that Chief Sam Annie Pepple is further entitled to two hundred and thirty pounds sterling (£230) compensation for small arms surrendered to H.B.M. Government according to receipts produced.

(Sgd.) W.V. Tamer
Pro Consul.

Vice Consulate,
Opobo
25th June, 1892.

Certified true copy
Sgd. Secretary
Eastern Provinces.

Attachment 'F'

SOLA

In accordance with the terms recommended by the Consular Court in 1891 Chief Bruce Ja Ja is hereby entitled to £950 (Nine hundred and fifty pounds) sterling being compensation for various weapons he conditionally surrendered to Her Britannic Majesty's Government in 1889.

Now the condition is such that Her Britannic Majesty's Government upholds this claim for the sum hereinbefore mentioned any time on producing this document by the said Chief Bruce JAJA, his heir or successor within a period of 50 (fifty) years from the 1st of January, 1893.

Given under my hand at H.B.M Vice Consulate, Opobo, the 23rd of June, 1892.

(Sgd.) W. Cairns Armstrong

Deputy Commissioner & Vice Consul.

Executed in the presence of

(Sgd.) W.V. Tamer

Pro Consul.

Certified true copy.
Sgd.
Secretary
Eastern Provinces.

Properties belonging to Chief Sam Oko Epelle of Opobo Town Southern Nigeria West Africa, seized in 1889 by the Captain and hands of H.M.S. *Pheasant* by order of Her Britannic Majesty's Consul, E.H. Hewett Esqr. enumerated below:-

	£	S	D
1. Forty-five trunk boxes of silk satins real India clothes velvets, valued at	252.	0.	0
2. One box of round and long coral beads value one hundred puncheons, at £10 per puncheon	1800.	0	0
3. Five satin silk and velvet damask dressing gown valued 5 puncheons of palm oil, and one puncheon of oil valued £18	90.	0	0
4. Fifteen canon guns long eight and four guns powders valued two puncheons of oil each. Seven and three gun powders valued one and a half puncheon of oil, one punch value £18	475.	0	0
5. Oil checks for forty-five puncheons of oil value at £18 per puncheon.	810.	0	0
6. Ten bales of Fand R Ju Ju clothes at 3 puncheon of oil per bale. One puncheon of oil value £12	360.	0	0
7. Seven cases of wool crimson style shirt at four puncheons of oil per case, one puncheon of palm oil valued £12	336	0	0
8. Five bales of thick wool sweaters at three puncheons of oil per bale and one puncheon of palm oil value £12	180.	0	0
9. Eight caldrons or iron pots of 200 gallons capacity of half a puncheon of oil each. Value £12 per punch	48.	0	0

	£	S	D
10. Three bales of umbrella at one three puncheons of oil per bale. One puncheon of oil valued £12.	108.	0	0
11. Thirty bundles of galvanized iron sheets at 5 candles for a puncheon of oil. Value of a puncheon £12	72.	0	0
12. Twelve Henri Matina guns at 2 guns for a puncheon of oil. One puncheon of oil value £12	72.	0	0
13. Seven cases Snider Rifles at three puncheons of oil a case. One puncheon of oil valued £12	252.	0	0
14. One hundred and fifty swords, at 12 swords for a puncheon of oil. One puncheon of oil value £12.	150	0	0
15. Seventeen bases cap guns at two puncheons of oil per case. One puncheon of oil value £12.	408.	0	0
16. Three dozens of rifles, at 6 for one puncheon of oil. One puncheon of oil valued £12.	72	0	0
17. Cases preserved canned food bought from Gold Coast traders in Opobo river at 7 puncheons of oil. One puncheon value £12	84	0	0
18. Two boxes of silver spoons, forks and cutleries at 5 puncheons of oil each set. One puncheon value £12.	120	0	0
19. Six brass baths at one puncheon of oil each one puncheon of oil value £12	72	0	0
20. One musical box of a puncheon of oil. A punch value £12.	12	0	0
21. One telescope and Binoculars at two puncheons of oil. One puncheon of oil value £12.	24	0	0
22. Seven cases of Dutch Rifles at 3 puncheons of oil per case. One puncheon of oil value £12.	252	0	0

	£	S	D
23. Ten cases of Snider Rifle. Cartridges at 2 puncheons of oil per case. One puncheon of oil valued £12.	24	0	0
24. Four cases of Matina Rifle cartridges at 3 puncheon of oil per case. One puncheon of oil valued £12.	144	0	0
25. Four cases of Revolver cartridges at 3 puncheons of oil per case. One puncheon of oil valued at £12.	144	0	0
26. Breakfast, Dinner, Lunch services at three puncheons of oil per set. One puncheon of oil valued £12.	108	0	0
27. Three bales of cotton yards at 7 puncheons of oil per bale, one puncheon of oil valued £12	252.	0	0
28. Nine bales of Negro Cold cap at 3 puncheons of oil per bale, one puncheon of oil valued £12.	324	0	0
29. Thirty cases of percussion caps at two puncheons of oil per case. One puncheon of oil valued £12.	720	0	0
30. Five cases of cut glass decanters or tumbo bottles at one puncheon of oil per case. One puncheon of palm oil valued £12.	60	0	0
31. Forty cases of agate beads at four puncheons of oil per case, one puncheon of oil valued £12.	1920	0	0
32. Seventeen cases of hunting knives at 2 puncheon of oil per case. One puncheon of oil valued £12	408	0	0
33. Ten cases of Guinea Scarvers at two puncheons of oil per case. One puncheon of oil valued £12.	240	0	0
34. Nine cases of glass beads valued one and a half puncheon of oil per case and one puncheon of oil valued £12.	162	0	0
	<u>£10771.</u>	<u>0</u>	<u>0</u>

Copied from File No. 11329/S. 62

No. 12468/169
Secretary's Office
Eastern Provinces
Enugu, Nigeria

2nd January, 1941.

The Honourable
The Chief Secretary to the Government
Lagos

Epelle House, Opobo Town Subsidy

I am directed to refer to my letters Nos. E.P.21468/145 and E.P.12468/152 of the 20th of August, and to enquire regarding the present position.

(Sgd.) ?

Acting Secretary
Eastern Provinces.

Note that one war canoe and its riggings with one steel gun and twenty Snider Rifles, are not taken in account. Other chiefs properties or war implements are not included here. But solely and wholly those of Epelle House.

(Sgd.) Amos T.S.A. Epelley.

Copies from File No. 11329/S.60
No. 11329/S.60/48

5 February, 1941.

Subsidies to Chiefs in the Brass District.

The Secretary,
Eastern Provinces,
Enugu

With reference to your letter No. 12973/95 10th of September, 1940, I am directed to apologize for the delay in dealing with this matter and to inform you that examination of the question of the future policy to be followed with regard to the payment of subsidies generally awaits the completion of a report on subsidies in the Western Provinces.

(Sgd.) G. Miles Clifford
for Acting Chief Secretary to the Government.

11329/58

6 February, 1941

Epelle House, Opobo Town: Subsidy:

The Secretary
 Eastern Provinces
 Enugu

With reference to your letter No. 12468/169 of the 22nd of January I am directed to apologize for the delay in replying to your letters Nos. E.P. 12468/145 and E.P. 12468/152 of the 20th of August, 1940.

2. I am to acknowledge receipt of the original documents, as requested in paragraph 6 of the second of your letters under reference, and to say that a further communication will be sent in due course.

(Sgd.) G. Miles Clifford
 Acting Chief Secretary to the Government

Gen. 52

Hon. Attorney-General:

1-18. Will you please advise, as requested in paragraph 4 on p.3 on the various claims referred to in this letter? The originals of the documents concerned are enclosed in an envelope at cover marked 'B'.

?
 Sgd. for CSG.
 7.2.41.

Hon. A.G.

At convenience, could you please let me have, temporarily, file No. 11329 - *subsidies of Comey origin*.

It is, I believe, with you.

Sgd.?
 21/3

pp obtained from HAG about end of April, 1941.
 Sgd.?

Minutes

Acct-General

Page 3, para 4. Would you be good enough to state what information you secured as a result of S E P's letter to you?

Sgd.
WH Paul
for CSG
15.7.41

0017 Hon. CSG

None. I regret that despite an exhaustive search, I am unable to trace cash books recording payments and receipts at Opobo during the years 1892 to 1910.

Sgd. William for Ag. Acct-General
23.7.41

C.S.

These papers were buried in file on Comey Subsidies with which they are not really concerned. Before they go for legal advice, I think S.E.P. must be addressed to make sure no further information is available.

I (sic) letter to sign if approved.

Sgd.?
26.7

38706/24
29 July,41

Epelle House, Opobo Town: Subsidy

The Secretary,
Eastern Provinces
Enugu

I am directed to refer to your letter No. E.P. 12468/152 of the 20th of August, 1940 and to express regret that this matter has been delayed. Before action is taken now I am to ask you to confirm that no further information has since become available, for example as a result of the enquiries mentioned at the end of the second paragraph and in the fourth paragraph of your memorandum. The Accountant-General has been approached here but states that he is unable to trace any records of payments and receipts at Opobo during the years 1892 to 1910.

(Sgd.) G. Miles Clifford
for: Chief Secretary to the Government.

B.U.
29.9

38706

No. 12468/175
Secretary's Office
Eastern Provinces
Enugu, 22 July, 1941

The Honourable
The Chief Secretary to the Government
Lagos

Epelle House, Opobo Town: Subsidy

I am directed to refer to the last sentence of paragraph 2 of my letter No. E.P. 12468/152 of the 20th of August, 1940, and to say that the Resident, Calabar Province (Mr. J.W. Hartley), reports that in spite of an intensive search both at Opobo and Calabar no records of the Consular Court of ??? ?

C.S.

25 crossed 24, is further inf. from CCEP may be expected.

2. We may now ask HAG to advise on 1?

Sgd.?
31.7

H.A.G.

These papers were referred to you once, before in a file on subsidies of Comey origin, with which they are not really connected.

2. Would you now be good enough to advise?

Sgd. W.H. Paul
for CSG
31.7.41

C.S.

In my opinion unless it can be proved that the liability shown to lie on his Britannic Majesty's Government has been discharged His Majesty's Government is liable in respect of the transactions referred to in:-

Para.	(i) of para. 1 on page	1	£9,600
"	(ii) " "	1	1,000
"	(iii) " "	2	870
"	(iv) " "	2	<u>950</u>
			<u>£12,420</u>

I do not consider that any sufficient proof has yet been adduced in respect of the claim in para. (v) of para. 1 on page 2.

2. I suggest that the following action might be advisable:

- (1) Search in Fernando Po to try and ascertain if there are any records of the Consular Courts, and
- (2) A reference to England to ascertain whether the Foreign Office has any record of these transactions and, if so, whether the liability has or has not been discharged.

3. I suggest that instead of returning the original documents to Enugu by registered post, it might be advisable if convenient to hand them to Mr. Shute to take back personally; I understand he will be in Lagos in a few days time.

4. The F.S. has not yet seen these documents; he may have some knowledge of some similar transactions.

Sgd. A.G.

8.8.41

C.S.

Should it turn out that this money has to be paid, the establishment of who are the proper recipients will cause some uproar, and the matter might have to go to court.

2. I suggest government retains the originals; they will certainly be needed when the moment comes for final decision. A formal receipt can now be given for them. But if they are with £12,000 they should not remain in the pocket of this file, and should at least go into the safe?

Sgd.?

13.8

The documents at cover should certainly be put in safe custody. You will refer to PS as at para 4 opposite. The Foreign Office wd. seem to be the only likely source of record but we can try Fernando Po.

Sgd.?

13/viii

DFS.

You will wish to see these documents and perhaps with the 1942-43 Estimates!

Sgd.? 13/8

F.S.

To see.

Sgd.?

16/8/41

Seen. The documents should certainly be returned to safe custody (they have been in my safe for a few days). According to HAG's advise any liability arising rests with H.M.G.

Sgs.?

20/8/41

C.S.

Action as proposed in para 2 of AG's minute at 27. Mr. Michie will be here shortly. He could see the papers and make the necessary inquiries in F.Po.

Also despatch to be prepared to S of S.

Sgd.?

21/8

Y.E.

To see at this stage. Action will be taken as proposed above. It seems extraordinary that the Chiefs should have deferred their claims until the time limit of 50 years is so near expiring.

Sgd.?

21/8

Quite extraordinary. Either that document has been low hair or there is more in this than meets the eye.

Sgd.?

21/8/41

We might ask CCEP if he knows the reasons for so long a delay.

Sgd.?

22/8

C.S.

From references in the Library, the history of the Oil Rivers (Benin to Calabar) is very briefly as follows:

2. The Oil Rivers Protectorate was formed about 1885, and before this there was no real established government. Up to 1882 a British Consul lived at Fernando, Po, and 'looked after' the Oil Rivers as well. Between 1882 and 1886 a Consulate was established at Calabar, and about 1885 a Protectorate was declared over the Oil Rivers, but practically no real administration was set up.

3. In 1891 matters were taken in hand: Major MacDonald was appointed Commissioner and Consul-General, with headquarters at Calabar; and in each of the five other principal rivers (Opobo, Bonny, Brass, Forcados and Benin) there was established a Deputy-Commissioner and Vice-Consul, a judicial officer in charge of the Consular Court, and various other staff.

4. These four documents in question (pp. 4, 13, 14 and 15) were all executed in June 1892 by the Deputy-Commissioner and Vice-Consul at Opobo; if therefore there are any records in West Africa of these agreements, they can I think be found only in the offices that are the descendants of these Commissioner's and Deputy-Commissioners' offices. What records of these offices still exist is not clear but it would seem from 25 that all present offices in which they (sic) likely to be found have been searched. I doubt therefore if much more can be done locally, but I will speak to Mr. Michie when he comes is in.

5. One letter to S.E.P. to sign if approved.

Sgd.?

12.9

STRICTLY CONFIDENTIAL

38706/31

12th September, 41

The Secretary
Eastern Provinces
ENUGU

Epelle House, Opobo Town: Subsidy

I am directed to refer to your letter No. E.P. 12468/152 of the 20th of August, 1940 and to state that this matter has now been considered by Government. The Law Officers advise that in their opinion the documents evidence a liability on His Majesty's Government in respect of claims (i) to (iv) unless it can be proved that this liability has been discharged.

2. The matter will therefore be referred to the Secretary of State, but before this is done I am to ask that a full report of all that is known about these documents is submitted. Government would like to know, for instance, in whose custody they have been, whether their existence was known to the Resident before their production in January, 1939, why the Chiefs have waited until the time limit of 50 years specified in four of the documents has almost expired, and so on. The documents have been placed in the safe in this office and will be retained for the present.

3. This correspondence must now be kept strictly confidential, and the Chiefs should only be informed that Government acknowledges receipt of the documents (as forwarded with your letter under reference), and that they have been placed in safe custody pending enquiries.

Sgd.?

for Chief Secretary to the Government.

38706/33

19th September, 41

H.B.M. Consul
Spanish Guinea

Claims by Opobo Chiefs

Sir,

Referring to discussions in this office between yourself and the undersigned, I am directed to forward copies of the four agreements in question executed by the Deputy-Commissioner and Vice-Consul of Opobo at Opobo in 1892, and to request you to be good enough to search such old records as may exist in your office and forward copies of any that would seem to refer to these agreements or provide any general assistance in the investigation.

2. I am to ask that the results of your search, whether positive or negative, be communicated in the first instance by telegraph.

I have the honour to be,

Sir,

Your obedient servant,

W.H. Paul for

Chief Secretary to the Government.

STRICTLY CONFIDENTIAL

No. 12468/199

Secretary's Office
Eastern Provinces
Enugu, Nigeria

12th December, 1941

The Honourable
The Chief Secretary to the Government
Lagos

Claims by various Houses of Opobo Town for Compensation in respect of
War Canoes etc., surrendered to Government in 1882.

With reference to your letter No. 38706/31 of the 12th of September, I am directed to inform you that the Resident, Calabar Province, reports as follows:

With reference to the Chief Secretary to the Government's letter No. 38706/31 of the 12th of September, 1941, forwarded over your endorsement No. 12468/186 of the 22nd of September, 1941, the District Officer, Opobo, writes:

....I have received the following reply from the Amanyambo which I think answers the first question raised in paragraph 2 of the Chief Secretary to the Government's letter:-

(a) The documents with claims of £950 and £870 were in the archives of late Chiefs Bruce Jaja and Sam Annie Pepple respectively; but the other documents of £9,600 etc. were in the public archives kept by the successive Amanyambos of Opobo since 1892.

(b) According to the provision "after an interim of 30 (thirty) years from the date hereof assigned" the claims were not due until after the 1st January, 1923. In the case of claim of £9,600 whose document was in the public archives kept by my immediate predecessor, I think he had no access to the document, or it escaped his attention. He was answerable. But in the case of claims of £950 and £870 by Chiefs Bruce Jaja and Sam Annie Pepple there was no successor to each of the two Chieftaincies between 1923 and 1935. My announcement of the discovery, some time after my installation, in 1938, of the document of £9,600 evoked diligent search by other ancient Houses of their "private archives with the subsequent discovery of documents of £950 and £870.

2. The chiefs have very much confidence on the good faith of the Government that they had expected Government, without their coming to make representations, to honour its pledged word. It is long over two years since the documents were tendered and, if the claims are really genuine, nothing would give the chiefs greater pleasure than satisfaction of their claims.

2. With reference to the second question there is no written record to show that the Resident was aware of the existence of these documents before January, 1939, but the Chiefs inform me that the matter was raised during the last war and that the Resident, Calabar Province, promised to take the matter up with Government: there was no correspondence on the subject however, and consequent upon certain changes in the headship of the various Houses concerned, the matter was allowed to drop.

2. I am to forward also for your information a copy of the minutes of a meeting held at Enugu in January, 1939, with certain Opobo Chiefs, which deal directly with this matter.

Sgd.
Acting Secretary
Eastern Provinces.

Minutes of a Meeting between Acting Secretary Southern Provinces (E.N. Nylius, Esq.,) and Chiefs Harry Toby, Jim Shoo Peterside and Hegg Bruce representing the Chiefs of Opobo.
28th January, 1939

Also present Captain A.R.A. Dickens (Ag. S.W.P.) W.C. Wormal Esq., Assistant Secretary and E. Hallinan, Esq., Crown Counsel.

Document 'A' concerning Comey dated 10/7/92 signed by Cairns Armstrong, Vice-Consul and Tanner Pro-Consul produced by representatives and kept by Secretary, Southern Provinces (referred to as "A").

Full amount of £500 paid up to 1917.

Sunday Jaja died in May, 1915. MacPepple in 1936.

Custody of Document "A" Found among Sunday Jaja's papers about October or November, 1937 by Bruce Higgs in presence of Rev. Stephen Jaja, David Cyprian Jaja and Charles D. Jaja. Matter reported to District Officer, Opobo January, 1939. Chief Jim Shoo Peterside stated that delay due to difference in Council of chiefs as to division of the money. Higgs stated that he had been

promised a reward by the council but has, as yet, received nothing. He also at first stated that delay was due to dispute about the reward, but later denied this.

Document 'B' undertaking dated 17/6/1892 or 1891? signed by Cairns Armstrong to pay £9,600 compensation for war canoes to Opobo Chiefs.

Higgs stated document "B" was made pursuant to surrender of canoes in 1888 in Sir Harry Johnson's time.

The existence and whereabouts of this document was always known. It was originally in possession of Cookey Gam and from him it passed to MacPepple. Bruce Higgs was Secretary to MacPepple since 1915 and the box containing the document has been in his possession. MacPepple once showed this document to a Mr. Betts at Lagos who advised him to take no action thereon, and in 1917 he took it to the Provincial Commissioner at Calabar who said that Government could not meet such obligations in war time.

Document "C" undertaking dated 23rd June 1892 signed by Cairns Armstrong promising to pay Bruce Jaja £950 compensation for weapons surrendered. Bruce Jaja was Bruce Higgs' father and died in 1910. One Bennet succeeded as head of the house and died in 1927. Document "C" remained locked up in Bennet's house until obtained by Bruce Higgs in 1935.

The originals of documents 'B' and 'C' have not been shown to the District Officer, Opobo, but copies were handed to him in September, 1938.

Bruce Higgs states that a similar undertaking was given to Sam Annie Pepple and that this document is in the possession of Solomon Pepple.

Bruce Higgs also stated that Sir Harry Johnson arranged in 1888 with chief George Cookey that, if Opobo disarmed, and certain other tribes (e.g. Bonny and Brass) did not disarm, Government would compensate the Opobo Chiefs. Chief Bruce Higgs did not make it clear what bearing this agreement had on the subsequent agreements - Documents "B" and "C".

Mr. Mylius informed the representatives that the Resident would communicate with them and be asked to inform them that -

- (1) They should put forward promptly all claims against Government by the Opobo Chiefs either collectively or individually, and the documents in support of these claims should be produced. It was, however, clearly explained that nobody was under any obligation to produce a document unless he thought fit to do so.
- (2) They should, if possible, prepare a statement showing the chiefs who received payment of comey in each year since 1892 and the amount received by each Chief.

STRICTLY CONFIDENTIAL38706

19th February, 52

The Secretary
Eastern Provinces
ENUGU

Claims by Opobo Chiefs

I am directed to refer to your strictly confidential letter No. 12468/193 of the 12th of December and to state that correspondence relating to the claim of £1,000, as described in paragraph 1 (ii) of your letter No. E.P. 12468/152 of the 20th of August, 1940, has now been traced in this office. Copies of five documents are attached and it will be observed that this sum deposited as security was apparently refunded.

2. The Accountant-General states that he does not possess the cash-book maintained by the Government of the Oil rivers Protectorate at its headquarters in Calabar in 1892, but that a member of his Department is under the strong impression that it still exists in the present sub-Treasury at Calabar. I am therefore to ask that this cash-book be sought with a view to determining that the sum of money mentioned in enclosure (5) was, in fact, repaid in the manner suggested therein.

3. No references to the other claims can be traced, and they are now ready for forwarding to the Secretary of State. It is, however, considered desirable to await your reply to this letter before doing so.

(Sgd.) W.H. Paul

for: Acting Chief Secretary to the Government.

Enclosures: (1)

July 2, 1889

Foreign Office to Paymaster-General

I am directed by the Marquis of Salisbury to request that the proceeds of the bill for £1,000 on Messrs Miller Brother & Co. of Glasgow, which was sent to you on the 18th ultimo, may be invested in Government 2% in the joint names of the Assistant Paymaster-General and the Chief Clerk of this Office for the time being.

(2)

August 16, 1889

Paymaster-General to the Foreign Office.

With reference to your letter of the 2nd ultimo, I am directed by the Paymaster-General to inform you that the sum of £1041.12.10 2 per cent stock was transferred yesterday into the joint names of the "Assistant Paymaster-General and the Chief Clerk of the Foreign Office for the time being, on account of the Foreign Office, in respect of security given by the Opobo Chiefs of Old Calabar", as per stock receipt enclosed.

I am to request to be informed whether the dividend are to be credited to Consular services.

(Enclosure)

£2.10.0 per centum annuities.

Received this 15th day of August, 1889, of the Assistant Paymaster-General and the Chief Clerk of the Foreign Office for the time being, in respect of security given by the Opobo Chiefs of Old Calabar, hereinafter called the said transferee, the sum of nine hundred and ninety-eight pounds thirteen shillings and five pence, being the consideration for one thousand and forty-one pounds twelve shillings and ten pence interest or share in the capital or joint stock of the Two pounds ten shillings per centum annuities forming part of the National Debt transferable at the Bank of England, together with the proportional annuity attending the same, by me this day transferred to the said transferee

998.13.5

6. stamp

1.6.1 commission

£1000.0.0.

Witness my hand

- Clerk.

Witness

C.J. Rickards.

(3)

August 23, 1889

Foreign Office to Paymaster-General.

I am directed by the Marquis of Salisbury to acknowledge the receipt of Mr. Earnshaw's letter of the 16th instant and, in reply, to transmit to you a copy of a letter from the Treasury (no. 262) from which you will observe that the Board of Treasury are of the opinion that the accruing interest on the 2 per cent,

Consols purchased with the security given by the Opobo Chiefs should be invested in like stock and added to the fund, and that the whole fund should be surrendered to the Chiefs when the proper time arrives.

(4)

Oil Rivers Protectorate

12 March, 1892.

Sir,

I have the honour to forward to you a copy of a despatch from Vice-Consul Armstrong informing me that the guarantee of £1,000 paid by the Opobo Chiefs in 1889, to be of good behaviour for a period of three years expired on the 5th instant.

This fine was imposed by the late Consul Hewett on the Opobo Chiefs but the money was paid by the firm of Alex Miller Brother & Co. who in so doing secured the gratitude of the chiefs, and their trade.

In a letter dated August 23rd. 1889 written by the Foreign Office to the Paymaster-General, it is stated that "the accruing interest on the 2 per cent Consols purchased with the security given by the Opobo Chiefs should be invested in like stock and added to the fund and that the whole fund should be surrendered to the Chiefs when the proper time arrives".

I would respectfully suggest that taking the circumstances of the loan into consideration the sum of £1,000 should be paid to the firm of Alex Miller Brother & Co. of Glasgow, and the interest should be paid to the Opobo Chiefs.

I have etc.,

(Sgd.) Claude M. MacDonald

H.B.M.'s Commissioner & Consul General.

The Under Secretary of State
for Foreign Affairs.

(5)

Foreign Office
July 2nd 1892

Sir,

In reply to your despatch No. 21 of the 12th of March last in regard to the repayment of the Fine imposed on the Opobo by Consul Hewett in 1889 as a deposit for good behaviour, I am directed by the Marquis of Salisbury to state that with the concurrence of the Treasury the securities in which the deposit was invested have now been realized and the product amounting to £1065.11.0

transferred; - a statement showing how this sum is arrived at is enclosed for your information.

You are now at liberty to repay to Messrs Miller the sum of £1,000 which was, it appears, advanced by them for the deposit in question, after obtaining from the Chiefs authority to do so.

The balance being the interest on the fine may, as you suggest, be returned to the Chiefs themselves.

??

No. 18989/203

STRICTLY CONFIDENTIAL

Secretary's Office
Eastern Provinces
Enugu, Nigeria

17 March, 1942

The Honourable
The Chief Secretary to the Government
Lagos

Claims by Opobo Chiefs

With reference to your letter No. 38706 of the 19th of February, I am directed to inform you that the Resident, Calabar Province, reports that the Local Treasury Assistant, Calabar, writes:-

I have to report that I have carried out a thorough search, but have not succeeded in tracing the Cash Book of the Government of the Oil Rivers Protectorate in use at Calabar in 1892.

2. The Cash Book that bears the earliest date is that of the year 1894".

Sgd.?

Secretary
Eastern Provinces.

C.S.

From 31. As will be seen from 39, I managed to find references to one of the claims (that stated in (ii) on page 1), and I think that it can now be rejected.

Self-explanatory draft to S.E.P. submitted. since H.A.G. at one time (p.26) advised that this claim was good, you will wish to ask him to reconsider in view of this fresh evidence, and confirm that the claim may not be rejected.

2. For the other four claims a Despatch can now go to S. of S., and draft is submitted at cover.

3. With regard to the past history of these documents, 35 and 37 seem to contradict each other a trifle; but it does not seem to matter very much, and no lengthy explanation is attempted in the despatch.

4. The original documents have been shown to Mr. George of the C.I.D., who is of the opinion that they are genuine. He also kindly provided, at his own suggestion, the photostats.

5. The volume of "Correspondence respecting the Royal Niger Company" attached makes interesting reading, though one is not impressed with the filing technique of the Foreign Office in those days. As reproduced in this print, this file is a sorry jumble of all sorts of matters having nothing in common except that they concern that part of West Africa now Nigeria: lots of the letters in it, and particularly those dealing with Opobo, have nothing to do with the Royal Niger Company.

6. The claim at para. 1 (v) on page 2 is also not mentioned in the despatch since it has unhesitatingly been rejected by the Chief-Com and Attorney-General. In the letter to S.E.P. attached I have said that this claim is also rejected.

7. I suggest that one copy of the despatch and enclosures goes to S. of S. by air mail, not because there is any urgency but because it is more reliable.

(The originals of the documents are with me)

Sgd.?

6/5/42

H.A.G.

X44. Can you now advise that this claim for £1000 can be rejected in view of the correspondence referred to above 39-42?

Sgd.?

f: CSG 7/5/42

A.C.S.

We are not home yet. We have the authority of the Foreign Office to repay this money on the terms suggested at 42 but no proof that the money was so returned.

2. It is a fairly safe assumption that it was so paid for were it otherwise, Messrs Miller would doubtless have put forward a request long ago, but we are still without proof.

3. What has happened to Messrs Miller? The books of that firm should show the profit.

4. Meantime pending further record we should adopt the attitude that this sum has been repaid.

Sgd.?
7/5/42.

C.S.

In view of above I have slightly revised the last 2 paras of the Despatch, and the letter to S.E.P.

Sgd.?
8.5

Minute at 44-45 refers Drafts may be faired?

Sgd.?
11/5/42

fair
Sgd.
11/5

G.D.

Will be interested in this file. The whole position is set out in the despatch submitted at cover for signature, if approved.

The original documents are in a special folder attached.

Sgd?
16.5

Confidential

S. of S.

I have the honour to inform your Lordship that the Chiefs of Opobo in the Calabar Province have submitted claims on Government for various sums of money, totalling £11,420, which they allege are due to them in respect of agreement executed in 1892. In support they exhibit four documents, photostat and typewritten copies of which are attached. The particulars of the documents are as follows:

- A. An apparently original document executed by W. Cairns Armstrong, Deputy commissioner and Vice-Consul at Opobo, on the 17th of June, 1892, and promising that Her Britannic Majesty's Government will pay to the Chiefs of Opobo, their heirs and successors, the sum of £9,600, after 30 years and within 50 years from the 1st of January, 1893. It is on paper embossed with the Royal Arms and bears the impression of the Consulate rubber stamp. (In the photostat what appears in the bottom right-hand corner of the second sheet is not a detached fragment but the accidental reproduction of the bottom right-hand corner of the first sheet).
- B. An apparently original document executed by W. Cairns Armstrong on the 19th of June, 1892, and stating that chief Sam Annie Peple, his heir or successor, is entitled to a sum of £640 at any time within 50 years from the 1st of January, 1893. It is on plain paper with the impression of the Consulate rubber stamp.
- C. An apparently original document, executed by W. V. Tanner, Pro-Consul, on June 25th, 1892, and stating that Chief Sam Annie Peple is entitled to a further sum of £230. It is on plain green-tinted paper without the impression of the Consulate rubber stamp. (As submitted, this document was enclosed in an envelope, a reproduction of which also appears in the photostat).
- D. An apparently original document, executed by W. Cairns Armstrong on the 23rd of June, 1892, and stating that Chief Bruce Ja Ja, his heir or successor, is entitled to a sum of £950 at any time within a period of 50 years from the 1st of January, 1893. It is on plain paper with the impression of the Consulate rubber stamp.

2. The history of these documents is somewhat obscure, but it would seem that some of them have always been known to exist and have been produced from time to time, though not apparently with firm demands for a discharge. Eventually some came to the notice of the Resident Calabar in 1928, who advised the Chiefs to have a thorough search made in all old documents in their possession. This resulted in the production of these four some time in 1929, which may therefore be taken as the date on which the claims were lodged.

3. Opobo is one of the 'Oil Rivers' and lies in that area along the Coast where in the early years of British occupation the administration was carried out by a Consul. The Consulate was in Fernando Po up to about 1882, when it was moved to Calabar on the mainland. In 1885 the Oil Rivers Protectorate was declared, but no new system of administration was undertaken until 1891, when Major (later Sir Claude) MacDonald was appointed Commissioner and Consul-General with Headquarters at Calabar. Subordinate officers styled Deputy-Commissioners and Vice-Consuls were established at five other stations, one of which was Opobo. In 1893, when further territory was annexed, the name

was changed to the Niger Coast Protectorate, and in 1896 control was transferred from the Foreign Office to the Colonial Office.

4. These documents would therefore seem to represent formal acts found necessary by the new government of the Oil Rivers Protectorate when it attempted to establish closer relations with the Chiefs. Such records of these times as now exist in Nigeria, and in the Consulate at Fernando Po have been searched, but no references to these documents can be found. The collection of printed Parliamentary and non-Parliamentary Papers maintained by this Government has also been searched, with a similar negative result. (A list of such papers examined is attached for information).

5. So far as can be determined by examination here these four documents are genuine. In the first place it is known that in 1889 large quantities of war-canoes and weapons were confiscated from these Chiefs, the evidence being in Part III of 'Further Correspondence respecting the Royal Niger Company'. Inclosure 5 to Paper No. 77 and Paper N. 82; and it is more than likely that in 1892 the Government of the Oil Rivers Protectorate, in a desire to establish good relations with the Chiefs, promised to pay compensation for these seizures. Three out of the four documents state that the sum was recommended by the Consular Court, and presumably the Government at that time referred this matter to the Courts for the compensation to be assessed. Further these documents are plainly of our age and appearance that their date of execution and their past history would justify.

6. I am advised that, if genuine, these documents show a liability on His Majesty's Government, unless it can be proved that they have been discharged. That the latter has taken place is more unlikely: there are no records of such payments, and in any event the documents would, on payment, have been endorsed as discharged and probably retained by His Majesty's Government.

7. Your Lordship will now wish to have the claims represented by these four documents investigated in the United Kingdom. I am advised that the word 'Sola', which appears at the top of two of the documents, indicates that this was the sole copy executed: I hope that this does not mean that the Commissioner did not report the transactions to Her Majesty's Government, though since no despatch from the Commissioner on the subject can be found it would seem that the possibility of finding in the United Kingdom records of the transactions is remote. I do not think that much further information can be supplied from here, though I shall be glad to answer any questions or arrange for any further investigations that your Lordship may direct. Since the originals of these four documents may be worth some £11,000 it would seem unwise to subject them to the hazards of a journey to the United Kingdom, and they are for the present being retained in safe custody here.

8. Should these claims be established, and in due course a sum of over £11,000 be made payable to these people, I must confess to some apprehension of the consternation that will certainly follow when a public announcement of

the intended distribution is made, and there is very little doubt but that the identity of claimants will have to be established judicially, either in the Courts or before a special tribunal. Under documents B,C and D, the money would seem to be payable unconditionally to the heirs and successors of the persons mentioned, and I think that this is also the intention in document A. The words 'assigned for the occupancy and the development of the resources of the Interior Territories by the British Government' in that document are not quite clear, but I doubt if they were intended to impose any restriction either on the payment of the money to the Chiefs or in the use of the money by the Chiefs when they had received it.

9. I should perhaps add that these claims are not concerned with the security of £2000 mentioned in Inclosure 5 to Paper 77 of Part III of 'Further correspondence respecting the Royal Niger Company'. As can be seen from Inclosure 1 to Paper 125 this was reduced to £1000, and from the correspondence ending in Paper 264, was received and invested in the United Kingdom. It was not paid by the Chiefs, but by Messrs Alexander Miller Brother and Company, and in 1892 was refunded, as is clear from the last sentence of Paper 125 in the above volume and from Major MacDonald's Despatch No. 21 of the 12th of March, 1892 to the Foreign Office, with reply dated the 2nd of July, 1892, from the Foreign Office. (These last two papers do not appear in the prints mentioned above, but have been found in the bound volumes of despatches of the Oil Rivers Protectorate to and from the Foreign Office. Copies of them are attached hereto for convenience).

10. When submitting their claims for these sums totalling £11,420, the Opobo Chiefs also claimed this £1000, exhibiting a printed copy of part of Inclosure 1 of Paper 125 in the volume mentioned in paragraph 5 above. It would seem, from the information available in the two despatches of 1892 attached hereto, that they can have no claims on Government, and should instead address themselves to the successors in title of Messrs Alexander Miller Brother and Company, but I think it would be helpful to all if this Government carries out some investigation, and establishes whether the Government of the Oil Rivers Protectorate did in fact pay this sum to the firm in 1892, as instructed by the Foreign Office. It is a virtual certainty that it must have been paid, but unfortunately no letters on the subject can be found, and the cash-book for 1892, which would show such a payment had it been made, cannot be traced.

11. I gather, from the bound volumes of despatches, that it was the custom in those days for the Commissioner to send regularly transcripts of his accounts, not under numbered despatch to the Secretary of State or the Under-Secretary, but by letter direct to the Chief Clerk of the Foreign Office. If these are still preserved I should be grateful if they could be examined to establish whether a payment of £1000 was made to Messrs Alexander Miller Brother and company any time on or after July 1892.

Parliamentary and Non-Parliamentary Papers examined Command Papers

C.- 5365,1888: Papers relative to King Jaja of Opobo, etc.

C.-7596,1895: Report on Administration of the Niger
Coast Protectorate, 1891-4.

Confidential Papers printed for the use of the Foreign Office.

'Correspondence respecting Affairs on the River Niger'

No. 5260	Part I, 1885
5312	Part II, January - June, 1886
?	Part III, (copy not possession of this govt.)
5686	Part IV, 1888.

'Correspondence respecting the Royal Niger company'

No. 5610	Part I, 1885-7
5945	Part III, 1889
6098	Part IV, 1890
-	Part V, 1891
-	Part - 1892.

NIGERIA

18th May, 1942

CONFIDENTIAL:

My Lord,

I have the honour to inform your Lordship that the Chiefs of Opobo in the Calabar Province have submitted claims on Government for various sums of money, totalling £11,420, which they allege are due to them in respect of agreement executed in 1892. In support they exhibit four documents, photostat and typewritten copies of which are attached. The particulars of the documents are as follows:

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- D. An apparently original document, executed by W. Cairns Armstrong on the 23rd of June, 1892, and stating that Chief Bruce Ja Ja, his heir or successor, is entitled to a sum of £950 at any time within a period of 50 years from the 1st of January, 1893. It is on plain paper with the impression of the Consulate rubber stamp.

2. The history of these documents is somewhat obscure, but it would seem that some of them have always been known to exist and have been produced from time to time, though not apparently with firm demands for a discharge. Eventually some came to the notice of the Resident, Calabar in 1938, who advised the Chiefs to have a thorough search made in all old documents in their possession. This resulted in the production of these four some time in 1939, which may therefore be taken as the date on which the claims were lodged.

3. Opobo is one of the 'Oil Rivers' and lies in that area along the Coast where in the early years of British occupation the administration was carried out by a Consul. The Consulate was in Fernando Po up to about 1892, when it was moved to Calabar on the mainland. In 1885 the Oil Rivers Protectorate was declared, but no new system of administration was undertaken until 1891, when Major (later Sir Claude) MacDonald was appointed Commissioner and Consul-General with Headquarters at Calabar. Subordinate officers styled Deputy-Commissioners and Vice-Consuls were established at five other stations, one of which was Opobo. In 1893, when further territory was annexed, the name was changed to the Niger Coast Protectorate, and in 1896 control was transferred from the Foreign Office to the Colonial Office.

4. These documents would therefore seem to represent formal acts found necessary by the new government of the Oil Rivers Protectorate when it attempted to establish closer relations with the Chiefs. Such records of these times now exist in Nigeria, and in the Consulate at Fernando Po have been searched, but no reference to these documents can be found. The collection of printed Parliamentary and non-Parliamentary Papers maintained by this

Government has also been searched, with a similar negative result. (A list of such papers examined is attached for information).

5. So far as can be determined by examination here these documents are genuine. In the first place it is known that in 1889 large quantities of war-canoes and weapons were confiscated from these Chiefs, the evidence being in Part III of 'Further Correspondence respecting the Royal Niger Company'. Inclosure 5 to Paper No. 77 and Paper No. 82; and it is more than likely that in 1892 the Government of the Oil Rivers Protectorate, in a desire to establish good relations with the Chiefs, promised to pay compensation for these seizures. Three out of the four documents state that the sum was recommended by the Consular Court, and presumably the Government at the time referred the matter to the Courts for the compensation to be assessed. Further these documents are plainly of an age and appearance that their date of execution and their past history would justify.

6. I am advised that, if genuine, these documents show a liability on His Majesty's Government, unless it can be proved that they have been discharged. That the latter has taken place is most unlikely; there are no records of such payments, and in any event the documents would, on payment, have been endorsed as discharged and probably retained by His Majesty's Government.

7. Your Lordship will now wish to have the claims represented by these four documents investigated in the United Kingdom. I am advised that the word 'Sola' which appears at the top of two of the documents, indicates that this was the sole copy executed. I hope that this does not mean that the Commissioner did not report the transactions to Her Majesty's Government, though since no despatch from the Commissioner on the subject can be found it would seem that the possibility of finding in the United Kingdom records of the transactions is remote. I do not think that much further information can be supplied from here, though I shall be glad to answer any questions or arrange for any further investigations that Your Lordship may direct. Since the originals of these four documents may be worth some £11,000 it would seem unwise to subject them to the hazards of a journey to the United Kingdom, and they are for the present being retained in safe custody here.

8. Should these claims be established, and in due course a sum of over £11,000 be made payable to these people, I must confess to some apprehension of the consternation that will certainly follow when a public announcement of the intended distribution is made, and there is very little doubt but that the identity of claimants will have to be established judicially, either in the Courts or before a special tribunal. Under documents B.C. and D, the money would seem to be payable unconditionally to the heirs and successors of the persons mentioned, and I think that this is also the intention in document A. The words 'assigned for the occupancy and the development of the resources of the Interior Territories by the British Government' in that document are not quite clear, but I doubt if they were intended to impose any restriction either on the

payment of the money to the Chiefs or in the use of the money by the Chiefs when they had received it.

9. I should perhaps add that these claims are not connected with the security of £2,000 mentioned in Inclosure 5 to Paper 77 of Part III of 'Further Correspondence respecting the Royal Niger Company'. As can be seen, from Inclosure 1 to Paper 125 this was reduced to £1,000, and from the correspondence ending in Paper 264, was received and invested in the United Kingdom. It was not paid by the Chiefs, but by Messrs Alexander Miller Brother and Company, and in 1892 was refunded, as is clear from the last sentence of Paper 125 in the above volume and from Major MacDonald's Despatch No. 21 of the 12th of March, 1892 to the Foreign Office, with reply dated the 2nd of July, 1892, from the Foreign Office. (These last two papers do not appear in the Prints mentioned above, but have been found in the bound volumes of despatches of the Oil Rivers Protectorate to and from the Foreign Office. Copies of them are attached hereto for convenience).

10. When submitting their claims for these sums totalling £11,420, the Opobo Chiefs also claimed this £1,000, exhibiting a printed copy of part of Inclosure 1 or Paper 125 in the volume mentioned in paragraph 5 above. It would seem, from the information available in the two despatches of 1892 attached hereto, that they can have no claims on Government, and should instead address themselves to the successors in title of Messrs Alexander Miller Brother and Company, but I think it will be helpful to all if this Government carries out some investigation, and established whether the Government of the Oil Rivers Protectorate did in fact pay this sum to the firm in 1892, as instructed by the Foreign Office. It is a virtual certainty that it must have been paid, but unfortunately no letters on the subject can be found, and the cash-book for 1892, which would show such a payment had it been made, cannot be traced.

11. I gather, from the bound volumes of despatches, that it was the custom in those days for the Commissioner to send regularly transcripts of his accounts, not under numbered despatch to the Secretary of State or the Under-Secretary, but by letter direct to the Chief Clerk of the Foreign Office. If these are still preserved I should be grateful if they could be examined to establish whether a payment of £1,000 was made to Messrs Alexander Miller Brother and Company any time on or after July 1892.

I have the honour to be,

My Lord,

Your Lordship's most obedient, humble servant,

(Sgd.) A.G. Grantham

GOVERNOR'S DEPUTY

THE RIGHT HONOURABLE

LORD CANBORNE, P.C

SECRETARY OF STATE FOR THE COLONIES, LONDON S.W.1.

Parliamentary and Non-Parliamentary Papers examined
Command papers

C.5365,1888: Papers relative to King Ja Ja of Opobo, etc.
C-7596,1895: Report on Administration of the Niger Coast Protectorate,
1891-4.

Confidential Papers printed for the use of the Foreign Office
Correspondence respecting Affairs on the River Niger'

No.	5260	Part I, 1885
	5312	Part II, January-June, 1886
	?	Part III, (copy not possession of this Governm
	5686	Part IV, 1888.

'Correspondence respecting the Royal Niger Company'

No.	5610	Part I, 1885-7
	5753	Part II, 1888
	5945	Part III, 1889
	6098	Part IV, 1890
	-	Part V, 1891
	-	Part - 1892.

Strictly Confidential

No. 38706

The Secretary 19 May, 42
Eastern Provinces
Enugu

I am directed to refer to correspondence sending with your Strictly Confidential letter No. 18989/203 of 17th of March, and to forward a copy of a despatch to the Secretary of State. The contents of it should be kept strictly confidential until further notice.

2. The Chiefs may however be informed that the fifty claim, as set out in your letter No. E.P. 12468/152 of the of August, 1940, has been rejected for reasons stated by His Honour.

(Sgd.)?

f:Chief Secretary to the Government.

Colonial Office
Downing Street
S.W.I.

30022/292/42

18 December, 1942.

Dear Grantham,

With reference to your Confidential Despatch of the 18th of May about the claims made against the Nigerian Government by the Chiefs of Opobo, I now enclose copies of correspondence which we have had with the Foreign Office and the Treasury. You will see that the Foreign Office cannot find any useful correspondence on the subject other than that which you have already examined, nor can they find any trace of a despatch from Major MacDonald reporting that payment had been made, to Messrs Miller.

I fear that the Treasury have not taken the matter very seriously. Nevertheless, they ask a number of questions which will have to be answered before we can move further, and I should be grateful if you would let us have your comments on the points raised, that is, *if it is considered that the matter is one which should be pursued in war-time*. I must confess to some doubt about this; but have no doubt that the Resident at Calabar had good reasons for advising the Chiefs to search for the documents on which the claims are based.

Yours sincerely,

Sgd. O.G.R. William.

A.W.G.H. Gratham, Esq., C.M.G.

COPY

30022/292/42.

Colonial Office
Downing Street
30th June 1942

Sir,

I am directed by Viscount Cranborne to enclose for consideration by Mr. Secretary Eden a copy of a Despatch from the Officer Administering the Government of Nigeria, with all enclosures (in original), relating to claims made

by certain Chiefs in Nigeria for certain sums of money which they allege to be due to them in respect of agreements executed in 1892. At the time to which these documents refer the Oil Rivers Protectorate, which included the Tribal areas of these Chiefs, was administered by a Commissioner and Consul-General. Control was transferred from the Foreign Office to the Colonial Office in 1896.

2. I am asked to say that there seem to be no papers in the colonial Office which throw any light on these claims and that consequently Lord Cranborne has at present no means of further investigation. Lord Cranborne will be grateful if any relevant documents or information in the archives of the Foreign Office can be found and placed at his disposal, and he will welcome any observations that Mr. Eden may think fit to offer generally on the claim.

3. I am to ask that the enclosures may be returned with the reply to this letter.

I am,

Sir,

Your most obedient servant,
(Sgd.) Arthur Mayhew.

The Under-Secretary of State
Colonial Office.

COPY

2349/2349/405
S.W.1/

Foreign Office

31st July 1942

Sir,

In reply to your letter No. 30022/292/42 of the 30th June, I am directed by Mr. Secretary Eden to state for the information of the Secretary of State for the Colonies, that no useful correspondence can be found, other than the already examined by the Nigerian Government, relating to the question of the claims made by the Chiefs of Opobo to sums totalling £11,420.

2. As regards the sum of £1,000 mentioned in paragraphs 9,10 and 11 of the despatch from the office administering the Government of Nigeria, I am to explain that all the accounts of this department up to the year 1900 have been disposed of as waste paper in connection with the salvage campaign, so that

there is no means of verifying the payment of this sum to Messrs Alexander Miller Brother and Company.

3. I am to add that no trace can be found of any despatch from Major MacDonald reporting that payment had been made to Messrs Miller, and that the only correspondence on the subject subsequent to the Foreign Office despatch of the 2nd July 1892 enclosed in your letter, is a despatch to Major MacDonald dated the 15th July, 1892, a copy of which is enclosed herewith.

I am,

Sir,

Your obedient servant,
(Sgd.) Stephen Gaselee.

The Under-Secretary of State
Colonial Office.

FOREIGN OFFICE,
S.W.1
15th July, 1892

COPY

10.44

Sir,

With reference to my despatch No. 38 of the 2nd instant in regard to the repayment of the Opobo Fine, I am directed by the Marquis of Salisbury to inform you that since the date of the account therein transmitted to you a further sum, of £6.16s.2d., has been received as dividend upon the stock purchased with the Opobo security money, and has been similarly placed to the credit of the Oil Rivers Account at the Bank of England.

I am, etc.,
(Sgd.)

MAJOR MACDONALD.

Colonial Office
Downing Street
S.W.1.

30022/292/42.

4th September, 1942

Sir,

I am directed by Viscount Cranborne to transmit to you, to be laid before the Lords Commissioners of the Treasury, a copy of a despatch from the Governor of Nigeria (with the photostats enclosed there in original for return) regarding certain claims on Government which have been submitted by the Chiefs of Opobo in the Calabar Province in respect of sums totalling £11,420 alleged to be due to them under agreements executed in 1892. As the territory in question was at that time under control of the Foreign Office, reference was made to that Department in a letter, a copy of which is also enclosed, together with a copy of the reply thereto.

2. I am to invite particular attention to the point raised in paragraph 6 of the Governor's despatch as to the liability of His Majesty's Government in the matter should the documents on which the claims are based be genuine and to say that Lord Cranborne sees no reason to question the advice tendered to the Governor on the subject.

3. I am, therefore, to invite Their Lordships' observations generally on these claims and in particular their views as to the acceptance by His Majesty's Government of liability for their payment if, in fact, it cannot be shown that they have already been discharged.

I am, etc.,
(Sgd.) L.J. Brearley.

THE SECRETARY
TREASURY.

COPY

TREASURY CHAMBERS,
GREAT GEORGE STREET
LONDON, S.W.1

Your Ref: 300022/292/42

Treasury Ref: S.50255

9th October, 1942.

Dear Brearley,

I refer to your official letter of September 4th about Cockeye Brown, How I. Strongface and the other Chiefs of Opobo.

I think that before My Lords are asked to address their minds to this weighty subject we ought to have considerably more information from the Colonial Office. Among the questions that occur to me are the following:-

- (1) Was it within the competence of the Consular Court in 1891 to commit H.M.G. to the payment of compensation to the Chiefs of Opobo?
- (2) What explanation can be offered of the curious provision of the alleged award under which payment of compensation was not to be made until between 30 and 50 years from the 1st January, 1893?
- (3) If the chiefs or their successors thought they were under the document entitled to compensation some 20 years ago, why did they not come forward and claim the compensation then?
- (4) Are the Chiefs or their successors in fact pressing in any way for the payment of compensation now? From paragraph 2 of the Nigeria dispatch it appears that the Chiefs only handed in the documents as a result of prompting of the Resident at Calabar.
- (5) What are the views of the Colonial Office Legal Advisers as to the liability of H.M.G. to pay compensation under these documents?
- (6) Is it the view of the Colonial Office and the Governor that the present moment would be a propitious one for disbursing compensation direct to the Chiefs and their descendants? It appears from paragraph 8 of the Deputy Governor's dispatch that in any event he views with some apprehension the situation that would arise if any announcement of payment of compensation were made.
- (7) Would the Governor consider the present moment a suitable one for dealing with these applications or would he prefer to leave the matter over until after the war when people would have more time for dealing with issues such as this?
- (8) In any case I believe that an inflationary situation exists at the moment in West Africa. Although I have not looked up the papers to verify the reference, I think it was Nigeria who put forward recently plans for a lottery loan as a means of absorbing surplus purchasing power. Would not the inflationary situation be aggravated if we started now to pay compensation to the chiefs?
- (9) It may be that the eventual decision as to the payment of compensation will have to turn not so much on legal considerations as to the validity of the documents as on which local native opinion expects and whether there would be a feeling that the white man had broken his pledge if some compensation is not paid*. On the other hand, we are presumably entitled to take some credit for the money we are spending in financing schemes under the Colonial Development and Welfare Act, the true interests of the colony being fostered much more in this way than they would be by handing out cash to the descendants of Cockeye Brown, Cookie Gam and the rest.

- (10) But if payment of some compensation were eventually agreed how do the Colonial Office propose that the money should be found? - as a special new subhead in the Colonial and Middle Eastern Services Vote?

Perhaps in due course you could let us have the Colonial Office views on the points I have raised above.

I am sending a copy of this letter to Gaselee at the Foreign Office.

Yours sincerely,
(Sgd.). C.H.M. WILCOX

*As the Chiefs only submitted the documents at the prompting of the local Resident nearly 20 years after the money should become payable, it hardly seems there is strong local feeling that H.M.G. ought to pay up.

L.J. Brearley, Esq., M.B.E.,
Colonial Office.

C.S.

53-62 with despatch at 47.

Comments are requested on the points raised in the d/o from the HM's Treasury at 61-62 *if it is considered that this matter should be pursued in war-time.*

2. As to the words underlined, the first thing to decide is whether these claims are genuine; this is surely a matter for HM Government's decision on the facts presented and need not be delayed. If the decision is that they are genuine, the next thing is to establish the identity of the claimants. This may require a special tribunal and might reasonably be postponed till after the war, the people concerned being so informed.

3. Points (1) (5) and (10) are for the Colonial Office to reply to. On the other points you will want CCEP; observations?
(though X at 35-36 answers (3) and (4).

Sgd.?
30/12/42

No. 18989/237
 SECRETARY'S OFFICE
 EASTERN PROVINCES
 ENUGU, NIGERIA

24th August, 1943.

The Honourable
 The Chief Secretary to the Government
 Lagos.

Claims by various Houses of Opobo Town for compensation in respect of War Canoes etc. surrendered to Government in 1882

With reference to your strictly confidential letter No. 38706/69 of the 28th of May, I am directed to inform you that the matter has been referred to the Resident, Calabar Province, who, after consulting the District Officer, Opobo Division, has submitted the following replies to the questions referred to His Honour:-

Query 2. "The District Officer has obtained no explanation of this provision. I can only suggest that it was intended as a measure to secure the good behaviour of the Opobos over a long period.

Query 6. "Our view is that if the claim is considered sound the money should be paid now. Not however in cash to individuals but to the funds of the Opobo Native Administration. It could then be invested and after the war used for the development of the Native Administration area.

Query 7. "The Opobo Chiefs are continually expressing anxiety over these claims. They believe they are being dealt with now. To postpone consideration of them until after the war and so to inform the Chiefs would, I think, create a feeling of distrust and apprehension. If the claims can be dealt with now in my opinion they should.

Query 8. "If payment is made and the money dealt with as suggested in answer 6 above, the inflationary situation would not be aggravated.

Query 9. "Local native opinion expects the money to be paid and there would be very strong feeling that the white man had broken his pledge if the compensation on all claims is not paid in full unless His Majesty's Government are satisfied and can show that any of the documents on which the claims are based are spurious or otherwise invalid. It is true that the documents were submitted nearly 20 years after the money became payable. It has been stated that the existence and whereabouts of some of them was always known but all sorts of factors may have

prevented those in the know producing them at once, suspicion and distrust of each other probably being the principal ones. It is also probable that their existence if ever known had been lost sight of by the general public. Now that every one knows all about them and the claims have been made there is a very strong feeling that His Majesty's Government ought to pay up. The Opobos will not be impressed by the financial help being given from the Colonial Development Fund unless they themselves are to benefit directly and this seems unlikely in view of the much more urgent claims from elsewhere".

2. I am to say that His Honour agrees generally with the forgoing replies and has added the following comments:-

Query 2. See also paragraphs 4 and 5 of the Despatch forwarded with your letter No. 38706 of the 19th of May, 1942, as regards the establishment of better relations.

Query 6. His Honour agrees with the Resident that payment to the Native Administration would be most advisable but imagines that without the consent of the beneficiaries such a course would not legally be possible. His Honour (Mr. Shute) suggested payment to the Native Administration at an interview with the Amanyanabo on the 17th of February, 1942, but no agreement was reached.

Query 8. Failing agreement to pay to the Native Administration it has been suggested that, if the claims are accepted, the money should be given as an interest free loan to His Majesty's Government but, again, presumably the consent of the beneficiaries would be necessary. This, His Honour considers, would almost certainly be difficult to obtain as there will, doubtless, be disputes as to who are the beneficiaries. However, it seems probable that a number of the beneficiaries would prefer immediate payment lest they should die prior to the end of the war.

Sgd.

Acting Secretary
Eastern Provinces.

STRICTLY CONFIDENTIAL

28 May, 1943.

Chief Secretary, Lagos
S.E.P., Enugu
38706/69

Claims by various Houses of Opobo Town for compensation in respect of War Canoes etc. surrendered to Government in 1882

Further to my strictly confidential memorandum No. 38706 of the 19th May, 1942, I am directed to forward herewith a copy of a letter which is an attachment to the Colonial Office reply to His Excellency's despatch of the 18th May, a copy of which was forwarded to you under cover of my memorandum under reference.

2. You will note that the Treasury Officials have raised a number of points in connection with the possible payment of this claim. Of these Nos. (1), (5) and (10) are for the Colonial Office to answer; Nos. (3) and (4) have already been dealt with in your memorandum No. 12468/193 of the 12th of December, 1941, but I should appreciate His Honour's comments on the remainder.

Sgd.?

Acting Chief Secretary to the Government.

30022/292/43

Colonial Office,
Downing Street

19th August, 1943.

Dear Hoskyns Abrahall,

With reference to William's letter No. 30022/292/42 of the 18th December, 1942, about the claims made against the Nigerian Government by the Chiefs of Opobo, it seems that the Chiefs concerned have now taken the matter to Sir William Geary and I enclose a copy of a letter on this subject which Sir William left with me during a recent visit to this office.

I have warned Sir William that the investigation of a case of this nature is likely to be lengthy and complicated, particularly in present circumstances and that he cannot therefore expect an early settlement. You will note, however, that Mac Jaja is in touch with WASU and that Members of Parliament may be brought into it. I am afraid that we shall not be able to postpone the matter

entirely until after the war, and I should be grateful if you would let me know what progress has been made with the investigation of the queries raised in the Treasury letter of the 9th October, 1942, of which Williams sent you a copy.

Yours sincerely,

Sgd.?

T. HOSKYNS ABRAHALL, ESQ., C.M.G.

Opobo Town,
OPOBO, NIGERIA

Letter by Chief Douglas Mac Jaja to Sir William Geary BT.

12th June, 1943.

Sir William Geary BT.

Lagos.

Sir.

As one very closely identified with Jaja Case, and one very keenly interested in Opobo affairs as evidenced by your contribution not only in a popular English journal, but also in your monumental work - "Nigeria under British Rule" - I have been directed by the Chiefs of Opobo to communicate to you on a matter which is one in a series of the Jaja Case (1885-1888) to refresh your memory about the events of those years, and to seek your sympathetic aid in the matter to be presented to you.

2. After the deportation of Jaja in 1887, Consul Hewett in dis-arming Opobo demanded a conditional surrender by the Chiefs of their war-canoes and guns. Twenty six war-canoes, several guns and pieces of ordinances were surrendered between 1888 and 1889 and were confiscated by Her Britannic Majesty's Government.

3. But in 1892 through the Deputy Commissioner and Vice-Consul, Mr. W. Cairns Armstrong, H.B.M. Government gave an undertaking to compensate the Chiefs for the war-canoes and guns conditionally surrendered. The total amount of compensation is £11,420 and the undertaking, given by different documents showing sums of £9600, £950 and £870 was worded as follows:-

"Whereas the Chiefs of Opobo have by their loyal conduct in recent years won the confidence of Her Britannic Majesty's Government, and whereas Trade and Commerce have vastly increased in the river.

"And whereas in 1891, £9600 (as also £950 and £870) sterling was recommended by the Consular Court as a compensation for the war-canoes and guns as by the list annexed, conditionally surrendered to H.B.M. Government.

"And whereas H.B.M. Government shall not uphold any claim for properties, guns and ammunitions, etc., etc., confiscated as a punishment elsewhere outside the limits of the Town of Opobo.

"And whereas I am appointed by the Commissioner and Consul-General to make and execute this document upon the terms herein contained.

"Now the condition is such that H.B.M. Government shall pay and deliver to the Chiefs of Opobo concerned, their heirs and successors, the sum herein before mentioned any time, upon the production of this document within 50 (fifty) years ensuing from the 1st of January, 1892, after an interim of 30 (thirty) years from the date hereof assigned for the occupancy and the development of the resources of the interior, territories and by the British Government.

"Given under my hand at H.B.M. Vice-Consulate, Opobo the 17th June, 1892".

(Sgd.) W. Cairns Armstrong
Deputy Commissioner and Vice-Consul."

4. The original documents showing the various sums amounting to the grand total of £11,420 were submitted to the Nigerian Government in March, 1939 - six months prior to the outbreak of hostilities. We hold Government receipts for these documents submitted.
5. There was a lull for complete two years and over when a memorial dated the 2nd June, 1941 addressed to the Honourable the Chief Secretary to the Government, Nigeria, revived communication between us and the Government and since then, there had been a series of communication on the matter. It is for us to say that we have satisfied the Government with respect to certain questionnaire.
6. On the 3rd July, 1942, we received a letter from Government saying that the claims had been laid before the Secretary of State. This letter was confirmed by another of the 23rd November, 1942. On the 17th February, 1943, when a deputation waited on His Honour the Chief Commissioner, Mr. G.G. Shute, C.M.G., on the question of the claims, he gave an undertaking as follows: 'I, G.G. Shute, Chief Commissioner, Eastern Provinces, here assure Chief Douglas Mac Pepple that the Opobo claim for compensation for war-canoes will not be prejudiced by the delays due to present circumstances, in so far as it was submitted to Government within the specified time".

(Sgd.) G.G. Shute.
Chief Commissioner
Eastern Provinces, Opobo, February, 17th, 1943".

7. When His Honour the Resident of Calabar Province met the Opobo Town council on the 1st May, 1943, a letter was submitted to him and we said, *inter alia*, that "in spite of the present circumstances other matters of the degree of importance like our claim do receive attention". The letter was concluded with the pathetic remark that "Government should move the Secretary of State to meet up the compensation and thus efface from the minds of the Opobo Chiefs and people that sour impression of bygone years. We could not think of better and more opportune moment of redressing past wrongs than the one which the present circumstances demonstrate".

8. Now to the point of communicating you on this matter. Besides the conditional surrender of war-canoes and guns, the punitive measures of the then Government, the depredations of the Blue-Jackets immediately after Jaja's deportation and between the years 1887 and 1889, not to speak of the blockage of 1887 and other commercial dislocations with baneful effect on the Opobos are contributive factors of the decrepit condition of some Houses in Opobo Town today. The compensation, though it does not sufficiently and completely compensate for all the losses, might to some considerable extent be an alleviation of the inconveniences encumbering the Houses.

9. This question of compensation is to be decided by the Home Government. It is true according to information by the Nigerian Government, that our claims had been submitted to the Secretary of State; but we are not satisfied with the recurrent diplomatic replies of the Nigerian Government through whom we could obtain any contact with the Home Government. If, according to the Government letter of the 3rd July, 1942, the claims had been submitted to the Secretary of State, we assume that it is well-nigh a year, since the documents left Nigeria, and the time is reasonably long enough for the Secretary of State's reply to come. We think that the Nigerian Government had not moved the Secretary of State to reach a decision, beyond the mere despatch of these documents.

10. While, as loyal subjects, we are in sympathy with the Government engulfed in life and death struggle with an inveterate foe, we maintain that our claims demand consideration. According to the document executed by Mr. Armstrong, the compensation became due since 1923. It was for the Government to remember and honour its pledge that, when sixteen years after the compensation became due, we submitted the claims, any dilly-dallying on the part of the Government, until war broke out; has nothing, in our own judgment, to justify it.

11. When we seek an intermediary between us and the Government in this matter, we could not think of any one better qualified than yourself, and we therefore pray you to employ your good offices in championing our cause with Government and, what is nearest our mind is a personal interview with His Excellency the Governor on the matter.

12. If without any external impulsion you voted your time and learning to the cause of Jaja by which British public opinion became properly influenced on the Jaja Case, we could not but believe that, recollecting all the events in the

eighties, your sympathy for the Chiefs and people of Opobo would evoke further sympathy in inducing the Nigerian Government to move the Home Government for an expeditious decision on the matter and for payment of the compensation long overdue.

13. We desire to invite your attention to the "condition" in the undertaking and to emphasize on the words:- "shall pay and deliver.....any time".

14. In putting this matter in your hands we recall your past interest and this, and only this, had moved us in approaching you. We would not be too grateful for your kind assistance in the matter, while we wait to hear from you at your earliest convenience.

Yours faithfully,
(Sgd.) D. MAC JAJA
Amanyanabo of Opobo.

P.S.

This letter was about to be posted when the intelligence reached me that you are in England on leave and I address this letter to your home address. I am in touch with the West African Parliamentary Committee on this matter, through Mr. Ladipo Solanke, M.A., B.Ch., of WASU Africa House, London. In my letter to that Committee I quoted from your contributions in "West Africa" of 1922 and from your book - "Nigeria under British Rule". I have asked the Committee to keep in touch with you. You may, I wish, communicate Rev. R. Sorensen M.P. The Governor of Nigeria, Sir Bernald Bourdillon, is on leave in England. I believe the whole situation is eased now that both you and the Governor are in England.

POSTS AND TELEGRAPHS

Handed in at Enugu at 2.45p.m.

Received here at Lagos 7.35p.m.

TO Chiefsec

18987X Your 38706/73 of 2/9/43x Chief Mark Pepple Jaja died third May Nineteen thirty-six Douglas Mark Pepple Jaja his eldest son was appointed on seventeenth October nineteen thirty-six on four years probation and was formally installed on eight February nineteen forty-one.

Secretary
SECRETARY ENUGU

(Sgd.) for: Ag. C.S.G.

Enugu

2.9.43

28706/73 In what year did Chief Mark Pepple Jaja die and in what year was his successor installedx What is name of successor x

Chiefsec.

C.S.

d.o. letter at 67. As Sir William Geary is now on the trail and W.A.S.U. and M.Ps may take up the question of the compensation for war loans etc., the matter may now no longer be postponed until after the war.

2. C.C.E.P.'s replies to the queries raised by the Treasury Department at 61-62 are at 65-66. They throw no further light on the circumstances under which the documents were drafted nor the reason why the Opobo Chiefs failed to produce them when they became due. On the question of the unpropitiousness of the present war time for making the payments, if H.M.G. accepts the liability, the Resident Calabar's suggestion, quoted by C.C.E.P. at 65, is that the sum paid should be paid to the Opobo Native Treasury and invested, while C.C.E.P. suggests it should be offered to the Nigerian Government as an interest free loan but as the Opobo chiefs would almost certainly not agree to either of these courses of action no solution along these lines is possible.

3. I have little doubt that if the compensation is made available the establishment of the identity of the claimants will require years of protracted argument in the Court but I think a decision should be taken early by H.M.G. - and it will be stressed that it is H.M.G.'s decision and not the Nigerian Government's whether the liability to pay the compensation is accepted, so that the chiefs may be informed.

4. I do not think that the argument put forward by the Treasury at 62 question (9) that the compensation has been more than repaid by the cost of Schemes financed by the C.D. and W.Act would have much appeal to the Opobo Chiefs nor do I think that it can have been raised seriously.

5. To reply to 67 stressing that if the answers to queries (1) and (5) at 61 are "yes", a matter to be decided at home, the compensation should be made available now in spite of the unpropitiousness of the times and the possible danger of inflation as postponement of the payment would certainly result in "a feeling that the whiteman had broken his pledge".

6. We may also explode the belief that the documents were only brought forward at the prompting of the Resident, Calabar - what actually happened was that when the Resident was presented with some of the documents including the principal one for £9,600 he told the Opobo Chiefs to make a search for any others so that the total extent of H.M.G.'s possible liability should be made known.

Sgd.?

4/9/43

7. If action as at 5 is approved a draft d.o. letter will be submitted for consideration.

YE

This suspicious affair is no clearer now than ever. Ref. to Sir Claude MacDonald's very full despatches of that date does not reveal any reference whatever to this strange undertaking so we may well surmise that he deliberately concealed it when addressing F.O. or else that his subordinates deliberately concealed it from him. There is a lot in these despatches about Opobo affairs - why no reference to this? Sir Claude MacDonald was High Commissioner and Consul-General of High Court and Protectorate at the time and directly responsible to the F.O.

?Reply in lines proposed by Mr. Shute.

Sgd.?

7.4.43.

TELEGRAM NO.18989 of September 6th 1943.

FROM: SECRETARY ENUGU

TO: CHIEF SECRETARY LAGOS

18989 My 18989/237 of August 24th OPOBO Council addressed Resident CALABAR asking subject matter under reference placed before SECER during visit stating they will send delegation meet him. CHIEFCOM visiting OPOBO eleventh September will assure council matter receiving attention Delegation unnecessary. CHIEFCOM realizes SECER not prepared settle matter out of hand but suggests fears Government not taking action to be allayed if Council could be told matter will referred SECER who will take suitable action due course.

CONFIDENTIAL.

No. 38706/77

27th September, 1943.

Dear Cohen,

With reference to your letter 30022/292/43 of 19th August, 1943, I note that the Opobo Chiefs have taken their claims for compensation for confiscation of war canoes etc. to Sir William Geary, that Mac Jaja is in touch with W.A.S.U., and that Members of parliament may be brought into the picture, so it looks as if it will not be possible to postpone entirely consideration of the matter until after the war. I also note that you say that the claims are made against the Nigerian Government but in point of fact, if liability for the payments is accepted, it will surely be a charge against His Majesty's Government.

To turn to the queries raised in the Treasury letter of 9th October, 1942, a copy of which was enclosed with William's letter of 18th December 1942 - we will have to leave points (1), (5) and (10) for you to answer. We have found out no more about the history of the documents with which to supplement the information given in my confidential despatch of 18th of May, 1942, and it is very unlikely that anything more will come to light out in question (2) can be offered, save that perhaps it was intended as a measure to secure the good behaviour of the Opobo people over a long period, but this is pure supposition.

Nor can the Chiefs give any satisfactory explanation in answer to the third question why they did not come forward to claim the compensation some twenty years ago. We believe it was always known that the documents existed, but that they had been lost sight of during the lifetime of the late Pepple Jaja and were only brought to light when the archives were being examined on the installation of his successor as Amanyanabo (Head Chief).

A.B. COHEN ESQ., O.B.E.
COLONIAL OFFICE,
LONDON, S.W.I.

In this connection I ought to say that the Treasury's reading of paragraph 2 of the confidential despatch of 18th May, 1942, that the documents were only submitted by the Chiefs at the prompting of the Resident, Calabar, is incorrect. What actually happened was that the Opobo Chiefs of their own initiative produced to the Resident some of the documents, including the principal one for compensation of £9,600, and he thereupon told them to make a search for any others so that the extent of the possible claim against H.M. Government should be made known.

The matter has now been canvassed among the people of Opobo Town and the Chiefs, who believe that the matter is at present being dealt with and who are continually enquiring exactly what, in fact, is being done. To let them know that it was intended to postpone consideration of the claims until after the war would, I think, create an atmosphere of distrust and apprehension. Local native opinion expects the money to be paid and there would be a very strong feeling that the white man had broken his pledge if compensation on all claims is not paid in full, unless of course H.M. Government is satisfied and can clearly demonstrate that the documents are spurious or that its liability has already been discharged in full.

In reply to points (6) to (8), the present moment is not a particular propitious one for disbursing large sums of money direct to the heirs or successors of the Chiefs, but the alternative, which involves delay by Government over an unknown period, is likely to prove the greater of the two evils. In any case the establishment of the identity of the legitimate claimants is likely to be a

protracted business and will very probably end in the Courts before final settlement is reached.

I think that it would be very difficult to persuade the Opobo Chiefs that the compensation had been more than repaid by the cost of schemes financed by the Colonial Development and Welfare Act as suggested at point (10), more particularly as no scheme financed under the Act has benefitted Opobo Town in particular; in any case it is an argument which one would hesitate to raise with the Chiefs.

If it is decided that the documents are genuine and have not been discharged, it really does look as if the amount of compensation to be paid should be made available now, in spite of the various arguments to the contrary, and the Chiefs so informed. It should then be left to them or to the Courts to establish the identity of the claimants to whom the payments should be made.

Yours sincerely,

(Sgd.)

T. HOSKYNS ABRAHALL

Telegram No. 1492 of September 25th 1943.

FROM: SECRETARY OF STATE
TO: GOVERNOR NIGERIA.

Cohen's letter of August 19th OPOBO CLAIM.

Parliamentary question put down for October, 13th. Grateful if you would telegraph when you expect investigation may be completed and any other comments.

OTP.

38706

SECRET CYPHER TELEGRAH NO. 1796 of 27th September, 1943

FROM: O.A.G. NIGERIA
TO: SECRETARY OF STATE
Your 1492. OPOBO CLAIM.

Letter to Cohen giving results of investigation leaves by air mail September 29th.

NIGERIAN SECRETARIAT

1 OCT. 1943
LAGOS

Despatch No. 305

Transmitted, with the Compliments
of the Secretary of State.
for the Governor's information.

Date 22nd September, 1943.

	Enclosures
Date	Nature of Communication
13 September 1943	From Sir W.N.M. Geary, Bart
18 September, 1943	Tor Sir " " " " "

.9.43

Sgd.?
for: Ag. C.S.G.

SECRETARY ENUGU

38708 Your 18989 of 6th Septemberx Opofo Council may be told matter
has been referred Secer and is receiving attention.
Chiefsec.

COPY

13 September, 1943.

Oxon Hoath, Tonbridge, Kent.

From: Sir William Nevil M. Geary, Bt.

To: Sir George Gater, K.C.B., C.M.G., D.S.O

Sir,

I venture to solicit a personal interview at a time suiting your convenience. The
object of the interview is a judgment debt of £11,420 wherein the Nigerian
Government are the judgment debtors.

My clients asked for payment March 1939, handing in the original documents, but ever since the Nigerian Government has evaded payment, i.e. at "in default" though not actually repudiating. It appears to me dishonourable that a Crown Colony should be "in default", more particularly when the creditors are persons of the black subject races.

A question of principle has arisen, and this is the reason why I wish to lay it before you as the highest authority.

All the facts are admitted.

I ask that you should order the Nigerian Government to pay its just debts.

I am, Sir George, your most obedient humble servant,

(Sgd.) William Nevill M. Geary
Solicitor for Mac Jaja and the Opobo Chiefs.

18th September, 1943.

Dear Sir William Geary,

I have received your letter of the 13th September about the Mac Jaja and Opobo Claims.

I have now looked into the matter and find that the Nigerian Government has been asked to enquire into certain points connected with these claims and that until this enquiry has been completed no further progress can be made in the matter. I understand that you have been informed accordingly by Mr. Cohen, with whom you have been in correspondence on the matter.

Your letter implies that the Nigerian Government have been dealing with this matter in a dishonourable way. I have studied the papers, but I can find no justification whatever for such a suggestion. The claimants asked for payment in 1939 as a result of advice given to the Chiefs by an officer of the Nigeria Administration and I can find no ground for supposing that the Administration have not given every help to the claimants. The claims relate to a period over forty years ago, before the Colonial Office became responsible for the administration of Nigeria and it was inevitable that considerable research would be necessary before the Governor was in a position to submit the claims to the Secretary of State. It cannot have been easy to carry out these enquiries during a period when the Government was preoccupied with urgent business connected with the war. The Secretary of State has had to ask that certain further enquiries should be made in Nigeria and these will be carried out as quickly as is possible in war-time. I cannot agree with your statement that the Nigerian Government has evaded payment, but until the enquiries I have mentioned are completed there cannot be any question of a settlement of the claims.

You infer in your letter under reply to "a judgment debt", but it would seem clear that these claims are not, in fact, judgment debts, since it appears that they are in accordance with terms "recommended" by the Consular Court and not "adjudged" by that court.

The matter is one to be dealt with by the Nigerian Government with the claimants. I am naturally reluctant to refuse a request for a personal interview, but I have reached the definite conclusion that no useful purpose would be served by our having an interview about these claims, nor do I think that there is anything to be gained by discussion with the Colonial Office while the enquiries are proceeding.

Yours sincerely,

(Sgd.) G.H. Gater.

KC11C HADLOW 26 24 REDIRCTD FREE EXLC
NLT COLONEL STANLEY GOVERNMENT HOUSE

ACCRA=

PLEASE ENQUIRE WHY GOVERNMENT DELAYS SINCE MARCH
1939 PAYING ELEVEN THOUSAND POUNDS AWARDED MACCJAJA
OPOBO CHIEFS BY CONSULATE COURT GEARY + 1939+

GOVERNMENT HOUSE
LAGOS.

Hon. C.S.

The Secretary of State will be grateful if you will let him know by airmail address to the Colonial Office what the position is in regard to the payment of the sum mentioned in the attached telegram from Sir. W. Geary. He will arrange for a reply to be sent to Sir William from London on receipt of the required information from you. No interim acknowledgement need be sent to Sir William.

Sgd. ? PS.

5/10/43

CABLE AND WIRELESS LIMITED
(INCORPORATED IN ENGLAND)

TAWL 650/Q HADLOW 24 15
NLT SECRETARIAT LAGOS =
PLEASE FORWARD AIRMAIL COPIES ALL CORRESPONDENCE
MACJAJA CHIEFS OPOBO CLAIM ELEVEN THOUSAND
POUNDS SINCE INCLUDING MARCH 1939 TILL DATE =
GEARY OXONHOATH TONBRIDQUE +

O.T.P.

38706

SECRET CYPHER TELEGRAM No. 1954 of October 21st 1943.

FROM: O.A.G. NIGERIA.
TO: SECRETARY OF STATE.

Secretary of State when in Nigeria asked for present position in regard to claim by OPOBO Chiefs for £11,000 compensation for war canoes etc. This is contained in my official letter to COHEN No. 38706/77 of September 27th.

IMPORTANT

SECRET CYPHER TELEGRAPH NO. 1655 of 27th October, 1943.

FROM: SECRETARY OF STATE, LONDON
TO: GOVERNOR NIGERIA

Your telegram No. 1954. OPOBO CLAIMS.

Question has been discussed with Treasury who have agreed claims for £11,420 should be subject

- (a) to verification signature of Vice consul which we are trying to obtain and
- (b) to settlement of question whether H.M. Government or Nigeria are liable.

This depends on general arrangements made in 1899 as to procedure dealing with any outstanding liabilities of H.M. Government in connection with administration of territory. Researches are being made into records on this point but as these are bound to take time Treasury have agreed provided you also are

prepared to agree, chiefs should be informed claims are accepted by government and that the sum of £11,420 will be paid into High Court of Nigeria or a Bank as soon as arrangements can be made for it to be voted. Grateful if you would telegraph urgently whether you agree to this course in which case I will authorize you to communicate with Chiefs accordingly as soon as it has been possible to verify signature.

2. (If you can?) throw any light on point (b?) above raised by Treasury, grateful if you would let me know by telegram but reply on main point should not be held up pending researches into this question.

3. When claims have been admitted question of determining proper payee will arise. I should deprecate swallowing up of any considerable part of payment in legal fees and subject to (your views?) I should prefer appointment of a Special Tribunal if necessary under special Legislation as suggested in paragraph 8 of your despatch confidential message 1942 provides that this would be acceptable locally. I do not know whether you have considered the possibility of establishing a Tribunal Trust Fund with the money; I realize of course that this could only be done with agreement of Chiefs. Grateful if you would let me have your views on this question in reply although I do not consider Chiefs should be consulted at this stage. Time to consult them will be after general claim £11,420 has been admitted by Government and I do not think there should be any question of making this admission conditional on Chiefs accepting any arrangement as to determination of process.

4. As regards the sum of £1,000 referred to in paragraphs 9 to 13 of your despatch May 18th 1942-I gather you will make further enquiry locally. All Foreign Office records covering this question have been destroyed for salvage and there is no means of verifying payment of this sum to Messrs Miller. From limited information available, it appears doubtful whether any claim lies.

C.S.? A great course of action agreed to by Treasury at "A" above. There would appear to be no need to apply to F.S. for funds to be voted at this juncture unless and until it is decided that Nigeria has got to pay.

2. Action will be taken on the other points raised when the file comes down.

Sgd.?

29/10/43.

SECRET CYPHER TELEGRAM NO. 1999 of November

FROM: O.A.G. NIGERIA.
TO: SECRETARY OF STATE

Your telegram No. 1655. OPOBO CLAIMS

Agree to course of action proposed in paragraph one.

Other points raised in your telegram are receiving consideration and will communicate later result of researches.

O.T.P. SECRET CYPHER TELEGRAM NO. 1732 of 12th November, 1943.

FROM: SECRETARY OF STATE, LONDON
TO: GOVERNOR, NIGERIA

Your telegram No. 199. OPOBO CLAIMS

Chiefs may now be informed claims amounting to £11,420 are accepted by Government and that this sum will be paid either into the High Court Nigeria or a Bank as soon as arrangements can be made for money to be voted. You will no doubt also arrange for them to be informed next step will be for procedure determining proper payees to be discussed between them and Government. I should like however to have the opportunity of commenting further on this procedure in the light of further reply which you are sending before actual discussion with Chiefs as to procedure takes place.

2. An announcement on this question will probably be made in the House of Commons in about a fortnight's time but meanwhile matter is being kept confidential here. I am authorizing you to inform Chiefs in advance so that as far as the local excitement anticipated in paragraph 8 of your despatch confidential of 18th May 1942 may be avoided. Apart from Chiefs being informed I should prefer no announcement should be made locally until acceptance of claims has been announced here.

CODE TELEGRAPH NO 38706 OF 25th November, 1943.

FROM: CHIEF SECRETARY LAGOS
TO: SECRETARY ENUGU

My 38706 of 27th September. Chiefs may now be informed claims amounting to £11,420 are accepted by Government and this sum will be paid either into High Court Nigeria or a Bank as soon as arrangements can be made for money to be voted.

They may also be informed that next step will be for procedure determining proper payees to be discussed between with Chiefs as to this procedure but they should be advised at present to incur no expenses for example lawyers fees with a view to establishing claims.

C.T.P.

SECRET CYPHER TELEGRAM NO. 1772 of November 23rd, 1943

FROM: SECRETARY OF STATE.
TO: GOVERNOR NIGERIA.

My telegram No. 1732. OPOBO CLAIMS

Grateful for an early reply paragraph 3 my telegram No. 1655 regarding procedure determining proper Payees. Also have you been able to obtain any information throwing light on question referred to in that telegram whether H.M. Government or Nigerian Government are liable?

TAWL 692/N HADLOW 36 12
NLT SECRETARIAT LAGOS

PLEASE CABLE WHETHER HONOURING OR REPUDIATING
CONSUL ARMSTRONGS SIGNATURE PROMISING PAY OPOBO
CHIEFS UPON PRODUCTION DOCUMENT JUNE 1892 IF HONOUR-
ING DESIRE IMMEDIATE PAYMENT WITH INTEREST SINCE PRO-
DUCTION MARCH 1939 -
GEARY OXON HOATH HADLOWKENT +

Code Telegram

From Governor

To S of S.

Your telegram p 116 Opoobo Claims. Proposal to establish a tribunal appointed under special legislation to investigate claims of those entitled to the money has been discussed with Chiefs. These being laid on the fact that Government's sole aim in proposing this course is to prevent the money being frittered away in unnecessary litigation. Chiefs have repeated offer of special tribunal. Many have not unequivocally rejected any enquiry of any kind, but

their general attitude appears hostile and such offers are derided as an attempt by Government to cause further delay.

2. There are at present twenty-seven claimants. But Chiefs are prepared to accept a proposal that the claims of these persons be published in the press and in the Gazette with an announcement that all objections must be lodged within a certain period after which Government would proceed to payment. Chiefs propose that any disputed claims should be settled within their court.

3. This course is open to the objection that it will not save the claimants from litigation in the case of dispute and wherever certain persons with valid claims may be absent e.g. with the forces and in the absence of any special legislation to provide otherwise, Government would alike be liable to pay any person who could subsequently establish a claim.

4. The only alternative is to appoint a commission of inquiry under the Commission of Enquiries Ordinance 1939. Such a course would give Government some protection and some belief that the right persons were being paid, but it would be open to the same objection as regards a possible absentee claimant and any decision of such a commission could still be, and probably would be, contested in the courts. However, the claimants would always certainly exercise their right under Section 14 of the Ordinance to be represented at the enquiry by Counsel so that this proposal appears to have even less advantage than that outlined in my paragraph 2 above.

5. As the Chiefs declined to accept any form of special tribunal and as a Commission of Inquiry is open to greater objections than proceeding by way of payment after publication in the press and Gazette, I propose to adopt the latter method. It is possible though by no means certain that this course will call just as many claimants that the Chiefs will reconsider the matter and consent to an inquiry as proposed by Government. Will you please telegraph whether you agree to this proposal.

DRAFT

Secretary of State for the Colonies, London

Sir,

I have the honour to refer to your despatch No. 153 of the 10th of May on the subject of Opobo claims.

2. In my telegram No. 597 of the 15th of April I informed you that the chiefs had rejected the offer to appoint a tribunal under special legislation to establish the identity of the proper payees. In fact, when the matter was discussed with them they said that this procedure "would involve unnecessary litigation and expenses". They did not however unequivocally reject an inquiry of any kind but the District Office, Opobo, reported that they decided such offers as an attempt

to Government, to cause further delay. They submitted a list of persons whom they considered the proper payees and maintained that there would be no dispute as to these.

3. In the note of the discussion held at the Colonial Office with Sir William de la Beche on the 5th of May reference is made to the interpretation of the words "heir or successor" or "heirs or successors" which appear in the relative documents. The question of the interpretation of these words of limitation had already been considered by this Government and particulars of the persons, whom the Chiefs regarded as the proper payees, were called for on the 15th of April. These have now been received and are attached in the form of a report by the District Officer, Opobo. This report shows the position of each claimant and gives brief details of the descent or succession upon which each claim is based. It will be observed from paragraph 8 of the report that the view was expressed by speakers from several Houses that the respective shares of the claims would belong to each House as a whole and would not be the personal property of each individual House Head; also that no disagreement was expressed with this view. There would appear to be merit in this submission which is based on the statement that the surrendered canoes and guns were House and not individual property.

4. If all the Houses supported this view the distribution of each share would be simply effected by payment to the House concerned, leaving each house to distribute its share amongst its members as they may decide between themselves. I am advised that if each such payment were made subject to a form of bond of indemnity by each House, Government would probably be adequately secured. It is proposed therefore that payment should be made to the respective Houses and that the requisite bond should be executed by the following:-

(a) where there is a House Head, by him and the senior members of the House
 (b) where the Headship of the House is vacant, by the House Committee. It will be observed that in some cases the validity of the election of the present House has been challenged. In such cases it is proposed that the bond be executed both by the present Head and his chief supporters and by the leader of the rival faction and his supporters.

5. I consider that, if the above procedure is agreed to by all the Houses concerned, it would be preferable to a Commission of Inquiry and would probably avoid subsequent litigation. I am ascertaining whether all the Houses agree to the proposed procedure and, should they do so, I shall request your approval thereof by telegram.

6. I would add that, with reference to your telegram No. 658 of the 9th of May, Finance Committee has voted the sum of £11,420 and that, for political reasons, it has since been decided to pay this sum to the Opobo Native Treasury, where it will remain on deposit pending distribution.

7. I also enclose for your information copies of two letters dated the 2nd and 13th of April which have been received by the Chief Secretary from Sir William

Geary together with a copy of the reply (No. 38706/200 of 30th May) which has been sent to him.

I have etc.
Governor.

NIGERIAN RAILWAYS & PORT SERVICES

APAPA PORT HARCOURT

PORT LINES

Daily 6.0a.m. Balance Sheet of Covered and Open Goods
Wages (excluding Special Vehicles).

R.P.-6,000-1074-1.39

.....19

	(a) Empties	(b) Down Loaded and Loaded from Local.	(c) Complete and Incomplete up Loaded includ- ing for Local	
1. Stock on hand at 6.0 a.m. yesterday	Cov. Open	Cov. Open	Cov. Open	
2. Received from out- side Port Lines between 6.0 a.m. yesterday and 6.0 a.m. today.	(a) Empties Cov. Open	(b) Down Loaded Cov. Open	(c) Loaded from Local. Cov. Open	
3. Despatched to out- side Port Lines between 6.0 a.m. yesterday and 6.0 a.m. today.	(a) Up Loaded Cov. Open	(b) Loaded for Local. Cov. Open	(c) Empties for Up Country and Local. Cov. Open	
4. Stock on hand at 6.0 a.m. today.	(a) Empties Cov. Open	(b) Down Loaded and Loaded from Local Cov. Open	(c) Complete and Incomplete Up Loaded includ- ing for Local. Cov. Open	
5. Estimated total requirements for 10 days' loading			Cov. Open	

NOTE - (a) This Return must be completed the first thing every morning and promptly handed to the Port Traffic Superintendent who will forward two copies forthwith to the District Traffic Superintendent, who will despatch one to the Chief Traffic Superintendent for record.

(b) Each morning's stock taking must show that the total of a (a,b,and c) added to the total of 2, less the total of 3, agrees with the total of 4.

.....
Cargo Inspector

Any subdivided local detail required by the Port Traffic Superintendent to be inserted on the back and initialed.

Copied from File No. 02792/15

EXTRACT FROM OFFICIAL REPORT OF 19 JAN. 1944.

NIGERIA (OPOBO CHIEFS CLAIM)

66. Colonel Ponsonby asked the Secretary of State for the Colonies whether he can make any announcement about the recent claim of the Opobo Chiefs in Nigeria for £11,420, under an agreement made in 1892.

Colonel Stanley: Yes, Sir, The claims have been accepted by His Majesty's Government and Parliament will be asked to vote the sum of £11,420. The Nigerian Government is to discuss with the Chiefs the procedure for determining the proper payees.

Mr. Sorensen: Is the right hon. and gallant gentleman aware that this answer will give great satisfaction to the people of Opobo, and does he not agree that this amply justifies the raising of this question by both the people of Opobo and Members of this House?

Colonel Stanley: I must leave the hon. gentleman to blow his own trumpet.

WEST AFRICA

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LETTERS TO THE EDITOR

NIGERIA DEFAULTS

Sir, - Default is defined as "not to meet money calls". If Nigeria were not to pay the interest on her public debt to the white bond-holders, as it fell due, it would be a defaulter. Happily, no British Colony, Crown or self-governing, has defaulted. But Nigeria is in default in respect of its individual black creditors, MacJaja and the Opobo Chiefs.

The indebtedness arises under the following document, quoting from a copy provided by the Colonial Office:-

"Whereas the Chiefs of Opobo have by their loyal conduct in recent years won the confidence of her Britannic Majesty's Government, and whereas trade and commerce have vastly increased in the Rivers.

"And whereas in 1891, £9,600 (Nine thousand six hundred pounds) sterling was recommended by the consular Court as a compensation for the war canoes and guns, as by list annexed, conditionally surrendered to H.B.M.'s Government.

"And whereas H.B.M.'s Government shall not uphold any claim for properties, guns and ammunitions, &c. confiscated elsewhere as a punishment outside the limits of the town of Opobo.

"And whereas I am appointed by the Commissioner and Consul-General to make and execute this document upon the terms herein contained.

"Now, the condition is such that H.B.M.'s Government shall pay and deliver to the Chiefs of Opobo concerned, their heirs, or successors, the sum hereinbefore mentioned any time, upon the production of this document within 50 (fifty) years ensuing from the first of January, 1893, after an interim of 30 (thirty) years from the date hereof assigned for the occupancy and the development of the resources of the interior territories by the British Government.

"Given under my hand at H.B.M. Vice-Consulate, Opobo the 17th of June, 1892.

"(Sgd.) W. Cairns Armstrong, Deputy Commissioner and Vice-Consul.
Signed by the said W. Cairns Armstrong in the presence of

(Sgd.) W.V. Turner (Pro Consul).

Made and executed in our presence:

(Sgd.) R. Tistus (Chairman, Court of Commerce).

Mary Stowe (Government Interpreter.)"

There follows a list of canoes and the Chiefs, their owners. Similar documents referred to two sums of £950, and £870, making a total of £11,420.

Assuredly, the operative words in the document create either a judgment or an award or a bond, obligatory on the Government of Nigeria as successor to the Niger Protectorate which contained Opobo. It is admitted that the original of this document was produced to the Nigerian Government in March, 1939.

Various correspondence, and interviews took place between the Nigerian Government and Macjaja and the Opobo chiefs, but no payment or promise of payment being forthcoming, they instructed me as a Nigerian solicitor to lay the matter before the Colonial Office, who were already cognisant of the matter, and the instructions were produced and a copy taken.

I had a personal interview with the Colonial Office and also communicated with them in writing (including the Permanent Under-Secretary). But I could not induce the Colonial office to direct the Nigerian Government to pay my clients the sum awarded to them by the terms of the document above cited.

A cable has been sent to Colonel Stanley in Nigeria asking him to inquire into the matter.

Now, there are means of enforcing a legal debt, or even a debt of honour, against individuals, but against a British Crown colony there is only the force of public opinion.

It is a matter of justice and honesty that the Nigerian Government should honour its bond. It is unthinkable that a white Government should not keep faith with its black creditors.

These proceedings before the Consul were the sequel to the kidnapping of Ja Ja, an African merchant prince (Lord Salisbury so described the abduction) and Sir Claud MacDonald was to bring back Ja Ja but he died in exile.

Your obedient servant,
WILLIAM NEVILL M. GEARY.

Oxon Hoath,
Tonbridge.

This letter is the subject of an editorial article

* * *

Some, rather legistically minded, who read Sir William Geary's letter on the Ja ja family claims against the Nigerian and, through it, the British Government, which is published today, may raise their eyebrows and ask: "Is this quite proper? Isn't the matter still subjudice?" In nine cases out of ten, they would be right, but this is the tenth case, because it arises from circumstances peculiar to that part of West Africa which now forms part of Nigeria, and peculiar to that time;

Light on the Story of an
Old Debt from Opobo

forms part of Nigeria, and peculiar to that time; and because the affair has been sub and because the affair has been sub so long, sub rosa and sub-terranean, and (as the dates indicate) is about finally submerged. Further, Sir William has filled responsible law officerships on the West Coast and is a painstaking and candid historian.

The note by Lord Salisbury (Lord Cranborne's grandfather, the Foreign Secretary and Prime Minister), given textually in Sir William's volume on Nigeria, is one of the most plain-spoken deliverance by that clear-eyed Tory champion of individual liberty. Those who re-read it will note no doubt that had he, when head of the British Government, known the facts of the present incident, he would have had payment made immediately. The relevant document is somewhat mysterious. Why, for instance, was no claim to be presented for 30 years? Was this to guard against feared further African hostile action?

Since Sir William penned his letter, a fresh point has arisen, the Colonial Office, it is reported, having informed a questioner that it is unsure of the identity of anybody now claiming, and that some of the papers concerned cannot now be traced.

The moral of that seems to be that if one is dealing with a public department, the sound course is cash on the nail, without postponement for 30 minutes, let alone 30 years. If the creditor had been a British firm, the end of the 30 years' period would have seen a demand for payment, with 30 years' interest; if non-British European firm, diplomatic pressure would have been applied. Moreover, even if the difficulty as to identity were serious, there are only too many opportunities, in the Rivers Districts, to put £11,000 to good purpose in strengthening existing schools and colleges, or providing scholarships for African young men and women of the required grades. Like the matter of the Ashanti ground rents, it seems as if not the means but the will to use them were lacking.

* * *

Hon. A.G.

Para 3, 93 and 98. Would you be so good as to advise on the procedures to determine the proper payees. I cannot find any correspondence which led to the suggestion at para 8 of the despatch by S. of S at 49 that the claim should be established by a special tribunal, a course of action which is favoured by S. of S. at para 3, 93.

Sgd.?

for S.S.G. 25/11/43

C.S.,

I have inserted at p. 99A a document which had been handed to me by Mr. Shute since this file was originally referred to me.

2. I am afraid I am at a loss to suggest any such tribunal because I do not know of any one that is suitable. I think, however, it might be worthwhile considering the enactment of a small Ordinance to the effect that where there is any particular instance the Governor or the Secretary of State requires any information and the other parties affected agree the matter can be determined under the Commission of Inquiry Ordinance, 1939, as if it were a matter included within the scope of that Ordinance. Then again it might be thought advisable not to let the other side have any say because they might be advised to take the rather more expensive procedure before a court.

3. With reference to 99A I think the proper answer to that would be for a letter to be written to the editor of the same paper, pointing out that there is

no question whatever of repudiation. Point out the real facts and at the same time point out why Sir William Geary is personally interested in the matter. Before mentioning this fact it would, of course, be necessary for one of our administrative officers to see the telegram which was delivered to the chief in question so that we could explain how he became aware of it.

I am prepared to write a letter if Government will back me.

Sgd.?

A.G. 13.12.43

C.S.

93,95,98 & H.A.G.'s minute at 100.

2. Para 2,93. I have seen through all the despatches in the despatch book covering the period before and after the 1st April 1899 when control of the Niger Coast Protectorate was handed over by the F.O. to the C.O. but can find no rulings as to the outstanding liabilities of the N.C.P.

3. Para 3, 93. At para 8 of the despatch at 49 we suggested setting up a special tribunal to establish the identity of the claimants. This point has been taken up by S. of S. and H.A.G. who advises that the setting up of such a tribunal will require legislation.

?Approve the drafting of an Ordinance as at para one of H.A.G.'s minute at 100.

4. Para 4, 93 we may pursue this matter with the U.A.C. but I doubt if much will be discovered. We have found vide 40 - 42 authority from the F.O. for the repayment and it is virtually certain repayment was effected but there is no proof. H.A.G.'s minute at 45 refers.

5. Draft cypher telegram to S. of S. at cover for consideration on assumption that the enactment of the necessary legislation to set up a special tribunal is approved.

6. Para 3 of H.A.G.'s minute at 100.? Approve action as suggested by H.A.G. It will necessitate fitting back of the cables which we have "tapped", one of which is at cover.

Sgd.?

14/12

YE

?as proposed above. In regard to para 6, I think it would be better if we suggested the answer to the S. of S. and leave it to him to take action if he thinks fit.

Sgd.?

16/12/43

38706

CONFIDENTIAL

17th December, 43

Sir,

I have the honour to refer to the attached copies of correspondence between the Foreign Office and His Britannic Majesty's Commissioner and Consul General of the Oil Rivers Protectorate on the subject of an amount of £1,000 paid by Messrs. Alex Miller, Brother and Company in 1889 on behalf of the chiefs of Opobo as security for their good and loyal behaviour for three years.

2. You will note that enclosure (5), a despatch from the Foreign Office dated July 2nd 1892, authorizes the repayment of this sum of £1,000 to Messrs Miller and I am directed to ask if it will be possible for you to confirm from your records either in the United Kingdom or at Opobo that this sum, was, in fact, actually repaid.

3. This information is required in connection with claims which have recently been put forward by the Chiefs of Opobo and you will doubtless have seen the editorial article and the letter to the editor on the subject in the edition of "West Africa" of 23rd October.

I have the honour to be,

Sir,

Your obedient servant,

(Sgd.) D.A.F. Shute

for: Acting Chief Secretary to the Government.

The General Manager
The United Africa Company
Lagos

88a/43 16 October 1943

From: Sir William Nevill M. Geary, BT. Kent., Telephone: 232 Hadlow,

To the Honourable the Chief Secretary

Sir,

MacJaja and the Opobo Chiefs.

I confirm my cable of yesterday:-

"Please forward airmail copies all correspondence Mac Jaja & Chiefs Opobo claim eleven thousand pounds since including March 1939 till date Geary Oxonhoath Tonbridge".

I received instructions in writing dated 12 June last to request payment of a sum of £11,420. i.e. one sum of £9,600 and two other sums of £950 and £870 arising out of a document signed by Consul Cairns Armstrong and dated 17 June 1892. The Colonial Office gave me a copy. It appears from the document that the money is payable after an interim of thirty years and within fifty years from 1 January 1893 on production of the original.

I showed my instructions to the Colonial Office who took a copy. It appears from instructions that the original document was presented to you March 1939; is that so? If so what is the reason it was not paid on presentation? My instructions are to ask payment to my clients with interest from March 1939 till payment. At the Colonial Office when I asked the reasons of non-payment, I was told the Secretariat was understaffed and overworked, which seemed irrelevant answer to a money claim. Subsequently I wrote to Sir G. Gater and in his answer dated 18 September he suggested that Consul Armstrong's document was only a recommendation, a suggestion out-of-place after 4 years delay. The wording of the operative part of the document runs:- "H.B.M. Government shall pay and deliver to the Chiefs of Opobo concerned their heirs and successors the sum hereinbefore mentioned" (£9,600). Why not paid whether it be judgement or award or bond it should be honoured?

Yours faithfully,
William Nevill M. Geary

Solicitor for MacJaja and the Opobo Chiefs. It well may be that some inquiry of judicial nature should establish who are the "heirs and successors" entitled to payment.

Extracted from file No. 29696/S.69/276

Oxon Heath Tonbridge
28th September, 1943.

From Sir William Nevill M. Geary Bt.
To The Honourable the Chief Secretary, Lagos.

Dear Sir,

Re T. Shorunke.

x x x

2. Lord Lugard told me he had written in 1916 a Memo. of 66 pages about land, if not confidential, may I have a copy, there is no copy in Colonial Office Library. If not confidential, there should be a copy in the "State Paper Room" at British Museum.

3. I have been retained in the matter of the document signed by Consul Armstrong, on 17 June 1892 whereby a total sum of £11,420 was to be paid to MacJaja and Opobo Chiefs after 30 but within 50 years which document was put in and handed to you March 1939. Why has it not been paid? Sir G. Gater suggested it was only recommendation, but the operative words run "H.B.M. Government shall pay and deliver & c." Please pay to heirs and successors.

Questions have been asked in Parliament.

Yours faithfully,

(Sgd.) William Nevill M. Geary,
Solicitor for MacJaja and Opobo Chiefs
and for T. Shorunke.

C.S.

2 & 3. The main file is with H.A.G. I believe.

2. I don't think we need comply with Sir W. Geary's requests. the claim has been admitted - we can write and tell him so when the fact has been publicly announced. There is no need in sending him further papers.

Sgd.

12/12/43.

CODE TELEGRAM NO. 1817 of September 4th 1943.

FROM: SECRETARY OF STATE.

TO: GOVERNOR NIGERIA.

My telegram No. 1732 and No. 1772. OPOBO CLAIMS

When may reply be expected.

M.P. No. 38706

SECRET CYPHER TELEGRAM OF 17th December, 1943.

FROM: O.A.G. NIGERIA

TO: SECRETARY OF STATE

Your telegrams Nos. 1772 and 1655 paragraphs two to four Opobo Claims.

Chiefs have been informed claims amounting to £11,420 have been accepted by Government and that next step will be for procedure determining proper payees to be discussed between them and Government. If special tribunal is to be appointed to establish identity of claimants legislation will be required which will not normally be considered by Legislative Council before March 1944. Possibility of establishing tribunal trust fund with the money has been considered but abandoned in view of fact not considered possible obtain agreement of chiefs who have refused similar suggestion in regard to other monies.

2. Have been unable throw any light on procedure dealing with outstanding liabilities when the Foreign Office handed over control of the Niger Coast Protectorate to the Colonial Office on 1st April, 1899.

3. Am pursuing further enquiries locally with regard to the sum of £1,000 referred to in paragraphs 9 to 11 of my confidential despatch of 18th May with the United Africa Company who have absorbed Messrs Alex. Miller Brothers & Company but doubt if proof that the money was paid will be discovered.

M.P. Np. 38706

SECRET CYPHER TELEGRAM OF 17TH DECEMBER, 1943

FRCM: O.A.G. NIGERIA
TO: SECRETARY OF STATE

Your Telegram No. 1772 and No. 1655 paragraphs two to four Opopo Claims.

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3. Am pursuing further enquiries locally with regard to the sum of £1,000 referred to in paragraphs 9 to 11 of my Confidential despatch of 13th May with the United Africa Company who have absorbed Messrs Alex. Miller Brothers & Company but doubt if proof that the money was paid will be discovered.

CODE TELEGRAM NO. 1886 of December 16th 1943

FROM: SECRETARY OF STATE.

TO: O.A.G. NIGERIA.

My telegram No. 1772. OPOBO CLAIM. Grateful if reply could be expedited.

HM. A.G.

Para 3 your minute at 100. Please see C.S.'s minute at 102. ? You will draft the letter to S. of S. The two cables are at cover. The first thing to be done is I suppose for D.O. Opobo to obtain access to "A".

Sgd.?

17/12

Spoken to H.A.G. w.r.t. above minute. Decided that D.O. Opobo should be written to see the telegram first before H.A.G. in his minute at 101.

Sgd.?

20/12

M.P. No. 38706

CODE TELEGRAM NO. 1906 of 21st December, 1943.

FROM: SECRETARY OF STATE:

TO: GOVERNOR, NIGERIA

Your telegram No. 2217. OPOBO CLAIMS.

I am not clear whether you favour appointment special tribunal to establish identity of claimants or alternative procedure.

2. No statement has been made here yet. It is expected question will be asked in House early next year. Grateful if you would inform me how you propose to proceed on this point.

Hon. A.G.

Above telegram. 107 issued on assumption that a special tribunal would be appointed vide "A" 102. Will you please advise whether any alternative procedure is possible or preferred.

Sgd.?

f: CSG

22/12/43

C.S.

I have already advised on the question of the tribunal as will be seen in paragraph 2 of my minute on p. 100 but I have thought of what I believe to be a possible solution and I submit it now but in the form of a telegram which if His Excellency approves, might be revised and sent to S/S.

....1. The alternative to normal court proceedings would be a short Ordinance which could be enacted in March to the effect that where in any particular instance the Secretary of State or the Governor requires any information relating to a matter affecting the Government such matter may be determined under the Commissions of Inquiry Ordinance, 1939, as if it were a matter included within the scope of that Ordinance.

Legislation such as that would be necessary to get over the restrictive provisions in sub-section (1) of section 2 of the Ordinance.

2. In the alternative in view of very wide provisions more especially cially the words "any commission" contained in section 22 of same Ordinance it would appear possible for Secretary of State to appoint a local commissioner to enquire into, for example:-

- (a) the genuineness of the documents and if genuine then
- (b) the capacity in which the inhabitants signed, that is to say, whether in their private capacities or representing families or otherwise;
- (c) the amount now remaining to be paid to whom should be paid and the method of payment.

It might also be advisable to require the commissioner to report to the Governor who will transmit the report to the Secretary of State with his observations thereon and also for

The Secretary of State's representative to be instructed to admit validity of original documents in question. Sgd.?

A.G.

24.12.43.

C.S.

107, 110 & H.A.G.'s minute above.

2. ?Approve the issue of telegram to S. of S. as in H.A.G.'s minute above adding "If you concur in this alternative procedure, consider it preferable as avoiding delays incumbent upon passing special legislation.

Sgd.?

27/12/43

CODE TELEGRAM NO. 2280 of December 28th 1943.

M.P. 38706

FROM: GOVERNOR NIGERIA.
TO: SECRETARY OF STATE.

Your telegram No. 1906 OPOBO CLAIMS.

1. The alternative to normal court proceedings would be the enactment of an ordinance next March to the effect that where in any particular instance the Secretary of State or the Governor requires any information relating to a matter affecting the Government such matter may be determined under the Commissions of Inquiry Ordinance, 1939, as if it were a matter included within the scope of that Ordinance. Such legislation would be necessary to get over the restrictive provisions in sub section (1) of Section 2 of the Ordinance.
2. Alternatively in view of very wide provisions more especially the words "any commission" contained in Section 22 of the same ordinance it would appear possible for Secretary of State to appoint a local Commissioner to enquire into, for example:-
 - (a) the genuiness of the documents and if genuine then
 - (b) the capacity in which the signatories signed, that is to say whether in their private capacity or representing families or otherwise;
 - (c) to whom the amount to be paid should be paid and the method of payment.
3. It might also be advisable to require the Commissioner to report to the Governor who will transmit the report to the Secretary of State with his observations thereon and also for the Secretary of State's representative to be instructed to admit validity of original documents in question.
4. If you concur in procedure outlined in paragraph 2 consider it preferable as avoiding delay incumbent upon passing special legislation.

3rd January, 1944

Dear Harcourt,

By this time I presume the Opobo Chiefs have been told that their claims amounting to £11,420 have been accepted by Government. You will, no doubt, have seen the editorial in the edition of "West Africa" of 23rd October and also the letter by Sir William Geary in the same number under the heading "Nigeria defaults". There was, of course, no question of repudiation. Cox, the Attorney-General, considers that the Editor of West Africa should have the real facts explained to him and at the same time have pointed out to him why Sir William Geary is personally interested in the matter. I enclose copies of two cables

"tapped" by the censorship people which makes this interest self-evident - £1,442 is quite a tidy little sum to be going on with.

Before we write to the Editor we must be able to explain how we knew of Geary's cable. Do you think - without of course letting him know the purpose of your enquiries - you could suggest to Mac Jaja how foolish it would be for the Opobo people to allow any considerable part of the sum that will be paid to them to be frittered away in lawyers fees and enquire if they have put the matter into the hands of any lawyer, and so let them to show you Geary's cable. You will let me know as soon as you can whether you have a look at the cable, and under what circumstances?

Hope you are enjoying Opobo and the Calabar Province.

Yours sincerely,

??

Copy of Telegram dated 20/8/43

FROM: GEARY HADLOW
TO: MACJAJA AMANYANABO OPOBO

Interviewed Colonial Office whole hour communicating Nigerian Government stop. My fee £300 and ten per cent of amount recovered pay £300 bank cable payment.

C.S.G.

Copy for your information.

Sgd.?

20/8/43.

Copy of telegram dated 7/9/43

FROM: MACJAJA OPOBO
TO: NLT RP 13/15 GEARY HADLOWKENT

Offering £1000 reward amount recovered writing stop
Expecting cablegram conveying Colonial Secretary communication to Nigerian Government stop Please urge immediate payment.

C.S.G.

Copy for your information. I don't know what this is about but sent for a reply of a tele about 21.8.43 from Geary to MacJaja in which he mentioned his £300 fee plus 10%

Sgd.?

8.9.43

CODE TELEGRAM No. 56 of January 11th 1944

N.P. No. 38706.

TO: GOVERNOR, NIGERIA
 FROM: SECRETARY OF STATE.

Your telegram December 28th. 2280 OPOBO CLAIM.

I am advised that Commission could properly be appointed under Section 2 (1) of Ordinance to enquire into this matter since such an enquiry could be regarded as being for Public Welfare. I consider that it would be preferable for Commission to be appointed under this section by the Governor rather than under Section 22 by Secretary of State since matter is a purely local one. Decision as to proper payees taken on basis of such a Commission's recommendations would not however be binding and it would be open to any person to contest them in the court. It was for this reason (and because I felt it would be undesirable for any considerable part of payment to be swallowed up in legal fees that I suggested appointment of a special tribunal under a special legislation in paragraph 3 my telegram 1655. I appreciated disadvantages of further delay but I should be grateful if you would consider position further in the light of the above and no doubt the views of Chiefs will be taken into account. I should be glad to be informed in due course what procedure you decide to adopt.

2. As regards paragraph 2 of your telegram terms of reference of any special tribunal or commission should not (repeat not) include reference to genuineness of the document since this has already been admitted by Government and Chiefs have been so informed.

3. Treasury have agreed that claim should be met by H.M. Government. Parliament will be asked to make the necessary provision probably in 1944/45 estimates.

C.S.

I think we should accept the Secretary of State's suggestion on special legislation - especially as I am doubtful of this matter being one of "public welfare" as the Secretary of State is advised.

2. When you, Mr. Shute, brought this file to me you suggested that draft legislation was the next step. I am afraid that is not so; it is first necessary to consult the chiefs as to what they wish done as mentioned in the Secretary of State's despatch. I mentioned in conversation some of the lines upon which enquiries should be made and no doubt many more will present themselves when the letter containing the instructions is being drafted. The enquiry should be full and complete as what the chiefs wish will have to be considered and decisions of policy taken thereon, without those decisions it is impossible to do any drafting.

Hon. A.G.

116 in reply to 112.

S. of S. indicates that he would prefer the appointment of a special tribunal under special legislation of action under either Sec:2(1) or Sec.22 of Commission of Enquiry Ordinance.

? We shall accept this suggestion.

2. At para 3 we learn that H.M. Government and not Nigerian Government will pay.

Sgd.?
for: CSG
12/1/44.

Opobo
11.1.44

Dear Shute,

Your letter was waiting for me when I returned from Annang two days ago; fortunately I had arranged to go to Opobo Town yesterday. After the meeting Chief Harry Toby called me into the room at the back of the Court for a confidential talk, as he put it, with him and E.N.T. Epelle, who used to be the Council Secretary and was also for many years a teacher, but now is out of a job except in so far as he seems to have acted as Secretary for the Ananyanabo. They at once broached the topic of the £11,420, said I had probably heard that they had been in touch with distinguished people in England who were acting in the interests of the Opobo Chiefs and mentioned the "eminent" lawyer Sir William Nevill Geary as one of those fighting on their behalf. They wanted me to press the Government for very early payment, were willing to spend only enough for a few drinks out of it, and then would guarantee not to touch the rest until the war (in the Pacific as well) was over. Epelle then quite voluntarily shewed me a copy of one of Geary's letters to Douglas, in which he said that his fee was £300 and 10% of the amount recovered. They said they had not consented to pay all this, but were bargaining with him. They also are getting him to press the Colonial Office to recognize their right to be paid interest on the gross sum from the date on which they produced the documents and made their claim up to the date of which the Government pays it over. Douglas, by the way, was Amanyanabo until 31 December, as his House has deposed him for his misconduct and indebtedness and wanton expenditure of House funds, so he has accepted this, subject to their paying him arrears of salary £774, and £800 advance of rents from UAC, and compensation for their failure to give him two years' further education, and about £600 arrears of subsidy - that is all. All this is not yet reported to Resident, as the attempted re-organization of Opobo Town is not yet complete - at least the discussions are not yet complete.

Meantime Harry Toby as Vice-President of the Council is acting in place of the Amanyanabo. I did not see any cable from Geary. I asked for a copy of his letter, but they did not want to let me have it. I doubt if the other chiefs are aware of Geary's demand, and they will probably repudiate the action of Douglas in getting into touch with him when once they have the money, though they would have approved his action at the time when they thought payment was likely to be refused. I am going to Opobo Town today, and will see if I can find out more but as they spoke yesterday of a confidential conversation with me I shall have first to ask Harry Toby if he has any objection to a plain revelation of the facts about the correspondence with Geary. I shall also see Douglas.

Yours,
N.N. Harcourt.

EXTRACT FROM THE LONDON TIMES
THE TIMES SATURDAY NOVEMBER 6 1943
THE OPOBO CHIEFS

TO THE EDITOR OF *THE TIMES*

Sir - A question was asked in Parliament by Mr. Sorensen as to the promise of H.B.M Government to pay £11,420 to the Opobo Chiefs for the confiscation of their property. The reply was that no record could be found, though they had searched for 4 years.

Assuming there be no record, there exists a document which was produced to the Government in March, 1939, but the Nigerian Government and the Colonial Office make default in payment. The document is signed by Consul W. Cairns Armstrong and duly witnessed. Surely the signature of a British official should be honoured, unless of course, it can be proved to be a forgery, which is not alleged.

Your obedient servant,
WILLIAM NEVIL M. GEARY;
Nigerian Solicitor for Opobo Chiefs.
Oxon Hoath, Tonbridge, Kent.

THE TIMES TUESDAY NOVEMBER 9, 1943.

Sir, - Sir William Geary's letter in your issue of today interests me. I was in charge of the British Vice-Consulate during the middle part of 1895. Captain

G.C. Digan having gone home on leave to time, and Mr. A.V. Tanner, the then Vice-Consul, not having arrived to assume duty. I saw during my period of office all the records including the document signed by Consul W. Cairns Armstrong and referred to by Sir William Geary. They included papers relating to the deportation of King Ja Ja, and the treatment he then received at the hand of the late Sir Harry Johnson. This caused my chief, Sir Claude MacDonald, some considerable official correspondence.

I do not know at this distance of time, what becomes of these Foreign Office records, but I imagine there must be some record of these matters still preserved, seeing that the matter was before Parliament and very much in the Press at the time. Your obedient servant,

ARCHIBALD C. DOUGLAS, barrister-at-law,
Colonial Civil Service, retired.
21, Old Buildings, Lincoln's Inn, Nov. 6.

Letter from Archibald C. Douglas Retired District Officer

THE OPOBO CHIEFS

TO THE EDITOR OF *THE TIMES*

Sir, - The British Consul, Mr. W. Cairns Armstrong, promised in writing that H.B.M. Government should pay to the therein-named Chiefs of Opobo, their heirs and successors, £11,420, and the document was witnessed by the Pro-Consul, the Chairman of the Court of Commerce, and the Government Interpreter. The original document was handed by my clients to the Nigerian government, March, 1939, and its authenticity has never been queried, though payment has been causelessly deferred.

On October 13 the reply in Parliament on behalf of the Colonial Office as to why payment was delayed ever since, stated that no record could be found, notwithstanding search. As forgery is not alleged (a forgery of four signatures), this reply seems illogical and only an unfair *suggestio falsi*. However, in *The Times* of November 9, a letter appeared from a barrister, the late Mr. A.C. Douglas, that he had been employed in the Opobo Consulate, and had seen in the records a reference to the document promising compensation on the Opobo Chiefs.

Opobo, then in the Niger Coast Protectorate, has become part of Nigeria, and if the records of the Consulate have been lost or destroyed, my clients should not be thereby damnified and deprived of their rights. In default of payment it is my intention to send a circular to all members of Parliament setting out the document and the facts, for it a colony has not self-government I submit that its

citizens have a right to be heard in Parliament; such is the best constitutional charter.

Your obedient servant,
WILLIAM NEVILL M. GEARY,
 Nigerian Solicitor for Opobo Chiefs,
 Oxon Hoath, Tonbridge, Kent.

Hon. A.G.

You will wish to see 119 - 120 from D.O. Opobo in reply to my 113 written as the outcome of para 3 of your minute at 100.

2. "A" 119 seems to provide us with what we want but in view of "B" 120? we may await a further communication from Harcourt.

3. Your minute at 118.

Before writing to C.C.E.P. asking him to obtain the view of the Chiefs I think we will have to indicate what various possible courses of action are open to them. Will you please advise on this point.

Sgd.?
 for C.S.G.
 17/1/44.

C.S.

While 119/120 is satisfactory so far as it goes I think Mr. Harcourt should try and get a certified copy of the cable. If he can do that we will be on an absolutely sound wicket no matter what might be said.

2. Your paragraph 3. I agree that you will have to indicate the possible courses of action open to the Chiefs but that is really administrative not legal. We should give effect, if possible, to their wishes but in any event their views will have to be taken into account when deciding what should be done. You, Mr. Shute, and I discussed some of the alternatives which might be put to the chiefs and I referred to that at X on p.118 but I did not minute on the subject as it is hardly within my province. However, I think it might be pointed out to the chiefs that the most important thing is to avoid expensive court litigation which will be bound to occur if this matter goes to the courts for a decision as to whom is entitled to the money; suggest that the same result might be achieved if an enquiry were held to ascertain whether the money should be paid to individuals or representatives of houses and who are the particular individuals or representatives who today should receive this money. Suggest it might be possible to achieve this result by appointing a magistrate with special powers to hold an enquiry; on the other hand it might be more convenient if an administrative officer in the area or from elsewhere were to make the enquiry; it might be suggested, too, that the powers given to this office to take evidence would provide that he should not be bound by the strict rules of evidence but be

permitted to obtain such information as will help him in ascertaining the real facts. They might also be asked whether they wish for counsel to appear for them at this enquiry, pointing out the expense involved or whether they would rather that counsel should not have the right to appear and that they would themselves put their facts before this officer holding the enquiry whoever he might be. Further, would they like the decision of this officer to be final and there should be no appeal from it otherwise that would mean further litigation and also considerable expense because their appeal will in all probability have to go to a court unless in the event of an appeal being allowed it should be by petition to the Governor. I suggest also that provision be made that if the money is to be paid to representatives, such as a head of a house, and there is no such representative then the money should be put in the post office savings bank to earn interest until such time as a representative is agreed upon - even if only for this purpose.

3. There are bound to be other matters from the administrative point of view which will suggest themselves to you when the letter is being finally drafted.

4. If legislation is to be enacted in March, as in my opinion it certainly should be the chiefs will have to be urged to put forward their views as to the type of legislation they would like as soon as possible so that H.E. will be in a position to consider them before deciding. They should also be informed that while the Governor is prepared to consider their views as to what they would like there cannot be any definite guarantee that their wishes will be given effect to in all respects.

Sgd.?

A.G.

28.1/44.

C.S.,

You last saw at 111.

?Approve the enactment of special legislation to appoint a tribunal to determine the payees as suggested by S. of S. at A "116", a course of action in which A.G. at 118, para. one, concurs.

2. S. of S. at 116 wishes views of Chiefs to be taken into account in connection with the appointment of such a tribunal. Para. 2 of A.G.'s 118 refers. ?Draft to S.E.P. at cover based on A.G.'s minute at 122 should issue.

Sgd.

31/1/44.

THE UNITED AFRICA COMPANY LIMITED
(Incorporated in England)

General Manager's Office,
Our Ref. EHLR/VM/68/3 Niger House, Lagos.

WEST AFRICA 27th January, 1944.

The Chief Secretary to the Government
Nigerian Secretariat
Lagos

Dear Sir,

I refer to your letter No. 38706 of the 17th November and have to advise having received a cable from our London Office stating their regret that they have no record of any kind relating to the transaction mentioned in your letter.

Yours faithfully,
for: THE UNITED AFRICA CO. LTD.

Sgd.
E.H.L. Richardson,
General Manager.

CONFIDENTIAL

FROM: Chief Secretary, Lagos.
TO: Secretary, Eastern Provinces, Enugu.
NO: 38706/124 Date: 18th February, 1944.

With reference to my telegram No. 38706 of the 25th of November, 1943, I am directed to inform you that the enactment of special legislation to appoint a tribunal to determine the proper payees is under consideration and I am to request that the views of the Chiefs may now be obtained to ascertain whether such a course of action will be acceptable to them.

2. It should be pointed out to them that the most important thing is to avoid expensive court litigation which will be bound to occur if the matter goes to the courts for a decision and it should be suggested that the same result might be achieved if an enquiry were held to ascertain whether the money should be paid to individuals or to representatives who today should receive this money.

3. It is suggested that a magistrate or, if more convenient, an Administrative Officer of the area, or elsewhere, should be appointed with special powers to hold the enquiry. The powers given to this officer might provide that he should not be bound by the strict rules of evidence but be permitted to take into consideration any information that would help him to ascertain the real facts.
4. The Chiefs should also be asked whether they wish counsel to appear for them at this enquiry, pointing out to them the expense that this would involve, or whether they would rather that council should not have the right to appear but that they themselves will put their facts before the officer holding the enquiry, whoever he may be.
5. They should also be asked to decide whether they would wish the decision of this officer to be final and it should be pointed out an appeal from it will mean litigation in court and considerable expense unless, in the event of an appeal being allowed, it should be by petition to the Governor.
6. It is suggested that provision should also be made that in the event of a decision being reached that the money should be paid to a representative, such as the head of a house and where there is no such representative then the money should be invested until such time as a representative is agreed upon.
7. As it is very desirable that the legislation should be enacted at the session of Legislative Council to be held in March, next, I am to request that the Chiefs be urged to put forward their views as to the type of legislation they would wish as soon as possible so that His Excellency will be in a position to consider them before coming to a decision. I am further to request His Honour's comments on the advisability or otherwise of falling in with the wishes of the Chiefs as expressed by them and recommendations for an alternative procedure should it be considered that the course of action suggested by the Chiefs is undesirable. In this connection, they should be informed that while the Governor is prepared to consider their views there can be no definite guarantee that effect will be given to their wishes.

Sgd.?

F: CHIEF SECRETARY TO THE GOVERNMENT

Copied from 02794/13

EXTRACT FROM OFFICIAL REPORT OF 19TH JAN., 1944

+ + +

71. Mr. Sorensen asked the Secretary of State for the Colonies if he has now any further statement to make respecting Ja Ja of Opobo and the award of £14,000 made in 1892, payable within 30 and 50 years, and about which a claim has been made for payment.

Colonel Stanley: Yes, Sir. The claims have been accepted by His Majesty's Government and Parliament will be asked to vote the sum of £11,420. The Nigerian Government is to discuss with the Chiefs the procedure for determining the proper payees.

Mr. Sorensen: Is the right hon. and gallant Gentleman aware that this answer will give gear satisfaction to the people of Opobo and does he not agree that this amply justifies the raising of this question by both the people of Opobo and Members of this House?

Colonel Stanley: I must leave the hon. Gentleman to blow his own trumpet.

No. 38786/128

25th February, 44.

Sir,

With reference to your letter dated 16th October, 1943, on the subject of claims by the Opobo Chiefs for compensation for the confiscation of war canoes etc. I am directed to draw your attention to the official Report of Questions asked in Parliament on 19th January, 1944, from which you will note that claims to the amount of £11,420 have been accepted by His Majesty's Government.

I am

Sir,

Your obedient servant,

Sgd.?

Chief Secretary to the Government.

Sir William Nevill M. Geary, Bart.,
Oxon Heath,
Tonbridge, Kent.

COLONIAL OFFICE,
Downing Street,
S.W. 1

NIGERIA
NO: 37

8th February, 1944

Sir,

I have the honour to refer to previous telegraphic correspondence on the subject of the Opobo claims and to inform you that considerable difficulty has been presented by the question whether His Majesty's Government or the Nigerian Government should be considered as liable to pay the sum of £11,420 under these claims.

2. The agreements on which the claims are based were issued in 1892 by Mr. W. Cairns Armstrong, Deputy Commissioner and Vice-Consul at Opobo, in the case of the three main claims, and Mr. V. Tanner, Pro-Consul, in the case of one of the claims for £230. At that time Opobo formed part of the Oil Rivers Protectorate (subsequently the Nigeria Coast Protectorate), which fell within the responsibility of the Secretary of State for Foreign Affairs. The Protectorate was self-balancing financially and was not in receipt of a grant-in-aid from His Majesty's Government. It has not been easy to decide how these claims should be dealt with in the absence on the one hand of any records relating to them and on the other hand of any arrangement for dealing with outstanding liabilities of His Majesty's Government when the Niger Coast Protectorate was taken over by the Secretary of State for the Colonies in 189, or of any general custom for dealing with outstanding or belated claims against Government when there has been a transfer of administration from His Majesty's Government to a Colonial Government. On the one hand had the money been paid immediately to the Chiefs in 1892 it would probably have been found from the revenues of the Protectorate. On the other hand the main document covering the claim for £9,600 states that "His Britannic Majesty's Government shall pay and deliver to the Chiefs....the sum hereinbefore mentioned" while the other documents say that "His Britannic Majesty's Government upholds this claim for the sum hereinbefore mentioned".....It may be that the term "His Britannic Majesty's Government" was meant to represent the Government of the Protectorate and if this is so it might be argued that it is for the Nigerian Government to meet the claim as the successor, so far as Opobo is concerned, to the Government of the Niger Coast Protectorate.

3. These points have been carefully considered but it has been felt that, if the Nigerian Government were now to be asked by His Majesty's Government to meet these claims from their own revenues, this request might be misunderstood locally, in view of the fact that the agreements on which the claims were based issued on behalf of His Majesty's Government, and that a very unfortunate

impression might thereby be created. In all the circumstances the Lords Commissioners of the Treasury have agreed to meet these claims from the Exchequer as an act of grace, on the understanding that this is not to be regarded as in any sense constituting a precedent.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

Olivie Stanley

ARTHUR RICHARDS, G.C.M.G.,
etc.etc.,etc.

4.3.44

for C.S.G.

SECRETARY ENUGU

38706 x Reference Opoobo claims when may reply to my confidential letter 38706/124 of first February be expected.

Chiefsec.

C.S. Your (PAS) spoke. D/o letter to Mr. Harcourt at cover for appl.

Sgd.?

5/3/44

Fair

Sgd.?

6/3/44

No. 38706/131.

6th March, 1944.

Dear Harcourt,

You mentioned in your demi-official letter to Shute, who has now gone on leave, that you had seen Sir William Geary's letter to Douglas about the amount of fees the former was to get if the claims for compensation for war canoes were admitted, but said that you had not seen the cable. Cox has seen your letter but he still thinks we should try and get a certified copy of the cable, as we will then

be on an absolutely sound wicket no matter what might be said. I appreciate that it might not be easy, but will you see what you can do to get a certified copy?

Yours sincerely,
Sgd.
G. MacDonald.

M.N. Harcourt, Esquire,
District Office,
Opobo.

6.3.44
for C.S.G.

SECRETARY ENUGU

38706 x My 38706/124 of 1st February as highly desirable necessary legislation should be introduced coming session Leg Co. forward earliest necessary material for preparation.

Chiefsec.

POST AND TELEGRAPHS

(Priority)

Handed in at England
To Chiefsec Lagos

18989x Your 38706 March sixth x Opobo Chiefs do not agree establishment any kind tribunals They agree to publication gazette and other local newspapers names people to whom the proposed money be paid fixing date by which objections should be lodgedx Resident Calabar recommends and chiefcom supports.

POST AND TELEGRAPHS

adoption this coursex letter follows.

Secretary Enugu.
8/3/44.

CONFIDENTIAL

No. 18989/267

SECRETARY'S OFFICE
EASTERN PROVINCES
ENUGU, NIGERIA

9th March, 1944.

The Honourable
The Chief Secretary to the Government
Lagos.

Compensation for war canoes and guns

I am directed to refer to your telegram No. 38706 of March 6, and to confirm my telegraphic reply as follows:-

"18989. Your 38706 March sixth. Opobo Chiefs do not agree establishment any kind tribunal. They agree to publication Gazette and other local newspapers names people to whom it proposed money be paid fixing date by which objections should be lodged. Resident Calabar recommends and Chiefcom supports adoption this course. Letter follows."

2. I am to say that your confidential letter No. 38705/124 of February 1, 1944, was endorsed to the Resident, Calabar Opobo with the result that two petitions have been addressed to His Honour by Chief Harry Toby, Acting President of the Opobo Town Council. The purpose of these petitions and the facts found on inquiry by the District Officer, Opobo, may be summarized as follows:-

- (a) The names of twenty-seven persons are submitted as the names of those entitled to share in the sum of £9,600, and sums of £950 and £870 are said to be due to Chief Bruce Jaja and Chief Sam Annie Pepple respectively.
- (b) The Chiefs assert that there will be no dispute about the proper recipients of the money; the District Officer, however, has no doubt but that there will be dispute. He considers that eleven of the persons named are almost certainly the proper recipients of shares but four of the others are unknown to him and he views with suspicion the claims of the remaining twelve.
- (c) The Chiefs decline the offer of a tribunal appointed under special legislation and say that this "would involve unnecessary litigation and expenses." They have not unequivocally rejected an enquiry of any kind but their general attitude appears to be hostile and the District Office reports that such offers are derided as an attempt by Government to cause further delay.

- (d) The Chiefs accept a proposal by the District Officer that the twenty-seven names should be published in the Gazette and in the local press with an announcement that all objections to the division of the sum of £9,600 in twenty-seven equal shares among the persons named must be lodged with the District Officer before a specified date after which Government will proceed to payment.
- (e) The Chiefs propose that any disputed claims should be settled in the High Court.
- (f) The Chiefs have cabled to Sir W.N. Geary, Barrister and Solicitor, offering him a fee of £1,000 for his services in support of a claim that interest on the full sum of £11,420 be paid from the date of their original demand for payment.

5. The Resident and the District Officer fear that most of the money paid will be wasted in litigation; but the Resident's view is that as Government's attempt to protect the people from themselves is regarded as cause for complaint there is no good reason for continuing it. It is possible that publication of the names of the proposed payees will produce so many objections that the chiefs will then welcome an inquiry as proposed by Government. His Honour agrees with this view and supports the recommendation that the names of the proposed payees be published and that a date be fixed for the lodging of objections, legislation being enacted for this purpose if necessary. Should the number of objections be such as to warrant an enquiry, consideration could then be given to the form such enquiry should take.

6. I am to say with regard to paragraph 2(f) above that the District Officer has been informed that when the chiefs sought to retain the services of Sir William Geary, he demanded an immediate cash payment of £300 and a promise to pay ten per cent of the sum ultimately recovered. This sum could not be less than £11,420, in which case Sir William would receive a fee of £1,442; and the fee would be correspondingly larger if a claim for interest were successful. If the information given to the District Officer be correct, His Honour considers Sir William Geary's demand for ten per cent of the sum recovered as professionally improper - if, indeed, it be not an offence against the law. I am therefore to ask that the Attorney-General be asked to advise on this point and to instruct whether the District Officer should seek evidence of the truth of the statements made to him.

Sgd. Secretary,
Eastern Provinces.

C.S. Pl see 134-5 now rec from SEP in reply to 124.

- 2. If the procedure now recommended (which seems reasonable) is agreed to, it will have to be referred to S/S before it is adopted in view of A p 116.
- 3. The following points occur to me:-

- (a) Apart from the list of persons submitted, the gist of this relative document and the list of the names of the Chiefs appearing therein will also have to be published.
 - (b) The successful claimants should, I consider reimburse the cost of publication in the press. Whatever is published will have to be published several times. Government might however bear the cost of publication in the Gazette.
 - (c) Possibly some "good" claimants to a share may be absent from Nigeria - say with the forces - and not heard of the proposed payment. If on return they could establish a good claim to a share what is the position? Government cannot be safeguarded against such a contingency i.e. being held liable.
4. H.A.G. will have to advise whether legislation is necessary ref.X opposite.
 5. I suggest discussion with CCEP and HAG.

Sgd. 15/3/44

HAG.

C.S. spoke and asked me to pass the file to you to consider the procedure now recommended in 134-5 and also 3(c) in my minute above.

Sgd.?

for: CSG.

15/3/44.

CS.

I have discussed with CCEP and rather came round to his point of view, namely, that we can do no more for the Opobo chiefs and therefore we should do what they ask, allowing them, if necessary, to suffer for their own foolishness. On thinking this over, however, I feel that in such a case the Government will not be in a strong position because we will really have no idea from our point of view whether or not the persons to whom the money is being paid are the proper persons to receive it and further, it is always possible for some absentee claimant with a good claim to come forward subsequently.

2. I am inclined therefore to the view that what we should do is to inform the Secretary of State of the action we have taken, the chiefs' determination to be unreasonable and for His Excellency to appoint a commission of inquiry under the Commission of Inquiries Ordinance, 1940, as such action would in any event give us some protection and some belief that we are paying the right people the right amounts.

3. You will observe from 116 that the Secretary does not altogether rule out the possibility of a commission of inquiry although he points out that its decision be challenged in the courts. I had intended suggesting that we should at this meeting of the Legislative Council enact a short Ordinance to the effect that

the decision of the Commissioner in this matter should be binding and conclusive and not subject to review in any court whatsoever. Paragraph 2, however, of the Secretary of state's recent telegram No. 352 in connection with the Boundary Disputes Ordinance states "it must be understood the right of appeal to Privy Council cannot be denied by a local enactment", that being so, I do not see how it is possible for us to keep this matter from the courts if the parties are determined to go there.

Sgd.
A.G.
21.3.44.

Draft telegram to S/S pl.

Sgd. 21.3.44

CS. Draft telegram at cover for consideration pl.

Sgd.
21.3.44.

CODE TELEGRAM NO. 425 Date 23rd Marc, 1944 File No. 38706

To: The Governor Nigeria.

From: Secretary of State.

Repeated to:

My telegram 56 OPOBO CLAIMS. Has (procedure for?) determining payees yet been fixed. If so what progress has been made? Grateful early reply.

TELEGRAM

TO SECRETARY ENUGU.

for C.S.G.

38706 x Your 18989/267x Chiefcom discussed matter with Attorney who at first inclined to agree with action proposed in your paragraph three but on reconsideration now feels that Government will not be in a strong position because we will have no idea whether or not the persons to whom the money is being paid are the proper persons to receive it and further it is possible some absentee claimant with a good claim may come forward subsequently x

Paragraph 2. Attorney therefore recommends Government should appoint Commission of Inquiry under Commission of Inquiries Ordinance 1940 as such action would give Government some protection and some belief that the right people are being paid the right amountsx

Paragraph 3. Telegraph earliest whether chiefcom agrees with action recommended by Attorney and if not state reasons.

Chiefsec.

CODE

TELEGRAM NO. 488

Date 25th March, 1944. File No. 38706

From the Governor Nigeria.

To Secretary of State.

Repeated to

Your telegram 425. OPOBO CLAIMS.

Some difficulty being experienced with Chiefs about procedure. Hope reply in few days time.

POSTS AND TELEGRAPHS

3-4-44

Enugu at 11.5 a.m. 38706

Chiefsec Lagos

x my 18989/267 of ninth editorial in Spokesman of March twenty-eighth regard Sir. W. Geary's statement on Opobo Chiefs claim Chiefcom recommends public statement be made that money being paid that there has never been any doubt of payment being made and Opobo Chiefs were well aware of thisx.

Secretary Enugu

POSTS AND TELEGRAPHS

38706

3-4-44

Chiefsec LAGOS

x your 38796 of twenty-fifth war canoe chiefcom unconvinced comm of inquiry preferable course proposed my letter of March ninth further letter followx.

Secretary Enugu.

NIGERIAN SPOKESMAN

Motto: That man shall not be a wolf to man.

Vol. II No. 298 ONITSHA, Tuesday, March 28, 1944.

Opobo & Sir William Geary

Sir William Neville M. Geary, Bart., has advanced to the rescue of the Chiefs and people of Opobo, in Calabar Province, on account of the sum of £11,420 which the latter people are claiming from the British Government by virtue of a document drawn up between them and a British Consul in the early days of

the Oil Rivers Protectorate, payment for which is now deferred because the document cannot be "traced" either in this country or at Westminster.

In the opinion of this learned legal man, the excuse put forward for the non-payment of the sum is not convincing, since there has been no question of forgery raised. Since the British Parliament is the ultimate authority on the control of the policy of the Government in the Colonies, Sir William said, that institution should intervene and see that justice is done where the good name of the British people is involved.

After reading the letter to the Editor of the *London Times* we wonder what the Colonial Office thinks of it. We wonder also what the Government of Nigeria thinks of it too. But, in our opinion, it is a straight-forward challenge to the dictum of keeping faith and having respect for the pledged word of Britain. For a long time, the Chiefs and people of Opobo have patiently waited for the fulfilment of a pledged word made on behalf of Great Britain by an accredited representative of the British Government, but it seems that their waiting will have no end, or may even be in vain.

We are not so pessimistic that world morality has sunk so low as to make non-payment definitely possible, but we wish the payment to be made in time, so as not to create a wrong impression. If the pledged word of Britain can lead her to take up the challenge of the Huns, with all the consequences of a world war which costs her about £15,000,000 a day, we wonder how it can be difficult to fulfil the pledged word to pay Opobo people the mere sum of £11,420.

C.S.

Telegrams at 143 submitted. The "Spokesman's" leading article referred to is at 143. At 96 S of S asked us to make no public announcement until he had made a statement. I take it that the reply to Mr. Sorenson's question at 127 is much a statement, so that we are thus presumably free to make an announcement as we see fit. I think it is time Sir William was "debunked" and submit a suggested statement at cover which, if appd. could be telegraphed to SEP with a request that it be communicated to the "Spokesman" for publication.

2. Action on SEP's second telegram at 143 will have to await the arrival of the letter.

Sgd.? 5/4/44

I think a statement from Government about this matter (in the Lagos Press as well as the "*Nigerian Spokesman*") would do a lot of good, and a draft at cover is submitted for consideration.

Sgd.?

5/4/44.

PRO sh'd see before issue. Otherwise as above.

Sgd.?

5.4.44

PRO Referred as above.

Could you arrange issue of this statement to all papers!

Sgd.?
for CSG
5/4/44.

OPOBO CLAIMS

Sir William Geary's letters to the London "Times", on which the leading article appearing in the issue of the "Nigerian Spokesman" for March 28 is based, are inaccurate and misleading. The true position is that, as a result of representations made to the Colonial Office by the Nigerian Government on behalf of the opobo claimants, the British Government has agreed to pay in full the amounts, totalling 11,420, specified in the four documents concerned. The claims relate to a period over forty years ago before the Colonial Office became responsible for the administration of Nigeria and considerable research was necessary to investigate the circumstances under which the obligations arose and whether, in fact, they had not already been discharged. It was not an easy matter to carry out these inquiries when Government was pre-occupied with urgent business connected with the war and there was inevitable delay. There is no question of payment being evaded. The only question now at issue is the procedure for determining the proper payees and this matter is now being discussed between the Chiefs and Government. It may be added that Sir William Geary has contributed in no way to establishing the claims or the decision to pay them.

No. 18989/276.
Secretary's Office
Eastern Provinces
Enugu, 3rd April, 1944.

CONFIDENTIAL

The Honourable
The Chief Secretary to the Government
Lagos

Compensation for war canoes and guns

I am directed to refer to your telegram No. 38706 of March 25, and to confirm my telegram No. 18989 of April 3, in reply, as follows:

"18989x Your 38706 of March twenty fifthx War canoes Opobox Chiefcom unconvinced Commission of Inquiry preferable course proposed my letter of March ninthx Further letter followsx"

2. His Honour well appreciated that the desire of the Honourable the Attorney-General in making the suggestion for a Commission of Inquiry is to protect Government lest, after the money has been paid, some absentee claimant come forward with a good claim, and also to show that Government has done all in its power to see that the money goes to those entitled. I am to observe, however, that although such a Commission would achieve the second of these objects, it would not achieve the first. Should an inquiry be held under the Commissions of Inquiry Ordinance, 1940, it is unlikely that any claimant would come forward who would not have lodged his claim under the procedure proposed in paragraph 3 of my letter of March 9, 1944, and the absentee claimant with a valid title is still a possibility.
3. I am also to point out that were a Commission of Inquiry to be held, the Opobo Chiefs would almost certainly exercise their right under section 14 of the Ordinance to be represented by Counsel and, as His honour understands the position, the report of a Commission would not preclude subsequent Court proceedings. In the second paragraph of your confidential letter No. 38706/124 of February 1, you asked that it should be pointed out to the Chiefs that the most important thing is to avoid expensive court litigation: his Honour is in entire agreement with this but suggests that the appointment of a Commission of Inquiry would not prevent expenditure on counsel's fees.
4. For these reasons and for the further reason that the Chiefs have already expressed their acceptance of the proposal in paragraph 3 of my letter of March 9, His Honour considers that that proposal has advantages greater than those of the course now proposed by the Attorney-General.

Sgd.?

Secretary
Eastern Provinces.

Above letter submitted. A Commission of Enquiry gives Government no real protection and has the added disadvantage that the Chiefs can start wasting their money on Lawyers' fees right from the very start. Under the circumstances there seems no alternative to adopting the procedure of payment after publication in the Press and Gazette, though as CCEP mentions at 135, this may call forth as many claimants that they will be pleased to accept Government's offer on an inquiry. I submit a draft reply to 116 at cover.

Sgd.?

12/4/44.

HAG,

From 134.

After Mr. Cox's minute at 137, the matter was discussed between him & C.S. and the telegram at 141 issued to S.E.P. 148 is SEP's reply thereto from which you will see CCEP minute that the procedure proposed in para 3 p. 135 is preferable to Mr. Cox's proposal that a Commission of Inquiry should be appointed and gives his reasons.

2. Have you any comment on this draft telegram at cover to S/S?

Sgd.
for CSG
13/4/44

8/4/44

for C.S.G.

Secretary Enugu.

38706x Your 18989 of April third Opoobo claimsx Press statement has been issued by verity to all papers.

Chiefsec.

H.C.S.

We discussed (Mr. MacDonald) and a point which seems to have escaped comment so far is of interest. The wording of all documents seems to be "his (or their) heirs or successors" (in this connection a close study of the photostat copy of the document described at "A" at p.47 to my mind contains the word "or" not "and" as set out in that paragraph) and this opens a wide avenue for legal argument and, unfortunately, appeals on points of law.

2. The use of the words "or successors" opens up the argument that two classes may be entitled: that is the direct heirs of the chiefs named or their successors in office if not heirs. It would be of advantage therefore at this stage to ascertain the position in this respect of the twenty-seven claimants put forward to ascertain -

- (a) how many are heirs;
- (b) how many are successors without being heirs; and
- (c) how many are heirs and successors.

If this could be ascertained by telegram quickly I consider it worth doing before addressing the S. of S.

3. I do not understand the use of the term "or successors" but one construction which might be urged is that it was intended to pay the money to the heirs of the chief concerned and, if such heirs failed, then the money to go to the

successor in title. What is to happen when both heirs and successors survive is a question I would not care to have to answer.

4. The fact does remain, however, that two different classes of persons are mentioned, the heirs and the successors, if not heirs, and while the chiefs do not appear to have appreciated the point I am sure the lawyers will when the matter reaches them.

5. Another point of interest is that document "A" at p.47 recites 25 names; documents "B" and "C" and "D" each recite one individual but "B" and "C" may be regarded as one as "C" is only a further sum to the same person. This gives 27 persons covered by all four documents but of these 27 the two in documents "B", "C" and "D" are also included in document "A" thus bringing the number of persons in respect of whom claimants are sought to 25, but the chiefs have apparently missed this point and have put forward 27 claimants, a fact which tends to throw some doubt on the merits of some of the claimants.

6. I feel that even if the course suggested by the chiefs is pursued the matter will finish in the judicial courts, whether or not via a commission of enquiry, and even if no rival claimants appear in response to the invitation, once the money is distributed I am equally confident that some lawyer for someone will raise the "heir or successor" question and if the courts decided against the person to whom the money was paid, it might be held that Government was lax in enquiry and we might have to pay again.

7. Nigeria is not paying this sum and I feel that the decision should come from home and I accordingly suggest that we obtain so quickly as possible the information suggested in para.2, and then cable the S. of S. setting out the position regarding the claimants and drawing attention to the question of "heirs or successors", stating the course the C.C.E.P. wishes to adopt and asking for approval. I see no way to prevent the matter getting into the courts and the hands of the lawyers.

G.L. Howe

Ag. A.G.

14/4/44.

CODE TELEGRAM NO. 522 Date 13th April, 1944 File No. 38706.

To the Governor

From SECRETARY OF STATE.

Repeated to

Your telegram No. 488 OPOBO CLAIM.

Grateful if reply could be expedited to my telegram No. 425.

CODE TELEGRAM NO. 38706. PRIORITY Date 15th April, 1944 File No. 38706

From CHIEF SECRETARY
To RESIDENT, CALABAR
Repeated to SECRETARY, ENUGU.

OPOBO CLAIMS

Documents specify payments will be made to heirs or successors. Document in respect of £9,600 specified names of 25 chiefs but you state chiefs have submitted the names of 27 claimants. Telegraph earliest how many of these claimants are (a) heirs (b) successors in office (c) both heirs and successors in office. State also whether present chiefs BRUCE JAJA and SAM ANNIE PEPPLE who are said to be due sums specified in other documents are heirs or successors or both to the chiefs of same names mentioned in those documents. Forward also by letter full particulars of the 27 claimants showing their relationship to the chiefs specified in the document for £9,600 and the amount of each share claimed.

CODE TELEGRAPH NO. 597 Date 15th April, 1944. File No. 38706

From the Governor NIGERIA

To Secretary of State.

Repeated to

Your telegram No. 522 Opoobo Claims

Chiefs are unwilling to accept special tribunal. Alternative proposals still under discussion.

(Mr. Field).

CODE TELEGRAM No. 571 Date 22nd April, 1944 File No. 38706

To the Governor Nigeria

From Secretary of State

Repeated to

CONFIDENTIAL

Your telegram 597

OPOBO CLAIMS

As further delay in settling procedure for determining payees will inevitably lead to criticism and possibly misrepresentation at this end I feel that it would be desirable to take some early steps to show beyond doubt that money will in fact be paid. I suggest sum £11,420 should be paid into a bank (see my telegram No. 1732 1943) for eventual transfer to payees when determined. Please telegraph whether you agree in which case I suggest advance of this amount should be

made from Nigerian funds for the purpose against eventual repayment by H.M. Government if and when money is voted by Parliament. I should be grateful for early reply.

(Mr. Field).

F.S.

155: Application may be made to F.C. for £11,4202.

2. I don't think much of the "payment into bank" proposal (incidentally, as Acct-Gen. points out, the proposal contravenes C.R. 272!) I do not at this moment, see how an "Opobo Chiefs A/C" can be opened with a bank and the Chiefs be precluded from drawing on it.

3. S/S appears to want publicity. that being so, I suggest the money be put on deposit & A.G. be asked to show it as a liability in the monthly Nigeria B/S. The situation is that Govt. would still control the money which is apparently objectionable on political grounds. But control is inevitable whether we adopt the deposit scheme or the bank proposal. A third course would be to hand the money over to the Administrator-General with strict instructions not to spend it.

4. Personally I favour putting the money on deposit & showing the liability in the B/S. That ensures publicity - payment to Admin-General affords no publicity and I doubt if a Press Notice announcing the payment is what S/S wants?

Sgd.?

24/8/44

D.F.S.

We spoke, and I agree with you. The money should be voted as expenditure on 28/4 and placed in a separate deposit account, shown as a separate item in the balance sheet, as you suggest.

2. Please inform the S/S by telegram that this is what we propose. There is nothing irrevocable about it, and if he still hankers after a bank account the money can easily be transferred to one from the deposit account.

Sgd.?

25/4

Tel. sent to C/O

Sgd. 26/4

£11,420 Noted for P.C. (Supplementary schedule). File required for F.C. & others.

Sgd

26/4

CODE TELEGRAM NO. 682 Date 27th April, 1944 file No. 38706
From the Governor Nigeria.
To Secretary of State.
Repeated to

Your telegram No. 571.

OPOBO CLAIMS

I propose asking Finance Committee to vote £11,420 as Expenditure on April 28th. This sum to be placed in separate deposit account and shown as a separate item in Colony's Balance Sheet which is published in Gazette.

(Mr. Leslie)

F.S.

F.C. passed the item. You will wish to inform the Acct.Gen & auditor.

Sgd.?

28/4

Pl. fair my draft.

Sgd.? 29/4.

Financial Secretary, Lagos

Account-General, Lagos

38706/158 30 April, 1944

(Copy to Auditor Lagos)

Referring to Head 26 Sub-head 150 in Special Warrant No. 2/44-45, I am directed to request you to be good enough to place the sum of £11,420 on deposit and to show the deposit as a separate item in the monthly Statement of the Colony's Assets and Liabilities. I appreciate that this procedure contravenes C.R. 272 but the matter has already been reported to Secretary of State in telegram No. 682 dated 27th April, 1944 of which a copy is attached.

Sgd.

S.A.S. Leslie

for: Financial Secretary

Mr. Field

a.f.a. nec.

Sgd.?

2/5

Spokesman - 14/4/44
Opobo's Claim of £11,420

LAGOS - In connection with Opobo Claims of £11,420 from the British Government, the following is an explanation by the Public Relations Office:

Sir Williams Geary's letters to the London "*Times*", on which the leading article appearing in the issue of the "*NIGERIAN SPOKESMAN*" for March 28, is based, are inaccurate and misleading.

The true position is that, as a result of representations made to the Colonial Office by the Nigerian Government on behalf of the Opobo claimants, the British Government has agreed to pay in full the amounts, totalling £11,420, specified in the four documents concerned.

The claims relate to a period over 40 years ago before the Colonial Office became responsible for the administration of Nigeria and considerable research was necessary to investigate the circumstances under which the obligations arose and whether, in fact, they had not already been discharged.

It was not an easy matter to carry out these inquiries when Government was pre-occupied with urgent business connected with the war and there was inevitable delay.

There is no question of payment being evaded.

The only question now at issue is the procedure for determining the proper payees and this matter is now being discussed between the Chiefs and Government.

It may be added that Sir William Geary has contributed in no way to establishing the claims or the decision to pay them.

Spokesman - 14-4-44

That's Well and Good

OPOBO Chiefs claim of £11,420 from the British Government on the strength of a document which was signed with them by a British Consul. Sir William Geary's letter to the Editor of the London Times and the comment made in this newspaper on the issue on March 28, have conjointly elicited a prompt rejoinder from the Public Relations Office, as published elsewhere in this issue.

According to the rejoinder, there is no question of evading the payment and the delay has only been caused by the difficulties of having to verify the facts and the attendant difficulties occasioned by the war. It appears as if all these difficulties are now overcome, and what is left to be done is to determine the proper method of paying the money to the right people.

We welcome the rejoinder of the Government on this important issue and know that the promptitude of it and also the assurance which it gives will not present a problem which will serve as an excuse to delay the payment still. We appeal to the people and Chiefs of Opoobo to exercise common sense in this latter matter, or else they may stand the chance of losing the money or its payment being delayed indefinitely.

As to the remark of the Public Relations Office that Sir William Geary does not help in establishing the claims or the decision to pay, we are afraid we cannot swallow it as presented. It savours of an expression of official annoyance. We feel that the learned legal luminary has done his duties to his clients and we are even glad that his efforts have attracted the attention of Whitehall.

Pilot 16-4-44

Is Sir William Geary Not Responsible?

"It may be added that Sir William Geary has contributed in no way to establishing the claims or the decision to pay them". This is an official postscript intended to correct any impression that Sir William Geary, Barrister-at-law, until lately one of the leading members of the Nigerian Bar, acting as solicitor for the Opoobo Chiefs of Eastern Nigeria, who recently wrote to the Editor of the London *Times* regarding compensation due to the Chiefs and their people from the British Government, is responsible for any decision made regarding the payment.

Sir William did not stop by writing to the Press. He called upon Parliament to intervene, alleging that payment of the compensation which arose from transactions between the British Consul and the Opoobo Chiefs long ago, was being causelessly and undemocratically withheld.

Whatever is the official denial, we are yet to be informed that Sir William is not the solicitor for the Opoobo Chiefs and people; that Sir William never wrote to the London *Times* regarding this payment; that Sir William never urged on the Parliament to intervene; that Sir William did not precede the Nigerian Government in making representation which has stirred the British Government to real activity.

After the considerable lull between the consul days and now, may we know why the representations by the Nigerian Government never materialized till Sir Williams's name dropped in? No Sir, Nigerians of today could read between the lines. We know our friends and our processing friends. What a Creech Jones does for Nigeria cannot be clothed in any guise - so also what a Sir William does.

W.A. Pilot - 1.5.44

Secretary To Opobo Chiefs Denies That They Have Held Discussions With Government.

OPOBO, April 20 - According to Mr. S.M.M. Ekpelle, Secretary to the Opobo Chiefs, whose claims for £11,420 have been recognized by the British Parliament, the Nigerian Government has made no move for the repayment of these claims since Colonel Oliver Stanley declared in the House of Commons that:

"The claims have been accepted by His Majesty's Government ...

The Nigerian Government is to discuss with the Chiefs the procedures for determining the proper payees."

This announcement was made to the Opobo Chiefs a few days before the close of 1943, continues Mr. Ekpelle, and the Chiefs promptly addressed a letter to the Chief Commissioner at Enugu, containing a list of the proper payees.

In March, 1944, the Chiefs addressed another letter to Government inviting discussion on the procedure for determining the proper payees.

It is therefore surprising, Mr. Ekpelle goes on, that the Public Relations Office should issue a Press notice stating that:

"The only question now at issue is the procedure for determining the proper payees, and this matter is now being discussed between the Chiefs and the Government."

There has been no discussion whatever between the Chiefs and Government, Mr. Ekpelle maintains.

For over four years since the documents were submitted to the Nigerian Government, there was nothing encouraging, but within a few months of the matter reaching England, it was brought to Parliament and a decision reached without delay.

In spite of a letter showing the proper payees and another inviting discussion on payment, the Government is still quiet. Mr. Ekpelle asserts that in a recent letter, the District Office, Opobo, admitted that: "We are being involved in a waste of money on account of the delay in payment".

Mr. Ekpelle concludes:

We want to know the date of payment, or it may be necessary to send a deputation to the seat of the Government of Nigeria in Lagos after we have duly brought the matter to the notice of the Nigerian public.

CORRESPONDENCE

Opobo Claims
Nigerian Daily Times 17-4-44

The Editor
 "Nigerian Daily Times"
 Lagos

Sir, - The statement by the Public Relations Office on the Opobo Claims published in the newspapers today will be read with amusement by all who know the facts of the case. And many people in this country and in England who have read the published letters and/or editorial comments on the matter in the "*London Times*" and "*West Africa*" will consider the concluding paragraph of the statement as unfair to Sir William Geary.

The Public Relations Officer makes much of "the considerable research necessary to investigate the circumstances under which the obligations arose and whether in fact they had not already been discharged". Could the obligations have been discharged and the payment made?

Nigeria Spokesman - 18-4-44

Britain's Pledged Word

KENT - Sir William Nevill M. Geary, Bart, Barrister at Law, of Oxon Heath, Tonbridge, who is the Solicitor for the Opobo Chiefs of Nigeria West Africa, in their claim of £11,420 from the British Government, wrote again in a recent issue of the *London Times*, thanking the Secretary of State for the Colonies, Colonel Stanley, and other Members of Parliament who took active part in bringing forward to the House of Commons the care of these African Chiefs.

His letter which is couched in a language full of appreciation for the championing of the cause of the under dog; read as follows:

Colonel Stanley, Secretary of State for the Colonies, announced in Parliament on January 19, last that the Government accepted liability to pay the Opobo Chiefs £11,420 due under the document of 1892.

Twice in your columns have I drawn attention to my clients' right under an unchallenged documents to be compensated for an ancient wrong.

Now, on my clients' behalf, it is meet and my duty to tender Colonel Stanley their grateful thanks.

Special thanks are due to you, Sir, herein, and will you allow me to thank others in the Press. e.g. the *Daily Sketch* and *West Africa*, and the two M.Ps Ponsonby and Sorensen who championed the unrepresented?

It may seem unimportant, especially now, that a score of far-off Africans, their heirs and successors, should receive a few thousands under a 50 year-old document, but a principle of our colonial rule is involved, that faith must be kept with the black man and that a white official's word or signature should be sacred and inviolable.

All honour, therefore, to the Secretary of State, who bears an illustrious name, for his declaration that England keeps her word, which will enhance our prestige among the black subject races.

CODE TELEGRAM NO. 2329 Date 2nd May, 1944 File No. 38706

To the Chief Secretary, Lagos.

From Resident, Calabar,

Repeated to

Your 38706 of 15/4/43

26 claimants. Heirs nil, successors in office 8. Both heirs and successors in office nine? Representatives for house committees 9. Full details being posted.

Mr. Field.

C.S.

Above in reply to 154. We should await the details that are coming by post?

Sgd.

9/5/44

I am afraid will have to.

Sgd.?

9/5/44.

TO: SECRETARIAT

LAGOS

NIGERIA

Write the message very plainly below this line

Sender's Address: Sir - William Nevill M. Geary Bt. Oxon Heath Tonbridge

24 April, 1944

Gentlemen

Opobo Chiefs

On the 15 October last I sent you the following cable. "Please forward air-mail copies all correspondence MacJaja Opobo chiefs of eleven thousand pounds since including March 1939 till date Geary Oxonheath Tonbridge".

I had to reply thereto and never received any such copy correspondence - Why not?

I propose to ensure advert to this episode of the Opobo chiefs and their treatment in my book on Nigeria now appearing serially in "West Africa" and I should like in order to be fair to print anything which should be said on the other side. Have my clients been paid and if not why?

Your delay and the three times repeated attempts by the Colonial Office to bluff my clients have naturally aroused suspicion of the bona fides of the Government and there will be a continued effort to evade payment and hill of clients.

Apart from my clients and speaking as a British subject it is hateful to me and I may cite the Daga's speech to Shylock" the world thinks and I think so too" that it is disgraceful for a British Government to try to swindle blackmen out of their just rights.

It is worse than a valour who runs away in the hope of serving his skin from a drugging.

I sent Lord Lugard a copy of my circular letter to the Commons and he was astounded at the breach of faith.

Your most obedient humble servant

William Nevill M. Geary.

Nigerian Solicitor for the Amanyanabo of Opobo and Opobo Chiefs.

TO:
THE HONOURABLE
CHIEF SECRETARY
LAGOS
NIGERIA

Write the message very plainly below this line.

Sender's Address Sir William Nevill M. Geary Oxonheath Tonbridge.

13th April 1944

Sir, Opobo Chiefs.

Will you inform me by air-mail when and how the Opobo chiefs will be paid. There has been so much delay since 19th January when the S. of S. accepted the claim would be allowed. In February my clients informed me that they had told the Government who were the present representatives of the original 27 chiefs named in the deed of 1898. But on 6 April the D.O. informed me that investigation was still proceeding. When will payment be made and to whom

and in what shares and on what principles of distribution? But I earnestly trust that difficulty of proof will not cause refusal of payment. The delay causes ill feeling and suspicion. Interest is claimed either from 18 June 1939 or from March 1939, but I have left this and the rate of interest and the cost to be decided by the legal adviser to the D.O. to act for both parties as I am curious to avoid delay or petition.

Will you put it to the chiefs whether they agree to my fees being deducted and if so pay to my account in Bank of B.W.A., the total fee I have put at eleven per cent.

Your obedient servant,
William Nevill M. Geary

Nigerian Solicitor for Opobo Chiefs.

Opobo Town
28th March, 1944

The District Officer
Opobo.

Sir,

Compensation for war-canoes and guns

With reference to your telegram No. 38706 of April 15, 1944, addressed to the Resident, Calabar Province, and repeated to this Office, I am directed to forward a copy of a petition of March 28, 1944, sent to the District Officer, Opobo, by Chief Harry Toby, on behalf of himself and his fellow claimants to compensation, together with a copy of the pamphlet by Sir William Geary therein mentioned.

2. In His Honour's view, the petition and Sir William Geary's pamphlet afford further proof of the unfortunate effects of continued delay in payment.

Sgd.
Secretary
Eastern Provinces.

Opobo Town
28th March, 1944.

The District Officer
Opobo

Sir,

Compensation for war-canoes and guns

On the direction of the Chiefs concerned in the question of the Compensation for war-canoes and guns, I am making certain observations which you are respectfully requested to acquaint Government.

2. We are aware that the Secretary of State, replying to questions in Parliament on Wednesday, the 19th January, 1944, on our claim, said: "The claims have been accepted by His Majesty's Government and Parliament will be asked to vote the sum of £11,420. The Nigerian Government is to discuss with the Chiefs the procedure for determining the proper payees."
3. Our Solicitor, Sir William Geary Baronet, circularized each member of Parliament precedent to the day the matter was finally adjudicated in Parliament. A copy of the circular is enclosed for your perusal and there is no objection in presenting it to Government.
4. We endorse our Solicitor's frank and straightforward assertion that the "Black men are hilked". We believe that local prejudice is responsible for the evasive replies given by the Colonial Office, and for the present delay in making payment. But for the justice and wisdom of the IMPERIAL PARLIAMENT, local prejudice could have resulted in "BREAKING FAITH" with a subject race.
5. In recounting the BRITISH WAR AIMS, the late Mr. Neville Chamberlain, Prime Minister, said that we are fighting against the "EVIL things, one of which is the "BREAKING OF PLEDGE". If it took us over four years, arguing without a Solicitor, to justify our claim on the face of a document given by a British Consul for and on behalf of the British Government only to receive tactical evasive, and offsetting replies - particularly, the point raised by the Permanent Under-Secretary (see the paragraph underlined and starred by me) - we have been left in doubt of the sincerity of the British Government in implementing a pledge when subject races are concerned. Until we were compelled in August last year to employ an erudite and sagacious Lawyer who forced our matter into the Parliament, we would have been in the lurch. We congratulate ourselves on the wisdom of retaining an able Lawyer of the calibre of Sir William Geary without whose efforts we might have been offset, particularly, on the point raised in a letter of 18th September, 1943, by the Permanent Under-Secretary at the Colonial Office. All the same we rejoice in the rule of

a Government whose supreme council the Parliament, could be relied upon for fairness, justice and wisdom.

6. The Nigerian Government would give a lie to the allegation of "LOCAL PREJUDICE" by expediting date of payment. His Lordship, the Secretary of State, *expects the Nigeria Government to discuss with the Chiefs the procedure for determining the proper payees*. By the Chiefs His Lordship implies the Opobo Town Native Authority. Could there be any procedure other than the Administrative Officer (the District Office and/or Resident) meeting the Opobo Town council and satisfying themselves, in the Council, that the names of the payees already submitted are proper; otherwise Government should require the payees to sign an indemnity bond.

7. A full meeting of the Opobo Town Council is slated for the 4th of April, 1944, and the determination of the proper payees would be effectual and satisfactory if the District Officer or His Honour, the Resident, were present.

8. We gather from His Lordship's reply in Parliament that the procedure suggested to us the District office at a meeting held with the Chiefs concerned on the 24th February, 1944, is not only high-handed but is not in keeping with the simple procedure aired in Parliament by the Secretary of State. Unless the complex procedure is not the invention of delaying payment, we pray that the simple procedure implied by His Lordship should be adopted to expedite payment and thereby close this vexing question of compensation with all its sour impressions and memories of the atrocities to humanity scarcely six decades yet.

9. Replying to speeches by Honourable Members of the Legislative Council of Nigeria in 1925, the then Chief Secretary to the Government, Sir Donald Cameron, referring to the speech by the late Amanyanabo of Opobo (Chief Mark Pepple-Jaja) as Hon. Member for the Rivers Division, admitted that, if the Hon. Member referred to the same place he had visited 11 years previous, Government has done nothing in Opobo Town. Sir Donald's admission still obtains.

10. We would assert that the compensation is no Government Bonus or grant to Opobo Chiefs. It is a compensation for the losses the Chiefs sustained - losses of what then constituted the integral part of their wealth. If there is "LOCAL PREJUDICE" against what might be hyperbolized a large sum of money, there must be the corresponding reflection and humane consideration of the enormous loss financially sustained by the Chiefs of Opobo as a result, not only of the confiscations by H.B.M. Government, but also of the *UN-BRITISH* actions of the Blue - Jackets by pillages and depredations.

11. Payment of the compensation would retrieve only infinitesimally the existing deplorable condition of most of the Houses hard hit by the Naval operations between 1888 and 1889. If the amount would be applied to the economic development of the people, the urgency of payment could not be too strongly stressed. Government has done nothing for Opobo Town, as admitted by a late Chief Secretary to the Government, and the Government, by delaying

or with-holding payment of a just claim by the Chiefs of Opobo concerned, is not desirous that something should be done even by the people for themselves.

I have the honour to be, sir,

Your most humble servant,

Sgd. Harry Toby (Chief)

P.S. We are firmly convinced that if our claims were such as might be advanced by another Government against the British Government, it has long been honoured. This is the curse of being a subject people - an evident trusteeship at that. Failing to satisfactory reply, we propose sending a deputation to the Headquarters at Lagos.

BILKING THE BLACK MEN

To All Members of Parliament

Dear Sir or Madam,

Will you help the African Chiefs of Opobo in Nigeria to obtain payment of the £11420 promised in writing by H.B.M. Government to the Opobo Chiefs wherein Nigeria has made default since March, 1939?

Nigeria as a Crown Colony has not self-government, but conversely is not each individual Member of Parliament the representative of those who are unrepresented in whom the Crown Colonist may find a protector for redress of grievances and to obtain justice?

(Sgd.) William Nevill M. Geary,
Nigerian Solicitor for Opobo Chiefs,
Oxon Heath, Tonbridge.

THE CHIEFS OF OPOBO

The facts are as follows:-

In 1885 a British Protectorate was proclaimed over the Niger Delta, including Opobo, but no regular government was set up till 1891.

Meanwhile a wealthy English-speaking trading chief, Ja Ja, had been, as Lord Salisbury twice minuted, kidnapped by an over-zealous consul with the help of a man-of-war.

In 1891 Lord Salisbury sent out, as High Commissioner and Consul-General, Sir Claud MacDonald (subsequently Minister at Peking to organize a regular government with revenue from customs and to enlist an armed constabulary to maintain law and order).

Sir Claud MacDonald, it may be after consultation with Lord Salisbury, decided to restore Jaja (who died on the way home), and he also decided to give

deferred compensation for canoes and other property belonging to Ja Ja and the other Opobo Chiefs which had been confiscated in naval operations following the kidnapping of Ja Ja; it may be stated that Ja Ja's offence was at most "peaceful picketing."

Acting on Sir Claud MacDonald's instructions, Vice-Consul W. Cairns Armstrong assessed the compensation at £11,420 and executed the following document whereunder the present claim arises.

The following is the text of the document:-

"WHEREAS the Chiefs of Opobo have by their loyal conduct in recent years won the confidence of Her Britannic Majesty, Government and whereas trade and commerce have vastly increased in the river.

AND WHEREAS IN 1891 £9,600 (Nine thousand six hundred pounds) sterling was recommended by the Consular Court as compensation for the war canoes and guns by list annexed conditionally surrendered to H.B.M. Government.

AND WHEREAS H.B.M. Government shall not uphold any claim for properties, guns and ammunition, etc. confiscated as a punishment elsewhere outside the limits of the Town of Opobo AND WHEREAS I am appointed by the Commissioner and Consul-General to make and execute this document upon the term herein contained.

NOW the condition is such that H.B.M. Government shall pay and deliver to the Chiefs of Opobo concerned their heirs and successors the sum herein beforementioned upon the production of this document within 50 (fifty) years ensuing from the first of January 1893 after an interim of 30 (thirty) years from the date hereof assigned for the occupancy and the development of the Interior Territories by the British Government.

Given under my hand at H.B.M Vice-Consulate Opobo the 17th of June 1892.

(Sgd.) W. Cairns Armstrong, Deputy Commissioner and Vice-Consul

(Sgd.) by the said W. Cairns Armstrong in the presence of

(sgd.) W.V. Tamer (Pro-Consul).

Made and executed in our presence:

(sgd.) R. Fistu (Chairman Court of Commerce)

(Sgd.) Hary Stowe (Government Interpreter)".

On the back is endorsed:-

"List of war canoes surrendered and confiscated to Her Britannic Majesty's Government by the Chief of Opobo 1888 to 1899:

Chief	War Canoe	Guns
Sam Annie Pepple	1	2
Cookey Gam	1	2
Black Fobra	1	2
Fine Bone	1	2
Wogo Dappa	1	2
King Jaja's own	Queen	2
" " "	Oby Jack	2
&c. &c. &c."		

At the foot of the list:

"(Sgd.) W. Cairns Armstrong, Deputy Commissioner and Vice-Consul, certified 1892".

There are two other sums of £950 and £870 similarly secured, making with the £9,600 total £11,420.

The above document is taken from a copy furnished by the Colonial Office. The original is with the Nigerian Government.

There is no one alive who was present in 1892 at Opofo to explain the legal proceedings, if any, leading on to the execution of this document, and the Consular records are lost or cannot be found as it stated by the Colonial Office, so the document must speak for itself.

There seem only two constructions; either it is a "judgment" or at least" a promise to pay by H.B.M. Government".

In March, 1939, the original document was duly presented to the Nigerian Government (who are now in possession of it.), but whatever be the reason the Nigerian Government (though without ever challenging the authenticity of the document) have not paid till date, though frequently requested. Payment should have been on production according to the document, and in default interest should run till payment. Not being paid, the Opofo Chiefs in August, 1943, retained the undersigned, a Nigerian solicitor, who was in England, to take up the case with the Colonial Office. The African thinks that, though there may be colour prejudice locally, he may get impartial justice and consideration from H.M.'s Secretary of State.

However, the Colonial Office returned three successive answers (all different) but all adverse, with excuses for non-payment.

On 11 August there was an interview at the Colonial Office, at which the instructions were shown and left at the Colonial Office that a copy might be taken, and I was informed, as also was subsequently written to me on 19th August, that the Nigerian Secretariat was "understaffed and overworked." Can this be said of all times and occasions since March 1929? Surely, it would be but

a poor excuse in the bankruptcy court that a man had been too busy to pay a debt.

Upon these unsatisfactory "replies" an application was made to the permanent Under-Secretary for an interview. The interview was refused in a letter dated 18 September wherein it was stated "it would seem clear that those claims are not, in fact, judgment debts, since it appears that they are in accordance with the terms 'recommended' by the Consular Court and not 'adjudged' by that Court".

Hereon reference should be made to the document. The words in the operative part run: "shall pay and deliver". If not a "judgment", they are a solemn promise on behalf of H.B.M. Government.

This reply also seemed very satisfactory. A friendly M.P. put a question in Parliament, which was answered on 13 October, 1943, that no record could be found though search had been made, since 1939. Now if the promise had been verbal or even a mere casual note, such inquiry as to record would be reasonable; but the document is formally signed and witnessed by official persons. In law a document thirty years old proves itself when produced from proper custody, unless of course it be proved a forgery, and herein it would be necessary to forge four signatures. Considering that the genuineness of this document has never been impugned during the 4 years it has laid with the Nigerian Government, the reply that no record could be found is not only illogical, but it is a mean and unfair *suggestio falsi*.

So according to Mr. Emrys Evans, who answered for the Colonial Office, the "bush in the gap" was that the record could not be found. However, on 6th of November, by the courtesy of the Editor, there was published in "*The Times*" a letter from me to the effect that even assuming Consul, and duly witnessed, and that the signature of a British Official should be honoured.

However, as to the record, on 9 November, 1943, there was published in "*The Times*" a letter from a barrister, the late A.C. Douglas, to the effect that he was employed in the Obobo Consulate in 1895 and that he had, as was his study, read the records and the document of 1892 referred to in the seconds. I then wrote to Mr. Douglas, who came to see me and said that he was willing to swear an affidavit to that effect. He seemed ill and I heard that he had been taken to hospital. On December 12 he died. On behalf of the clients I was glad that I had thanked this honourable gentleman for his unsolicited testimony.

The Colonial Office have now given three excuses for non-payment; perhaps they will find a fourth or fifth reason for non-payment. I assert that the Consulate records may have been subsequently lost or destroyed, but if so that could not be the client's fault nor prejudice or demnify their claim that an existing record had been subsequently lost.

In order that the facts may be fully stated to detail, I add that three unanswered cables were sent to Nigeria. The Parliamentary Secretary of State was then in Nigeria on an official tour in Lagos, and a cable was sent to Colonel

Stanley on 24 September asking him to inquire of the Nigerian Government why they had not paid £11,420 according to the document signed by Consul Armstrong. On 15 October a cable was sent to the Secretariat Lagos, asking that copies of correspondence with the Obobo claimants might be sent home to me by air-mail. On the 12th of November another cable was sent to Secretariat Lagos, asking them to cable whether they would honour or repudiate the Consul's signature.

On the 15th of December a final letter was written to the Colonial Office asking them to answer "yes" or "no" whether the Consul's signature would be implemented.

The three successive excuses by the Colonial Office might be taken to resemble the devices of an impecunious debtor striving to elude his creditors!

The inevitable conclusion follows: that the Nigerian Government, backed up by the Colonial Office, breaks faith with those men of subject races, dishonours the pledged word of the Consul, and prefers to BILK THE BLACK MAN.

All the material facts are above stated for your information. The only hope of the Chiefs of Obobo is in the justice and wisdom of Parliament.

Your obedient servant,

(Sgd.) William Nevill M. Geary

Nigerian Solicitor for MacJaja and the Chiefs of Obobo
Oxon Heath, Tonbridge

Note. - Students of Colonial Administration might consider the above as an illustration of the Official reaction to a claim from the subject races." - (Sgd.) W.N.M.G.

PRINTED MATTER PLEASE FORWARD
HOUSE OF COMMONS
LONDON, S.W.1.

"H.B.M. GOVERNMENT SHALL PAY" OPOBO CHIEFS
AND DEFAULTS

C.S.
From 162.

A 162 Sir W.M. Geary asks to be informed by air-mail whether the money has yet been paid. He also wants to know on what principle it will be distributed. He raises the question of interest and at last comes out into the open as regards his fees which he unblushingly admits are 11% of the proceeds.

2. At 163, irritated, one suspects, on account of his fees being so long delayed, he reminds us that we never answered his cable at 90 herein and again indulges in his usual abuse.

3. I am not sure that any reply to these letters is called for, but if it is, we might say that he has not specified which particular correspondence he wants copies of and that until he does so we are hardly in a position to comply with his request (though at 91 we decided not to take any action in his cable). We can then go on to point out that the claims are already admitted; that the money has been placed on deposit pending a satisfactory settlement of the question as to how and to whom it is to be disbursed, and lastly that as regards his fees he should address himself to his clients.

4. A 165 is a petition from Harry Toby asking when the money will be paid and enclosing a copy (167 - 170) is Sir W.M.'s pamphlet to Parliament. The petition takes its tone from Sir W.M.'s utterances.

5. I am, myself, inclined to doubt whether the arrangements outlined at 157 are likely to do anything to reassure the claimants, I think they will take the view that Government is merely taking the money out of one pocket and putting it in another. I am inclined to think that for political reasons, it would be advisable to place the money on deposit with the N.A. The money would still be secured because the N.A. cannot operate its bank A/C without the DO's approval, but it would at least help to show that Government is ready to pay up. If there is anything in this suggestion it might be sent to CCEP?

Sgd.?

9/5/44

Para 5 discussed with F.C. & C.S. who agree.

Sgd.?

9/5/44.

9.5.44
for C.S.G.

Secretary Enugu.

38706 x OPOBO CLAIMSx Finance Committee have now voted the money as expenditurex Suggest politically advisable transfer to Opobo Native Treasury on deposit pending determination payeesx Telegraph whether His Honour agrees.

Chiefsec.

Remarks	Head	Sub-head	Amount
Compensation payable under document dated 17th June, 1892, granted by Vice-Consul, Opobo, in respect of the conditional surrender of war canoes and guns etc. by the Chief of Opobo in 1891 to be placed on deposit pending decision on the identity of the rightful recipients. Reimbursement by His Majesty's Government.	26		
	Miscellaneous		£
		E-Compensation 11,480 15C Compensation- Opobo- Chief's claims.	

CODE TELEGRAM NO. 658 Date 9th May, 1944 File No. 38706

To the Governor Nigeria.

From Secretary of State.

Repeated to

Your telegram 682 OPOBO CLAIMS

Assume Finance Committee have agreed vote money in accordance with proposals. I am sure you will agree it is important to get procedure for determining payees settled as rapidly as possible. Please telegraph how matter stands and whether an early settlement of procedure can be (expected?).

(Mrs. Leslie). PAS (pol), await reply to telegram sent to SEP and letter from Resident Calabar.

Sgd.?

10/5/44

ORIGINAL

CSO 36/38706

THIS INDENTURE is made the 9th day of October, 1944

BETWEEN Chief Robert D. Black Fubara
Michael J. Black Fubara
Victor Tilibo Black Fubara
James J. Black Fubara
Jackson F. Black Fubara

of Opobo

Successors in office of the late Chief Black Fobra deceased and Senior Members of the House of the said Chief Black Fobra an original Chief of Opobo of the

one part AND His Excellency SIR ARTHUR FREDERICK RICHARDS, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the colony and Protectorate of Nigeria acting for and on behalf of His Britannic Majesty's Government (hereinafter called the Governor) of the other Part:

2. WHEREAS by a document dated the 17th June, 1892, and given under the hand of W. Cairns Armstrong, Deputy Commissioner and Vice Consul of Her Britannic Majesty's Government, Her Britannic Majesty's Government declared itself to pay to the Chiefs of Opobo concerned their heirs or successors the sum of £9,600 (Nine thousand six hundred pounds) as compensation for war canoes and guns, conditionally surrendered in 1891 to Her Britannic Majesty's Government on production of the said instrument with fifty years from the 1st January, 1893, after an interim of 30 years from the said 17th June, 1892.

3. AND WHEREAS Sam Annie Pepple Cookey Gam, Black Fobra, Fine Bone, Wogo Dappa, King Jaja, Ogolo Annie Pepple, John Africa, Saturday Jaja, Jacob Annie Stuart, Oko Jaja, Toby, John Tom Brown, Tom Jaja, Bruce Jaja, How Strongface, Sam Oko Epelle, Deerie Tolefare, Obonny, Jungo Manilla, Cookey Brown, Warri, Jack Tolefare, Sam Toby and Duke Norfolk were the Chiefs concerned.

4. AND WHEREAS the said document was produced within the aforesaid fifty years and after aforesaid interim of 30 years by the Chiefs of Opobo.

5. AND WHEREAS on the 15th day of April, 1944, at a meeting of the Chiefs and representatives of the houses of the Chiefs recited in the second recital hereof it was decided that the shares of each said Chief mentioned in the third recital hereof would belong to each House as a whole and not to each individual House Head and that payment of each share should be made to the House Head and the Senior members of the house or in the absence of a House Head, to the House Committee.

6. AND WHEREAS as the said meeting of the Chiefs and representatives of the Houses of the Chiefs held on the aforesaid 15th day of April, 1944, it was decided that Chief Robert D. Black Fubara, Messrs Michael J. Black Fubara, Victor Tilibo Black Fubara, James J. Black Fubara and Johnson F. Black Fubara.

were the successors in office of the said Chief Black Fobra deceased.

7. AND WHEREAS His Britannic Majesty's Government has agreed to accept the procedure for payment of claims contained in the fourth recital hereof having such indemnity as is hereinafter contained in case there shall hereafter prove to be some other person or persons better entitled to receive payment of the sum of £369.4.7 (three hundred and sixty nine pound four shillings and seven pence) on behalf of the said House of Chief BLACK FOBRA:

NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the premises the said Chief Robert D. Black

Fubara, Michael J. Black Fubara, Victor Tilibo Black Fubara, James J. Black Fubara and Jackson F. Black Fubara hereby covenant with the Governor that they the said

Chief Robert D. Black Fubara

Michael J. Black Fubara

Victor Tilibo Black Fubara

James J. Black Fubara

Jackson F. Black Fubara

will at all times hereafter indemnify and keep indemnified the Governor against all claims and demands in respect of the payment of the said sum of £369.47 (three hundred and sixty nine pounds four shillings and seven pence), being the said share of the claim of the House of Black Fobra

IN WITNESS WHEREOF the said

Chief Robert D. Black Fubara

Michael I, Black Fubara

Victor Tilibo Black Fubara

James J. Black Fubara

Jackson F. Black Fubara

have hereunto set their hands their seals and His Excellency SIR ARTHUR FREDERICK RICHARDS has hereunto set his hand and caused the Public Seal of Nigeria to be affixed the day and year first above written:

Signed, sealed.

Signed, sealed and delivery by the said.

Chief Robert D. Black Fubara

Michael J. Black Fubara

Victor Tilibo Black Fubara

James J. Black Fubara

Jackson F. Black Fubara

10/- pd. CRB 191975 of 9/10/44

In the presence of

Sgd.

Interpreter & Witness

marks.

sgd.

Magistrate Full Powers

Opobo.

Signed, sealed with the Public Seal of Nigeria and delivered by SIR ARTHUR
FREDERICK RICHARDS

Sgd.
24.11.44 P.S.

In the presence of
Sgd.
Private Secretary

ORIGINAL

THIS INDENTURE is made the 9th day of October, 1944

BETWEEN Chief Edward Finebone of Opobo Town heir and successor in
office of the late Chief Fine Bone deceased and

William Finebone
Henry Finebone
Peter Finebone

Senior members of the House of the said late Chief Finebone an original Chief
of Opobo of the one part AND His Excellency SIR ARTHUR FREDERICK
RICHARDS, Knight Cross of the Most Distinguished Order of Saint Michael
and Saint George, Governor and Commander-in-Chief of the Colony and
Protectorate of Nigeria acting for and on behalf of His Britannic Majesty's
Government (hereinafter called the Governor) of the other Part:

2. WHEREAS by a document dated the 17th June, 1892 and given under the
hand of W. Cairns Armstrong, Deputy Commissioner and Vice Consul of Her
Britannic Majesty's Government, Her Britannic Majesty's Government de-
clared itself bound to pay to the Chiefs of Opobo concerned their heirs or
successors the sum of £9,600 (nine thousand six hundred pounds) as compen-
sation for the war canoes and guns, conditionally surrendered in 1891 to Her
Britannic Majesty's Government on production of the said instrument within
fifty years from the 1st January, 1893, after an interim of 30 years from the said
17th June, 1892.
3. AND WHEREAS Sam Annie Pepple, Cookey Gam, Fobra, Fine Bone,
Wogo Dappa, King Jaja, Ogolo Annie Peppie, John Africa, Saturday Jaja, Jacob
Annie Stuart, Oko Jaja, Toby, John Tom Brown, Tom Jaja, Bruce Jaja, How
Strongface, Sam Oko Epelle, Deerie Tolefare, Obanny, Jungo Manilla,
Cookeye Brown, Warri, Jack Tolefare, Sam Toby and Duke Norfolk were the
Chiefs concerned.
4. AND WHEREAS the said document was produced within the aforesaid
fifty years and after the aforesaid interim of 30 years by the Chiefs of Opobo.
5. AND WHEREAS on the 15th day of April, 1944, at a meeting of the Chiefs
and representatives of the houses of the Chiefs recited in the second recital

hereof it was decided that the shares of each House as a whole and not to each individual House Head and that payment of each share should be made to the House Head and the Senior members of the house or in the absence of a House Head, to the House Committee.

6. AND WHEREAS at the said meeting of the Chiefs and representatives of the Houses of the Chiefs held on the aforesaid 15th day of April, 1944, it was decided that Chief Edward Finebone was the heir and successor in office of the said Chief Finebone deceased.

7. AND WHEREAS His Britannic Majesty's Government has agreed to accept the procedure for payment of claims contained in the fourth recital hereof upon having such indemnity as is hereinafter contained in case there shall hereafter prove to be some other person or persons better entitled to receive payment of the sum of £369.4.7 (three hundred and sixty nine pounds four shillings and seven pence) on behalf of the said House of Chief Finebone.

NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the premises the said

Chief Edward Finebone
William Finebone
Henry Finebone
Peter Finebone.

hereby covenant with the Governor that they the said

Chief Edward Finebone
William Finebone
Henry Finebone
Peter Finebone

will at all times hereafter indemnify and keep indemnified the Governor against all claims and demands in respect of the payment of the said sum of £369.4.7 (three hundred and sixty nine pounds four shillings and seven pence). being the said share of the claim of the House of Fine Bone

IN WITNESS WHEREOF the said

Chief Edward Finebone
William Finebone
Henry Finebone
Peter Finebone

have hereunto set their hands their seals and His Excellency SIR ARTHUR FREDERICK RICHARDS has hereunto set his hand and caused the Public Seal of Nigeria to be affixed the day and year first above written:

Signed, sealed.

Signed, sealed and delivered by the said.

Chief Edward Finebone
 William Finebone
 Henry Finebone
 Peter Finebone

8/- pd. CRB 194059 of 9/10/44

In the presence of

Sgd.

Interpreter and witness marks

Sgd.

Magistrate, Full Powers Opobo.

Signed, sealed with the Public Seal of

by SIR ARTHUR FREDERICK RICHARDS

Sgd.

24.11.44

P.S.

In the presence of

Sgd.

Private Secretary

THIS INDENTURE is made the 19th day of October, 1944

BETWEEN Fred Wogo Dappa

Amos Wogo Dappa

Abel Iderefa Wogo Dappa

George Wogo Dappa

Nathaniel Wogo Dappa

of Opobo

Successors in office of the late Chief WOGO DAPPA deceased and Senior Members of the House of the said Chief WOGO DAPPA an original Chief of Opobo of the one part AND His Excellency SIR ARTHUR FREDERICK RICHARDS, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony and Protectorate of Nigeria acting for and on behalf of His Britannic Majesty's Government (hereinafter called the Governor) of the other part:

2. WHEREAS by a document dated the 17th June, 1892 and given under the hand of W. Cairns Armstrong, Deputy Commissioner and Vice Consul of Her Britannic Majesty's Government, Her Britannic Majesty's Government declared itself bound to pay to the Chiefs of Opobo concerned their heirs or

successors the sum of £9.600 (nine thousand six hundred pounds) as compensation for the war canoes and guns, conditionally surrendered in 1892 to Her Britannic Majesty's Government on production of the said instrument within fifty years from the 1st January, 1893, after an interim of 30 years from the said 17th June, 1892.

3. AND WHEREAS Sam Annie Pepple, Cookey Gam, Black Fobra, Fine, Bone, Wogo Dappa, King Jaja, Ogolo Annie Pepple, John Africa, Saturday Jaja, Jacob Annie Stuart, Oko Jaja, Toby, John Tom Brown, Tom Jaja, Bruce Jaja, How Strongface, Sam Oko Epelle, Deerie, Tolefare, Obanny, Jungo Manilla, Cookeye Brown, Warri, Jack Tolefare, Sam Toby and Duke Norfolk were the Chiefs concerned.

4. AND WHEREAS the said document was produced within the aforesaid fifty years and after the aforesaid interim of 30 years by the Chiefs of Opobo.

5. AND WHEREAS on the 15th day of April, 1944, at a meeting of the Chiefs and representatives of the houses of the Chiefs recited in the second recital hereof it was decided that the shares of each said Chief mentioned in the third recital hereof would belong to each House as a whole and not to each individual House Head and that payment of each share should be made to the House Head and the Senior members of the House or in the absence of a House Head, to the Committee.

6. AND WHEREAS at the said meeting of the Chiefs and representatives of the houses of the Chiefs held on the aforesaid 15th day of April, 1944, it was decided that Fred Wogo Dappa, Amos Wogo Dappa, Abel Iderefa Wogo Dappa, George Wogo Dappa, Nathaniel Wogo Dappa, were the successors in office of the said Chief Wogo Dappa deceased.

7. AND WHEREAS His Britannic Majesty's Government has agreed to accept the procedure for payment of claims contained in the fourth recital hereof upon having such indemnity as is hereinafter contained in case there shall hereafter prove to be some other person or persons better entitled to receive payment of the sum of £369.4.7: (three hundred and sixty-nine pounds four shillings and seven pence) on behalf of the said House of Wogo Dappa.

NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the premises the said Fred Wogo Dappa, Amos Wogo Dappa, Abel Iderefa Wogo Dappa, George Wogo Dappa, Nathaniel Wogo Dappa,

hereby covenant with the Governor that they the said

Fred Wogo Dappa

Amos Wogo Dappa

Abel Iderefa Wogo Dappa

George Wogo Dappa

Nathaniel Wogo Dappa

will at all times hereafter indemnify and keep indemnified the Governor against all claims and demands in respect of the payment of the said sum of £369.4.7 (three hundred and sixty-nine pounds four shillings and seven pence), being the said share of the claim of the House of Wogo Dappa.

IN WITNESS WHEREOF the said

Fred Wogo Dappa
 Amos Wogo Dappa
 Abel Iderefa Wogo Dappa
 George Wogo Dappa
 Nathaniel Wogo Dappa

have hereunto set their hands their seals and His Excellency SIR ARTHUR FREDERICK RICHARDS has hereunto set his hand and caused the Public Seal of Nigeria to be affixed the day and year first above written:

Signed, sealed.

Signed, sealed and delivered by the said

Fred Wogo Dappa
 Amos Wogo Dappa
 Abel Iderefa Wogo Dappa
 George Wogo Dappa
 Nathaniel Wogo Dappa

10/- pd. CRB 191060 of 9/10/44

In the presence of

Sgd.

Interpreter & Witness Marks

Sgd. Magistrate Full Powers:

Opobo.

Signed, sealed with the Public Seal of Nigeria and delivered by SIR ARTHUR FREDERICK RICHARDS

Sgd.

24.11.44

In the presence of

Sgd.

Private Secretary

P.S.

ORIGINAL

THIS INDENTURE is made the 8th day of November, 1944
 BETWEEN Chief Gabriel Sam Toby of Opobo Town
 heir and successor in office of the late Chief Sam toby deceased and Albert Sam
 Toby

John Alali Sam Toby
 Michael Sam Toby
 Johnah Sam Toby
 Wilfred A. Sam Toby

Senior members of the House of the said late Chief Sam Toby an original Chief of Opobo of the one part and His Excellency SIR ARTHUR FREDERICK RICHARDS, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saing George, Governor and Commander-in-Chief of the colony and Protectorate of Nigeria acting for and on behalf of His Britannic Majesty's Government (thereinafter called the Governor) of the other part:

2. WHEREAS by a document dated the 17th June, 1892, and given under the hand of W. Cairns Armstrong, Deputy Commissioner and Vice Consul of Her Britannic Majesty's Government, Her Britannic Majesty's Government declared itself bound to pay to the Chiefs of Opobo concerned their heirs or successors the sum of £9,600 (nine thousand six hundred pounds) as compensation for the war canoes and guns, conditionally surrendered in 1891 to Her Britannic Majesty's Government on production of the said instrument within fifty years from the 1st January, 1893, after an interim of 30 years from the said 17th June, 1892.

3. AND WHEREAS Sam Annie Pepple, Cookey Gam, Black Fobra, Fine Bone, Wogo Dappa, King Jaja, Ogolo Annie Pepple, John Africa, Saturday Jaja, Jacob Annie Stuart, Ojo Jaja, Toby, John Tom Brown, Tom Jaja, Bruce Jaja, How Strongface, Sam Okon Epelle, Derrie Tolefare, Obanny, Jungo Manilla, Cockeye Brown, Warri, Jack Tolefare, Sam Toby and Duke Norfolk were the Chiefs concerned.

4. AND WHEREAS the said document was produced within the aforesaid fifty years and after the aforesaid interim of 30 years by the Chiefs of Opobo.

5. AND WHEREAS on the 15th day of April, 1944, at a meeting of the chiefs and representatives of the houses of the chiefs recited in the second recital hereof it was decided that the shares of each said Chief mentioned in the third recital hereof would belong to each House as a whole and not to each individual House Head and that payment of each share should be made to the House Head and the Senior members of the house or in the absence of a House Head, to the House Committee.

6. AND WHEREAS at the said meeting of the Chiefs and representatives of the houses of the Chiefs held on the aforesaid 15th day of April, 1944, it was decided that Chief Gabriel Sam Toby was the heir and successor in office of the said Chief Sam Toby deceased.

7. AND WHEREAS His Britannic Majesty's Government has agreed to accept the procedure for payment of claims contained in the fourth recital hereof upon having such indemnity as is hereinafter contained in case there shall hereafter prove to be some other person or persons better entitled to receive payment of the sum of £369.4.7 (three hundred and sixty-nine pounds four shillings and seven pence) on behalf of the said House of Chief Sam Toby

NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the premises the said

Chief Gabriel Sam Toby
 Albert Sam Toby
 John Alali Sam Toby
 Michael Sam Toby
 Jonah Sam Toby
 Wilfred A. Sam Toby.

hereby covenant with the Governor that they the said

Chief Gabriel Sam Toby
 Albert Sam Toby
 John Alali Sam Toby
 Jonah Sam Toby
 Wilfred A. Sam Toby

will at all times hereafter indemnify and keep indemnified the Governor against all claims and demands by such other persons in respects of the payment of the said sum of £369.4.7 (three hundred and sixty-nine pounds four shillings and seven pence), being the said share of the claim of the House of Sam Toby

IN WITNESS WHEREOF the said

Chief Gabriel Sam Toby
 Albert Sam Toby
 John Alali Sam Toby
 Michael Sam Toby
 Jonah Sam Toby
 Wilfred Sam Toby

have hereunto set their hands their seals and His Excellency SIR ARTHUR FREDERICK RICHARDS has hereunto set his hand and caused the Public Seal of Nigeria to be fixed the day and year first above written:

Signed, sealed.

Signed, sealed and delivered by the said

Chief Gabriel Sam Toby

Albert Sam Toby

John Alali Sam Toby

Michael Sam Toby

Jonah Sam Toby

Wilfred Sam Toby

In the presence of

Sgd.

Interpreter & Witness Marks

12/-pd. CRB 191127 of 8/11/44

Sgd.

Magistrate Full Powers:

Opofo.

Signed, sealed with the Public Seal of Nigeria and delivered by SIR ARTHUR FREDERICK RICHARDS.

Sgd.

19/12/44

in the presence of

S.M. Llong,

Private Secretary.

ORIGINAL

THIS INDENTURE is made the 27th day of January 1945

BETWEEN

Chief Stephen U. Jaja

" Aaron Jaja

" Randolph O. Pepple

" William Okpikpo Minimah

" Tom Dinne Jaja

" Miller Oyam Jaja

" Johnson F. Jaja

of Opofo

Successors in office of the late King Jaja deceased and Senior Members of the House of the said King Jaja an original Chief of Opobo of the one part AND His Excellency SIR ARTHUR FREDERICK RICHARDS, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony and Protectorate of Nigeria acting for and on behalf of His Britannic Majesty's Government (hereinafter called the Governor) of the other part:

2. WHEREAS by a document dated the 17th June, 1892 and given under the hand of W. Cairns Armstrong, Deputy Commissioner and Vice consul of Her Britannic Majesty's Government, her Britannic Majesty's Government declared itself bound to pay to the Chiefs or Opobo concerned their heirs or successors the sum of £9,600 (nine thousand six hundred pounds) as compensation for the war canoes and guns, conditionally surrendered in 1891 to Her Britannic Majesty's Government on production of the said instrument within fifty years from the 1st January, 1893, after an interim of 30 years from the said 17th June, 1892.
3. AND WHEREAS Sam Annie Pepple, Cookey Gam, Black Fobra, Fine Bone, Wogo Dappa, King Jaja, Ogolo Annie Pepple, John Africa, Saturday Jaja, Jacob Annie Stuart, Oko Jaja, Toby, John Tom Brown, Tom Jaja, Bruce Jaja, How Strongface, Sam Oko Epelle, Deerie Tolefare, Obanny, Jungo Manilla, Cookey Brown, Warri, Jack Tolefare, Sam Toby and Duke Norfolk were the Chiefs concerned.
4. AND WHEREAS the said document was produced within the aforesaid fifty years and after the aforesaid interim of 30 years by the Chiefs of Opobo.
5. AND WHEREAS on the 15th day of April, 1944, at a meeting of the Chiefs and representatives of the houses of the Chiefs recited in the second recital hereof it was decided that the shares of each said Chief mentioned in the third recital hereof would belong to each House as a whole and not to each individual House Head and that payment of each share should be made to the House Head and the Senior Members of the House or in the absence of a House Head, to the House Committee.
6. AND WHEREAS at the said meeting of the Chiefs and representatives of the House of the Chiefs held on the aforesaid 15th day of April, 1944, it was decided that Chief Stephen U. Jaja, Chief Aaron Jaja, Chief Randolph O. Pepple, Chief William Okpukpo Minimah, Mr. Tom Dinna Jaja, Mr. Miller Oyam Jaja and Mr. Johnson F. Jaja were the successors in office of the said King Jaja, deceased.
7. AND WHEREAS His Britannic Majesty's Government has agreed to accept the procedure for payment of claims contained in the fourth recital hereof upon having such indemnity as in hereinafter contained in case there shall hereafter prove to be some other person better entitled to receive payment of the sum of £369.5.5 (three hundred and sixty-nine pounds five shillings and five pence) on behalf of the said House of King Jaja.

NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the premises the said Chiefs Stephen U. Jaja, Chief Aaron Jaja, Chief Randolph O. Pepple, Chief William Okpukpo Minimah, Mr. Tom Dinne Jaja, Mr. Miller Oyam Jaja, Mr. Johnson F. Jaja.

hereby covenant with the Governor that they the said

Chief Stephen U. Jaja

" Aaron Jaja

" Randolph O. Pepple

" William Okpukpo Minimah

Mr. Tom Dinne Jaja

" Miller Oyam Jaja

" Johnson F. Jaja

will at all times hereafter indemnify and keep indemnified the Governor against all claims and demands by such other persons in respect of the payment of the said sum of £369.5.5 (three hundred and sixty nine pounds five shillings five pence) being the said share of the claim of the house of King jaja.

IN WITNESS WHERE the said

Chief Stephen U. Jaja

"Aaron Jaja

"Randolph O. Pepple

"William Okpukpo Minimah

Mr. Tom Dinne Jaja

"Miller Oyam Jaja

"Johnson F. Jaja

have hereunto set their hands their seals and His Excellency SIR ARTHUR FREDERICK RICHARDS has hereunto set his hand and caused the Public Seal of Nigeria to be fixed the day and year first above written:

Signed, sealed.

Signed, sealed and delivered by the said

Chief Stephen U. Jaja

" Aaron Jaja

" Randolph O. Pepple

" William Okpukpo Minima Mr. Tom Dinne Jaja

" Miller Oyam Jaja

" Johnson F. Jaja

In the presence of

Sgd.

Witness to marks & Interpreter

14/-pd. CRB 272387 of 27/1/45

Sgd.

Magistrate, Full Powers:

Opobo.

Signed, sealed with the Public Seal of Nigeria and delivered by SIR ARTHUR FREDERICK RICHARDS.

Sgd.

19/2/45.

In the presence of:

Sgd.

for: Private Secretary

ORIGINAL

THIS INDENTURE is made the 9th day of October, 1944 BETWEEN Chief Ezekiel Sunday Jaja of Opobo Town heir and successor in office of the late King Jaja (2) deceased and Eli Ohietabara S. Jaja

Monday S. Jaja

Kenrick S. Jaja

Erasmus S. Jaja

Dick E.S. Jaja

Senior members of the House of the said King Jaja (2) an original Chief of Opobo of the one part AND His Excellency SIR ARTHUR FREDERICK RICHARDS, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony and Protectorate of Nigeria acting for and on behalf of His Britannic Majesty's Government (hereinafter called the Governor) of the other part:

2. WHEREAS by a document dated the 17th June, 1892 and given under the hand of W. Cairns Armstrong, Deputy Commissioner and Vice Consul of Her Britannic Majesty's Government, Her Britannic Majesty's Government declared itself bound to pay the Chiefs of Opobo concerned their heirs or successors the sum of £9,600 (nine thousand six hundred pounds) as compensation for the war canoes and guns, conditionally surrendered in 1891 to Her Britannic Majesty's Government on production of the said instrument within fifty years from the 1st January, 1892, after an interim of 30 years from the said 17th June, 1892.

3. AND WHEREAS Sam Annie Pepple, Cookey Gam, Black Fobra, Fine Bone, Wogo Dappa, King Jaja, Ogolo Annie Pepple, John Africa, Saturday Jaja, Jacob Annie Stuart, Oko Jaja, Toby, John Tom Brown, Tom Jaja, Bruce Jaja, How Strongface, Sam Oko Epelle, Deerie Tolefare, Obanny, Jungo Manilla, Cockeye Brown, Warri, Jack Tolefare, Sam Toby and Duke Norfolk were the Chiefs concerned.

4. AND WHEREAS the said document was produced within the aforesaid fifty years and after the aforesaid interim of 30 years by the Chiefs of Opopo.

5. AND WHEREAS on the 15th day of April, 1944, at a meeting of the Chiefs and representatives of the houses of the Chiefs recited in the second recital hereof it was decided that the shares of each said Chief mentioned in the third recital hereof would belong to each House as a whole and not to each individual House Head and that payment of each share should be made to the House Head and the Senior Members of the House or in the absence of a House Head, to the House Committee.

6. AND WHEREAS and the said meeting of the Chiefs and representatives of the House of the Chiefs held on the aforesaid 15th day of April, 1944, it was decided that Chief Ezekiel Sunday Jaja was the heir and successor in office of the said King Jaja (2) deceased.

7. AND WHEREAS His Britannic Majesty's Government has agreed to accept the procedure for payment of claims contained in the fourth recital hereof upon having such indemnity as is herein-after contained in case there shall hereafter prove to be some other person better entitled to receive payment of the sum of £369.4.7 (three hundred and sixty nine pounds four shillings and seven pence) on behalf of the said house of King Jaja (2)

NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the premises the said

Chief Ezekiel Sunday Jaja
Eli Obietaraba S. Jaja
Kenrick S. Jaja
Erasmus S. Jaja
Dick E. S. Jaja

hereby covenant with the Governor that they the said

Chief Ezekiel Sunday Jaja
Eli Obietaraba S. Jaja
Monday S. Jaja
Kenrick S. Jaja
Erasmus S. Jaja
Dick E. S. Jaja

will at all times hereafter indemnify and keep indemnified the Governor against all claims and demands in respect of the payment of the said sum of £369.4.7 (three hundred and sixty-nine pounds four shillings seven pence), being the said share of the claim of the House of King Jaja (2)

IN WITNESS WHEREOF the said

Chief Ezekiel Sunday Jaja
 Eli Obietaraba S. Jaja
 Monday S. Jaja
 Kenrick S. Jaja
 Erasmus S. Jaja
 Dick E. S. Jaja

hereunto set their hands their seals and His Excellency SIR ARTHUR FREDERICK RICHARDS has hereunto set his hand and caused the Public Seal of Nigeria to be affixed the day and year first above written:

Signed, sealed.

signed, sealed and delivered by the said

Chief Ezekiel Sunday Jaja
 Eli Obietaraba S. Jaja
 Monday S. Jaja
 Kenrick S. Jaja
 Erasmus S. Jaja
 Dick E.S. Jaja

12/- pd CRB 191070 of 9/10/44

In the presence of

Sgd.

Interpreter and Witness to marks.

Sgd.

Magistrate Full Powers

Opobo.

Signed, sealed with the Public Seal of Nigeria and delivered by SIR ARTHUR FREDERICK RICHARDS.

Sgd.

24/11/44

In the presence of

Sgd.

Private Secretary P.S.

ORIGINAL

THIS INDENTURE is made the 9th day of October, 1944 BETWEEN Chief Samson Diepiri Ogolo of Opobo town heir and successor in office of the late Chief Ogolo Annie Pepple deceased and

Raymbond D. Ogolo
Joseph Alex Ogolo
Sunday Simeon Ogolo
George Daminabo Ogolo

Senior Members of the House of the said late Chief Ogolo Annie Pepple an original Chief of Opobo of the one part AND His Excellency SIR ARTHUR FREDERICK RICHARDS, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony and Protectorate of Nigeria acting for and on behalf of His Britannic Majesty's Government (hereinafter called the Governor) of the other part:

2. WHEREAS by a document dated the 17th June, 1892 and given under the hand of W. Cairns Armstrong, Deputy Commissioner and Vice Consul of Her Britannic Majesty's Government, Her Britannic Majesty's Government declared itself bound to pay to the Chiefs of Opobo concerned their heirs or successors the sum of £9,600 (nine thousand six hundred) as compensation for the war canoes and guns, conditionally surrendered in 1891 to Her Britannic Majesty's Government on production of the said instrument within fifty years from the 1st January, 1893, after an interim of 30 years from the said 17th June, 1892.

3. AND WHEREAS Sam Annie Pepple, Cookey Gam, Black Fobra, Fine Bone, Wogo Dappa, King Jaja, Ogolo Annie Pepple, John Africa, Saturday Jaja, Jacob Annie Stuart, Oko Jaja, Toby, John Tom Brown, Tom Jaja, Bruce Jaja, How Strongface, Sam Oko Epelle, Deerie Tolefare, Obanny, Jungo Manilla, Cockeye Brown, Warri, Jack Tolefare, Sam Toby and Duke Norfolk were the Chiefs concerned.

4. AND WHEREAS the said document was produced within the aforesaid fifty years and after the aforesaid interim of 30 years by the Chiefs of Opobo.

5. AND WHEREAS on the 15th day of April, 1944, at a meeting of the Chiefs and representatives of the houses of the Chiefs recited in the second recital hereof it was decided that the shares of each said Chief mentioned in the third recital hereof would belong to each House as a whole and not to each individual House Head and that payment of each share should be made to the House Head and the Senior Members of the house or in the absence of a House Head, to the House Committee.

6. AND WHEREAS at the said meeting of the Chiefs and representatives of the Houses of the Chiefs held on the aforesaid 15th day of April, 1944, it was decided that Chief Samson Diepiri Ogolo was the heir and successor in office of the said Chief Ogolo Annie Pepple deceased.

7. AND WHEREAS His Britannic Majesty's Government has agreed to accept the procedure for payment of claims contained in the fourth recital hereof upon having such indemnity as is hereinafter contained in case there shall hereafter prove to be some other person or persons better entitled to receive payment of the sum of £369.4.7 (three hundred and sixty-nine pounds four shillings and seven pence) on behalf of the said house of Chief Ogolo Annie Pepple.

NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the premises the said

Chief Samson Diepiri Ogolo
 Raymond D. Ogolo
 Joseph Alex Ogolo
 Sunday Simeon Ogolo
 George Daminabo Ogolo

hereby covenant with the Governor that they the said

Chief Samson Diepiri Ogolo
 Raymond D. Ogolo
 Joseph Alex. Ogolo
 Sunday Simeon Ogolo
 George Daminabo Ogolo

will at all times hereafter indemnify and keep indemnified the Governor against all claims and demands in respect of the payment of the said sum of £369.4.7 (three hundred and sixty nine pounds four shillings and seven pence), being the said share of the claim of the House of Ogolo Annie Pepple.

IN WITNESS WHEREOF the said

Chief Samson Diepiri Ogolo
 Raymond D. Ogolo
 Joseph Alex Ogolo
 Sunday Simeon Ogolo
 George Daminabo Ogolo

have hereunto set their hands their seals and His Excellency SIR ARTHUR FREDERICK RICHARDS has hereunto set his hand and caused the Public Seal of Nigeria to be affixed the day and year first above written.

Signed, Sealed

Signed, sealed and delivered by the said
 Chief Samson Diepiri Ogolo
 Raymond D. Ogolo
 Joseph Alex. Ogolo
 Sunday Simeon Ogolo
 George Daminabo Ogolo

10/-pd. CRB 191674 of 9/11/44

In the presence of

Sgd.

Interpreter and Witness to marks

Sgd.

Magistrate, Full Powers

Opobo

Signed, sealed with the Public seal of Nigeria and delivered by SIR ARTHUR
 FREDERICK RICHARDS

Sgd.

24.11.44

in the presence of

Sgd.

Private Secretary.

ORIGINAL

THIS INDENTURE is made the 9th day of October, 1944, BETWEEN

Herbert John Africa

Philip John Africa

George Sunday John Africa

Amos Iniwangi Dick Africa

Sunday A. John Africa

Joseph O. John Africa of Opobo

successors in office of the late Chief John Africa deceased and Senior Members
 of the House of the said Chief John Africa an original Chief of Opobo of the
 one part

AND His Excellency SIR ARTHUR FREDERICK RICHARDS, Knight
 Grand Cross of the Most Distinguished order of Saint Michael and Saint
 George, Governor and Commander-in-Chief of the Colony and Protectorate
 of Nigeria acting for and on behalf of His Britannic Majesty's Government
 (hereinafter called the Government) of the other part:

2. WHEREAS by a document dated the 17th June, 1892 and given under the hand of W. Cairns Armstrong, Deputy Commissioner and Vice Consul of Her Britannic Majesty's Government, Her Britannic Majesty's Government declared itself bound to pay to the Chiefs of Opobo concerned their heirs or successors the sum of £9,600 (nine thousand six hundred pounds) as compensation for the war canoes and guns, conditionally surrendered in 1891 to Her Britannic Majesty's Government on production of the said instrument within fifty years from the 1st January, 1892, after an interim of 30 years from the said 17th June 1892.

3. AND WHEREAS Sam Annie Pepple, Cookey Gam, Black Fobra, Fine Bone, Wogo Dappa, King Jaja, Ogolo Annie Pepple, John Africa, Saturday Jaja, Jacob Annie Stuart, Oko Jaja, Toby, John Tom Brown, Tom Jaja, Bruce Jaja, How Strongface, Sam Oko Epelle, Deerie Tolefare Obanny, Jungo Manilla, Cockeye Brown, Warri, Jack Tolefare, Sam Toby and Duke Norfolk were the Chief concerned.

4. AND WHEREAS the said document was produced within the aforesaid fifty years and after the aforesaid interim of 30 years by the Chiefs of Opobo.

5. AND WHEREAS on the 15th day of April, 1944, at a meeting of the Chiefs and representatives of the houses of the Chiefs recited in the second recital hereof it was decided that the shares of each said Chief mentioned in the third recital hereof would belong to each House as a whole and not to each individual House Head and that payment of each share should be made to the House Head and the Senior Members of the House or in the absence of a House Head, to the house committee.

6. AND WHEREAS at the said meeting of the Chiefs and representatives of the Houses of the Chiefs held on the aforesaid 15th day of April, 1944, it was decided that Herbert John Africa, Philip John Africa, George Sunday John Africa, Amos Ibiwangi Dick Africa, Sunday A. John Africa, Joseph O. John Africa were the successors in office of the said Chief JOHN AFRICA deceased.

7. AND WHEREAS His Britannic Majesty's Government has agreed to accept the procedure for payment of claims contained in the fourth recital hereof upon having such indemnity as is hereinafter contained in case there shall hereafter prove to be some other person better entitled to receive payment of the sum of £369.4.7 (three hundred and sixty-nine pounds four shillings and seven pence) on behalf of the said House of Chief John Africa.

NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the premises the said Herbert John Africa, Philip John Africa, George Sunday John Africa, Amos Ibiwangi Dick Africa, Sunday A. John Africa, Joseph O. John Africa.

hereby covenant with the Governor that they the said

Herbert John Africa

Philip John Africa

George Sunday John Africa
 Amos Ibiwangi Dick Africa
 Sunday A. John Africa
 Joseph O. John Africa

who at all times hereafter indemnify and keep indemnified the Governor against all claims and demands in respect of the payment of the said sum of £369.4.7 (three hundred and sixty-nine pounds four shillings seven pence), being the said share of the claim of the house of John Africa

IN WITNESS WHEREOF the said

Herbert John Africa
 Philip John Africa
 George Sunday John Africa
 Amos Ibiwangi Dick Africa
 Sunday A. John Africa
 Joseph O. John Africa

have hereunto set their hands their seals and His Excellency SIR ARTHUR FREDERICK RICHARDS has hereunto set his hand and caused the Public Seal of Nigeria to be affixed the day and year first above written:

Signed, sealed.

Signed, sealed and delivered by the said

Herbert John Africa
 Philip John Africa
 George Sunday John Africa
 Amos Ibiwangi Dick Africa
 Sunday A. John Africa
 Joseph O. John Africa

12/-pd CRB 191078 of 9.10.44.

In the presence of

Sgd.

Interpreter and Witness to marks

Sgd.

Magistrate Full Powers:

Opobo

Signed, sealed with the Public Seal of Nigeria and delivered by SIR ARTHUR FREDERICK RICHARDS.

Sgd.

24.11.44

In the presence of P.S.

Sgd. Private Secretary

ORIGINAL

THIS INDENTURE is made the 9th day of October, 1944 BETWEEN Chief Daniel Saturday Jaja of Opobo Town heir and successor in office of the late Chief Saturday Jaja deceased and

Emmanuel M. Jaja
Jacob F. Jaja
Nna Adabibi Jaja
Monday Diebo Jaja

Senior Members of the House of the said Chief Saturday Jaja an original Chief of Opobo of the one part:

AND His Excellency SIR ARTHUR FREDERICK RICHARDS, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony and Protectorate of Nigeria acting for and on behalf of His Britannic Majesty's Government (hereinafter called the Governor) of the other part:

2. WHEREAS by a document dated the 17th June, 1892 and given under the hand of W. Cairns Armstrong, Deputy Commissioner and Vice Consul of Her Britannic Majesty's Government, Her Britannic Majesty's Government declared itself bound to pay to the Chiefs of Opobo concerned their heirs or successors the sum of £9,600 (nine thousand six hundred pounds) as compensation for the war canoes and guns, conditionally surrendered in 1891 to Her Britannic Majesty's Government on production of the said instrument within fifty years from the 1st January, 1893, after an interim of 30 years from the said 17th June, 1892.

3. AND WHEREAS Sam Annie Pepple, Cookey Gam, Black Fobra, Fine Bone, Wogo Dappa, King Jaja, Ogolo Annie Pepple, John Africa, Saturday Jaja, Jacob Annie Stuart, Oko Jaja, Toby, John Tom Brown, Tom Jaja, Bruce Jaja, How Strongface, Sam Oko Epelle, Deeria Toleface, Obanny, Jungo Manilla, Cockeye Brown, Warri, Jack Tolefare, Sam Toby and Duke Norfolk were the Chiefs concerned.

4. AND WHEREAS the said document was produced within the aforesaid fifty years and after the aforesaid interim of 30 years by the Chiefs of Opobo.

4. AND WHEREAS the said document was produced within the aforesaid fifty years and after the aforesaid interim of 30 years by the Chiefs of Opobo.

5. AND WHEREAS on the 15th day of April, 1944, at a meeting of the Chiefs and representatives of the houses of the Chiefs recited in the second recital hereof it was decided that the shares of each said Chief mentioned in the third recital hereof would belong to each House as a whole and not to each individual House Head and that payment of each share should be made to the House Head

and the Senior Members of the house or in the absence of a House Head, to the House Committee.

6. AND WHEREAS at the said meeting of the Chiefs and representatives of the Houses of the Chiefs held on the aforesaid 15th day of April, 1944, it was decided that Chief Daniel Saturday Jaja was the heir and successor in office of the said Chief Saturday Jaja deceased.

7. AND WHEREAS His Britannic Majesty's Government has agreed to accept the procedure for payment of claims contained in the fourth recital hereof upon having such indemnity as is hereinafter contained in case there shall hereafter prove to be some other person or persons better entitled to receive payment of the sum of £369.4.7 (three hundred and sixty nine pounds for shillings and seven pence) on behalf of the said House of Chief Saturday Jaja.

NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the premises the said

Chief Daniel Saturday Jaja
Emmanuel M. Jaja
Jacob F. Jaja
Monday Diebo Jaja

hereby covenant with the Governor that they the said

Chief Daniel Saturday Jaja
Emmanuel M. Jaja
Jacob F. Jaja
Nna Adabibi Jaja
Monday Diebo Jaja

will at all times hereafter indemnify and keep indemnified the Governor against all claims and demands by such other persons in respect of the payment of the said sum of £369.4.7 (three hundred and sixty nine pounds, four shillings and seven pence) being the said share of the claim of the House of Saturday Jaja

IN WITNESS WHEREOF the said

Chief Daniel Saturday Jaja
Emmanuel M. Jaja
Jacob F. Jaja
Nna Adabibi Jaja
Monday Diebo Jaja

have hereunto set their hands their seals and His Excellency SIR ARTHUR FREDERICK RICHARDS has hereunto set his hand and caused the Public Seal of Nigeria to be fixed the day and year first above written:

Signed, sealed.

Signed, sealed and delivered by the said

Chief Daniel Saturday Jaja

Emmanuel M. Jaja

Jacob F. Jaja

Nna Adabibi Jaja

Monday Diebo Jaja

10/-pd. CRB 191076 of 9/10/44

In the presence of

Sgd.

Interpreter & Witness to marks

Sgd.

Magistrate full Powers

Opo.Ob.

Signed, sealed with the Public Seal of Nigeria and delivered by SIR ARTHUR
FREDERICK RICHARDS

Sgd.

19/2/45

In the presence of:

Sgd.

for: Private Secretary. P.S.

ORIGINAL

THIS INDENTURE is made the 9th day of October, 1944 BETWEEN
Chief Daniel Jacob Annie Stuart of Opo.Ob. town heir and/or successor in office
of the late Chief Jacob Annie Stuart deceased and

Ezekiel Annie Stuart

Gilbert Okon Annie Stuart

Jenewari J. Annie Stuart

Senior members of the House of the said Chief Jacob Annie Stuart an original
Chief of Opo.Ob. of the one part.

AND His Excellency SIR ARTHUR FREDERICK RICHARDS, Knight
Grand Cross of the Most Distinguished Order of Saint Michael and Saint
George, Governor and Commander-in-Chief of the Colony and Protectorate
of Nigeria acting for and on behalf of His Britannic Majesty's Government
(hereinafter called the Governor) of the other Part.

2. WHEREAS by a document dated the 17th June, 1892 and given under the
hand of W. Cairns Armstrong, Deputy Commissioner and Vice Consul of Her
Britannic Majesty's Government, Her Britannic Majesty's Government

declared itself bound to pay to the chiefs of Opobo concerned their heirs or successors the sum of £9,600 (nine thousand six hundred pounds) as compensation for the war canoes and guns, conditionally surrendered in 1891 to her Britannic Majesty's Government on production of the said instrument within fifty years from the 1st January, 1893, after and interim of 30 years from the said 17th June, 1892.

3. AND WHEREAS Sam Annie Pepple, Cookey Gam, Black Fobra, Fine Bone, Wogo Dappa, King Jaja, Ogolo Annie Pepple, John Africa, Saturday Jaja, Jacob Annie Stuart, Oko Jaja, Toby, John Tom Brown, Tom Jaja, Bruce Jaja, How Strongface, Sam Oko Epelle, Deerie Tolefare, Obanny, Jungo Manilla, Cockeye brown, Warri Tolefare, Sam Toby and Duke Norfolk were the Chiefs concerned.

4. AND WHEREAS the said document was produced within the aforesaid fifty years and after aforesaid interim of 30 years by the chief of Opobo.

5. AND WHEREAS on the 15th day of April, 1944, at a meeting of the chiefs and representatives of the houses of the chiefs recited in the second recital hereof it was decided that the shares of each said Chief mentioned in the third recital hereof would belong to each house as a whole and not to each individual Houses Head and that payment of each share should be made to the House Head and the Senior Members of the House or in the absence of a House Head, to the House Committee.

6. AND WHEREAS at the said meeting of the Chiefs and representatives of the Houses of the Chiefs held on the aforesaid 15th day of April, 1944, it was decided that Chief Daniel Jacob Annie Stewart was the heir and successor in office of the said chief Jacob Annie Stewart deceased.

7. AND WHEREAS His Britannic Majesty's Government has agreed to accept the procedure for payment of claims contained in the fourth recital hereof upon having such indemnity as is hereinafter contained in case there shall hereafter prove to be some other person or persons better entitled to receive payment of the sum of £369.4.7 (three hundred and sixty nine pounds four shillings and seven pence) on behalf of the said House of Chief Jacob Annie Stewart.

NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the premises the said

Chief Daniel Annie Stewart
Ezekiel Annie Stuart
Gilbert Oko Annie Stuart
Jenewari J. Annie Stuart

hereby covenant with the Governor that they the said

Chief Daniel Jacob Annie Stuart
Ezekiel Annie Stuart

Gilbert Oko Annie Stuart
Jenewari J. Annie Stuart.

will at all times hereafter indemnify and keep indemnified the Governor against all claims and demands in respect of the payment of the said sum of £369.4.7 (three hundred and sixty nine pounds four shillings and seven pence), being the said share of the claim of the House of Jacob Annie Stuart.

IN WITNESS WHEREOF the said
Chief Daniel Jacob Annie Stuart
Ezekiel Annie Stuart
Gilbert Oko Annie Stuart
Jenewari J. Annie Stuart

have hereunto set their hands their seals and His Excellency SIR ARTHUR FREDERICK RICHARDS has hereunto set his hand and caused the Public seal of Nigeria to be affixed the day and year first above written:

Signed, sealed.

Signed, sealed and delivered by the said

Chief Daniel Jacob Annie Stuart
Gilbert Okon Annie Stuart
Jenewari J. Annie Stuart

8/-pd CRB 191061 of 9/10/44

In the presence of
Sgd.
Interpreter & witness to marks.

Sgd.
Magistrate full Powers
Opobo.

Signed, sealed with the Public Seal of Nigeria and delivered by SIR ARTHUR FREDERICK RICHARDS.

Sgd.

24/11/44

In the presence of
Sgd.
Private Secretary.
P.S.

ORIGINAL

THIS INDENTURE is made the 9th day of October, 1944 BETWEEN

Erasmus Oko Jaja
Gabriel Romeo Jaja
Nwafor Oko Jaja
George Oko Jaja
Chief Enoch Patesi O. Jaja

of Opobo

Successors in office of the late Chief Oko Jaja deceased and Senior Members of the said Chief Oko Jaja an original Chief of Opobo of the one part AND His Excellency SIR ARTHUR FREDERICK RICHARDS, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony and Protectorate of Nigeria acting for and on behalf of His Britannic Majesty's Government (hereinafter called the Governor) of the other part:

2. WHEREAS by a document dated the 17th June, 1892 and given under the hand of W. Cairns Armstrong, Deputy Commissioner and Vice Consul of Her Britannic Majesty's Government, Her Britannic Majesty's Government declared itself bound to pay to the Chiefs of Opobo concerned their heirs or successors the sum of £9,600 (nine thousand six hundred pounds) as compensation for the war, canoes and guns, conditionally surrendered in 1891 to Her Britannic Majesty's Government on production of the said instrument within fifty years from the 1st January, 1893, after an interim of 30 years from the said 17th June, 1892.

3. AND WHEREAS Sam Annie Pepple, Cookey Gam, Black Fobra, Fine Bone, Wogo Dappa, King Jaja, Ogolo Annie Pepple, John Africa, Saturday Jaja, Jacob Annie Stuart, Oko Jaja, Toby, John Tom Brown, Tom Jaja, Bruce Jaja, How Strongface, Sam Oko Epelle, Decrie Tolefare, Obanny, Jungo Manilla, Cockeye Brown, Warri, Jack Tolefare, Sam Toby and duke Norfolk were the Chiefs concerned.

4. AND WHEREAS the said document was produced within the aforesaid fifty years and after the aforesaid interim of 30 years by the Chiefs of Opobo.

5. AND WHEREAS on the 15th day of April, 1944, at a meeting of the Chiefs and representatives of the Houses of the Chiefs recited in the second recital hereof it was decided that the shares of each said Chief mentioned in the third recital hereof would belong to each House as a whole and not to each individual House Head and that payment of each should be made to the House Head and the Senior members of the house or in the absence of a House Head, to the House Committee.

6. AND WHEREAS at the said meeting of the Chiefs and representatives of the houses of the Chiefs held on the aforesaid 15th day of April, 1944, it was decided that Erasmus Oko Jaja, Gabriel Romeo Jaja, Nwafor Oko Jaja, George

Oko Jaja, Chief Enoch Patesi O. Jaja, were the successors in office of the said Chief Oko Jaja deceased.

7. AND WHEREAS His Britannic Majesty's Government has agreed to accept the procedure for payment of claims contained in the fourth recital thereof upon having such indemnity as is hereinafter contained in case there shall hereafter prove to be some other person better entitled to receive payment of the sum of £369.4.7 (three hundred and sixty-nine pounds four shillings and seven pence) on behalf of the said House of Chief Oko Jaja.

NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the premises the said Erasmus Oko Jaja, Gabriel Romeo Jaja, Nwafor Oko Jaja, George Oko Jaja, Chief Patesi O. Jaja.

hereby covenant with the Governor that they had said

Erasmus Oko Jaja
 Gabriel Romeo Jaja
 Nwafor Oko Jaja
 George Oko Jaja
 Chief Enoch Patesi O. Jaja

will at all times hereafter indemnify and keep indemnified the Governor against all claims and demands in respect of the payment of the said sum of £369.4.7 (three hundred and sixty nine pounds four shillings and seven pence), being the said share of the claim of the House of Oko Jaja.

IN WITNESS WHEREOF the said

Erasmus Oko Jaja
 Gabriel Romeo Jaja
 Nwafor Oko Jaja
 George Oko Jaja
 Chief Enoch Patesi O. Jaja

have hereunto set their hands their seals and His Excellency SIR ARTHUR FREDERICK RICHARDS has hereunto set his hand and caused the Public Seal of Nigeria to be affixed the day and year first above written:

Signed, sealed

Signed, sealed and delivered by the said

Erasmus Oko Jaja
 Gabriel Romeo Jaja
 Nwafor Oko Jaja
 George Oko Jaja
 Chief Enoch Patesi O. Jaja

In the presence of
Sgd.
Interpreter and witness to marks

Sgd.
Magistrate Full Powers:
Opobo.

Signed, sealed with the Public Seal of Nigeria and delivered by SIR ARTHUR FREDERICK RICHARDS.

Sgd.
24/11/44.

In the presence of
Sgd.
Private Secretary
P.S.

ORIGINAL

THIS INDENTURE is made the 9th day of October, 1944 BETWEEN Chief Harry Toby of Opobo Town heir and successor in office of the late Chief Toby deceased and

George K. Toby
Simon T.D. Toby
George T. Toby
Dick I. Toby
Fred. A. Toby
Zacchaus Toby
Ben I. Toby

Senior Members of the House of the said late Chief Toby Stuart an original Chief of Opobo of the one part and His Excellency SIR ARTHUR FREDERICK RICHARDS, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony and Protectorate of Nigeria acting for and on behalf of His Britannic Majesty's Government (hereinafter called the Governor) of the other part.

2. WHEREAS by a document dated the 17th June, 1892, and given under the hand of W. Cairns Armstrong, Deputy Commissioner and Vice Consul of Her Britannic Majesty's Government, Her Britannic Majesty's Government declared itself bound to pay to the Chiefs of Opobo concerned their heirs or successors the sum of £9,600 (nine thousand six hundred pounds) as compensation for the war canoes and guns, conditionally surrendered in 1891 to Her Britannic Majesty's Government on production of the said instrument within fifty years from the 1st January, 1893, after an interim of 30 years from the said 17th June, 1892.

3. AND WHEREAS Sam Annie Pepple, Cookey Gam, Black Fobra, Fine Bone, Wogo Dappa, King Jaja, Ogolo Annie Pepple, John Africa, Saturday Jaja, Jacob Annie Stuart, Oko Jaja, Toby, John Tom Brown, Tom Jaja, Bruce Jaja, How Strongface, Sam Oko Epelle, Deerie Tolefare, Obanny, Jungo Manilla, Cookeye Brown, Warri, Jack Tolefare, Sam Toby and Duke Norfolk were the Chiefs concerned.

4. AND WHEREAS the said document was produced within the aforesaid fifty years and after the aforesaid interim of 30 years by the Chiefs of Opobo.

5. AND WHEREAS on the 15th day of April, 1944, at a meeting of the Chiefs and representatives of the houses of the chiefs recited in the second recital hereof it was decided that the shares of each said Chief mentioned in the third recital hereof would belong to each house as a whole and not to each individual House Head and the Senior Members of the house or in the absence of a House Head, to the House Committee.

6. AND WHEREAS at the said meeting of the Chiefs and representatives of the houses of the Chiefs held on the aforesaid 15th day of April, 1944, it was decided that Chief Harry Toby was the heir and successor in office of the said Chief Toby deceased.

7. AND WHEREAS His Britannic Majesty's Government has agreed to accept the procedure for payment of claims contained in the fourth recital hereof upon having such indemnity as is hereinafter contained in case there shall hereafter prove to be some other person or persons better entitled to receive payment of the sum of £369.4.7 (three hundred and sixty-nine pounds four shillings and seven pence) on behalf of the said House of Chief Toby

NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the premises the said

Chief Harry Toby

Fred K. Toby

George K. Toby

Zaccheus Toby

Simon T.D. Toby

Ben I. Toby

George T. Toby

Dick I. Toby

hereby covenant with the Governor that they the said

Chief Harry Toby

George K. Toby

Simon T. D. Toby

George T. Toby

Dick I. Toby

Fred A. Toby
 Zaccheus Toby
 Ben I. Toby

will at all times hereafter indemnify and keep indemnified the Governor against all claims and demands in respect of the payment of the said sum of £369.4.7 (three hundred and sixty nine pounds four shillings and seven pence), being the said share of the claim of the House of Toby.

IN WITNESS WHEREOF the said

Chief Harry Toby
 George K. Toby
 Simon T.D. Toby
 George T. Toby
 Dick I. Toby
 Fred A. Toby
 Zaccheus Toby
 Ben. I. Toby

hereunto set their hands their seals and His Excellency SIR ARTHUR FREDERICK RICHARDS has hereunto set his hand and caused the Public Seal of Nigeria to be affixed the day and year first above written.

Signed, Sealed.

Signed, sealed and delivered by the said

Chief Harry Toby
 George K. Toby
 Simon T. D. Toby
 George T. Toby
 Dick I. Toby
 Fred A. Toby
 Zaccheus Toby
 Ben I. Toby

16/-pd CRB 191061 of 9/10/44.

in the presence of

(Sgd.) Interpreter & Witness to marks

(Sgd.)Magistrate, Full Powers
 Opofo.

Signed, sealed with the Public Seal of Nigeria and delivered by SIR ARTHUR FREDERICK RICHARDS

Sgd.

24.11.44

in the presence of

(Sgd.) Private Secretary P.S.

ORIGINAL

THIS INDENTURE is made the 9th day of October, 1944 BETWEEN Chief Yellow Nwosu John Tom Brown of Opobo Town heir and successor in office of the late Chief John Tom Brown deceased and Moses John Tom Brown

Chinyere John Tom Brown
 Emmanuel John Tom Brown
 Hezekiah Owubo John Tom Brown
 Tobiah John Tom Brown
 Daniel Jacob John Tom Brown.

Senior Members of the House of the said late Chief John Tom Brown an original Chief of Opobo of the one part and His Excellency SIR ARTHUR FREDERICK RICHARDS, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony and Protectorate of Nigeria acting for an on behalf of His Britannic Majesty's Government (hereinafter called the Governor) of the other part:

2. WHEREAS by a document dated the 17th June, 1892 and given under the hand of W. Cairns Armstrong, Deputy Commissioner and Vice Consul of Her Britannic Majesty's Government, Her Britannic Majesty's Government declared itself bound to pay to the chiefs of Opobo concerned their heirs or successors the sum of £9,600 (nine thousand six hundred pounds) as compensation for the war canoes and guns, conditionally surrendered in 1891 to Her Britannic Majesty's Government on production of the said instrument within fifty years from the 1st January, 1893, after an interim of 30 years from the said 17th June, 1892.

3. AND WHEREAS Sam Annie Pepple, Cookey Gam, Black Fobra, Fine Bone, Wogo Dappa, King Jaja, Ogolo Annie Pepple, John Africa, Saturday jaja, Jacob Annie Stuart, Oko Jaja, Toby, John Tom Brown, Tom Jaja, Bruce Jaja, How Strongface, Sam Oko Epelle, Deerie Toletare, Obanny, Jungo Manilla, Cockeye Brown, Warri, Jack Tolefare, Sam Toby and Duke Norfolk were the Chiefs concerned.

4. AND WHEREAS the said documents was produced within the aforesaid fifty years and after the aforesaid interim of 30 years by the chiefs of Opobo.

5. AND WHEREAS on the 15th day of April, 1944, at a meeting of the Chiefs and representatives of the houses of the chiefs recited in the second recital hereof it was decided that the shares of each said Chief mentioned in the third recital hereof would belong to each House as a whole and not to each individual House Head and that payment of each share should be made to the House Head and the Senior members of the house or in the absence of a House Head, to the House Committee.

6. AND WHEREAS at the said meeting of the Chiefs and representatives of the houses of the Chiefs held on the aforesaid 15th day of April, 1944, it was decided that Chief Yellow Nwosu John Tom Brown was the heir and successor in office of the said Chief John Tom Brown deceased.

7. AND WHEREAS His Britannic Majesty's Government has agreed to accept the procedure for payment of claims contained in the fourth recital hereof having such indemnity as is hereinafter contained in case there shall hereafter prove to be some other person or persons better entitled to receive payment of the sum of £369.4.7 (three hundred and sixty-nine pounds four shillings and seven pence) on behalf of the said House of Chief John Tom Brown.

NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the premises the said

Chief Yellow Nwosu John Tom Brown
 Moses John Tom Brown
 Chinyere John Tom Brown
 Emmanuel John Tom Brown
 Hezekiah Omubo John Tom Brown
 Tobiah John Tom Brown
 Daniel Jacob John Tom Brown.

hereby covenant with the Governor that they the said

Chief Yellow Nwosu John Tom Brown
 Moses John Tom Brown
 Chinyere John tom Brown
 Emmanuel John Tom Brown
 Hezekiah Omubo John Tom Brown
 Tobiah John Tom Brown
 Daniel Jacob John Tom Brown.

will at all times hereafter indemnify and keep indemnified the Governor against all claims and demands in respect of the payment of the said sum of £369.4.7 (three hundred and sixty-nine pounds four shillings and seven pence) being the said share of the claim of the House of John Tom Brown

IN WITNESS WHEREOF the said

Chief Yellow Nwosu John Tom Brown
 Moses John Tom Brown
 Chinyere John Tom Brown
 Emmanuel John Tom Brown

Hezekiah Omubo John Tom Brown
 Tobiah John Tom Brown
 Daniel Jacob John Tom Brown

have hereunto set their hands their seals and His Excellency SIR ARTHUR
 FREDERICK RICHARDS has hereunto set his hand and caused the Public
 Seal of Nigeria to be affixed the day and year above written:

Signed, sealed.

Signed, sealed and delivered by the said

Chief Yellow Nwosu John Tom Brown
 Moses John Tom Brown
 Chinyere John Tom Brown
 Emmanuel John Tom Brown
 Hezekiah Omubo John Tom Brown
 Tobiah John Tom Brown
 Daniel Jacob John Tom Brown

14/-pd. CRB 1910/63 of 9/10/44.

in the presence of

Sgd.

Sgd.

Magistrate Full Powers

Interpreter and Witness to marks

Opobo

Signed, sealed with the Public Seal of Nigeria and delivered by ARTHUR
 FREDERICK RICHARDS

Sgd.

24.11.44

in the presence of

Sgd.

Private Secretary.

P.S.

ORIGINAL

THIS INDENTURE is made the 9th day of October, 1944, BETWEEN

Fred Tom Jaja
 Albert Tom Jaja
 Daniel Tom Jaja

of Opobo

successors in office of the late Chief Tom Jaja deceased and senior members of
 the House of the said Chief TOM JAJA an original Chief of Opobo of the one

part AND His Excellency SIR ARTHUR FREDERICK RICHARDS, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony and Protectorate of Nigeria acting for an on behalf of His Britannic Majesty's Government (hereinafter called the Governor) of the other part:

2. WHEREAS by a document dated the 17th June, 1892 and given under the hand of W. Cairns Brittanic Majesty's Government, Her Britannic Majesty's Government declared itself bound to pay to the Chiefs of Opobo concerned their heirs or successors the sum of £9,600 (nine thousand six hundred pounds) as compensation for the war canoes and guns, conditionally surrendered in 1891 to Her Britannic Majesty's Government on production of the said instrument within fifty years from the 1st January, 1893, after an interim of 30 years from the said 17th June, 1892.

3. AND WHEREAS Sam Annie Pepple, Cookey Gam, Black Fobra, Fine Bone, Wogo Dappa, King Jaja, Ogolo Annie Apple, John Africa, Saturday Jaja, Jacob Annie Stuart, Oko Jaja, Toby, John Tom Brown, Tom Jaja, Bruce Jaja, How Strongface, Sam Oko Epelle, Deerie Tolefare, Obanny, Jungo Manilla, Cockeye Brown, Warri, Jack Tolefare, Sam Toby and Duke Norfolk were the Chiefs concerned.

4. AND WHEREAS the said document was produced within the aforesaid fifty years and after the aforesaid interim of 30 years by the Chiefs of Opobo.

5. AND WHEREAS on the 15th day of April, 1944, at a meeting of the Chiefs and representatives of the houses of the Chiefs recited in the second recital hereof it was decided that the shares of each said Chief mentioned in the third recital hereof would belong to each house as a whole and not to each individual House Head and that payment of each share should be made to the House Head and the Senior Members of the house or in the absence of a House Head, to the House Committee.

6. AND WHEREAS at the said meeting of the Chiefs and representatives of the Houses of the Chiefs held on the aforesaid 15th day of April, 1944, it was decided that Fred Tom Jaja, Albert Tom Jaja, Daniel tom Jaja were the successors in office of the said Chief Tom Jaja deceased.

7. AND WHEREAS His Britannic Majesty's Government has agreed to accept the procedure for payment of claims contained in the fourth recital hereof upon having such indemnity as is hereinafter contained in case there shall hereafter prove to be some other person or persons better entitled to receive payment of the sum of £369.4.7 (three hundred and sixty-nine pounds four shillings and seven pence) on behalf of the said House of Chief Tom Jaja.

NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the premises the said Fred Tom Jaja, Albert Tom Jaja, Daniel Tom Jaja hereby covenant with the Governor that they the said

Fred Tom Jaja
 Albert Tom Jaja
 Daniel Tom Jaja

will at all times hereafter indemnify and keep indemnified the Governor against all claims and demands in respect of the payment of the said sum of £369.4.7 (three hundred and sixty-nine pounds four shillings and seven pence), being the said share of the claim of the House of Tom Jaja.

IN WITNESS WHEREOF the said

Fred Tom Jaja
 Albert Tom Jaja
 Daniel Tom Jaja

have hereunto set their hands their seals and His Excellency SIR ARTHUR FREDERICK RICHARDS has hereunto set his hand and caused the Public Seal of Nigeria to be affixed the day and year first above written:

Signed, Sealed.

Signed, sealed and delivered by the said

Fred Tom Jaja
 Albert Tom Jaja
 Daniel Tom Jaja

6/-pd CRB 191080 of 9/10/44

In the presence of

Sgd.

Interpreter and Witness to marks

Sgd.

Magistrate Full Powers:

Opo.Ob.

Signed, sealed with the Public Seal of Nigeria and delivered by SIR ARTHUR FREDERICK RICHARDS

Sgd.

24.11.44

P.S.

In the presence of

Sgd.

Private Secretary

ORIGINAL

THIS INDENTURE is made the 9th day of October, 1944 BETWEEN Chief Heggs Bruce Jaja of Opobo Town heir and successor in office of the late Chief Bruce Jaja deceased and

Horton Bruce Jaja
Odudubara Bruce Jaja
Daniel Bruce Jaja
Jonah Bruce Jaja

Senior members of the House of the said late Chief Bruce Jaja an original Chief of Opobo of the one part and His Excellency SIR ARTHUR FREDERICK RICHARDS, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony and Protectorate of Nigeria acting for and on behalf of His Britannic Majesty's Government (hereinafter called the Governor) of the other part:

2. WHEREAS by a document dated the 17th June, 1892 and given under the hand of W. Cairns Armstrong, Deputy Commissioner and Vice Consul of Her Britannic Majesty's Government, Her Britannic Majesty's Government declared itself bound to pay to the Chiefs of Opobo concerned their heirs or successors the sum of £9,600 (nine thousand six hundred pounds) being compensation for the war canoe and guns, conditionally surrendered in 1891 to Her Britannic Majesty's Government on production of the said instrument within fifty years from the 1st January, 1893, after an interim of 30 years from the said 17th June, 1892.

3. AND WHEREAS Sam Annie Pepple Cookey Gam, Black Fobra, Fine Bone, Wogo Dappa, King Jaja, Ogolo Annie Pepple, John Africa, Saturday Jaja, Jacob Annie Stuart, Oko Jaja, Toby, John Tom Brown, Tom Jaja, Bruce Jaja, How Strongface, Sam Oko Epelle, Deerie Tolefare, Obanny, Jungo Manilla, Cockeye Brown, Warri, Jack Tolefare, Sam Toby and Duke Norfolk were the Chiefs concerned.

4. AND WHEREAS the said document was produced within the aforesaid fifty years and after the aforesaid interim of 30 years by the Chiefs of Opobo.

5. AND WHEREAS on the 15th day of April, 1944, at a meeting of the Chiefs and representatives of the houses of the chiefs recited in the second recital hereof it was decided that the shares of each said Chief mentioned in the third recital hereof would belong to each house as a whole and not to each individual House Head and the Senior Members of the house or in the absence of a House Head, to the House Committee.

6. AND WHEREAS as the said meeting of the Chiefs and representatives of the houses of the Chiefs held on the aforesaid 15th day of April, 1944, it was

decided that Chief Heggs Bruce Jaja was the heir and successor in office of the said Chief Bruce Jaja deceased.

7. AND WHEREAS His Britannic Majesty's Government has agreed to accept the procedure for payment of claims contained in the fourth recital hereof upon having such indemnity as is hereinafter contained in case there shall hereafter prove to be some other person or persons better entitled to receive payment of the sum of £369.4.7 (three hundred and sixty-nine pounds four shillings and seven pence) on behalf of the said House of Chief Bruce Jaja.

NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the premises the said

Chief Heggs Bruce Jaja
Horton Bruce Jaja
Oduobubara Bruce Jaja
Daniel Bruce Jaja
Jonah Bruce Jaja

hereby covenant with the Governor that they the said

Chief Heggs Bruce Jaja
Horton Bruce Jaja
Oduobubara Bruce Jaja
Daniel Bruce Jaja
Jonah Bruce Jaja

will at all times hereafter indemnify and keep indemnified the Governor against all claims and demands in respect of the payment of the said sum of £369.4.7 (three hundred and sixty-nine pounds four shillings seven pence), being the said share of the claim of the House of Bruce Jaja

IN WITNESS WHEREOF the said

Chief Heggs Bruce Jaja
Horton Bruce Jaja
Oduobubara Bruce Jaja
Daniel Bruce Jaja
Jonah Bruce Jaja

hereunto set their hands their seals and His Excellency SIR ARTHUR FREDERICK RICHARDS has hereunto set his hand and caused the Public Seal of Nigeria to be affixed the day and year first above written:

Signed, sealed.

Signed, sealed and delivered by the said

Chief Heggs Bruce Jaja
 Horton Bruce Jaja
 Oduobubara Bruce Jaja
 Daniel Bruce Jaja
 Jonah Bruce Jaja

10/-pd. CRB 191057 of 9/10/44

in the presence of

Sgd.

Interpreter and witness to marks

Sgd.

Magistrate Full Powers

Opobo.

Signed, sealed with the Public Seal of Nigeria and delivered by SIR ARTHUR
 FREDERICK RICHARDS

Sgd.

24/11/44

in the presence of

Sgd.

Private Secretary

P.S.

ORIGINAL

THIS INDENTURE is made the 9th day of October, 1944 BETWEEN Chief
 Thomas How Strongface of Opobo Town heir and successor in office of the late
 Chief How Strongface deceased and

Chief Moses Warribo Strongface
 Mark Igbi Strongface
 Henry Strongface
 Erasmus Alali Strongface
 George Strongface
 Caleb Strongface

Senior members of the House of the said late Chief How Strongface an original
 Chief of Opobo of the one part and His Excellency SIR ARTHUR FREDE-
 RICK RICHARDS, Knight and Grand Cross of the Most Distinguished Order
 of Saint Michael and Saint George, Governor and Commander-in-Chief of the

Colony and Protectorate of Nigeria acting for and on behalf of His Britannic Majesty's Government (hereinafter called the Governor) of the other part.

2. WHEREAS by a document dated the 17th June, 1892 and given under the hand of W. Cairns Armstrong, Deputy Commissioner and Vice Consul of Her Britannic Majesty's Government, Her Britannic Majesty's Government declared itself bound to pay to the Chiefs of Opobo concerned their heirs or successors the sum of £9,600 (nine thousand six hundred pounds) as compensation for the war canoes and guns, conditionally surrendered in 1891 to Her Britannic Majesty's Government on production of the said instrument within fifty years from 1st January, 1893, after an interim of 30 years from the said 17th June, 1892.

3. AND WHEREAS Sam Annie Pepple, Cookey Gam, Black Fobra, Fine Bone, Wogo Dappa, King Jaja, Ogolo Annie Pepple, John Africa, Saturday Jaja, Jacob Annie Stuart Oko Jaja, Toby, John Tom Brown, Tom Jaja, Bruce Jaja, How Strongface, Sam Oko Epelle, Deerie Tolefare, Obanny, Jungo Manilla, Cockeye Brown, Warri, Jack Tolefare, Sam Toby and Duke Norfolk were the Chiefs concerned.

4. AND WHEREAS the said document was produced within the aforesaid fifty years and after the aforesaid interim of 30 years by the Chiefs of Opobo.

5. AND WHEREAS on the 15th day of April, 1944, at a meeting of the Chiefs and representatives of the houses of the Chiefs recited in the second recital hereof it was decided that the shares of each said Chief mentioned in the third recital hereof would belong to each House as a whole and not to each individual House Head and that payment of each share should be made to the House Head and the Senior Members of the House or in the absence of a House Head, to the House Committee.

6. AND WHEREAS at the said meeting of the Chiefs and representatives of the houses of the Chiefs held on the aforesaid 15th day of April, 1944, it was decided that Chief Thomas How Strongface was the heir and successor in office of the said Chief How Strongface deceased.

7. AND WHEREAS His Britannic Majesty's Government has agreed to accept the procedure for payment of claims contained in the fourth recital hereof upon having such indemnity as in hereinafter contained in case there shall hereafter prove to be some other person or persons better entitled to receive payment of the sum of £369.4.7 (three hundred and sixty-nine pounds four shillings and seven pence) on behalf of the said House of Chief How Strongface

NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the premises the said

Chief Thomas How Strongface

Moses Waribo Strongface

Mark Igbi Strongface

Henry Strongface
 Erasmus Alali Strongface
 George Strongface
 Caleb Strongface.

hereby covenant with the Governor that they the said

Chief Thomas How Strongface
 Moses Waribo Strongface
 Mark Igbi Strongface
 Henry Strongface
 Erasmus Alali Strongface
 George Strongface
 Caleb Strongface

will at all times hereafter indemnify and keep indemnified the Governor against all claims and demands in respect of the payment of the said sum of £369.4.7 (three hundred and sixty-nine pounds four shillings and seven pence), being the said share of the claim of the House of How Strongface

IN WITNESS WHEREOF the said

Chief Thomas How Strongface
 Moses Waribo Strongface
 Mark Igbi Strongface
 Henry Strongface
 Erasmus Alali Strongface
 George Strongface
 Caleb Strongface

hereunto set their hands their seals and His Excellency SIR ARTHUR FREDERICK RICHARDS has hereunto set his hand and caused the Public Seal of Nigeria to be affixed the day and year first above written:

Signed, Sealed.

Signed, sealed and delivered by the said

Chief Thomas How Strongface
 Moses Waribo Strongface
 Mark Igbi Strongface
 Henry Strongface
 Erasmus Alali Strongface
 George Strongface
 Caleb Strongface

14/-pd. CRB 191083 of 9/11/44

in the presence of

Sgd.

Interpreter and Witness to marks

Sgd.

Magistrate Full Powers:

Opobo.

Signed, sealed with the Public Seal of Nigeria and delivered by SIR ARTHUR
FREDERICK RICHARDS

Sgd.

24.11.44

in the presence of

S_gd.

Private Secretary

P.S.

ORIGINAL

THIS INDENTURE is made the 9th day of October, 1944 BETWEEN
Chief Amos Sam Oko Epelle of Opobo Town heir and successor in office of the
late Chief Sam Oko Epelle deceased and

Hebert M. Epelle

Samuel Geofreh Alfred Epelle

Cornelius Sam Oko Epelle

Emmanuel M. Tobias Epelle

Frank Fiberesima William Epelle

Isaac John Sam Oko Epelle

Senior members of the House of the said late Chief Sam Oko Epelle an original
Chief of Opobo of the one part and His Excellency SIR ARTHUR FREDE-
RICK RICHARDS, Knight Grand Cross of the Most Distinguished Order of
Saint Michael and Saint George, Governor and Commander-in-Chief of the
colony and Protectorate of Nigeria acting for an on behalf of His Britannic
Majesty's Government (hereinafter called the Governor) of the other part.

2. WHEREAS by a document dated the 17th June, 1892 and given under the
hand of W. Cairns Armstrong, Deputy Commissioner and Vice Consul of Her
Britannic Majesty's Government, Her Britannic Majesty's Government de-
clared itself bound to pay to the Chiefs of Opobo concerned their heirs or
successors the sum of £9,600 (nine thousand six hundred pounds) as compen-
sation for the war canoes and guns, conditionally surrendered in 1891 to Her
Britannic Majesty's Government on production of the said instrument within

fifty years from the 1st January, 1893, after an interim of 30 years from the said 17th June, 1892.

3. AND WHEREAS Sam Annie Pepple, Cookey Gam Black Fobra, Fine Bone, Wogo Dappa, King Jaja, Ogolo Annie Pepple, John Africa, Saturday Jaja, jacob Annie Stuart, Oko Jaja, Toby, John Tom Brown, Tom Jaja, Bruce Jaja, How Strongface, Sam Oko Epelle, Deerie Tolcfarc, Obanny, Jungo Manilla, Cockeye Brown, Warri Jack Tolcfarc, Sam Toby and Duke Norfolk were the Chiefs concerned.
4. AND WHEREAS the said document was produced within the aforesaid fifty years and after the aforesaid interim of 30 years by the Chiefs of Opobo.
5. AND WHEREAS on the 15th day of April, 1944, at a meeting of the Chiefs and representatives of the houses of the Chiefs recited the second recital hereof it was decided that the shares of each said Chief mentioned in the third recital hereof would belong to each House a whole and not to each individual House Head and that payment of each share would be made to the House Head and the Senior Members of the House or in the absence of a House Head, to the House Committee.
6. AND WHEREAS at the said meeting of the Chiefs and representatives of the Houses of the Chiefs held on the aforesaid 15th day of April, 1944, it was decided that Chief Amos Sam Oko Epelle was the heir and successor in office of the said Chief Sam Oko Epelle deceased.
7. AND WHEREAS His Britannic Majesty's Government has agreed to accept the procedure for payment of claims contained in the fourth recital hereof upon having such indemnity as is hereinafter contained in case there shall hereafter prove to be some other person or persons better entitled to receive payment of the sum of £369.4.7 (three hundred and sixty-nine pounds four shillings and seven pence), on behalf of the said House of Chief Sam Oko Epelle.

NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the premises the said

Chief Amos Sam Oko Epelle
 Herbert M. Epelle
 Samuel Geoffrey Alfred Epelle
 Cornelius Sam Oko Epelle
 Emmanuel M. Tobias Epelle
 Frank Fiberesima William Epelle
 Isaac John Sam Oko Epelle

hereby covenant with the Governor that they the said

Chief Amos Sam Oko Epelle
 Herbert M. Epelle

Samuel Geoffrey Alfred Epelle
 Cornelius Sam Oko Epelle
 Emmanuel M. Tobias Epelle
 Frank Pibersima William Epelle
 Isaac John Sam Oko Epelle

will at all times hereafter indemnify and keep indemnified the Governor against all claims and demands in respect of the payment of the said sum of £369.4.7 (three hundred and sixty-nine pounds four shillings seven pence) being the said share of the claim of the House of Chief Sam Oko Epelle.

IN WITNESS WHEREOF the said

Chief Amos Sam Oko Epelle
 Herbert M. Epelle
 Samuel Geogfrey Alfred Epelle
 Cornelius Sam Oko Epelle
 Emmanuel M. Tobias Epelle
 Frank Fiberesima William Epelle
 Isaac John Sam Oko Epelle

have hereunto set their hands their seals and His Excellency SIR ARTHUR FREDERICK RICHARDS has hereunto set his hand and caused the Public Seal of Nigeria to be affixed the day and year above written:

Signed, sealed.

Signed, sealed and delivered by the said

Chief Amos Sam Oko Epelle
 Herbert M. Epelle
 Samuel Geoffrey Alfred Epelle
 Cornelius Sam Oko Epelle
 Emmanuel M. Tobias Epelle
 Frank Fiberesima William Epelle
 Isaac John Sam Oko Epelle

14/-pd. CRB 191079 of 9/10/44

(Sgd.) Interpreter and Witness to marks (Sgd.) Magistrate Full Powers,
 Opobo.

Signed, sealed with the Public Seal of Nigeria and delivered by SIR ARTHUR FREDERICK RICHARDS

Sgd.

24.11.44

in the presence of

P.S. Sgd. Private Secretary

ORIGINAL

THIS INDENTURE is made the 9th day of October 1944 BETWEEN Chief Albert Deerie tolefare of Opobo Town heir and successor in office of the late Chief Deerie Tolefare deceased and Isaac Warri Diri Tolefare

Johnson Deerie Tolefare
Robert W. Deerie Tolefare
Joseph R. Deerie Tolefare

Senior members of the House of the said late Chief Deerie Tolefare an original Chief of Opobo of the one part and His Excellency SIR ARTHUR FREDERICK RICHARDS, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony and Protectorate of Nigeria acting for an on behalf of His Britannic Majesty's Government (hereinafter called the Governor) of the other part.

2. WHEREAS by a document dated the 17th June, 1892 and given under the hand of W. Cairns Armstrong, Deputy Commissioner and Vice Consul of Her Britannic Majesty's Government, Her Britannic Majesty's Government declared itself bound to pay to the Chiefs of Opobo concerned their heirs or successors the sum of £9,600 (nine thousand six hundred pounds) as compensation for the war canoes and guns, conditionally surrendered in 1891 to Her Britannic Majesty's Government on production of the said instrument within fifty years from the 1st January, 1893, after an interim of 30 years from the said 17th June, 1892.
3. AND WHEREAS Sam Annie Pepple, Cookey Gam, Black Fobra, Fine Bone, Wogo Dappa, King Jaja, Ogolo Annie Pepple, John Africa, Saturday Jaja, Jacob Annie Stuart, Oko Jaja, Toby, John Tom Brown, Tom Jaja, Bruce Jaja, Now Strongface, Sam Oko Epelle, Deerie Tolefare, Obanny, Jungo Manilla, Cockeye Brown, Warri, Jack Tolefare, Sam Toby and Duke Norfolk were the Chiefs concerned.
4. AND WHEREAS the said document was produced within the aforesaid fifty years and after the aforesaid interim of 30 years by the Chiefs of Opobo.
5. AND WHEREAS on the 15th day of April, 1944, at a meeting of the Chiefs and representatives of the houses of the Chiefs recited in the second recital hereof it was decided that the shares of each said Chief mentioned in the third recital hereof would belong to each House as a whole and not to each individual House Head and that payment of each share should be made to the House Head and the Senior Members of the house or in the absence of a House Head, to the House Committee.
6. AND WHEREAS at the said meeting of the Chiefs and representatives of the houses of the Chiefs held on the aforesaid 15th day of April, 1944, it was

decided that Chief Albert Deerie Tolefare was the heir and successor in office of the said Chief Deerie Tolefare deceased.

7. AND WHEREAS His Britannic Majesty's Government has agreed to accept the procedure for payment of claims contained in the fourth recital hereof upon having such indemnity as is hereinafter contained in case there shall hereafter prove to be some other person or persons better entitled to receive payment of the sum of £369.4.7 (three hundred and sixty-nine pounds four shillings and seven pence) on behalf of the said house of Chief Deerie Tolefare.

NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the premises the said

Chief Albert Deerie Tolefare
Isaac Warri Diri Tolefare
John Deerie Tolefare
Robert W. Deerie Tolefare
Joseph R. Deerie Tolefare.

hereby covenant with the Governor that they the said

Chief Albert Deerie Tolefare
Isaac Warri Diri Tolefare
Johnson Deerie Tolefare
Frober W. Deerie Tolefare
Joseph R. Deerie Tolefare

will at all times hereafter indemnify and keep indemnified the Governor against all claims and demands in respect of the payment of the said sum of £369.4.7 (three hundred and sixty-nine pounds four shillings and seven pence), being the said share of the claim of the House of Deerie Tolefare

IN WITNESS WHEREOF the said

Chief Albert Deerie Tolefare
Isaac Warri Diri Tolefare
Johnson W. Deerie Tolefare
Joseph R. Deerie Tolefare

have hereunto set their hands their seals and His Excellency SIR ARTHUR FREDERICK RICHARDS has hereunto set his hand and caused the Public Seal of Nigeria to be affixed the day and year first above written:

Signed, sealed

Signed, sealed and delivered by the said

Chief Albert Deerie Tolefare

Isaac Warri Diri Tolefare

Johnson Deerie Tolefare

Robert W. Deerie Tolefare

Joseph R. Deerie Tolefare

10/-pd. CRB 191066 of 9/10/44

in the presence of

(Sgd.) Interpreter & Witness to marks

(Sgd.) Magistrate Full Powers
Opobo.

Signed, Sealed with the Public Seal of Nigeria and delivered by SIR ARTHUR
FREDERICK RICHARDS.

Sgd.

24.11.44

in the presence of

Sgd.

Private Secretary.

P.S.

ORIGINAL

THIS INDENTURE is made the 9th day of October, 1944 BETWEEN

Foster William Obanny

David W. Obanny

Nathan H. Obanny

Chief Amos D. Obanny

Johnson Obanny

of Opobo

successors in Office of the late Chief OBANNY deceased and senior members of the House of the said Chief OBANNY an original Chief of Opobo of the one part AND His Excellency SIR ARTHUR FREDERICK RICHARDS, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony and Protectorate of Nigeria acting for an on behalf of His Britannic Majesty's Government (hereinafter called the Governor) of the other part:

2. WHEREAS by a document dated the 17th June, 1892 and given under the hand of W. Cairns Armstrong, Deputy Commissioner and Vice Consul of Her

Britannic Majesty's Government, Her Britannic Majesty's Government declared itself bound to pay to the Chiefs of Opobo concerned their heirs or successors the sum of £9,600 (nine thousand six hundred pounds) as compensation for the war, canoes and guns, conditionally surrendered in 1891 to Her Britannic Majesty's Government on production of the said instrument within fifty years from the 1st January, 1893, after an interim of 30 years from the said 17th June, 1892.

3. AND WHEREAS Sam Annie Pepple, Cookey Gam, Black Fobra, Fine Bone, Wogo Dappa, King Jaja, Ogolo Annie Pepple, John Africa, Saturday Jaja, Jacob Annie Stuart, Oko Jaja, Toby, John Tom Brown, Tom Jaja, Bruce Jaja, How Strongface, Sam Oko Epelle, Deerie Tolefare, Obanny, Jungo Manilla, Cockeye Brown, Warri, Jack Tolefare, Sam Toby and Duke Norflok were the Chiefs concerned.

4. AND WHEREAS the said document was produced with the aforesaid fifty years and after the aforesaid interim of 30 years by the Chiefs of Opobo.

5. AND WHEREAS on the 15th day of April, 1944, at a meeting of the Chiefs and representatives of the houses of the Chiefs recited in the second recital hereof it was decided that the shares of each said Chief mentioned in the third recital hereof would belong to each House as a whole and not to each individual House Head and that payment of each share should be made to the House Head and the Senior Members of the house or in the absence of a House Head, to the House Committee.

6. AND WHEREAS at the said meeting of the Chiefs and representatives of the House of the Chiefs held on the aforesaid 15th day of April, 1944, it was decided that Foster William Obanny, David W. Obanny, Nathan H. Obanny, Chief Amos D. Obanny, Johnson Obanny were the successors in office of the said Chief OBANNY deceased.

7. AND WHEREAS His Britannic Majesty's Government has agreed to accept the procedure for payment of claims contained in the fourth recital hereof upon having such indemnity as is hereinafter contained in case there shall hereafter prove to be some other person better entitled to receive payment of the sum of £369.4.7 (three hundred and sixty nine pounds four shillings and seven pence) on behalf of the said House of OBANNY.

NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the premises the said Foster William Obanny, David W. Obanny, Nathan H. Obanny, Chief Amos D. Obanny, Johnson Obanny.

hereby covenant with the Governor that they the said

Foster William Obanny

David W. Obanny

Nathan H. Obanny.

Chief Amos D. Obanny
Johnson Obanny

will at all times hereafter indemnify and keep indemnified the Governor against all claims and demands in respect of the payment of the said sum of £369.4.7 (three hundred and sixty-nine pounds four shillings and seven pence), being the said share of the claim of the House of OBANNY.

IN WITNESS WHEREOF the said

Foster William Obanny
David W. Obanny
Nathan H. Obanny
Chief Amos D. Obanny
Johnson Obanny

have hereunto set their hands their seals and His Excellency SIR ARTHUR FREDERICK RICHARDS has hereunto set his hand and caused the Public Seal of Nigeria to be affixed the day and year first above written:

Signed,sealed

Signed, sealed and delivered by the said

Foster William Obanny
David W. Obanny
Nathan H. Obanny
Chief Amos D. Obanny
Johnson Obanny

10/-pd. CRB 191073 of 9/10/44

Sgd.

Magistrate Full Powers:

In the presence of

Sgd.

Interpreter & Witness to marks

Signed, sealed with the Public Seal of Nigeria and delivered by SIR ARTHUR FREDERICK RICHARDS

sGD.

24.11.44

P.S.

In the presence of

Sgd.

Private Secretary

ORIGINAL

THIS INDENTURE is made the 9th day of October, 1944 BETWEEN

Sunday Jungo Manilla
Robert Jungo Manilla
Kanu Jungo Manilla
Atabara Jungo Manilla
Joseph Jungo Manilla

of Opobo

Successors in Office of the late Chief JUNGO MANILLA deceased and Senior Members of the House of the said Chief JUNGO MANILLA an original Chief of Opobo of the one part AND His Excellency SIR ARTHUR FREDERICK RICHARDS, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony and Protectorate of Nigeria acting for an on behalf of His Britannic Majesty's Government (hereinafter called the Governor) of the other part:

2. WHEREAS by a document dated the 17th June, 1892 and given under the hand of W. Cairns Armstrong, Deputy Commissioner and Vice Consul of Her Britannic Majesty's Government, Her Britannic Majesty's Government declared itself bound to pay to the Chiefs of Opobo concerned their heirs or successors the sum of £9,600 (nine thousand six hundred pounds) as compensation for the war, canoes and guns, conditionally surrendered in 1891 to Her Britannic Majesty's Government on production of the said instrument within fifty years from the 1st January, 1893, after an interim of 30 years from the said 17th June, 1892.
3. AND WHEREAS Sam Annie Pepple, Coockey Gam, Black Fobra, Fine Bone, Wogo Dappa, King Jaja, Ogolo Annie Pepple, John Africa, Saturday Jaja, Jacob Annie Stuart, Oko Jaja, Toby, John tom Brown, Tom Jaja, Bruce Jaja, How Strongface, Sam Oko Epelle, Deerie Tolefare, Obanny, Jungo Manilla, Cockeye Brown, Warri, Jack Tolefare, Sam Toby and Duke Norfolk were the Chiefs concerned.
4. AND WHEREAS the said document was produced within the aforesaid fifty years and after the aforesaid interim of 30 years by the chiefs of Opobo.
5. AND WHEREAS on the 15th day of April, 1944, at a meeting of the Chiefs and representatives of the houses of the Chiefs recited in the second recital hereof it was decided that the shares of each said Chief mentioned in the third recital hereof would belong to each House as a whole and not to each individual House Head and that payment of each share should be made to the House and the Senior Members of the House or in the absence of a House Head, to the House Committee.

6. AND WHEREAS at the said meeting of the Chiefs and representatives of the houses of the Chiefs held on the aforesaid 15th day of April, 1944, it was decided that Sunday Jungo Manilla, Robert Jungo Manilla, Kanu Jungo Manilla, Atabara Jungo Manilla, Joseph Jungo Manilla were the successors in office of the said Chief JUNGO MANILLA deceased.

7. AND WHEREAS His Britannic Majesty's Government has agreed to accept the procedure for payment of claims contained in the fourth recital hereof upon having such indemnity as it hereinafter contained in case there shall hereafter prove to be some other person better entitled to receive payment of the sum of £369.4.7 (three hundred and sixty-nine pounds four shillings and seven pence) on behalf of the said House of Chief JUNGO MANILLA

NOW INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the premises the said Sunday Jungo Manilla, Robert Jungo Manilla, Kanu Jungo Manilla, Atabara Jungo Manilla, Joseph Jungo Manilla

hereby covenant with the Governor that they the said

Sunday Jungo Manilla
 Robert Jungo Manilla
 Kanu Jungo Manilla
 Atabara Jungo Manilla
 Joseph Jungo Manilla

will at all times hereafter indemnify and keep indemnified the Governor against all claims and demands in respect of the payment of the said sum of £369.4.7 (three hundred and sixty-nine pounds four shillings and seven pence), being the said share of the claim of the House of JUNGO MANILLA

IN WITNESS WHEREOF the said

Sunday Jungo Manilla
 Robert Jungo Manilla
 Kanu Jungo Manilla
 Atabara Jungo Manilla
 Joseph Jungo Manilla

have hereunto set their hands their seals and His Excellency SIR ARTHUR FREDERICK RICHARDS has hereunto set his hand and caused the Public Seal of Nigeria to be affixed the day and year first above written:

Signed, Sealed.

Signed, sealed and delivered by the said

Sunday Jungo Manilla
 Robert Jungo Manilla
 Kanu Jungo Manilla
 Atabara Jungo Manilla
 Joseph Jungo Manilla

10/-pd. CRB 191072 of 9/10/44

in the presence of

Sgd. Interpreter & Witness to marks

Sgd. Magistrate Full Powers
 Opo. O.

Signed, sealed with the Public Seal of Nigeria and delivered
 by SIR ARTHUR FREDERICK RICHARDS

Sgd.

24.11.44

In the presence of

Sgd.

Private Secretary.

P.S.

ORIGINAL

THIS INDENTURE is made the 9th day of October, 1944 BETWEEN

Josiah Cockeye Brown
 Newyear Cockeye Brown
 Isaac Jose Cockeye Brown
 Minadiri Cockeye Brown
 Christmas Cockeye Brown
 Abraham Peter Cockeye Brown

of Opo

successors in office of the late Chief COCKEYE BROWN deceased and Senior Members of the House of the said Chief COCKEYE BROWN an original Chief of Opo of the one part AND His Excellency SIR ARTHUR FREDERICK RICHARDS, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony and Protectorate of Nigeria acting for an on behalf of His Britannic Majesty's Government (hereinafter called the Governor) of the other part:

2. WHEREAS by a document dated the 17th June, 1892 and given under the hand of W. Cairns Armstrong, Deputy Commissioner and Vice Consul of Her Britannic Majesty's Government, Her Britannic Majesty's Government declared itself bound to pay to the Chiefs of Opobo concerned their heirs or successors the sum of £9,600 (nine thousand six hundred pounds) as compensation for the war, canoes and guns, conditionally surrendered in 1891 to Her Britannic Majesty's Government on production of the said instrument within fifty years from the 1st January, 1893, after an interim of 30 years from the said 17th June, 1892.

3. AND WHEREAS Sam Annie Pepple, Cockey Gam, Black Fobra, Fine Bone, Wogo Dappa, King Jaja, Ogolo Annie pepple, John Africa, Saturday jaja, jacob Annie Stuart, Oko Jaja, Toby, John Tom Brown, Tom Jaja, Bruce Jaja, How Strongface, Sam Oko Epelle, Deerie Tolefare, Obanny, Jungo Manilla, Cockeye Brown, Warri, Jack Tolefare, Sam Toby and duke Norfolk were the Chiefs concerned.

4. AND WHEREAS the said document was produced within the aforesaid fifty years and after the aforesaid interim of 30 years by the Chiefs of Opobo.

5. AND WHEREAS on the 15th day of April, 1944, at a meeting of the Chiefs and representatives of the houses of the Chiefs recited in the second recital hereof it was decided that the shares of each said Chief mentioned in the third recital hereof would belong to each house as a whole and not to each individual House Head and that payment of each share should be made to the House Head and the Senior Members of the house or in the absence of a House Head, to the Committee.

6. AND WHEREAS at the said meeting of the Chiefs and representatives of the houses of the Chiefs held on the aforesaid 15th day of April, 1944, it was decided that Josiah Cockey Brown, Newyear Cockeye Brown, Isaac Joe Cockeye Brown, Ninadiri Cockeye Brown, Christmas Cockeye Brown and Abraham Peter Cockeye brown are the successors in office of the said Chief COCKEYE BROWN deceased.

7. AND WHEREAS His Britannic Majesty's Government has agreed to accept the procedure for payment of claims contained in the fourth recital hereof upon having such indemnity as is hereinafter contained in case there shall hereafter prove to be some other person or persons better entitled to receive payment of the sum of £369.4.7 (three hundred and sixty-nine pounds four shillings and seven pence) on behalf of the said House of CHIEF COCKEYE BROWN.

NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the premises the said Josiah Cockeye Brown, Minadiri Cockeye Brown, Christmas Cockeye Brown and Abraham Peter Cockeye Brown.

hereby covenant with the Governor that they the said

Josiah Cockeye Brown
 Newyear Cockeye Brown
 Isaac Joe Cockeye Brown
 Minadiri Cockeye Brown
 Christmas Cockeye Brown
 Abraham Peter Cockeye Brown

will at all times hereafter indemnify and keep indemnified the Governor against all claims and demands in respect of the payment of the said sum of £369.4.7 (three hundred and sixty-nine pounds four shillings and seven pence), being the said share of the claim of the House of COCKEYE BROWN

IN WITNESS WHEREOF the said

Josiah Cockeye Brown
 Newyear Cockeye Brown
 Isaac Joe Cockeye Brown
 Minadiri Cockeye Brown
 Christmas Cockeye Brown
 Abraham Peter Cockeye Brown

have hereunto set their hands their seals and His Excellency SIR ARTHUR FREDERICK RICHARDS has hereunto set his hand and caused the Public Seal of Nigeria to be affixed the day and year first above written:

Signed, sealed.

Signed, sealed and delivered by the said

Josiah Cockeye Brown
 Newyear Cockeye Brown
 Isaac Joe Cockeye Brown
 Minadiri Cockeye Brown
 Christmas Cockeye Brown
 Abraham Peter Cockeye Brown

In the presence of

Sgd.

Interpreter & Witness to marks

12/-pd. CRB 191082 of 9/10/44

Sgd.
 Magistrate Full Powers
 Opobo

Signed, sealed with the Public Seal of Nigeria and delivered by SIR ARTHUR
FREDERICK RICHARDS

Sgd.

24.11.44

In the presence of

Sgd.

Private Secretary.

P.S.

ORIGINAL

THIS INDENTURE is made the 9th day of October, 1944 BETWEEN
Chief Ishamel B. Wariso of Opobo Town heir and successor in office of the late
Chief Warriso deceased and

Jim Kamanu Warriso

George Dappa Warriso

Edward Moses Warriso

Moses Fawari Warriso

Senior Members of the House of the said late Chief Warriso an original Chief
of Opobo of the one part and His Excellency SIR ARTHUR FREDERICK
RICHARDS, Knight Grand Cross of the Most Distinguished Order of Saint
Michael and Saint George, Governor and Commander-in-Chief of the Colony
and Protectorate of Nigeria acting for and on behalf of His Britannic Majesty's
Government (hereinafter called the Governor) of the other part.

2. WHEREAS by a document dated the 17th June, 1892 and given under the
hand of W. Cairns Armstrong, Deputy Commissioner and Vice Consul of Her
Britannic Majesty's Government, Her Britannic Majesty's Government de-
clared itself bound to pay to the Chiefs of Opobo concerned their heirs or
successors the sum of £9,600 (nine thousand six hundred pounds) as compen-
sation for the war, canoes and guns, conditionally surrendered in 1891 to Her
Britannic Majesty's Government on production of the said instrument within
fifty years from the 1st January, 1893, after an interim of 30 years from the said
17th June, 1892.

3. AND WHEREAS Sam Annie Pepple, Cookey Gam, Black Fobra, Fine
Bone, Wogo Dappa, King Jaja, Ogolo Annie Pepple, John Africa, Saturday Jaja,
Jacob Annie Stuart, Oko Jaja, Toby, John Tom Brown, Tom Jaja, Bruce Jaja,
How Strongface, Sam Oko Epelle, Deerie Tolefare, Obanny, Jungo Manilla,
Cockeye Brown, Warri, Jack Folefare, Sam Toby and Duke Norfolk were the
Chiefs concerned.

4. AND WHEREAS the said document was produced within the aforesaid fifty years and after the aforesaid interim of 30 years by the Chiefs of Opobo.

5. AND WHEREAS on the 15th day of April, 1944, at a meeting of the Chiefs and representatives of the houses of the Chiefs recited in the second recital hereof it was decided that the shares of each said Chief mentioned in the third recital hereof would belong to each House as a whole and not to each individual House Head and that payment of each share should be made to the House and the Senior Members of the house or in the absence of a House Head, to the House Committee.

6. AND WHEREAS at the said meeting of the Chiefs and representatives of the houses of the Chiefs held on the aforesaid 15th day of April, 1944, it was decided that Chief Ishmael B. Warriso was the heir and successor in office of the said Chief Warriso deceased.

7. AND WHEREAS His Britannic Majesty's Government has agreed to accept the procedure for payment of claims contained in the fourth recital hereof upon having such indemnify as is hereinafter contained in case there shall hereafter prove to be some other person or persons better entitled to receive payment of the sum of £369.4.7 (three hundred and sixty-nine pounds four shillings and seven pence) on behalf of the said House of Chief Jack Tolofare.

NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the premises the said

Chief Ishmael B. Warriso
 Jim Kamanu Warriso
 George Dappa Warriso
 Edward Moses Warriso
 Moses Fawari Warriso

hereby covenant with the Governor that they the said

Chief Ishmael B. Warriso
 Jim Kamanu Warriso
 George Dappa Warriso
 Edward Moses Warriso
 Moses Fawari Warriso

will at all times hereafter indemnify and keep indemnified the Governor against all claims and demands in respect of the payment of the said sum of £369.4.7 (three hundred and sixty-nine pounds four shillings seven pence), being the said share of the claim of the House of Warriso

IN WITNESS WHEREOF the said

Chief Ishmael B. Warriso
Jim Kamanu Warriso
George Dappa Warriso
Edward Moses Warriso
Moses Fawari Warriso

have hereunto set their hands their seals and His Excellency SIR ARTHUR
FREDERICK RICHARDS has hereunto set his hand and caused the Public
Seal of Nigeria to be affixed the day and year first above written:

Signed,sealed.

Signed, sealed and delivered by the said

Chief Ishmael B. Warriso
Jim Kamanu Warriso
George Dappa Warriso
Edward Moses Warriso
Moses Fawari Warriso

10/-pd. CRB 191077 of 9/1/44.

in the presence of

Sgd.

Interpreter & Witness to marks

Sgd.

Magistrate Full Powers:

Opo.Ob.

Signed, sealed with the Public Seal of Nigeria and delivered by SIR ARTHUR
FREDERICK RICHARDS.

Sgd.

24/11/44.

in the presence of

sgd.

Private Secretary.

P.S.

ORIGINAL

THIS INDENTURE is made the 9th day of October, 1944 BETWEEN Chief Edward Legg Jack of opobo Town heir and successor in office of the late Chief Jack Tolefare deceased and

Face Legg Jack Tolefare
 Moses Legg Jack Tolefare
 Samson Legg Jack Tolefare
 Jonah Nwokocha Legg Jack Tolefare
 Thomas Legg Jack Tolefare

Senior Members of the House of the said late Chief Jack Tolefare an original Chief of Opobo of the one part and His Excellency SIR ARTHUR FREDERICK RICHARDS, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony and Protectorate of Nigeria acting for an on behalf of His Britannic Majesty's Government (hereinafter called the Governor) of the other part.

2. AND WHEREAS by a document dated the 17th June, 1892 and given under the hand of W. Cairns Armstrong, Deputy Commissioner and Vice Consul of Her Britannic Majesty's Government, Her Britannic Majesty's Government declared itself bound to pay to the Chiefs of Opobo concerned their heirs or successors the sum of £9,600 (nine thousand six hundred pounds) as compensation for the war, canoes and guns, conditionally surrendered in 1891 to Her Britannic Majesty's Government on production of the said instrument within fifty years from the 1st January, 1893, after an interim of 30 years from the said 17th June, 1892.
3. AND WHEREAS Sam Annie Pepple, Cockey Gam, Black Fobra, Fine Bone, Wogo Dappa, King Jaja, Ogolo Annie Pepple, John Africa, Saturday Jaja, Jacob Annie Stuart, Oko Jaja, Toby, John Tom Brown, Tom Jaja, Bruce Jaja, How Strongface, Sam Oko Epelle, Deerie Tolefare, Obanny, Jungo Manilla, Cockeye Brown, Warri Jack Tolefare, Sam Toby and Duke Norfolk were the Chiefs concerned.
4. AND WHEREAS the said document was produced within the aforesaid fifty years and after the aforesaid interim of 30 years by the Chiefs of Opobo.
5. AND WHEREAS on the 15th day of April, 1944, at a meeting of the Chiefs and representatives of the houses of the Chiefs recited in the second recital hereof it was decided that the shares of each said Chief mentioned in the third recital hereof would belong to each House a whole and not to each individual Houses Head and that payment of each share would be made to the House Head and the Senior Members of the House or in the absence of a House Head, to the House Committee.

6. AND WHEREAS at the said meeting of the Chiefs and representatives of the Houses of the Chiefs held on the aforesaid 15th day of April, 1944, it was decided that Chief Jack Tolefare was the heir and successor in office of the said Chief Jack Tolefare deceased.

7. AND WHEREAS His Britannic Majesty's Government has agreed to accept the procedure for payment of claims contained in the fourth recital hereof upon having such indemnity as is hereinafter contained in case there shall hereafter prove to be some other person or persons better entitled to receive payment of the sum of £369.4.7 (three hundred and sixty-nine pounds four shillings seven pence) on behalf of the said House of Chief Jack Tolefare.

NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the premises the said

Chief Edward Legg Jack
 Moses Legg Jack Tolefare
 Samson Legg Jack Tolefare
 Jonah Nwokocha Legg Jack Tolefare
 Thomas Legg Jack Tolefare
 Face Legg Jack Tolefare

hereby covenant with the Governor that they the said

Chief Edward Legg Jack
 Face Legg Jack Tolefare
 Moses Legg Jack Tolefare
 Samson Legg Jack Tolefare
 Jonah Nwokocha Legg Jack Tolefare
 Thomas Legg Jack Tolefare

will at all times hereafter indemnify and keep indemnified the Governor against all claims and demands in respect of the payment of the said sum of £369.4.7 (three hundred and sixty-nine pounds four shillings and seven pence), being the said share of the claim of the House of Jack Tolefare

IN WITNESS WHEREOF the said

Chief Edward Legg Jack
 Face Legg Jack Tolefare
 Moses Legg Jack Tolefare
 Samson Legg Tolefare
 Jonah Nwokacha Legg Jack Tolefare
 Thomas Legg Jack Tolefare

have hereunto set their hands their seals and His Excellency SIR ARTHUR FREDERICK RICHARDS has hereunto set his hand and caused the Public Seal of Nigeria to be affixed the day and year above written:

Signed, sealed

Signed, sealed and delivered by the said

Chief Edward Legg Jack
 Face Legg Jack Tolefare
 Moses Legg Jack Tolefare
 Samson Legg Jack Tolefare
 Jonah Nwokocha Legg Jack Tolefare
 Thomas Nwokocha Legg Jack Tolefare

12/-pd. CRB 191071 of 9/10/44.

in the presence of

Sgd.

Interpreter & Witness to marks

Sgd.

Magistrate Full Powers
 Opobo

Signed, sealed with the Public Seal of Nigeria and delivered by SIR ARTHUR FREDERICK RICHARDS

Sgd.

24.11.44

in the presence of

Sgd.

Private Secretary. P.S.

ORIGINAL

THIS INDENTURE is made the 9th day of October, 1944 BETWEEN

Isaac Duke Norfolk

Jøremiah Duke Norfolk

Jacob Duke Norfolk

of Opobo

successors in office of the late Chief Duke Norfolk deceased and senior Members of the House of the said Chief Duke Norfolk an original Chief of Opobo

of the one part AND His Excellency SIR ARTHUR FREDERICK RICHARDS, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony and Protectorate of Nigeria acting for an on behalf of His Britannic Majesty's Government (hereinafter called the Governor) of the other part:

2. WHEREAS by a document dated the 17th June, 1892 and given under the hand of W. Cairns Armstrong, Deputy Commissioner and Vice Consul of Her Britannic Majesty's Government, Her Britannic Majesty's Government declared itself bound to pay to the Chiefs of Opobo concerned their heirs or successors the sum of £9,600 (nine thousand six hundred pounds) as compensation for the war, canoes and guns, conditionally surrendered in 1891 to Her Britannic Majesty's Government on production of the said instrument within fifty years from the 1st January, 1893, after an interim of 30 years from the said 17th June, 1892.

3. AND WHEREAS Sam Annie Pepple, Cookey Gam, Black Fobra, Fine Bone, Wogo Dappa, King Jaja, Ogolo Annie Pepple, John Africa, Saturday Jaja, Jacob Annie Stuart, Oko Jaja, Toby, John Tom Brown, Tom Jaja, Bruce Jaja, How Strongface, Sam Oko Epelle, Deerie Tolefare, Obanny, Jungo Manilla, Cockeye Brown, Warri, Jack Tolfare, Sam Toby and Duke Norfolk were the Chiefs concerned.

4. AND WHEREAS the said document was produced within the aforesaid fifty years and after the aforesaid interim of 30 years by the Chiefs of Opobo.

5. AND WHEREAS on the 15th day of April, at a meeting of the Chiefs and representatives of the houses of the Chiefs recited in the second recital hereof it was decided that the shares of each said Chief mentioned in the third recital hereof would belong to each House as a whole and not to each individual House Head and that payment of each share should be made to the House Head and the Senior members of the house or the absence of a House Head, to the House Committee.

6. AND WHEREAS at the said meeting of the Chiefs and representatives of the House of the Chiefs held on the aforesaid 15th day of April, 1944, it was decided that Isaac Duke Norfolk, Jeremiah Duke Norfolk, Jacob Duke Norfolk were the successors in office of the said Chief DUKE NORFOLK deceased.

7. AND WHEREAS His Britannic Majesty's Government has agreed to accept the procedure for payment of claims contained in the fourth recital hereof upon having such indemnity as is hereinafter contained in case there shall hereafter prove to be some other persons better entitled to receive payment of the sum of £369.4.7 (three hundred and sixty-nine pounds four shillings and seven pence) on behalf of the said House of Chief Duke Norfolk

NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the premises the said

Isaac Duke Norfolk

Jacob Duke Norfolk

Jeremiah Duke Norfolk

hereby covenant with the Governor that they the said

Isaac Duke Norfolk
 Jeremiah Duke Norfolk
 Jacob Duke Norfolk

will at all times hereafter indemnify and keep indemnified the Governor against all claims and demands in respect of the payment of the said sum of £369.4.7 (three hundred and sixty-nine pounds four shillings and seven pence), being the said share of the claim of the House of DUKE NORFOLK

IN WITNESS WHEREOF the said

Isaac Duke Norfolk
 Jeremiah Duke Norfolk
 Jacob Duke Norfolk

have hereunto set their hands their seals and His Excellency SIR ARTHUR FREDERICK RICHARDS has hereunto set his hand and caused the Public Seal of Nigeria to be affixed the day and year first above written:

Signed, sealed.

Signed, sealed and delivered by the said

Isaac Duke Norfolk
 Jeremiah Duke Norfolk
 Jacob Duke Norfolk

6/- pd. CRB 191081 of 9/10/44

In the presence of

Sgd.

Interpreter & Witness to marks

Sgd.

Magistrate Full Powers:

Opo.Ob.

Signed, sealed with the Public Seal of Nigeria and delivered by SIR ARTHUR FREDERICK RICHARDS.

Sgd.

24.11.44

In the presence of

Sgd.

Private Secretary

P.S.

ORIGINAL

THIS INDENTURE is made the 9th day of October, 1944, BETWEEN Solomon A.B.A. Pepple of Opobo Town, successor in office of the late Chief Sam Annie Pepple deceased, and Chief Josiah S.A. Pepple

Lazarus S.A. Pepple
Bruce S.A. Pepple
Jack S.A. Pepple
Sunday S.A. Pepple
Felix Akara S.A. Pepple

Senior Members of the House of the said Sam Annie Pepple, an original chief of Opobo of the one part AND His Excellency SIR ARTHUR FREDERICK RICHARDS, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony and Protectorate of Nigeria acting for and on behalf of His Britannic Majesty's Government (hereinafter called the Governor) of the other part.

WHEREAS by a document dated the 19th of June, 1892, and given under the hand of W. Cairns Armstrong, Deputy Commissioner and Vice Consul of Her Britannic Majesty's Government, at Opobo, Chief Sam Annie Pepple was thereby declared entitled to £640 (six hundred and forty pounds) being compensation for arms and ammunition he conditionally surrendered to Her Britannic Majesty's Government in 1889.

AND WHEREAS by the said document Her Britannic Majesty's Government upheld the claim on condition that the said document was produced by the said Chief Sam Annie Pepple, his heir or successor within fifty years from the 1st of January, 1893.

AND WHEREAS the said document was produced within the aforesaid fifty years by the Chiefs of Opobo.

AND WHEREAS by a document dated the 25th of June, 1892, and given under the hand of W.V. Tanner, Pro Consul of Her Britannic Majesty's Government, at Opobo, Chief Sam Annie Pepple was thereby declared to be further entitled to £230 (two hundred and thirty pounds) being compensation for small arms surrendered to Her Britannic Majesty's Government according to receipt produced.

AND WHEREAS at a meeting held on the 15th day of April, 1944 of the Chiefs of Opobo and representatives of the houses of the Chiefs of Opobo it was decided that Solomon A.S.A. Pepple was the successor in office of the said Chief Sam Annie Pepple deceased.

AND WHEREAS His Britannic Majesty's Government has agreed to pay the said sum of £640 (six hundred and forty pounds) and the further sum of £230 (two hundred and thirty pounds) to the said Solomon A.S.A. Pepple upon having such indemnity as is hereinafter contained in case there shall hereafter

prove to be some other person better entitled to receive payment of the said sums of £640 (six hundred and forty pounds) and £230 (two hundred and thirty pounds).

NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the premises the said Solomon A.S.A. Pepple and Chief Josiah S.A. Pepple

Lazarus S.A. Pepple
 Bruce S.A. Pepple
 Jack S. A. Pepple
 Sunday S.A. Pepple
 Felix Akara S.A. Pepple

will at all times hereafter indemnify and keep indemnified the Governor against all claims and demands in respect of the payment of the said six hundred and forty pounds and the further sum of two hundred and thirty pounds.

IN WITNESS WHEREOF the said Solomon A.S.A. Pepple and

Chief Josiah S.A. Pepple
 Lazarus S.A. Pepple
 Bruce S.A. Pepple
 Jack S.A. Pepple
 Sunday S.A. Pepple
 Felix Akara S.A. Pepple

have hereunto set their hands seals and His Excellency SIR ARTHUR FREDERICK RICHARDS has hereunto set his hand and caused the Public Seal of Nigeria to be affixed the day and year first above written:

Signed, sealed and delivered by the said

Solomon A.S.A. Pepple
 Chief Josiah S.A. Pepple
 Lazarus S.A. Pepple
 Bruce S.A. Pepple
 Jack S.A. Pepple
 Sunday S.A. Pepple
 Felix Akara S.A. Pepple

14/- pd. CRB 191064 of 9/10/44.

In the presence of

Sgd.

Interpreter & Witness to marks

Sgd.
 Magistrate Full Powers:
 Opobo

Signed, sealed with the Public Seal of Nigeria and delivered by SIR ARTHUR FREDERICK RICHARDS.

Sgd.

24.11.44

In the presence of

Sgd.

Private Secretary

P.S.

ORIGINAL

THIS INDENTURE is made the 9th day of October, 1944 BETWEEN Heggs Bruce Jaja of Opobo Town Heir and successor in office of the late Chief Bruce Jaja deceased and Chief Heggs Bruce Jaja, Horton Bruce Jaja, Oduobubara Bruce Jaja, Daniel Bruce Jaja, Jonah Bruce Jaja, Senior members of the house of the said Bruce Jaja, an original chief of Opobo of the one part AND His Excellency SIR ARTHUR FREDERICK RICHARDS, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony and protectorate of Nigeria acting for an on behalf of His Britannic Majesty's Government (hereinafter called the Governor) of the other part:

WHEREAS by a document dated the 23rd of June, 1892 and given under the hand of W. Cairns Armstrong, Deputy Commissioner and Vice Consul of Her Britannic Majesty's Government, at Opobo, Chief Bruce Jaja was thereby declared entitled to £950 (nine hundred and fifty pounds) being compensation for various weapons he conditionally surrendered to Her Britannic Majesty's Government in 1889.

AND WHEREAS by the said document Her Britannic Majesty's Government upheld the claim on condition that the said document was produced by the said Chief Bruce Jaja, his heir or successor within a period of fifty years from the 1st of January, 1893.

AND WHEREAS the said document was produced within the aforesaid fifty years by the Chief of Opobo.

AND WHEREAS at a meeting held on the 15th day of April, 1944 of the Chiefs of Opobo and representatives of the houses of the Chiefs of Opobo it was decided that Heggs Bruce Jaja was the heir and successor in office of the said Chief Bruce Jaja deceased.

AND WHEREAS His Britannic Majesty's Government has agreed to pay the said sum of nine hundred and fifty pounds to the said Heggs Bruce Jaja upon having such indemnity as is hereinafter contained in case there shall hereafter prove to be some other person better entitled to receive payment of the said sum of nine hundred and fifty pounds.

NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the premises the said

Heggs Bruce
Norton Bruce Jaja
Odububara Bruce Jaja
Daniel Bruce Jaja
Jonah Bruce Jaja

Senior members of the house of the said Chief Bruce Jaja hereby covenant with the Governor that they the said

Heggs Bruce Jaja
Horton Bruce Jaja
Oduobubara Bruce Jaja
Daniel Bruce Jaja
Jonah Bruce Jaja

will at all times hereafter indemnify and keep indemnified the Governor against all claims and demands in respect of the payment of the said £950 (nine hundred and fifty pounds).

IN WITNESS WHEREOF the said

Heggs Bruce Jaja
Horton Bruce Jaja
Odububara Bruce jaja
Daniel Bruce Jaja
Jonah Bruce Jaja

have hereunto set their hands their seals and His Excellency SIR ARTHUR FREDERICK RICHARDS has hereunto set his hand and caused the Public Seal of Nigeria to be affixed the day and year first above written.

Signed, sealed.

Signed, sealed and delivered by the said

Heggs Bruce Jaja
Horton Bruce Jaja
Jonah Bruce Jaja

10/-pd. CRB 191065 of 9/11/44.

in the presence of

Sgd.

Interpreter & Witness to marks

Sgd.
Magistrate Full Powers:
Opobo.

Signed, sealed with the Public Seal of Nigeria and delivered by SIR ARTHUR
FREDERICK RICHARDS

Sgd.

24.11.44

in the presence of

Sgd.

Private Secretary

P.S.

ORIGINAL

THIS INDENTURE is made the 9th day of October, 1944 BETWEEN
Chief George Cookey Gam of Opobo Town heir and successor in office of the
late Chief Cookey Gam deceased and Daniel Sunja Cookey

Humphrey Cookey

Gilbert F. Cookey

Horace Bell-Gam

Emmanuel T. Cookey

Elijah Saturday Cookey

Robert A. Cookey

Senior Members of the House of the said late Chief Cookey Gam an original
Chief of Opobo of the one part and His Excellency SIR ARTHUR FREDE-
RICK RICHARDS, Knight Grand Cross of the Most Distinguished Order of
Saint Michael and Saint George, Governor and Commander-in-Chief of the
Colony and Protectorate of Nigeria acting for and on behalf of His Britannic
Majesty's Government (hereinafter called the Governor) of the other part.

2. WHEREAS by a document dated the 17th June, 1892 and given under the
hand of W. Cairns Armstrong, Deputy Commissioner and Vice Consul of Her
Britannic Majesty's Government, Her Britannic Majesty's Government de-
clared itself bound to pay to the Chiefs of Opobo concerned their heirs or
successors the sum of £9,600 (nine thousand six hundred pounds) as compen-
sation for the war, canoes and guns, conditionally surrendered in 1891 to Her
Britannic Majesty's Government on production of the said instrument within
fifty years from the 1st January, 1893, after an interim of 30 years from the said
17th June, 1892.

3. AND WHEREAS Sam Annie Pepple, Cookey Gam, Black Fobra, Fine
Bone, Wogo Dappa, King Jaja, Ogolo Annie Pepple, John Africa, Saturday Jaja,
Jacob Annie Stuart, Oko Jaja, Toby, John Tom Brown, Tom Jaja, Bruce Jaja,
How Strongface, Sam Oko Epelle, Deerie Tolefare, Obanny, Jungo Manilla,
Cockeye Brown, Warri, Jack Tolefare, Sam Toby and Duke Norfolk were the
Chiefs concerned.

4. AND WHEREAS the said document was produced within the aforesaid fifty years and after the aforesaid interim of 30 years by the Chiefs of Opobo.

5. AND WHEREAS on the 15th day of April, 1944, at a meeting of the Chiefs and representatives of the houses of the chiefs recited in the second recital hereof it was decided that the shares of each said chief mentioned in the third recital hereof would belong to each House as a whole and not to each individual House Head and that payment of each share should be made to the House Head and the Senior Members of the House or in absence of a House Head, to the House Committee.

6. AND WHEREAS at the said meeting of the Chiefs and representatives of the Houses of the Chiefs held on the aforesaid 15th day of April, 1944, it was decided that Chief George Cookey Gam was the heir and successor in office of the said Chief Cookey Gam deceased.

7. AND WHEREAS His Britannic Majesty's Government has agreed to accept the procedure for payment of claims contained in the fourth recital hereof upon having such indemnity as is hereinafter contained in case there shall hereafter prove to be some other person or persons better entitled to receive payment of the sum of £369.4.7 (three hundred and sixty-nine pounds four shillings and seven pence) on behalf of the said House of Chief Cookey Gam.

NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the premises the said

Chief George Cookey Gam
 Daniel Sunju Cookey
 Humphrey Cookey
 Gilbert F. Cockey
 Horace Bell-Gam
 Emmanuel T. Cookey
 Elijah Saturday Cookey
 Robert A. Cookey.

hereby covenant with the Governor that they the said

Chief George Cookey Gam
 Daniel Sunju Cookey
 Humphrey Cookey
 Gilbert F. Cockey
 Horace Bell-Gam
 Emmanuel T. Cookey
 Elijah Saturday Cookey
 Robert A. Cookey.

will at all times hereafter indemnify and keep indemnified the Governor against all claims and demands in respect of the payment of the said sum of £369.4.7 (three hundred and sixty-nine pounds four shillings and seven pence), being the said share of the

claim of the House of Cookey Gam

IN WITNESS WHEREOF the said

Chief George Cookey Gam

Daniel Sunju Cookey

Humphrey Cookey

Gilbert F. Cookey

Horace Bell-Gam

Emmanuel T. Cookey

Elijah Saturday Cookey

Robert A. Cookey.

have hereunto set their hands their seals and His Excellency SIR ARTHUR FREDERICK RICHARDS has hereunto set his hand and caused the Public Seal of Nigeria to be affixed the day and year first above written.

Signed, sealed.

Chief George Cookey Gam

Daniel Sunju Cookey

Humphrey Cookey

Gilbert F. Cookey

Horace Bell-Gam

Emmanuel T. Cookey

Elijah Saturday Cookey

Robert A. Cookey.

10/-pd. CRB 191069 of 9/10/44

in the presence of

Sgd.

Interpreter and Witness to marks

Sgd.

Magistrate, Full Powers

Opobo.

Signed, sealed with the Public Seal of Nigeria and delivered by SIR ARTHUR FREDERICK RICHARDS

Sgd. 24.11.44

in the presence of

Sgd.

Private Secretary.

P.S.

Whereas the Chiefs of Opobo have by their loyal conduct in recent years won the confidence of Her Britannic Majesty's Government, and whereas Trade and Commerce have vastly increased in the River,

And whereas in 1891, £9,600 (nine thousand six hundred pounds) sterling was recommended by the Consular Court as a compensation for the war, canoes and guns, as by the list annexed, conditionally surrendered to H.B.M. Government, And whereas H.B.M. Government shall not uphold any claim for properties, guns and ammunition, &c. &c. confiscated as a punishment elsewhere outside the limits of the Town of Opobo, And whereas I am appointed by the Commissioner and Consul-General to make and execute this document upon the terms herein contained, Now the condition is such that H.B.M. Government shall pay and deliver to the Chiefs of Opobo concerned, their heirs or successors, the sum hereinbefore mentioned, any time, upon the production of this document within 50 (fifty) years ensuing from the 1st of January, 1893, after an interim of 30 (thirty) years from the date hereof assigned for the occupancy and the development of the resources of the Interior Territories by the British Government. Given under my hand at H.B.M. Vice-Consulate, Opobo, the 17th of June, 1892.

(Signed) W. Cairns Armstrong
Deputy Commissioner & Vice-Consul,

Govt. Stamp

or

Seal

Signed by the said W. Cairns Armstrong in the presence of,

(Sgd.) W.V. Tanner (Pro Consul)

Made and executed in our presence,

(Sgd.) R. Foster (Chairman, Court of Commerce)

(") Mary - Stowe (Government Interpreter)

Certified true copy

(Sgd.) Heggs Bruce

Opobo Town.

NA. ENUGU: CALPROF

List of war canoes surrendered and confiscated to Her Britannic Majesty's Government by the Chiefs of Opobo 1888 to 1889 (conditional)

Chief	War Canoe	Guns
Sam Annie Pepple	1	2
Cookey Gam	1	2
Black Fobra	1	2
Fine Bone	1	2
Wogo Dappa	1	2
King Jaja's Own (1) Queen		2
" " " (2) Oby Jack		2
Ogollo Annie Pepple	1	2
John Africa	1	2
Saturday Jaja	1	2
Jacob Annie Stuart	1	2
Oko Jaja	1	2
Toby	1	2
John Tom Brown	1	2
Bruce Jaja	1	2
How Strongface	1	2
Sam Oko Epelle	1	2
Deerie Tolefare	1	2
Obanny	1	2
Jungo Manilla	1	2
Cockeye Brown	1	2
Warriso	1	2
Jack Folefare	1	2
Sam Toby	1	2
Duke Norfolk	1	2

(Sgd.) W. Cairns Armstrong
 Deputy Commissioner & Vice-Consul.
 Certified true copy
 (Sgd.) Heggs Bruce.
 Opobo Town.

Govt. Stamp
 or
 Seal
 Certified 1892.

CONFIDENTIAL

No. 18989/321.
 SECRETARY'S OFFICE
 EASTERN PROVINCES
 ENUGU, NIGERIA.

31st May, 1944

The Honourable
 The Chief Secretary to the Government
 Lagos

Compensation for War Canoes and Guns

With reference to my letter No. 18989/316 of the 24th of May, 1944, I am directed to transmit herewith a copy of a petition together with its attachments received from the Opoobo League at Lagos. Copies have gone to the District Officer and to the Resident, Calabar Province, whose comments are awaited, but His Honour thinks you may wish to see the letter, and possibly even to seek the advice of the Attorney-General on the contents thereof, while awaiting the Resident's comments.

2. I am to add that His Honour wishes to discuss this matter during his forthcoming visit to Lagos.

Sgd.
 Secretary,
 Eastern Provinces.

THE OPOOBO LEAGUE LAGOS

c/o W.D. Dappa,
 Shell Co. of W. Africa Ltd., Lagos.

15th May, 1944.

His Honour
 The Chief Commissioner
 Eastern Provinces
 Enugu
 Thro' The District Officer
 Opoobo.

Your Honour,

We, the undersigned, on behalf of the Opoobo League, Lagos and the entire Opoobo Community in Lagos, most humbly forward this memorandum to your Honour in confirmation of our telegram to you on the 8th May, 1944, requesting

you to withhold payment of the £11,420 Opobo Claim to anybody as discussion proceeds.

We seize this opportunity of asking Your Honour to convey our heart-felt gratitude to the British Government for this one more mark of generosity which has greatly reaffirmed our faith in British justice and fairplay emblemised by the Union Jack.

We gathered from recent publication in the Press that a list of the so-called proper payees of the claim has been forwarded to your Honour by the Chiefs themselves. This, to us, savours of autocracy for it was done without consultation with the Opobo public and without regard to the feelings of the masses.

News reaching us from home has been most disappointing as to how they intend handling this money when paid to them.

Such acts are opposed to us or to anyone today who, by fundamental conviction, is a democrat. We are convinced that all social forms must rest upon the sanction of the people themselves. We are convinced the popular development is permanent only when it proceeds freely and independently and when every idea that is to be embodied in the people's life has first passed through the people's consciousness and has been acted upon the people's will. We are convinced that the welfare of the people and the will of the people must be the two more sacred and most inseparable principles of any leaders today. And this is democracy.

We sympathise with our Chiefs in their stand in the question of payment of this claim, human nature being what it is, but we take our stand against them in conformity with those accepted principles of democracy for which the whole decent and well-meaning world including ourselves, led by Britain, are today engaged in the greatest of struggles to crush the worst that human nature can produce - greed, denial of the rights of others and brutal force: appealing therefore to the Government as the sole defenders of those principles.

In as much as we would be the happiest to see their economic prestige return to them, we are convinced that this particular case has not offered the opportunity in the way they thought it, since the issue involved are of far greater importance than is imagined, and by falling in line with us now and dropping their most unprogressive intention of sharing this money among themselves, they shall have established a means to that end and prevented a greater future calamity.

We are fully convinced that the handling of this money by Chiefs or any other people in Opobo will simply lead to the greatest disturbance in the town, knowing as we do the secret prejudices, the controlling emotions and predominant passions that so often displace pure reason as the mainspring of action in Opobo especially in monetary matters. Such a step cannot produce the harmonious development of the people.

We therefore, hereby oppose any payment of this claim - whether the whole or the part - to these Chiefs on the ground that it is the most unsafe and uncongenial step to take. As things are today, we contend that although, as

Chiefs of Opobo they are the representatives of Opobo, payment should not necessarily be made through them or to them; and we strongly refuse that they themselves but the people of Opobo are the proper payees of this claim, our reasons being based on the facts of history, the facts of the agreements themselves, common sense and prudence.

We also add below suggestions as to how this amount should be paid and utilized.

Facts of History

Under the agreement dated Minimah, Grand Bonny, 13th October, 1869, a copy of which we attach hereto (as at A), our 15 Chiefs -founders of Opobo jointly agreed:-

- (a) "To elude Bonny and to form a settlement of their own". It means that by the agreement they had formed themselves into a nation and had constituted themselves into the Government of that nation. Henceforth they agreed not to act and speak as individual chiefs but as the Government and representatives of a nation; such as signed the agreements in connection with the claim of £11,420.
- (b) "To poll all their resources, property, guns, ammunition, money and men for the prosecution of the civil war. "And, of course, all other wars and troubles incidental to their political and economic establishment in their new settlement; thereby they declared the property, guns, ammunition, money and men as of a nation and not of individuals. The guns, property and ammunition mentioned in the agreement as destroyed were but some of the calamities suffered by our people during the crisis. The deportation of Jaja and his subsequent death in exile, the heavy fine inflicted on the Chiefs (as at B) attached, the threatened bombardment of Opobo Town and the consequent losses and deaths during evacuation cannot be overlooked in any consideration. The Opobo-Andoni case of 1923 illustrates that throughout the history of Opobo, stands have been taken not by individuals but by the people as a whole in matters affecting collective security such as the case in question. The cost of that case was borne by the people as a whole.
- (c) "To share equally among themselves, their heirs and successors, all the fruits of their sufferings", thereby, Opobo Town, the up-river markets, comey, work-bar, custom bar and all the other imposts and levies by their Government became common property and were shared equally by all of them.

Facts of the Agreements

The above points having proved that the property were the property of Opobo and not of individual Chiefs, the facts of the Agreements are easy to understand.

The Agreements were between Her Majesty's Government on the one side and the Government of Opobo on the other. Vice Consul Armstrong executed and signed the Agreements on the authority of the Foreign (not Colonial) Office and on behalf of the British Government, whilst our Chiefs signed on behalf and as representatives of the Government and people of Opobo. There was no question of individuality in those days. Chiefs exercised full authority over the people. They acted and spoke on behalf of the people both in home and foreign matters. By heirs and successors in their agreement, the Chiefs obviously had in mind conditions as obtained in their own days when community life meant all that it implied.

The abolition of the House Rule Ordinance in January 1915, brought a new and different situation. The direct authority of the Chiefs over their people ceased. Chiefs ceased to care for and feed the individual members of their houses as they could no longer be forced to work for them. Everybody went on his own.

What would have been the right procedure in days gone by of paying this claim to the people of Opobo through their Chiefs cannot hold well today as a result. Anything paid to the Chiefs today on behalf of the people of Opobo would simply find its way into their individual pockets and squandered to their individual interest and liking.

Common Sense and Prudence

Common sense and prudence therefore, decided that something better should be done.

At a time like the present when the popular cry in Nigeria is progress and the Government is being saddled with requests, both inside and outside the Legislative Council for something to be done, when the brightness of Opobo has faded and we are face to face with economic collapse and educational destitution, this amount, if utilized in the manner suggested by this memorandum, will be of immense value to us in particular and Nigeria in general and of incalculable help to the Government itself.

We consider it is a shame, an irreparable national tragedy, an insult to the intelligence of this age and a manifest lack of sympathy and wilfulness on the part of Government to pay this money to the Chiefs to be shared and squandered.

We refer Your Honour to leading Press opinions (as at C., D. and E) attached.

Our Suggestions

We request that:-

- (a) An "Opobo Improvement Fund" be established forthwith.
- (b) This amount to be paid direct into a Bank to this Fund.

- (c) Trustees comprising the Chief Commissioner (or Resident or the District Officer), three leading Chiefs and three other natives of Opobo.
- (d) This done, a "Jaja Memorial College" to be established at Opobo.
- (e) A proper Fishing Industry be established.
- (f) Launch transport services be opened between Egwanga and Opobo Town, Opobo and Bonny and Port Harcourt and Brass.

Our economic and educational problems shall have been solved to a great extent and the outcome of these undertakings will determine future possibilities.

We have the honour to be,
Your Honour,
Your most humble servants,

Enclosures:-

- (A) Agreement signed by the Chiefs-Founders of Opobo before the outbreak of the Civil War in Bonny in 1869.
- (B) Decretal part of sentence read to Chiefs of Opobo at Messrs Stuart & Douglas Factory March 12th 1889.
- (C) Excerpt from a leader in "*West Africa*" headed "Light on the story of an old debt from Opobo".
- (D) Editorial comment made by the "*West African Pilot*" of 18/4/44.
- (E) Editorial comment made by the "*Nigerian Eastern Mail*" of 6/5/44.

Sgd. J.A. Coockey (President)

- " A.J.I. Obomanu (Vice-President)
- " W.D. Dappa (Hon. Secretary)
- " E.J.G. Coockey
- " Lydia Jaja
- " R.A. Stewart x Her mark
- " J.W. Coockey
- " A.Dan Ogolo
- " C.D.T. Jaja
- " B.J. Obomanu
- " M.F. Pepple
- " D.J.I. Obomanu
- " B.A.T. Epelle
- " A. Toby
- " A.A.S. Jaja
- " S.T. Ogolo
- " M. Cockeye.

AGREEMENT SIGNED BY THE CHIEFS-FOUNDERS OF OPOBO BEFORE THE OUTBREAK OF THE CIVIL WAR IN BONNY IN 1869

By virtue of the powers and authority we vested upon Chief Jack Jaja Anne Pepple as successor of Opopo House, we the undersigned comrade-chiefs, comprising the political representatives of the said House, this day, hereby declare our voluntary engagement to elude Grand Bonny with a view to settle elsewhere in Andony territory, and, that the said Chief Jack Jaja Anne pepple and ourselves, parties hereto, have agreed between us and concluded the following articles:-

ARTICLE 1

For the better carrying on of the war with Manilla House people we hereby jointly engage to provide him, arms ammunition, and to contribute money and property towards all expenses incurred in maintaining the war-men with the necessary stores.

ARTICLE 2

It is understood herein that, for our losses in men and property as the result of the Civil War, each of us and each of our successors or persons representing our interest, from time to time, shall have the indefinite title to a share of the revenues from Comey, Work Bar, Custom Bar and such other imposts and levies after twenty-five percent of the whole has been reserved as income for the Big House.

ARTICLE 3

It is also agreed among us that the executive authority for the government of the settlement shall be solely reserved to each of us and to each of our successors or persons representing our interest, from time to time, as lawfully qualified for election and installation, as successor, to the Big House.

Made at Minimah, Grand Bonny, the 13th October, 1869.

		Their Marks
(Signed)	Jack Jaja Anne Pepple	X
"	Black Foobra	X
"	Jim Wariso	X
"	Wogo Dappa	X
"	John Africa	X
"	Anne Steward	X
"	George Darriar	X
"	Captain Uranta	X
"	How Strongface	X
"	John Tom Brown	X
"	Obarney	X

"	Fine Bone	X
"	Deerie Tulefare	X
"	Manilla	X
"	Jack Tulefare	X

Witness for the 15 marks:-

(Signed) B. Taylaur
 " J. Hemyway
 " D.C. Williams.

DECRETAL PART OF SENTENCE READ TO CHIEFS OF OPOBO AT
 MESSRS STUART AND DOUGLAS' FACTORY MARCH 12TH 1889

1. You are to pay a fine of three hundred (300) puncheons palm oil.
2. You are to deliver up all your war canoes, guns and rifles to be confiscated to the Queen.
3. You are to give tangible security to the amount of one thousand pounds (£1000) for good and loyal behaviour for three months.
4. You are further to clear out all your people, Chiefs and boys, and your canoes from the Azumene Creek, nor will you be permitted to go in to that Creek or use the markets situated on it for a period of three months, an exception to this exclusion from the Azumeme Creek is made in favour of Chief Uranta. It may be found necessary to extend this period for excluding you from the Azumeme markets if your behaviour should be such as to lead to the supposition that you would again work mischief there.
5. As to the payment of the tine, it may be possible that you have not three hundred (300) puncheons ready to leave in which case when you shall have delivered up your war canoes, guns and rifles, given bail for your good behaviour and cleared out of the Azumeme Creek, security for the payment of the balance of the fine will be accepted.
6. The Commander-in-Chief has given instructions for a strict blockade of the Town of Opopo to be at once established and it will be maintained with rigour until you shall have complied with 2nd and 4th clauses of this sentence of punishment on you which you have heard.
7. You will have to obey such orders as you may receive from me for summoning all your people from the markets generally from which they will continue to be excluded during the period that it is necessary to keep up the blockade of the Town. The oil belonging to Opopo people that may be found at the markets will be seized and taken in part payment of the three hundred (300) puncheons fine.
8. Your people at the markets are to be allowed to join in Town. When the blockade shall have been raised, you will be allowed to trade at all the markets

except those on the Azueme Creek from which as I have already told you, you are to be excluded from three months. If after taking measures for recalling your people now at the markets any one Opobo Which or boy should be found there the houses you have built at the markets will be burnt or destroyed.

9. Your houses at the markets should be left to the care of some Chief at each market but you will not be responsible for the loss you will sustain if they are destroyed by my orders. Your oil canoes which may be used for conveying any oil seized at the markets to the beach of the Vice President of the Governing Council will be detained at your risk until the blockade shall have been raised when they will be returned to you.

10. You will perceive by the orders issued by the Admiral respecting the blockade that you will have means of communicating with me but you must be careful to "(MISS LETTER)" observe to the letter the steps you are to take if you wish to avail yourselves of the privilege. A copy of these orders you will receive before you leave.

11. Let me particularly warn you not to attempt to break the blockade or to fire on the gun boat, the steam launches or any boats from them which may be approaching your shore. Such an act on your part will cause a bombardment of the Town which will necessarily entail loss of life and property.

Opobo, March 12, 1889,

True Copy.

(Signed) E.H. Hewett,
Consul.

EXCERPT FROM A LEADER IN "*WEST AFRICA*" HEADED "LIGHT
ON THE STORY OF AN OLD DEBT FROM OPOBO"

XX XX XX XX

Moreover, even if the difficulty as to identity were serious, there are only too many opportunities in the Rivers Districts to put £11,000 to good purpose in strengthening existing schools and colleges, or providing scholarships for African young men and women of the required grades. Like the matter of the Ashanti ground rents. It seems as if not the means but the will to use them were lacking.

XX XX XX XX

EDITORIAL COMMENT MADE BY "WEST AFRICAN PILOT" OF 18/4/44

A GREAT OPPORTUNITY FOR OPOBO

The decision of the British Government to honour its debt of over £11,000 to the Chiefs of Opobo district in the Rivers Division, provides these Chiefs with a unique opportunity for honest and selfless service to their people. With £11,420, the Opobo Chiefs can carry out such progressive measures as lack of funds has prevented since the Oil Rivers ceased to be the money mine of Nigeria.

The needs of Opobo, as part of the Rivers area, are many. In this connection, it is interesting to recall the maiden speech of Venerable the Honourable Archdeacon E.T. Dimiari, Member for Rivers Division, during the Budget Session. Rev. Dimiari said his people needed among other things, a serious fishing industry, a teacher's training scheme for free mass education, a transport launch service, and well equipped dispensaries.

Out of the blue has suddenly come financial power for Opobo to achieve one or more of these *desiderata*. But to do this, the Chiefs must forego their individual claims to the greater benefit of the people over whom nature has placed them as rulers. Payment having been decided upon, "the only question not at issue", says an official statement, "is the procedure for determining the proper payees."

This can only lead to one thing - rivalry, ill-will, personal disaffections, and possibly disunity among the Opobo people. We realize that the lure of money is difficult to resist, and it may be a great sacrifice asking payees to forgo their claims. But in the interest of the opobo people, we advise the Chiefs to use the money in a joint stock enterprise. What about building schools or dispensaries, or starting an Opobo People's Fishing Industry?

EDITORIAL COMMENT MADE BY "THE NIGERIAN EASTERN MAIL"
OF 6TH MAY, 1944

OPOBO'S £11,420

On another page we publish an article giving the history of the whys and wherefores of the award of £11,420 to certain persons in Opobo. Since it was definitely decided last year that this amount is to be paid to the proper persons entitled thereto, the chiefs of Opobo have been experiencing some impatience at Government's delay in taking steps to ascertain who are the "proper persons". The twenty-six Opobo Chiefs who feel themselves most concerned in this matter approached the Editor of this paper to see the Resident, Calabar Province about

the inexplicable delay in coming to an issue about the payment of this large sum of money. As it happened, when the Editor interviewed the Resident, His Honour was able to assure him that a District Officer was at that moment at Opobo conducting an enquiry as to who were the proper persons entitled to the £11,420 in question.

That this £11,420 will be paid, there is no doubt, and which or how many of our twenty-six friends will be considered the proper persons entitled, is a matter that interests us very little.

What we are concerned with is that the money be spent "for the economic, social or educational development" of Opobo, to quote the very words of the gentleman who wrote us on behalf of our friends the 26 Opobo chiefs. What will be a crying disgrace to the Opobo people is if the greater part of this money is spent on contentious and greedy litigation and the balance on childish and ostentatious celebrations and sordid self-indulgence. Critics are already prophesying that that is what will happen to this large sum of money and if their prophesies prove true, let the name of Opobo, once glorious, ever be a shame and disgrace in the history of this renascent dependency".

To avoid this shame, we suggest that those who consider themselves entitled to this large windfall constitute themselves together with the District Officer, Opobo, into a committee of trustees and hold this money in trust for the liquidation of illiteracy in Opobo. Under the same instrument of trust, a group of scholarships could be founded with a portion of this money to send overseas deserving sons of Opobo to qualify themselves to return and work for the regeneration of their country and their countrymen.

We wait to see whether this unexpected windfall will resound to the greater glory of Opobo or to its greater shame.

It is up to you, O' sons of Opobo.

C.S. 216. Faired despatch is at cover for HE's signature, but in view of para 2 p.218, it might be as well to hold it up until this matter has been discussed with CCEP, who is as yet unaware of this procedure now proposed.

Sgd.

MacDonald 7/6/44

Colonial Office
Downing Street
30th May, 1944.

NIGERIA

No. 196

Sir,

I have the honour to refer to my despatch No. 153 of the 10th May, 1944, regarding the Opobo claims and to transmit the accompanying copies of two

further letters which have been received from Sir William Geary on this subject, together with a copy of the letter sent in reply thereto.

2. With reference to Sir William's suggestion that jurisdiction in this case might lie with the High Court in this country rather than with the Nigerian Courts, the view of my Legal Advisers is that the fact that His Majesty's Government had accepted responsibility for the payment of the claim would not deprive the Nigerian Courts of their jurisdiction to decide a contract, the performance of which is to be effected in Nigeria. However, your Legal Advisers will no doubt consider the point.

3. With regard to the general question of the procedure to be adopted for determining the rightful payees, I await your report regarding the alternative proposals which were stated in your telegram No. 597 of the 15th April, to be under discussion.

4. With regard to the question of interest and costs, which Sir William Geary has raised, these would presumably be matters to be considered by any tribunal, whether a special tribunal or the ordinary courts, which dealt with the question of the determination of the payees.

5. I am addressing a separate despatch to you regarding the fifty paragraph of the letter to Sir William Geary from his clients, of which a copy was transmitted under cover of my despatch under reference.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

Sgd.

Oliver Stanley

GOVERNOR

SIR ARTHUR RICHARDS, G.C.M.G.,

etc., etc., etc.

27 May, 1944

30022/292/44.

Sir,

I am directed by Colonel-Oliver Stanley to inform you that copies of your letters Nos. 48a/44 of the 10th of May and 51a/44 of the 16th of May, on the subject of the Opoobo claims, have been transmitted to the Governor of Nigeria for his observations.

2. The document enclosed with your letter of the 10th May is returned herewith.

3. With regard to the Poor Persons Committee forms enclosed with your letter of the 16th of May, I am to say that the completion of these forms is a matter between yourself and your clients and that, in the circumstances, it is not considered that the inclusion of these documents in the official mail bag would be justified. The documents are accordingly returned herewith.

4. As requested in your letter of 16th May, a certified copy of the document executed by Mr. W. Cairns Armstrong, Vice Consul at Opobo, on the 17th June, 1892, is also enclosed herewith.

I am,
Sir,
Your Obedient Servant,
(Sgd.) A.B. Cohen.

CONFIDENTIAL

From: Chief Secretary, Lagos
To: The Secretary, Eastern Provinces, Enugu,

No.: 38706/246

Date: 22 June, 1944

I am directed to enclose for His Honour's information a copy of His Excellency's Confidential Despatch of the 18th of June relating to the settlement of the Opobo claims and to request that action be taken as soon as possible to ascertain whether the procedure suggested in paragraph 4 thereof will prove acceptable to the Houses concerned.

2. With reference to your Confidential letter No. 18989/321 of the 31st of May, I am to inform you that the papers have been referred to the Attorney-General, especially with a view to ascertaining whether the Agreement dated the 13th of October, 1869, would provide sufficient grounds for paying the money to the native authority. The Acting Attorney-General (Mr. Howe) has minuted:-

"The first point which arises is where is the original of the document ...? (i.e. the 1869 Agreement). Without the original or an authenticated copy the writers (i.e. the Opobo League Lagos) are not much further on.

Assuming that the document is in existence the following points arise:-

- (a) The document is dated 1869 and the documents of claim on which the £11,420 has been admitted bear date 1892/93.

(The Agreement of 1869) may not I consider be construed as in any way altering the House System resources for the one specific purpose of the war with the Manilla people. I am not aware of the date by which this war had finished but it seems unlikely that it

lasted for over twenty years in which circumstances the purposes of the document had expired before the documents of 1892/93 on which the money is now being paid were executed;

- (b) Article 2 of the document while including Comey, work bar etc. contains, naturally enough, no reference to any other sums which might accrue to Houses and I can find no satisfactory evidence that in 1892/93 the Opobo people were under any united form of government, other than the House system, upon which to base a claim for a united treasury;
- (c) Article 3 of the document appears specifically to preserve the House system;
- (d) The proposed method of payment to Houses as set out in the despatch appears sound whether the document is genuine or not, as legally once the Houses receive the House share it is a matter for the Houses to decide upon the use to which the money should be put.

The underlying idea to use the money for the benefit of the people, is very sound but not I fear on which may be enforced by Government without legislation. I am afraid that the money will be squandered unwisely but at least these people have the opportunity of showing to what degree of financial and national responsibility they have attained. The Press has shown a lively interest in this affair and the spending of the money will I expect be closely watched and if frittered away there will be criticism which might be of use to Government in its desire to divert Comey from individuals to Native Treasuries.

G. MACDONALD

for: Acting Chief Secretary to the Government.

18th June, 1944.

NIGERIA.

CONFIDENTIAL

Sir,

I have the honour to refer to your despatch No. 153 of the 10th of May on the subject of Opobo claims.

2. In my telegram No. 597 of the 15th of April, I informed you that the Chiefs had rejected the offer to appoint a tribunal under special legislation to establish the identity of the proper payees. In fact, when the matter was discussed with them they said that this procedure "would involve unnecessary litigation and expense". They did not however unequivocally reject an inquiry of any kind but the District Officer, Opobo, reported that they decided such offers as an attempt

by Government to cause further delay. They submitted a list of persons whom they said were the proper payees and maintained that there would be no dispute as to these.

3. In the note of the discussion held at the Colonial Office with Sir William Geary on the 5th of May reference is made to the interpretation of the words "heir or successor" or "heirs or successors" which appear in the relative documents. The question of the interpretation of these words of limitation had already been considered by this Government and particulars of the persons, whom the Chiefs regarded as the proper payees, were called for on the 15th of April. These have now been received and are attached in the form of a report by the District Officer, Opobo. This report shows the position of each claimant and gives brief details of the descent or succession upon which each claim is based. It will be observed from paragraph 8 of the report that the view was expressed by speakers from several Houses that the respective shares of the claims would belong to each House as a whole and would not be the personal property of each individual House Head; also that no disagreement was expressed with this view. There would appear to be merit in this submission which is based on the statement that the surrendered canoes and guns were House and not individual property.

4. If all the Houses support this view the distribution of each share would be simply affected by payment to the House concerned, leaving each House to distribute its share amongst its members as they may decide between themselves. I am advised that if each such payment were made subject to a form of bond of indemnity by each House, Government would probably be adequately secured. It is proposed therefore that payment should be made to the respective Houses and that the requisite bond should be executed by the following:-

(a) where there is a House Head, by him and the senior members of the House.

(b) where the Headship of the house is vacant, by the House Committee.

It will be observed that in some cases the validity of the election of the present House Head has been challenged. In such cases it is proposed that the bond be executed both by the present head and his chief supporters and by the leader of the rival faction and his supporters.

5. I consider that, if the above procedure is agreed to by all the Houses concerned, it would be preferable to a Commission of Inquiry and would probably avoid subsequent litigation. I am ascertaining whether all the Houses agree to the proposed procedure and should they do so, I shall request your approval thereof by telegram.

6. I would add that, with reference to your telegram No. 658 of the 9th of May, Finance Committee has voted the sum of £11,420 and that for political reasons, it has since been decided to pay this sum to the Opobo Native Treasury, where it will remain on deposit pending distribution.

7. I also enclose for your information copies of two letters dated the 2nd of April which have been received by the Chief Secretary from Sir William Geary together with a copy of the reply (No. 38706/200 of 30th May) which has been sent to him.

I have the honour to be,
Sir,
Your most obedient, humble servant,
(Sgd.) A.F. RICHARDS.
GOVERNOR.

COLONEL THE RIGHT HONOURABLE
OLIVER STANLEY, M.C., M.P.
SECRETARY OF STATE FOR THE COLONIES,
LONDON, S.W. 1.

CODE TELEGRAM NO. 873

Date 20th June, 1944. File No. 38706

To the Governor Nigeria

From: Secretary of State.

Repeated to

My telegram 658. OPOBO CLAIM

Geary refers in letters to the press notices in "Nigeria *Daily Times*" issued by the Public Relations Officer stating his letters to London "*Times*" were "inaccurate and misleading". Grateful copy of notice by early air mail.

2. Person named has also forwarded copy to Secretariat letter No. 38706/200 of May 30th. As he is constantly writing to this office on these claims and we have also to deal with possible Parliamentary questions and enquiries through Member of Parliament it would I think be preferable for any communication to him in this country on Opobo Claim made through Colonial Office.

C.S.

letter to sign pl. I will deal with above on return of the file.

Sgd.

22/6/44.

SAVING

From the Governor, Nigeria

To Secretary of State

Date 7th June, 1944.

No. 677. Saving

Your telegram No. 873 Opobo Claims. I transmit herewith a copy of the statement issued by the Public Relations Officer, together with copies of Sir William Geary's letters to the "Times" and the leading article entitled "Opobo and Sir William Geary" which appeared in the issue of the "Nigerian Spokesman" for the 18th of March, and which rendered the issue of the statement in question desirable.

C.S. We have not yet given consideration to 228 though in view of the new procedure now proposed I doubt whether any action is necessary. HAG may however care to consider para 2 thereof in the meantime, though perhaps this too might wait until the new procedure is accepted or rejected by the Chiefs.

2. Para 5 relates to the Chief's proposal at 194 to pay Sir Wm. £1000 and 2% of any interest he recovers. The promised despatch has not yet arrived.

J.O. Field.

27/4/44.

HAG You may wish to see para 2 of 228 but no action seems necessary pending S/S reply to 240.

MacDonald
for:CSG. 27/6/44

C.S.

245. In forwarding the statement (at 146) I think we might also forward copies of Sir W.M. Geary's letters at 120 and the "Spokesman" leader at 144, which gave rise to it. If approved I will p.u. suitable draft saving. We have already sent S/S a copy of p. 200 to which he refers in his para 2, as an attachment to the despatch at 240.

Sgd.
J.O. Field
23/6/44

THE TREASURY
LAGOS NIGERIA
23rd June, 44

12/20025
The Honourable
The Chief Secretary
Lagos

Opobo Claims

With reference to your savingram No. 38706/191 of the 17th May, I have to inform you that £11,420 has been paid on Port Harcourt P.V. 104 of the 5th June, 1944 in respect of Opobo Chief's claim.

Sgd.?

for: ACCOUNTANT-GENERAL

No. 12/20025
23rd June, 1944.

The Honourable
The Financial Secretary
Lagos.

For information with reference to your savingram No. 38706/158 of the 30th of April.

2. As the amount of £11,420 is reimbursable by His Majesty's Government will you please advise what arrangements have been made for recovery.

Sgd.?

for: ACCOUNTANT-GENERAL

THE TREASURY
LAGOS, NIGERIA
23rd June, 1944.
Ref.: No. 12/20025

The Honourable
The Chief Secretary
Lagos.

Opobo Claims

With reference to your savingram No. 38706/191 of the 17th May, I have to inform you that £11,420 has been paid on Port Harcourt P.V. 104 of the 5th June, 1944 in respect of Opobo Chiefs claim.

Sgd.? for: ACCOUNTANT-GENERAL.

Mr. Bain

252 to see. You will wish to take action perhaps but recovering the money from H.M.G. is a secondary consideration, the more so as we haven't yet paid it out to the Chiefs. At the moment, however, we are awaiting a reply to 246 (& 240) and you may be able to deal with the new point in the meantime.

Sgd.

J.O. Field

29.6.44.

F.S.

P.252

P.129 (a) H.M.G. have agreed to pay the £11,420.

P. 155 (b) S. of S. advised that advance should be made from Nigerian Funds against eventual repayment by H.M.G. if and when the money is voted by Parliament.

P.241 (c) S. of S. informed that F.C. had voted the money and that it had been decided to pay the amount to Opobo Native Treasury.

P.252 (d) Sum paid to Opobo N.T.

(e) Since Nigeria is losing (possible) interest on the £11,420 I think we should now advise S of S as at (d) and ask for reimbursement as in draft at cover.

Sgd.

L. Bain

29/6/44

Cuttings from the "*West African Pilot*" of the 7th July, 1944
Opobos In Calabar Oppose Proposal for Distribution of £11,420
Compensation.

CALABAR, July, 6 - It is understood here that the £11,420 compensation to the Opobo Chiefs is intended to be distributed among the Chiefs, under an arrangement which will give the Chiefs £10,420, and make £1,000 available for education in Opobo.

On the strength of this news, the local branch of the Opobo Improvement Union held a meeting recently, at which they unanimously refused to consent to this arrangement.

The following is text of the resolution drawn up at that meeting, and which was signed by 11 officials and members of the union:

"Be it resolved that we the ...officers and members of the Opobo Improvement Union, Calabar branch, for ourselves and on behalf of others strongly refuse to give our consent to the proposal of the Opobo Chiefs to disburse the

sum of £11,420 compensation forthcoming to the Opobos in this way - to share among themselves the sum of £10,420 and to allocate towards an education fund the sum of £1,000 only.

"Be it further resolved that payment of this sum of £11,420 or any part thereof should not, under any circumstances, be made to the Chiefs until the opinions of all sections of the towns people have been obtained, if possible by vote".

ONLY £1,000 FOR EDUCATION?

Of the £11,420 to be paid to the Opobo people, one would have thought that well over 50 percent thereof would be devoted to educational courses. At a recent meeting held in Calabar, some enlightened gentlemen contended that the sum of £10,420 earmarked for the Chiefs should not go to them while only £1,000 is provided for education.

Is £1,000 enough for the founding of a well equipped secondary institution? What of current expenses, maintenance of staff, etc.? Assuming that this £1,000 is meant for providing scholarships, is it enough to maintain a science student for passage, boarding, tuition, pocket and other incidental expenses? Even if it is surmised that the scholarships are to be tenable in secondary institutions how many students could complete their course out of £1,000?

We deplore the idea of earmarking only £1,000 for education. There are many reforms to be accomplished in Opobo. There is much that this money could do for neighbouring Ijaw tribes.

Think of £10,420 being given to Chiefs to further litigation and its attendant evils while only £1,000 is earmarked for education! Gosh, this is inconceivable! Why should the national economy be regarded as secondary to the interest of the Chiefs? Surely, the educational allotment is ill-conceived. Not less than 50 percent of this sum would do. We must have education first because it is the most vital instrument towards the elevation of any race of people.

J.O. Field

4.7.44

for:C.S.G.

Secretary Enugu.

38706x My letter No. 38706/246 of the 22nd of Junex Opobo Claimsx Following from Secer begins I am prepared accept procedure proposed for payment claim provided Houses agrcc. Please telegraph when reply is received from Opobox Endsx Request early reply.

Chiefsec.

CODE TELEGRAM NO. 915 Date July 3rd 1944 File No.
 To the Governor Nigeria
 From Secretary of State.
 Repeated to

CONFIDENTIAL

Your confidential despatch June 18th OPOBO CLAIMS

I am prepared accept procedure proposed for payment claim provided Houses agree. Please telegraph when reply is received from Opobo.

Convey to SEP. and ask for early reply.

sgd.?

4.7.44.

SAVINGRAM

From: Financial Secretary, Lagos.

To: Accountant-General, Lagos.

No. 38706/255.

Date: 4 July, 1944

With reference to your endorsement No. 12/20025 of the 23rd of June, I am directed to inform you that the Secretary of State will be asked to effect the necessary recovery, through the Crown Agents, in due course.

(Sgd.) Louis Bain

for: Financial Secretary.

65a/44.

13 June 1944.

From

Sir William Nevill M. Geary, Bt.

The Colonial Office.

Oxon Heath,

Tonbridge, Kent.

Gentlemen,

Opobo

I am informed that the Nigerian *Daily Times* published the following:- Opobo Claims. The following Press Notice has been issued by Public Relations Office - Sir William Geary's letters to the London *Times*, on which the leading article

appearing in the issue for March 28 is based, are inaccurate and misleading" &c &c.

I have not been able to exactly ascertain who or what is the Public Relations Office, but I believe it is a Press agency which is attached to or a branch of every English Ministry.

Will you please tell me whether this Press notice is authorized in any way by or emanates from the Colonial Office.

Please be so good as to reply hereto.

If so, please particularize wherein my letters to times are inaccurate and misleading.

If so would it not have been preferable to have contradicted them in *The Times* wherein my letters appeared which were signed, but the contradiction is anonymous.

Does not such a publication while my clients' claims are being considered (I have received today a letter from Secretariat Lagos) tend to prejudice their claims.

The Press Notice concludes: "It may be added that Sir William Geary has contributed in no way to establishing the claims or the decision to pay them".

I can offer no observation hereon (though the statement is somewhat offensively worded) but there is the saying "*post ergo propter*" My clients' application of March 1939 was ineffectual.

My letters to the *Times* were published in November and December 1943 and in January 1944 Colonel Stanley announced my clients' claim was admitted, in February my thanks were published in *Times*

Your obedient servant,

(Sgd.) WILLIAM NEVILL M. GEARY.

Nigerian Solicitor for

Opoobo Chiefs.

Please return the Indian States Blue Book sent you in connection with the Akarigbo claim to a treaty subsidy.

(Int.) W.N.M.G.

Nigerian Eastern Guardian, 4/7/44

THAT OPOBO WINDFALL

We feel it a duty that we owe to our beloved country to refer again today, to the subject of the £11,000 award to Opoobo. We agree with His Honour the Resident of Calabar that the award is in the nature of a windfall. As a rule individuals coming into such windfalls are apt to lose their heads. It would seem that

accordingly, some Opobo elders are dazed by the mighty award and unless prompt steps are taken to bring them to earth, there is no saying what may happen to the money.

Today, there is not a part of Nigeria where some important social work for the progress and well being of the people do not have to be shelved for lack of funds. Everywhere in our awakening country, people are being called upon to deny themselves of many of the good things of this earth, to sacrifice and toil so that means might be forthcoming of providing mass education, town improvement, hospital facilities and other social services.

Opobo is by no means well off with these modern amenities but rather is one of the most backward. We should have thought, therefore, that such a bulk award would be regarded as a Godsend, means of supplying a little (for £11,000 can only supply a little) of the thousand and one crying needs of the town. It is amply ridiculous therefore, to hear of some people asking to be allowed to spend the money on themselves.

It will be criminal if the present generation of Opobo youths should allow such ridiculous claim to pass. They can be sure of receiving no more outside sympathy for any cause of theirs if this award is not spent hundred per cent for the improvement of their town and to the glory of Nigeria.

30022/292/44.

22 June, 1944

Sir,

I am directed by Colonel Oliver Stanley to refer to your letter of the 13th June on the subject of the Opobo claims. The notice to which you refer was presumably issued by the Public Relations Office in Lagos, which is a Department of the Nigeria Government. No copy of it has been received in the Colonial Office.

2. With reference to your letter of the 17th June, I am to confirm that the wording of the original document reads "the Chiefs of Opobo concerned, their heirs or successors".

3. The letter of the 30th May addressed to you from the Nigerian Secretariat is returned herewith as requested.

I am,

Sir,

Your obedient servant,

(Sgd.) G.B. Edwin.

C.S.

From 260. I do not know whether Sir W.M. intends to take the opinion of some "eminent lawyer" with a view to bringing an action for damages for libel against

the PRO. Such would be in accordance with his practice. The statement is at 146 in Vol I. below. We might ask HAG to say whether there is anything actionable in it. He did not see it before it was issued.

J.O. Field

13/7/44

I don't think we need trouble H.A.G. at present.

Sgd.?

13/7/44.

TO: THE SECRETARIAT

LAGOS

NIGERIA

Sender's Address: Sir William Geary, Oxon Heath Tonbridge 66a/44 23 June 1944 Gentleman Opobo deed

I received yours of 30 May, ref. 38706/200 on 13 and forwarded it to Colonial Office for their information.

I cannot see the words "heirs or successors" would cause any difficulty to a competent conveyancer. These words, even independent of context and circumstances must be read as words "of limitation not of purchase" i.e. in non-technical language as conferring an absolute right on the obligee.

Cookey Gam had absolute property in his canoe the object of compensation and so he had absolute right to the compensation. The compensation under the deed of 17 June 1892 became what is technically called "purchase-in-action" which he could sell or bequeath. I may remind you that the late Mr. Macfarlane had a claim against the Turkish Government which he bequeathed by will to his children and many years later a sum of £3,600 became payable. Assuming that Cookey Gam the original obligee did not sell and died intestate it would devolve on his legal personal representative and it would be reasonable to ask George Cookey Gam to take out letters of administration - payment to an administrator is good until displaced by legal proceedings and it is for the administrator to distribute and it is for the next of kin to assert their rights against the Administrator. Surely this is elementary law. If Cookey Gam were married Christian fashion the next-of-kin would be ascertained under statute of distributions apart from amendments after 1900, otherwise if not so married according to native law which is fairly well-known. I explained this to Sir Allison Russell. If you refuse to pay, I shall advise my clients they can sue in England and I have obtained forms from the PCor persons Department to enable them to sue in England. I am writing separately about Public Relations publication.

Your obedient servant

William Nevill M. Geary

Solicitor for Opobo Chiefs.

C.S.

266. I do not know how Sir Wm. read into 200 a refusal to pay, but in a way one can sympathize with him in his petulance because it must be very exasperating not being able to collect his fees. His is probably not aware that the rest of Cookey Gam & Co's families question the chiefs' absolute view to the compensation. I don't think we need take any action on 26.

Sgd., J.O. Field

14/7/44

No action required.

Sgd.?14.7.44.

C.S.

268. Sir Wm. Geary's promised letter on the press notice spience with a letter of his usual *falsio suggesti*. He now asks us to tell him whether we authorized the notice, but at 245 the S/S asked us not to communicate with him direct.

2. The "Times" letters are at 120A in Vol.I. The inaccurate statements are:

- (i) There exists a document produced to Government in 1939 but the Nigerian Government and the Colonial Office makes default in payment. (letter of 6.11.43).

There was no default for at that time no liability to pay had been proved or admitted.

- (ii) "Payment has been causelessly deferred" (letter of unknown date).

Government did not then, and does not yet, know who the individuals are who are entitled to receive the money.

3. The letters are misleading because they cannot but keep conveying the impression to anyone not in possession of the facts that the liability has been clearly established and the Nigerian Government and the Colonial Office are casting about for an excuse to evade payment.

4. Our object was to show that it was Government and the Colonial Office who proved these claims on behalf of the Opobos, and not Sir Wm. Geary. In England such would not be necessary because there are a sufficient number of people informed enough to counterbalance the opinion of those who don't think for themselves but there is no such informed opinion here and blasts must be met with counterblasts.

5. I suggest we send Sir Wm's letters to the S/S with a covering Saving on the above lines, and leave the C.O. to send him an appropriate reply.

Sgd.

As you suggest.

J.O. Field

Sgd.

20.7.44

20.7.44.

C.S.

Draft submitted for consideration.

Sgd.J.O. Field (24.7.44.)

The Hon. the Financial Secretary
to Government
Nigerian Secretariat
Lagos

Hon. & Dear Sir,

Payment of Compensation
£11420 to 26 Opobo Chiefs

The payment of the above compensation to the twenty six particular Chiefs of Opobo, their heirs and successors was definitely overdue. Yet we are extremely grateful to His Majesty's Government for the justice exhibited to the satisfaction of all and the gratification of the Opobo Chiefs concerned, in the redemption of the pledge made a little over 50 years ago.

The point I am seriously and emphatically making and yet with due deference is that the payees of this compensation are completely embarrassed at the fact that the money has not yet reached their hands and there is no adequate reason for the delay, shall I say, the withholding.

The Resident Calabar Province has checked the list of the payees and ascertained without a shadow of doubt who they are, that constitute the accredited and legitimate heirs and successors to the original chiefs whose war canoes, and guns were surrendered to and confiscated by Her Britannic Majesty's Government between 1888 and 1889.

That the money is here, the payees are definitely know, still the money is not yet paid over, and no reason for non-payment is offered has been a tremendous source of mental anxiety and real embarrassment.

I submit therefore on behalf of those payees that the Government of Nigeria be gracious enough to make payment with the very minimum of unavoidable delay.

I have the honour to be,
Sir,
Your obedient servant,
O. Effiong.
Sgd.
Member for Calabar.

Colonial Office,
Downing Street
21st July, 1944.

NIGERIAN

No. 273.

Sir,

I have the honour to refer to your confidential despatch of the 18th June, 1944 on the subject of the Opoobo claims with which was enclosed *inter alia* a letter dated the 13th April addressed by Sir William Geary to the Chief Secretary.

2. I note that in paragraph 2 of this letter Sir William Geary states that he has left the question of the payment of interest and of costs to be decided by the Legal Adviser to the Colonial Office to act for both parties. This statement is wholly inaccurate, since the Legal Adviser has accepted no such responsibility. In fact I consider that both these questions are for you to decide in consultation with your Legal Advisers if the matter is pressed by the claimants. I may say, however, that I consider that it would be particularly difficult to justify a claim for costs. Should you decide that any payment should be made in respect of either costs or interest, this would have to be met from Nigeria funds, since I should not be prepared in the circumstances, to suggest that His Majesty's Government should accept this responsibility.

I have the honour to be,

Sir,

Your most obedient, humble servant,

Oliver Stanley

GOVERNOR

SIR ARTHUR RICHARDS, G.C.M.G.

C.S.

270. From the Hon. O. Effiong. We might reply to this pointing out that the money is now on deposit in the N.A. Treasury and will be paid out when the proper payees have been determined.

2. 271. This is a somewhat peculiar attitude for the C.O. to adopt in my opinion. This Government is not the debtor - we are merely acting as agents for the Imperial Government and if costs and interests are admitted, it is surely their responsibility to pay them.

3. On the question generally, I do not see why either Government should bear the costs. Sir Wm. Geary has rendered no material assistance either in establishing the claims or the persons to whom they should be paid. We are certainly not indebted to him in any way, and this is not a legal dispute in which costs might be agreed upon as part of a settlement. It is a matter between himself and

those who employed him, and Government's only interest is to see that he does not get too much.

4. As to the question of interest neither document makes any mention of it, but I do not know whether that fact rules out any legal claim to it. HAG may be asked to advise on this, and on the attitude we should adopt as regards a possible claim for costs?

Sgd.

J.O. Field

5/6/44

HAG

Will you please see 268 from Sir Wm Geary and minute at 269.

2. The press notice referred to is 146 and the newspaper articles are at 120A and 144. It is proposed to address S/S in Saving at cover. I should be glad if you approve.

Sgd.?

5/6/44

Saving

From the Governor, Nigeria

To Secretary of State, London

Date: 12th August, 1944.

No. 892. Saving.

My saving No. 677 of 27th of June. OPOBO CLAIMS.

I enclose a copy of a letter received from Sir William Geary on the subject of the Public Relations Office Press Notice.

2. The following statements in Sir William Geary's letters to the "Times" were considered inaccurate:-

(a) In the letter of the 6th November, 1943

".....there exists a document....but the Nigerian Government and the Colonial Office make default in payment" At the time the claim was still being investigated and there could therefore have been no default.

(b) In his subsequent letter (date unknown)

".....its authenticity has never been queried though payment has been causelessly deferred".

There are good cause for deferring payment for it was not then, and has not yet, been established which individuals are entitled to the money.

3. The letters were misleading because, to anybody not in possession of the facts, the inescapable inference is that although the claim been indisputably proved the Colonial Office and the Nigerian Government are seeking a pretext

to evade payment, and undoubtedly that was the impression that to a large extent obtained in this country, and which it was considered necessary to attempt to dispel.

4. No doubt Sir William Geary is a little nettled at the statement that he in no way contributed to establishing the claims or the decision to pay them. But these are the facts and in view of the somewhat heavy fees which he is apparently about to demand for his services, it is as well that the public, and his clients in particular, should be made aware of the true state of affairs.

5. In view of your telegram No.873 of 20th June, it is assumed that you will send Sir William an appropriate reply to his letter.

GNPZX

J.O. Field
for C.S.G. 14.8.44

Secretary Enugu.

38706x My telegram 38706 of 4th July Opobo Claimsx Essential that procedure for payment be determined without further delay but no action can be taken until it is known whether chiefs willing to accept procedure proposed in para. 4 of Governor's despatch of 18th Junex Request inform present position earliest.

Chiefsec.

Opobo Town,
OPOBO
2nd August, 1944.

The Senior Resident
Calabar Province
Calabar

Sir,

THE OPOBO CHIEFS' CLAIM OF £11,420

We request that, as entered in the "Notes on a meeting with the Opobo Town Council 20th June, 1944", Your Honour holds the compensation to our late fathers (26 Chiefs out of 67 Chiefs in Opobo Town) (as public) property which should go to the Native Treasury, and that Your Honour is influenced by objections of those not concerned, or are ignorant of the history and facts about this money, without consulting the Opobo Town Native Authority which holds no objection.

2. On the 24th April, 1944, the District Officer (Mr. H.M. Harcourt) held a full meeting of the Opobo Town Native Authority, and at which meeting were present a large number of men and women of our respective Houses. Investigating into the merits of each payee, the Native Authority and several members of our Houses gave evidence in support of our claim as rightful payees.
3. The agreement made in 1892 was not between H.B.M. Government and the "Chiefs and People" of Opobo, but between the Government and 26 Chiefs named in the agreement. Consequently, the compensation is not public property - it being no Government grant or award to the Chiefs and People of Opobo Tribe. As "heirs and or successors" of those original 26 Chiefs we claim a legal as well as moral right over this money.
4. We could not see any ground for Your Honour's fear of "friction and jealousy." Besides that we have freely agreed to donate a very substantial sum for the benefit of the Opobo people, the balance would be appropriated to the *Economic, Educational, and Social* advantages of the members of our respective Houses.
5. With reference to His Excellency's proposal for a bond to indemnify Government, we proffer no objection provided that it is not a delaying tactic. But we desire His Excellency to be informed that we desire the money paid, making allowance for all formalities, the latest, the 19th, September, 1944, which is the 57th. anniversary of the deportation of King Jaja - the deportation which had the confiscation of the war-canoes and guns as a sequel. Beyond this date we would be impelled to refer to our Solicitor in England to take necessary steps.
6. With Your Honour's permission a copy of this memorial is respectively forwarded direct to His Honour the Chief Secretary to the Government, Lagos, and to His Honour the Commissioner, Enugu.

I have the honour to be, Sir,
Your Honour's most humble servant,

Harry Toby
Per Pro The Opobo Chiefs for compensation.

Copy to:
Honourable
The Chief Secretary to Government
Lagos.

For your information please.
H.T.

CONFIDENTIALNo. 18989/372

SECRETARY'S OFFICE
EASTERN PROVINCES
ENUGU, NIGERIA
11th August, 1944

The Honourable
The Chief Secretary to the Government
Lagos

Compensation for War Canoes and Guns

With reference to your telegram No. 38706 of the 4th of July, I am directed to forward herewith (a) a further petition dated the 22nd of June, addressed to His Excellency by the Opoobo Town Native Authority pressing for immediate payment of their claims and (b) a copy of the resolution passed by the Calabar Branch of the Opoobo Improvement Union on the 26th of June, 1944, protesting against the payment of the £11,480 to the Chiefs "until the opinions of all sections of the towns people have been obtained, if possible by vote"; the signatories desire that this should be forwarded to the Government.

2. I am to say, in reply to your confidential letter No. 38706/246 of the 22nd of June, that the Resident, Calabar Province, has reported that the representatives of twenty four houses and disputing opponents have agreed to the method of payment suggested in paragraph 4 of the Despatch to the Secretary of State, a copy of which was transmitted therewith, and to the execution of the requisite bond. The representatives of the other two houses were absent from the meeting at which this consent was signified but the District Officer presumes that they have no objection to this proposal.

3. I am to add with regard to the resolution of the Calabar Branch of the Opoobo Improvement Union that His Honour assumes, in view of paragraph 2 of your confidential letter No. 38706/246 of the 22nd of June, that payment will now be made in the manner set out in paragraph four of the Governor's Despatch to the Secretary of State forwarded therewith and he suggests that the reasons for this method of payment should be made clear to the opobo people by the Resident when the payment is made.

Sgd.

Secretary
Eastern Provinces.

Opobo Town
Opobo

2nd June, 1944

His Excellency
Governor and Commander-in-Chief
Nigeria.

Your Excellency,

Opobo's Claim of £11,420 Compensation for war-canoes and guns
surrendered conditionally to H.B.M. Government between 1888 and 1889

Consequent on commercial controversy between King Jaja and some firms established in Opobo River in the eighties, Jaja was deported in 1887 to the Island of St. Vincent.

2. Jaja's deportation was pregnant with repercussive effects on the Chiefs and People of Opobo. Besides a naval blockade, disarming of the Town, a fine of £3000, security of £1000 not returned till today, confiscation of war-canoes and guns, there were depredations by the blue-jackets. The privations and indignities suffered were, in the majority of cases, un-British and unjustifiable.
3. When its sense of fairness and justice impelled the British Government to compensate the Opobo Chiefs for the war-canoes and guns conditionally surrendered (vide the last paragraph of page 162 of Burns's History of Nigeria) an undertaking was given in June, 1892 to pay, as compensation, sums of £9,6000, £950, and £870 aggregating £11,420. According to the conditions in the undertaking payment was not to be made before 30 years, and not later than 50 years, from the date the undertaking was executed.
4. In March 1939 the documents were tendered to the Nigerian Government but owing to the passivity of the Government for over four years, we regret to say, we were compelled to retain in June, 1943 the services of a Solicitor in England - Sir William Neville Geary Bart - who contacted Members of Parliament to champion our cause in the Imperial Parliament, besides establishing personal contact with the Colonial Office in London. The result of Sir William's activities is the decision reached by Parliament on the 19th January, 1944.
5. Government expressing in a Press Notice, in reply to an editorial in local journal, that "the only question now at issue is the procedure for determining the proper payees", appointed the District Officer, Opobo, who, in a full meeting of the Opobo Native Authority Council (at which meeting were present large representatives of the Houses concerned) held on the 24th April, 1944 conducted investigations for determining, and did determine, the "proper payees". The District Officer's Report, we believe, is now before Your Excellency. If investigations into the "only question at issue" had been completed we naturally expect announcement of date of payment.

6. The circumstances culminating in the undertaking given by H.B.M. Government give unpleasant reminiscences of the past. We trust that Your Excellency could think of, and also feel, the events in the degree we feel them, and therefore would make an order for immediate payment and thus terminate recollection of those sad events.

7. We submit to Your Excellency that the passivity of the Nigerian Government is responsible for the expenses we have incurred in securing the services of a Solicitor in England who had represented our interest - a function that could have quickly been discharged by the Nigerian Government. We cannot think that payment shall be unduly delayed as to compel us to move the hands of the Nigerian Government by resorting again to England. Recognizing the fact that Your Excellency holds the key to our appeal, we believe, shall receive immediate attention. We close with full expression to gratitude to Your Excellency for issuing order for payment without further delay.

I have the honour to be

Sir

Your obedient servant

Harry Toby

Ag. President, Opobò N.A. Council

N.B. Owing to expressions on communalizing this purely private property of our fathers, a copy of the Agreement for £9,600 and the list of Chiefs is attached, attention of Your Excellency being invited to the words underlined. Similar Agreement for £950 and £870 was made specially for Chiefs Bruce Jaja and Sam Annie Pepple. Does Government hold the view that this money is communal property when out of 67 Chiefs in Opobò Town, only 26 Chiefs surrendered their properties.

H.T.

SOLA

Whereas the Chiefs of Opobo have by their loyal conduct in recent years, won the confidence of Her Britannic Majesty's Government, trade and commerce have vastly increased in the River.

And whereas in 1891 \$9,600 (nine thousand six hundred pounds) was recommended by the Consular Court as a compensation for the war canoes and guns, as by the list annexed, conditionally surrendered to H.B.M. Government.

And whereas H.B.M. Government shall not uphold any claim for Properties, Guns and Ammunition &c. &c., confiscated as a punishment elsewhere outside the limits of the Town of Opobo.

And whereas I am appointed by the Commissioner and Consul-General to make and execute his document upon the terms herein contained.

Now the condition is such that H.B.M. Government shall pay and deliver to the Chiefs of Opobo concerned, their heirs and successors, the sum herein before mentioned, anytime, upon the production of this document within 50 (fifty) years ensuing from the 1st of January, 1893, after an interim of 30 (thirty) years from the date hereof assigned for the occupancy and the development of the resources of the Interior Territories by the British Government.

Given under my hand at H.B.M. Vice-Consulate, Opobo, the 17th of June, 1892.

L.S.

(Signed) W. Cairns Armstrong
Deputy Commissioner & Vice-Consul

Signed by the said W. Cairns Armstrong in the presence of,

(Pro-Consul) (Signed) W.V. Tanner

Made and executed in our presence,

(Signed.) R. Foster (Chairman, Court of Commerce)

(Signed) Mary Stowe (Government Interpreter).

List of War-Canoes surrendered and confiscated to Her Britannic Majesty's Government by the Chiefs of Opobo 1888 to 1889 (Conditionally).

Chief	War Canoe	Guns
Sam Annie Pepple	1	2
Cookey Gam	1	2
Black Fobra	1	2
Wogo Dappa	1	2
King Jaja's Own (1)	1	2
" " " " (2)	1	2
Ogollo Annie Pepple	1	2
John Africa	1	2
Saturday Jaja	1	2
Jacob Annie Stewart	1	2
Oko Jaja	1	2
Toby	1	2
John Tom Brown	1	2
Tom Jaja	1	2
Bruce Jaja	1	2
How Strongface	1	2
Sam Oko Epelle	1	2
Deerie Tolefare	1	2

Chief	War-Canoe	Guns
Obanny	1	2
Jungo Manilla	1	2
Cockeye Brown	1	2
Warriso	1	2
Jack Tolefare	1	2
Sam Toby	1	2
Duke Norfolk	1	2
Finebone	1	2

(Sgd.) W. Cairns Armstrong
Deputy Commissioner & Vice-Consul.

Certified 1892

L.S.

RESOLUTION MADE THIS 26TH DAY OF JUNE, 1944 BY THE
OFFICERS AND MEMBERS OF THE OPOBO IMPROVEMENT
UNION, CALABAR BRANCH

At a General meeting of the Opobo Improvement Union Calabar Branch, held at the residence of Mr. N.S. Coockey at Bedwell Street, Calabar on 26th day of June, 1944 the following resolutions are hereby made:

BE IT RESOLVED that we the undersigned officers and members of the Opobo Improvement Union, Calabar Branch, for ourselves and on behalf of others, strongly refuse to give our consent to the proposal of the Opobo Chiefs to disburse the sum of £11,420 compensation forthcoming to the Opobos in this way - to share among themselves the sum of £10,420 and to allocate towards and education fund the sum of £1,000 only.

BE IT FURTHER RESOLVED that payment of this sum of £11,420 or any part thereof should not under any circumstances be made to the Chiefs until the opinions of all sections of the towns people have been obtained, if possible by vote.

President Mr. N.S. Coockey.....Sgd.....
Secretary Mr. E.D.A. Jaja.....Sgd.....
Auditor Mr. A. Coockey.....Sgd.....
Press Representative Mr. D. Green.....Sgd.....
Mr. Marcus I. Coockey.....Sgd.....
Mr. Jacob A.T. Peppie.....Sgd.....
Mr. Emmanuel S. Pepple.....Sgd.....
Mr. Harmony M.A. Jaja.....Sgd.....

Mr. Friday A. Jaja.....Sgd.....
 Mrs. C.N. Cooley.....Sgd.....
 Miss Agnes Cooley.....Her x mark.....

For and on behalf of the officers and members of the Opobo Improvement
 Union, Calabar Branch.

H.A.G.

279.

The Opobo houses have agreed to the method of payment proposed in para 4
 p.241. S/S has also agreed - vide 256. Could the requisite bond of indemnity be
 drafted please.

MacDonald.

for: CSG.

14/8/44.

2. Ref. 271 and x at 280 would you please advise whether Government has
 incurred any liability as regards the Chiefs' expenses in this case - also any
 liability to pay interest.

Sgd. MacDonald.

14/8/44.

C.S.

At cover please find the indentures of indemnity required.

2. Government has not incurred any liability as regards the Chiefs' expenses
 in this matter nor any liability to pay interest; which incidentally could never be
 a charge against the Nigerian Government.

Sgd.? Crown Consul.

23.8.44.

CONFIDENTIAL

No. 18989/376

SECRETARY'S OFFICE

EASTERN PROVINCES

ENUGU, NIGERIA

16th August, 1944.

The Honourable

The Chief Secretary to the Government

Lagos.

Compensation for war canoes and guns

With reference to my letter No. 18989/372 of the 11th of August, I am directed
 to refer to the Editorial remarks which prefaced an article entitled "Opobo
 Today" published at page 134 of the issue of *African Affairs* for the month of

July, 1944, wherein it is stated that the "descendants of King Jaja" "have just been voted £11,420 by Parliament in settlement of a fifty year old claim against the kidnapping of the King by Consul (Sir) Harry Johnston in 1887" and also that the claimants "were assisted by Sir William Geary, Mr. Sorenson, M.P. and Colonel Ponsonby", who is a member of the Council of the Royal African Society.

2. I am to observe with regard to these comments that the description of the claim is in error and that they conflict with the statement already published by the Nigerian Government "that Sir William Geary" had "contributed in no way to establishing the claims or the decision to pay them". It follows presumably that neither Mr. Sorenson, M.P. nor Colonel Ponsonby, M.P. influenced the decision.

3. I am to say that the Journal of the Royal African Society is an authoritative publication to which considerable attention is paid and His Honour suggests therefore that the Editor should be required to make the necessary correction in the next issue.

CODE TELEGRAM NO. 1327A Date 24th August 1944 File No. 38706

From the Governor NIGERIA
To: SECRETARY OF STATE.

Repeated to:

CONFIDENTIAL

Your telegram 915 of 3rd July. OPOBO CLAIMS.

Houses have agreed proposed procedure. Indentures of indemnity drafted by Law Officers being forwarded to parties concerned for signature prior to payment. Will inform you when all payments have been made.

2. Reference para. 2 your despatch No. 273 of 21st July, am advised this Government has not incurred any liability either for Chiefs legal expenses or for payment of interest.

(Mr. Field).

CONFIDENTIAL

From: C.S.G. Lagos

To the Secretary, Eastern Provinces, Enugu

No. 38706/287

Date: 26th August, 1944

Compensation for War Canoes and Guns - Opobo

I am directed to refer to your Confidential letter No. 18989/372 of the 11th of August, and to say, as regards your paragraph 3, that the assumption is correct and the suggestion therein is approved.

2. I enclose three forms of indenture of indemnity which have been prepared by the Law Officers and which are marked A, B. and C. respectively. As regards A, a separate indenture in this form is required to be signed by the Head and Senior members of or the House Committee of each of the Houses concerned in the share of the sum of £9,600. Indentures in the forms B and C are for signature by the Head and Senior Members of the Houses of Sam Annie Pepple and Chief Bruce Jaja in respect of the additional sums due to them under the other documents.

3. The indentures should be made out in duplicate and both original and counterpart should be signed by the parties. The originals and counterparts should then be forwarded for His Excellency's signature after which the counterparts will be returned for retention by the parties concerned.

4. Payment of the sums to the various Houses need not await His Excellency's signature of the indentures and may be made as soon as they have been signed by the parties concerned.

5. With regard to paragraph 7 of the petition dated the 22nd June, from the Acting President of the Opobo N.A. Council, His Excellency is advised that Government has not incurred any liability as regards the Chiefs' legal expenses in this matter and I am to ask that the petitioner be so informed.

(Sgd.) G. MacDonald

for: Ag. Chief Secretary to the Government.

Colonial Office,
Downing Street,

16th August, 1944.

NIGERIA.No. 301

Sir,

I have the honour to refer to my despatch No. 273 of the 21st July regarding the Opobo claims and to transmit to you a copy of a letter dated the 2nd August

from Sir William Geary in which he enquires whether the indemnity form which his clients are to be asked to sign can be submitted to him in draft. If you have no objection to this no doubt you will send me a copy of this document for transmission to Sir William Geary when the time comes. Meanwhile I shall be grateful if you will let me know by telegram how the matter stands.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

Oliver Stanley

GOVERNOR

SIR ARTHUR RICHARDS, G.C.M.G.,

etc., etc., etc.

To the Colonial Office
86a/44 2nd August, 1944.

Oxon Heath, Tonbridge, Kent.

Gentlemen,

Opobo Deed

Would it not be correct to show me the form of indemnity which my clients will be asked to sign? They are, I believe, mainly illiterate.

I am not particular as to form, but I don't want it worded so as to preclude claim for interest and costs, if maintainable.

Your obedient humble servant,

(Sgd.)

William Nevill M. Geary

Nigerian Solicitor for Opobo Chiefs.

C.S

285. The heading complained of is as 134 in "*African Affairs*" at cover. It might too, be described as "inaccurate and misleading" in that the claim is not against the "kidnapping" of Jaja by Consul Johnston and the assistance was confirmed to, asking question in Parliament and writing to the press. But I do not see what good will come of making any more disclaimers. After our last essay, the less said the better, I feel.

2. 294-5. I suppose Sir Wm. as solicitor for the claimants is entitled to see the documents. But he cannot have it both ways. He cannot keep on pressing us to pay and in the same breath ask us to hold up payment while he examines the papers. I do not think we should refuse to send him papers, but I think we should

telegraph S/S saying we have submitted the documents to the Chiefs and that we are quite prepared to submit them to Sir Wm. too, but that if Sir Wm. wants payment deferred until he has examined them, he must cable his clients advising them to request Government to suspend payment while he considers the documents. Otherwise we will pay as soon as the Chiefs etc. have signed.

Sgd.

J.O. Field

23/8/44.

C.S. Draft telegram for approval.

Sgd. 28/8/44

Approved.

Sgd. 28/8/44

CODE. TELEGRAM NO. 1346 Date 29th August 1944. File No. 38706
From the Governor NIGERIA
To SECRETARY OF STATE

Repeated to:

Your despatch No. 301 of 16th August. OPOBO CLAIMS

Indentures of indemnity have already been forwarded for acceptance by Chiefs. I have no objection to supplying GEARY with copies but in view of his repeated accusations that payment has been causelessly deferred, I am not prepared to postpone payment while he is examining them unless I receive a specific request from him and his clients to do so. Failing any such request payment will be made immediately the indentures are accepted and signed by the claimants.

2. Copies of the indentures are being forwarded by air mail.

(Mr. Field)

C.S.

Draft saving forwarding the indentures to S/S submitted at cover for appl.

Sgd.

23/8/44

apprd.

Sgd.

30/8/44

The Secretary of State for the Colonies, London

31st August, 1944.

989

Reference my telegram 1346 of 29th August. OPOBO CLAIMS.

I forward in duplicate the forms of indenture of indemnity that have been submitted to the Chiefs for their acceptance.

2. Form A is in respect of the indemnity to be given by the Head and Senior members or the House Committee, where there is no Head, of each of the Houses concerned in the share of the sum of £9,600. Forms B and C are in respect of the sums payable to the Houses of Sam Annie Pepple and Chief Bruce Jaja under the other documents.

(Intd.) J.O.F.

31/8/44

TO: THE HONOURABLE
THE CHIEF SECRETARY
LAGOS
NIGERIA

Dear Sir,

Did you receive my airgraph letter of 23 June last 66a/44? I have not received a reply.

The Colonial Office inform me that the Public Relations Office is a Department of the Nigerian Government.

There appeared lately in the Nigerian *Daily Times* a communication referring to myself personally and headed Public Relations Press Notice. In this communication is a passage to effect that the statements in my letters to the *Times* about the Opobo claims are "inaccurate and misleading". I wrote three letters to the *Times* all signed, which appeared in the issues of 6 November, and 29 December 1943 and 16 February 1944, all dealing with the Opobo deed of 17th June 1892. The last mentioned letter thanking Colonel Stanley on behalf of my clients for his announcement in Parliament of 29 January and adding - "all honour to the Secretary of State who bears an illustrations name for his declaration that England keeps her words which will enhance our prestige with the black subject races" I presume you are not referring to the statements in this letter as being "inaccurate and misleading" but will you please particularize what statements in the two previous letters you refer to and characterize as "inaccurate and misleading".

I am, dear Sir, your most obedient humble servant

William Nevill M. Geary

P.S. Would you please let me have copies of all written communications which have passed between you or Government officials and my clients and precis of all verbal communications: I have previously asked for this information.

William Nevill M. Geary.

CODE TELEGRAM NO. 1244 Date 14th September, 1944 File No. 38706

To: the Governor NIGERIA.

From: SECRETARY OF STATE

Repeated to

IMPORTANT

Your telegram No. 989 saving OPOBO CLAIMS. I am advised Indenture must be executed under seal of both repeat both parties and that as documents now forwarded apparently provide for signature only on part of Chiefs, it is doubtful their validity would be upheld by Courts. It would therefore be necessary either for Indenture to be executed by Chiefs under seal, or for documents to be described merely as agreement and not indenture. Grateful if position could be examined with your Legal Advisers and if you would report further by telegram.

(Mr. Field)

15/9/44

C.S.

299. Sir William again and the press notice!

As to the post-scripts, I do not think we should supply copies - he can get them from his clients if he wants them and I see no reason why we should go to the trouble of making precis of all our verbal communications. The request is absurd.

Sgd.

J.O. Field

1/9/44

A.H. ROBIN

for CSG

15.9.44

Secretary Enugu Repeated Resident Calabar.

38706x My 38706/287 of 26th Augustx opobo Claimsx Indentures must be executed under seal by both repeat both partiesx Draft indentures provide for signature by the Chiefs not under seal and following amendments therefore necessaryx In testimonium insert the words quote and seals unquote after the words quote their hands unquotex In attestation after the word signed insert the words quote sealed and delivered unquote.

Chiefsec.

Question by the Honourable the Member for Calabar Division (The Rev. & Hon. O. Effiong)

Legislative Council Meeting - March, 1945

5. Now that the £11,420 compensation to the 26 particular Chiefs of Opobo (their heirs and successors) whose war canoes and guns were conditionally surrendered to and confiscated by Her Britannic Majesty's Government between 1888 and 1889, is at hand, and the payees have been checked, definitely ascertained and located, will the Honourable the Financial Secretary be gracious enough to order payment soon? If not, why?

Sgd.

22/9/44.

C.S.

Above question for LegCo. There is no object in considering what the answer should be at this stage because it must depend on the situation in March next. Unless any unforeseen situation arise, the money should have been paid and the matter disposed of by the time LegCo sits again.

Sgd.

J.O. Field

25/9/44

Yes.

MacDonald

1/10/44

CODE TELEGRAM NO. 1441 Date September 15th 1944 File No. 38706

From the Governor NIGERIA

To SECRETARY OF STATE

Repeated to:

IMPORTANT

Your telegram No. 1244 of September 14th. OPOBO CLAIMS.

Indentures will be amended to provide for execution under seal by both parties.

(Mr. Field)

TO:- THE HONOURABLE

THE CHIEF SECRETARY

SECRETARIAT

LAGOS

NIGERIA

Sir,

Opobo deed of 17 June 1892

I have again to press for an answer to "*when will my clients be paid?*" It is now going on for 8 months since Colonel Stanley's announcement in Parliament and

further I have been officially informed by the Colonial Office on 29 August that an agreement had been reached with my clients and I have been shown a personal letter from Colonel Stanley. But still and nevertheless the Nigerian Government raises difficulties and makes delay in payment.

Considering the personal attack on myself which the Nigerian Government caused to appear in the local press camouflaged under "Public Relations" I cannot avoid the suspicion that some disgruntled official may be amusing himself by frivolous obstruction and being "the bush in the gap!"

2. I understand that it is proposed to pay in specie, hand to hand at Opobo. Is not this somewhat primitive and cumbrous? In such financial transaction, I prefer a cheque endorsed and payment passed through a bank's books. I am aware there is no bank at Opobo, but the Colonial Office informed me that it is only 113 miles over an "all weather" road to Port Harcourt.

It would seem the safer and simpler way for all parties that the Government should put the 26 payees in one or two Government lorries and take them to Port Harcourt for payment (where there is a branch of the Bank B.W.A., where vouchers or cheques might be endorsed by signature or mark and the bank make the payment then and there and pass it through their books. But I think the returning lorry should have an armed police guard.

I am honourable Sir, your most obedient humble servant,

William Nevill M. Geary

Nigerian Solicitor for Opobo Chiefs.

C.S.

305. Sir William again. I am not sure what he wants now. He does not want us to pay cash, but suggests everyone should report to the B.B.W.A. at P.H. and that the transaction should be completed there and passed through the bank's books. Does he want accounts opened by the Chiefs, or does he want the bank to pay them out in cash? The reference to an armed guard for the return journey suggests the latter. Perhaps he does not trust us, and thinks some of the cash might stick to our palms. Whatever his fears are, I don't think we will take any notice of them.

Sgd.

J.O. Field

27/9/44

Ignore

Sgd.

27.9.44

Extracted from the "Daily Times" of the 26th of September, 1944

CORRESPONDENCE

Opobo Deed

To the Editor,

"Nigerian *Daily Times*"

Sir, you published a Press Notice issued by the Public Relations Office which the Colonial Office inform me is a Department of the Nigerian Government.

The Press Notice which you published contains two passages relating to myself: "Sir William Geary's letters to the London *Times* ...are inaccurate and misleading" and "It may be added that Sir William Geary has contributed in no way to establishing the claims or the decision to pay them".

As to the first I wrote two letters to "*The Times*" published on 6th November and 29th December last, which I believe you republished: will "Public Relations" point out wherein anything contained in these letters is inaccurate or misleading?

As to the second, I cannot diagnose the mind of the Colonial office in respect of what contributed to the establishing the claims or the decision to pay them, beyond the argument "*post ergo propter*", The claim was originally made in March, 1939 and without result, but besides the letters referred to, friendly Parliamentarians put questions and on 19th January, Colonel Stanley, Secretary of State, announced in the Commons that the claim was admitted.

On 16th February last a letter from me was published in "*The Times*" thanking Colonel Stanley on behalf of my clients and thanking the Press.

I wrote: "All honour, therefore, to the Secretary of State, who bears an illustrious name for his declaration that England keeps her word" The payment was left to the Nigerian Government and incidentally up to date, my clients have not been paid.

Yours etc.,

William N.M. Geary

Oxon Hoath

Tonbridge, 9.8.44.

CODE TELEGRAM NO. 1349 Date 6th October, 1944 File No.

To the Governor NIGERIA

From SECRETARY OF STATE, LONDON.

Repeated to

Your telegram No. 989 Saving. OPOBO CLAIMS

Geary has asked that his clients may be informed that he approves form of indenture and advises they should sign subject to addition after words quote will

at all times hereafter indemnify and keep indemnified the Governor against all claims and demands unquote of words quote by such other persons unquotex Attorney advises no objection to this addition and if indentures not already executed they may be amended accordinglyx Inform earliest whether money yet paid and if not when payment is likely to be completed.

Chiefsec.

C.S.

308. I presume Sir W.G. wants the words added so as not to exclude any future claim by his clients in respect of interest, but I doubt whether the Indemnities as drafted would exclude such a claim, which would have to stand on its own merits. However s/S sees no objection to the addition but HAG agrees it might go in- if it is not too late.

2. Payment depends on satisfactory completion of the bonds. We do not know how far the people at Calabar have gone with that. I will have to enquire.

Sgd.

7/10/44

J.O. Field

POST AND TELEGRAPHS

TO CHIEFSEC.

2329 x October Indentures of indemnity were signed all but two houses on ninth October before your telegram arrived so that alteration not made therein payment of £10681:10/- made on eleventh October to all except King Jaja and Sam Toby houses whose money £738:10/- remains on depositx report, followsx addressed Chiefsec Lagos reptd Secretary Enugu.

Resident.

CODE TELEGRAM NO. 1625 Date October 23rd 1944. File No. 38706
(Conf.)

From the O.A.G. NIGERIA

To: SECRETARY OF STATE

Repeated to:

Your telegram No.1349 OPOBO CLAIMS

Indentures have been signed by all but two houses before parties could be informed of Geary's suggested amendment which was accordingly not included. Payment of £10,681.10.0 was made on October 11th to all houses except King Jaja House and Sam Toby House whose money amounting to £738.10.0 remains on deposit.

Report follows.

(Mr. Field).

Copied from file No. 02794/66

Nigeria.

The Secretary of State for the Colonies presents his compliments to the Officer Administering the Government, and has the honour to transmit, for his information, copies of Questions and Answers in Parliament as noted below:

Downing Street (13th October 1944.)

Date	Asked by	Answered by	Subject
27 Sept. 1944	Mr. sorenson	Colonel Stanley	Nigeria (OpoboAward)
			18 Oct. 1944

Extract from Official Report of
27th September, 1944

+ + +

NIGERIA (OPOBO AWARD)

36. Mr. SORENSEN asked the Secretary of State for the Colonies whether the negotiations for the settlement of the award to the people of Opobo arising out of the Jaja case have now successfully terminated.

COLONEL STANLEY: Yes Sir. the Houses of Opobo have now agreed to the procedure proposed by the Nigerian Government whereby payment is to be made to the Houses concerned, each House being left to distribute its share among its members as they may decide between themselves.

MR. SORENSEN: May I ask the right Hon. Gentleman whether, after this successful termination of discussions, the papers will be laid in a very short time now?

COLONEL STANLEY: That is a matter for the Houses concerned. I gather that some delay has been caused by the question of the lawyers' fees.

MR. SORENSEN: May I take it that the fees will not be greater than the award?

COLONEL STANLEY: I am afraid I cannot answer that.

No. 18989/401
SECRETARY'S OFFICE
EASTERN PROVINCES
ENUGU, NIGERIA
13 November, 1944

The Honourable
The Chief Secretary to the Government
Lagos

Compensation for War Canoes and Guns, Opobo

With reference to your confidential letter No. 38706/287 of the 26th of August, I am directed to return herewith in duplicate twenty-four indentures duly signed

to the following twenty-four houses of Opobo in respect of the document for the payment of the sum of £9,600:-

Sam Annie Pepple	John Tom Brown
Cookey Gam	Tom Jaja
Black Fubara	Bruce Jaja
Fine Bone	How Strongface
Wogo Dappa	Sam Oko Epelle
King Jaja 2	Deerie Tolefare
Ogollo Annie Pepple	Obanny
John Africa	Jungo Manilla
Saturday Jaja	Cockeye Brown
Jacob Annie Stuart	Warriso
Oko Jaja	Jack Tolefare
Toby	Duke Norfolk

2. In addition, the indentures of idemnity duly executed by Sam Annie Pepple and Bruce Jaja for the sum of £870 and £950 respectively are also attached.

3. I am to say that the King Jaja House has not yet signed as the chiefs concerned preferred to wait until after the election of a new head in December, but the Resident, Calabar Province, states that they are being asked to sign as soon as possible. The Sam Toby House has not yet signed as Chief Gabriel Sam Toby, the Head, is ill.

4. The sum of £10,581.10/- was paid to the Chiefs on the 11th of October, the shares of each house in respect of the document for £9,600 being £369.4.7d. The balance of £738.9.2d due to the two houses not yet paid is held in the Native Treasury on deposit.

Sgd. Secretary
Eastern Provinces

From: C.S.G., Lagos
To: The Secretary, Eastern Provinces, Enugu
No. 38706/319

Date: 29 November, 1944

Compensation for War Canoes and Guns, Opobo

With reference to your letter No. 18989/401 of the 13th of November, I am directed to return herewith the executed counterparts of the Indentures of Indemnity for delivery to the parties concerned.

(Sgd.) J.O. Field

for: Acting Chief Secretary to the Government.

SECRETARY'S OFFICE
EASTERN PROVINCES
ENUGU, NIGERIA

30th November, 1944

The Honourable
The Chief Secretary to the Government
Lagos

Compensation for War Canoes and Guns, Opobo

With reference to paragraph three of my letter No. 18989/401 of the 13th of November, I am directed to forward herewith in duplicate an indenture of indemnity duly signed by the Sam Toby House and to say that payment of the sum of £369.4.7 representing the share of this house was made on the 8th of November.

2. I am to add that the indenture in respect of the King Jaja House will be forwarded as soon as it has been executed by the parties concerned.

Sgd. Secretary,
Eastern Provinces.

From: C.S.G., Lagos

To: The Secretary, Eastern Provinces, Enugu

No. 38706/222

Date: 21st December, 1944

Compensation for War Canoes and Guns, Opobo

With reference to your letter No. 18989/404 of the 30th of November, I am directed to forward the executed counterpart of the Indenture of Indemnity for delivery to Chief Gabriel Sam Toby and the other signatories.

(Sgd.) J.O. Field

f: Ag. Chief Secretary to the Government

Colonial office
Downing Street
18th December, 1944.

NIGERIA

No. 451

Sir,

I have the honour to enclose the accompanying copy of a letter from Sir William Geary, in which he submits a formal claim for interest, as from March, 1939, in respect of the sums due under the Opobo award.

2. In the second paragraph of your telegram No. 1327A of the 24th August, 1944, you stated that you were advised that the Nigerian Government had not incurred any responsibility for the legal expenses of the Chiefs (a matter which Sir William has not so far raised again) or for payment of interest, and as I indicated in my despatch No. 273 of the 21st July, 1944, I consider that this matter is one for the Nigeria Government. I have no desire to question this view, but in as much as Sir William Geary may possibly carry out the threat implied in his letter to press his claim if necessary in the Courts, I should be glad, before replying to his letter, to be more fully informed as to the reasons advanced in support of the advise that the claim should be rejected. I enclose a copy of a note prepared by my Legal Advisers, setting out the position under English Law, which will no doubt be of interest in this connection.

3. As regards Sir William Geary's enquiry whether, in the event of litigation, a Petition of Right would lie in the English Courts as against the Treasury or in the Nigerian Courts against the Nigerian Government, I propose, if necessary, to inform him that if he wishes to institute legal proceedings in regard to this claim, he must take such action as he may be advised.

I have the honour to be,

Sir,

Your most obedient,
humble servant,

Oliver Stanley.

COPY

128a/44

18 November 1944

From: Sir William Nevill M. Geary, Bt. Oxon Heath
To the Colonial Office. Tonbridge, Kent.

Gentlemen

Opoobo deed 1892 and interest thereon.

I have received yours of 31 October informing me that the principal sum of £10,651-10-0 due under the deeds of 1892 has been paid but the sums of £738-10-0 being withheld whereon you will inform me later.

2. I am instructed by my clients to ask for payment of interest on the former sum and on the latter sum if and when paid. You may remember that on the interview of 5 May, I raised the question of interest and costs it was duly noted officially in the process-verbal.

3. I would submit that interest should run as from March 1939 when deeds were presented to the Lagos Secretariat for payment, and herein I would refer to my instructions of 12 June, 1943 whereof you took a copy.

Colonel Stanley being at that time in Nigeria I cabled to him 24 September, 1943. I also sent cables to Secretariat Lagos 15 October, 1943 with a letter and 12 November, 1943, none of these were answered, the last referred to interest.

4. With regard to your letter of 2 February, 1944 30022/292/44 that my clients claims have been accepted by H.M. Government, if litigations were unhappily to arise either as to £738-10-0 withheld or as to payment of interest, would petition of right lie in English Court as against the Treasury or in the Nigerian Courts against the Nigerian Government? I wrote to the solicitor to the Treasury as to interest and this gentlemen referred me to you.

Your most obedient humble servant.

(Sgd.) William Nevill M. Geary.

Nigerian Solicitor for Opobo Chiefs.

COPY

MEMORANDUM

1. This is not a case in which the debt would carry interest at common law. Halsbury, Laws of England, Vol. 23, p. 175.
2. This is not a case in which the debt would carry interest in equity. *Idem*, Vol. 23, p. 176.
 - (a) The position is not that of an obligor and obligee under a bond: since the documents are expressed to be under hand only - though the Vice-Consulate seal is impressed thereon. In any case, the document is conditioned for the payment of a specified sum without interest being mentioned, and accordingly the amount recoverable is the principal sum without interest. *Idem*, Vol. 3, p. 109.
 - (b) I do not consider that the Government can be considered to be in a fiduciary position to the chiefs. *Idem*, Vol. 23, p. 176.
3. The case does not come under any statute. There are no proceedings tried in any court of record for the recovery of the debt - and accordingly no interest can be obtained under the provisions of the Law Reform (Miscellaneous Provisions) Act, 1934. *Idem*, Vol. 23, p. 177).
4. Generally, when the Principal remains unpaid by causes outside the debtor's control interest cannot be claimed, and it seems to me that inasmuch as even at present the chiefs have not decided how the money is to be paid out, there were causes outside our control. *Idem*, Vol. 23, p. 179.

(Sgd.) A. Dursell.

5.12.44.

Saving

From The Secretary of State for the Colonies

To: The Officer Administering the Government of NIGERIA

Date: 3rd January, 1945.

No. 1 Saving

My telegram No. 1720. Now that Sir William Geary has died, I do not know whether the Opobo Chiefs will appoint another legal representative in this country, but I hope that it will be possible for the remaining negotiations to be conducted between the Nigerian Government and the Chiefs themselves. It is of course possible that in any case the question of interest may be raised in this country, in which case it would be useful to me to have the observations asked for in paragraph 2 of my despatch No. 451 of 18th December and I should be grateful if you would send these.

2. Grateful also if you would let me know the position regarding outstanding demands referred to in your telegram No. 1625.

SECER

CODE TELEGRAM NO. 1790 Date 20th December 1944 File No.

To The Governor NIGERIA Rec. 30th December, 1944.

From SECRETARY OF STATE, LONDON.

Repeated to

GEARY died December 26th. Savingram follows with regard to my despatch No. 451 of December 18th.

C.S.

From 323. In view of above we need do nothing until the Savingram arrives.

Sgd.

2/1/45.

C.S.

328 with 323-6.

The position as regard outstanding payments is that all have now been paid except King Jaja House who are waiting when they have elected a new head, which they are presumably doing now (vide para 3 p. 317: The Sam Toby House has since been paid p.320).

2. The Law Officers have not yet considered p. 326, as we had on houses after 327 while awaiting for 328. Crown Course advised at 284 that the Nigerian Government had incurred no liability for interest but gave no reasons. We are

now asked to explain the grounds on which we reject liability. HAG may be asked to advise X further on this point?

Sgd.

13.1.45

J.O. Field.

HAG

X above. Will you please advise

Sgd.

MacDonald

for: CSG

15.1.45.

C.S.,

The documents whereby the Opofo Chiefs claim to be entitled to compensation are, in my opinion:-

- (a) acknowledgements by H.B.M. Government of indebtedness to the chiefs for varying sums of money by way of compensation for canoes and guns surrendered to H.B.M. Government and
- (b) agreements to pay the sums agreed upon on production of the respective documents during a certain period of years.

2. I agree in general with the view expressed by Mr. Dursell in the memorandum enclosed in S/S's Nigeria despatch No. 451 although I am not quite satisfied about the views expressed in the last paragraph as they apply to this particular case.

3. Had the chiefs sued and obtained judgment then the position would be different but the case was merely one of acknowledgement of indebtedness which has been settled between the parties without the debtor denying liability at any stage. That being so the creditors in my opinion, cannot claim legal expenses for there was no necessity for them to seek counsel's aid.

4. I am doubtful about what is meant in paragraph 4 of the memorandum where it is stated that there were factors outside the control of the debtor more especially in the phrase "...as even at present the chiefs have not decided how the money is to be paid out, there were causes outside our control". That may be read in two ways; if it means how the chiefs themselves are to dispose of the money that I submit is no concern of H.B.M. Government because the purpose to which the money is put after payment is solely within the discretion of the payees. On the other hand if it means that the chiefs have not decided how the money is to be paid in the sense that they do not know to whom it is to be paid, that is hardly correct except in the case of one house. They of their own violation have never expressed any doubt. The doubt has arisen because the person paying is anxious to know and is justified in knowing that he will be receiving a

good discharge for the payment. But even assuming there has been delay on those latter grounds I do not consider that the payment of the money has been delayed to such an extent as to justify a claim for interest.

5. The correspondence, however, discloses a point of view in connection with interest and costs with which I do not agree. The Secretary of State in despatches No. 273 of 21st July and No. 451 of 18th December, both of 1944, states in effect that if interest and costs are payable they should be met from funds of the Nigerian Government. On the assumption that either interest or costs are to be met I entirely dissent from the view that they should be charged against Nigeria funds. If reference be made to the documents concerned it will be seen that the surrenders were made to H.B.M Government and moreover that Government upheld the claims and undertook to pay the amount, how then can it possibly be alleged that the question of interest on that amount or the costs of the recovery of that amount is a matter for the Nigerian Government. No, this matter is one for the Imperial Government and the Imperial Government alone. The Nigerian Government were only acting as the agents of the Imperial Government in this matter. It is, of course, possible that the Imperial Government may say its agent was dilatory or did not take care or something to that effect and thus should bear the further expense being incurred by H.B.M. Government but that is not the point at issue, the point at issue is whether or not on the documents this Government is liable for interest and costs. In my opinion the answer is most definitely in the negative.

Sgd.

A.G.

1.2.45.

Convey HAG's advice to S/S by Saving, as an enclosure thereto, and at the same time reply to para 2 of 328.

Sgd.

2.2.45

C.S.

Draft saving submitted for appl. Since we have merely acted as agents. it is possible that the Treasury will want the indentures of indemnity since it is HMG that is indemnified not this Government. I have added a query on this point.

Sgd.

J.O. Field

3/2/45.

Thanks. issue.

Sgd.

3/2/45

Saving

From the Governor, Nigeria

To: The Secretary of State for the Colonies, London,

Date: 3rd February, 1945.

No. 265 Saving.

Your saving No. 1 of 3rd January. OPOBO CLAIMS

I enclose a minute by the Attorney-General which sets out the ground on which this Government considers it is not liable for interest or legal costs. Since sir William Geary's death the opobo chiefs have not, so far as it is known, pursued the question of interest.

2. Payment has now been completed to all Houses with the exception of King Jaja House who have at the moment no Head and who, of their own accord, requested that their share should remain on deposit in the Native Treasury until they have elected one.

3. May I please be informed whether the Indentures of Indemnity should be retained in this country or whether it is desired that they be forwarded to you for delivery, if necessary, to the Treasury?

(Intd.) J.O.F.

No. 18989/410
SECRETARY'S OFFICE,
EASTERN PROVINCES,
ENUGU, NIGERIA.

12th February, 1945.

The Honourable

The Chief Secretary to the Government,

Lagos.

Compensation for War Canoes and Guns, Opobo

With reference to paragraph 2 of my letter No. 18989/404 of the 30th of November, 1944, I am directed to forward herewith in duplicate an indenture of indemnity duly signed by Chief Stephen U. Jaja and others for the King Jaja House.

Sgd.

Secretary

Eastern Provinces.

SECRETARY OF STATE, LONDON
20 February, 1945.

My Saving Telegram No. 265 of 3rd February, OPOBO CLAIMS. Payment has now been made to the King Jaja House.

GOVERNOR.

(Intd.) J.O.F.

Saving

From: Secretary of State for the Colonies

To the Officer Administering the Government of NIGERIA

Date: 6th March, 1945.

No. 177

Your savingram No. 265 Opobo Claims. Indentures of Indemnity should be retained in Nigeria.

SECER.

From. C.S.G., Lagos.

To: S.E.P., Enugu.

No. 38706/335 Date: 19th February, 1945.

Compensation for War Canoes and Guns, Opobo

With reference to your letter No. 18989/410 of the 12th of February, I am directed to forward the executed counterpart of the Indenture of Indemnity for delivery to Chief Stephen Jaja and the other signatories.

(Sgd.) J.O. field

for: Acting Chief Secretary to the Government.

C.S.

All that remains to clear up the Opobo War Canoes claims is to recover the money we have advanced, from H.M.G. This, I think, is a matter for "Finance".

Sgd.

21/3/45.

Saving

From Secretary of State for the Colonies,
To the Officer Administering the Government of NIGERIA

Date 15th March, 1945.

No. 205 Saving

Your savingram No. 389 20th February, Opobo Claims. £11,420 has been paid to Crown Agents for credit to Nigeria account in refund of amount advanced locally to enable payment to be made to the Chiefs.

To support the charge in the United Kingdom accounts please forward two copies of a statement showing amounts paid, names of payees, and date of payment. The statement should be certified by the Treasurer to the effect that all payments were made in accordance with the procedure approved in my telegram No. 915 of 3rd July, 1944, and should be submitted to the auditor for examination. I should be obliged if the statement could be forwarded at an early date.

SECER.

Mr. Carter,

This has now passed into the upper air of high finance. You will deal.

Sgd.

24/3/45.

CONFIDENTIAL

No. 38706/340

Copy to:

27th March, 1945

Accountant-General,

For information and necessary action, with reference to your endorsement No. 12/20025 of the 23rd June, 1944.

(Sgd.) W.S. Carter

for: Ag. C.S.G.

No. 38706/341

29th March, 1945

The Accountant-General,

Lagos.

Further to my Confidential endorsement No. 38706/340 of the 27th March, I am directed to inform you that it will only be necessary for you to certify that the statement is a correct record of payments made. The certificate to the effect

that payments were made in accordance with the approved procedure will be added in this office.

(Sgd.) W.S. Carter
for: Ag. Chief Secretary to the Government.

THE TREASURY,
LAGOS, NIGERIA
11th April, 1945.

Ref. No. 40/20150/1.

The Honourable,
The Chief Secretary,
Lagos.

Opobo Claims

With reference to your letter No. 38706/341 of the 29th of March, will you please let me have your file dealing with the above subject.

(Sgd.)
for: Ag. ACCOUNTANT-GENERAL.

F.S.

From. p.339.

2. It is difficult to see how S. of S. request can be met in its present form.
3. S. of S. evidently concludes from our p. 157 that payment in accordance with the procedure at para. 4, p.241 was by the Government Treasury. In fact, the money was paid over by Government to the Opobo Native Administration in accordance with the authority at p.191.
4. The position therefore is that the only transaction shown in Government Treasury records is the single payment to Opobo N.A. as scheduled by Acct.-General at cover.
5. S.E.P. could of course be requested to obtain copies of the relevant Opobo N.A. Payment vouchers and a schedule of these could be certified by D.O. Opobo or Resident, Calabar, as being payments made in accordance with the approved procedure. A check of the N.A. vouchers against the indentures in jacket attached could be made and as a result you could possibly counter-sign the necessary certificate.
6. But there is yet another difficulty. The N.A. vouchers have not been audited and are in any case not subject to examination by the Government auditor at the present time.

7. The only line of action appears to be in approach to S. of S. pointing out that the method of payment makes it impossible to provide a statement certified by the Colonial Treasurer and asking whether British Treasury requirements would be met by:-

- (i) the statement at cover ~~duly examined and signed~~ by the Auditor
- (ii) supported by a statement signed by the District Officer i/c Opobo Division and countersigned by you, to the effect that payment has been made in accordance with the approved procedure.

Sgd.?

16/4/45

A.S.

Telegraph S.E.P. for a statement certified by the N.A. Treasurer and countersigned by the D/O of the monies paid out, giving names, amounts, dates and any other relevant details - voucher numbers etc.

2. It can then be explained to S/S that the money was properly voted out and placed on deposit in the N.A. Treasury as approved by him at 256, and that the N.A. Treasury was the only available vehicle for payment as S/S is aware from despatch No - of - there is no Govt. audit of N.A. Treasuries in the E.P. and the Auditor is therefore not in a position to examine these accounts.

Sgd.?

23/4/45.

24.4.45

(Sgd.) W.S. Carter

for: Ag. C.S.G.

24/4/45

SECRETARY ENUGU

38706x Compensation claims by Opobo Chiefsx Please obtain and forward in triplicate earliest a statement certified by Nadmin Treasurer and countersigned by the District Officer of the monies paid out, giving names of payees, amounts, voucher numbers and datesx Statement required by Secerx

CHIEFSEC.

Nig. Sec.

(Sgd.)fw S. Carter

for: Ag. C.S.G.

2.5.45.

SECRETARY ENUGU

38076x 38706 of 24th Aprilx Compensation claims by Opobo Chiefsx Original Nadmin payment voucher should be forwarded with statement.

CHIEFSEC.

(Sgd.) W.S. Carter 31.5.45.

for: Ag. C.S.G. 31/5/45.

SECRETARY ENUGU

38706x My telegram 38706 of 2nd Mayx Can statement and vouchers be expected shortlyx Secer pressingx

CHIEFSEC.

Auditor

From p.339.

2. We discussed and you agreed that it would be possible to certify schedules attached at cover after checking firstly against the N.A. Payment vouchers (in envelope at cover) and the Govt. Payment voucher; secondly against the original indentures in open jacket attached.

3. The certificate that payment was in accordance with the procedure outlined at para 4, p.241, and approved at p.256, will be given by F.S.

Sgd.

for: A.C.S.G.

9/6/45.

No. 18989/421.

SECRETARY'S OFFICE,
EASTERN PROVINCES,
ENUGU, NIGERIA.

4 June, 1945.

The Honourable
The Chief Secretary to the Government
Lagos.

Compensation for War Canoes and Guns, Opobo

With reference to your telegrams Nos. 38706 of April 24, and 38706 of May 2, I am directed to forward herewith the following documents:-

- (a) A Statement (in triplicate) of monies paid to Opobo Chiefs as compensation for War Canoes, signed by the Native Administration Treasurer, and countersigned by the District Officer, Opobo (Mr. H.N. Harcourt);
 - (b) Opobo Native Administration Original Pay vouchers Nos. 4 of 13th October, 1944, 3 of 10th November, 1944 and 45 of 27th January, 1945.
2. Will you please acknowledge receipt.

Sgd.

Secretary,
Eastern Provinces.

CONFIDENTIAL

38706/352

9th June, 45

The Secretary,
Eastern Provinces,
Enugu.

I am directed to acknowledge receipt of the documents forwarded under cover of your Confidential letter No. 18989/421 of the 4th of June.

(Sgd.) W.S. Carter

for: Acting Chief Secretary to the Government.

F.S.

From p. 339.

2. The Auditor has checked the statement at cover, states that it is correct, and is prepared to give a certificate of examination. But he wishes first that your certificate that payment has been made in accordance with the approved procedure should be affixed.
3. The approved procedure for payment is laid down at paras 4 and 6 on p.241. In effect, it is as follows:-
 - (i) That the sum of £11,420 should be paid over to the Opobo Native Treasury where it will remain on deposit.
 - (ii) That payment should be made to each of the Houses that is entitled to a share in the compensation, subject to a form of bond of indemnity to be executed by each House.
 - (iii) The requisite bond should be executed by the following:-
 - (a) Where there is a House Head, by him and the senior members of the House.
 - (b) Where the Headship of the House is vacant, by the House Committee.

- (c) Where the Headship of the House is contested, by the present Head and his supporters and by the said leader of the rival faction and his supporters.
4. (i) has been compiled with - vide certified statement by the Acct-General. (ii) has been compiled with - vide statement certified by the Treasurer of the Opobo N.A. and the District Officer, Opobo. (iii) has been compiled with - vide original indentures in open jacket attached.
5. ? You will approve and sign a certificate as a set out below:

I hereby certify that the sum of £11,420 in respect of compensation for the War Canoes and Guns, conditionally surrendered in 1891 to Her Britannic Majesty's Government by the chiefs of Opobo, has been disbursed in accordance with the procedure approved for payment under Richard's Confidential Despatch of the 18th June, 1944, and approved by the Secretary of State for the Colonies in his Code Telegram No. 915 of the 3rd July, 1944.

.....June, 1945.

Sgd.....

Acting Financial Secretary

6. When your certificate has been added and the Auditor has completed action, a covering S.T. to S. of S. will be submitted in draft, setting out the considerations contained in Mr. Fletcher's minute at p. 345 with modifications arising out of subsequent action.

Sgd.?

13/6/45.

PAS (F')

Thank you. I agree with all your proposals which should clear up this vexed question.

Sgd.?

13/6

Auditor

File resubmitted for completion of action

Sgd. f.A. CSG.

15/6/45

F.S.

Three certificates for signature at cover

Sgd?

15/6

Hon. C.S.

I enclose two certified statements together with a copy of my letter to the D.C.S. on the subject.

Sgd.

H.W. Drake. Auditor. (15/6/45).

Statement in connection with Opobo Claims - Secretary of State's Savingram
No. 205 of 15th March, 1945.

<u>Amount paid</u>	<u>To whom paid</u>	<u>Date of payment</u>
£11,420	Opobo Native Administration	5th June, 1944

I hereby certify that the above sum was paid to the opobo Native Administration and the receipt thereof duly acknowledged on Port Harcourt payment voucher No. 104 of June, 1944.

(Sgd.) N. Turner.

AG. ACCOUNTANT-GENERAL

The Treasury,
Lagos, 18th April, 1945.

I hereby certify that the sum of £11,420 in respect of compensation for the War Canoes and Guns, conditionally surrendered in 1891 to Her Britannic Majesty's Government by the Chiefs of Opobo, has been disbursed in accordance with the procedure outlined in Sir Arthur Richard's Confidential Despatch of the 18th June, 1944, and approved by the Secretary of State for the Colonies in his Code Telegram No. 915 of the 3rd July, 1944.

(Sgd.) CLIVE WATTS.

Acting Financial Secretary.

15th June, 1945.

Examined.

(Sgd.) H.W. DRAKE.

Auditor.

15th June, 1945.

Statement of Compensation for War Canoes paid to Opobo Chiefs - 1944

<u>House</u>	<u>Payees</u>	<u>Amount £.s.d.</u>	<u>Opobo N.A. P.V. No.</u>	<u>Date.</u>
1. Pepple	Solomon A.S.A. pepple	369.4.7	4	13.10.44
	Josiah S.A. Pepple		"	
	Lazarus S.A. Pepple		"	
	Bruce S.A. Pepple		"	
	Jack S.A. Pepple		"	
	Sunday S.A. Pepple		"	
	Felix A.S.A. Pepple		"	

House	Payees	Amount	Opobo N.A.	Date.
		£. s. d.	P.V. No.	
2. Pepple	Solomon A.S.A. Pepple	870 - -	4	
	Josiah S.A. Pepple		"	
	Lazarus S.A. Pepple		"	
	Bruce S.A. Pepple		"	
	Jack S.A. Pepple		"	
	Sunday S.A. Pepple		"	
	Felix A.S.A. Pepple.		"	
3. Coockey Gam	George Coockey Gam	369.4.7	4	
	Daniel S. Coockey		"	
	Humphrey Coockey		"	
	Gilbert Coockey		"	
	Horace Bell Gam		"	
	Emmanuel T. Coockey		"	
	Elijah S. Coockey		"	
	Robert A. Coockey		"	
4. Black-Fubra	Robert D.B. Fubra	369.4.7	4	
	Michael J.B. Fubra		"	
	Victor T.B. Fubra		"	
	James J.B. Fubra		"	
	Jackson F.B. Fubra		"	
5. Fine-bone	Edward Finebone	369.4.7	4	13.10.44
	William Finebone		"	
	Henry Finebone		"	
	Peter Finebone		"	
6. Wogu Dappa	Fred Wogu Dappa	369.4.7	4	
	Amos Wogu Dappa		"	
	Abel I.W. Dappa		"	
	George Wogu Dappa		"	
	Nathaniel W. Dappa		"	
7. Sunday Jaja	Ezekiel S. Jaja	369.4.7	4	
	Eli O. Sunday Jaja		"	
	Monday S. Jaja		"	
	Kenrick S. Jaja		"	
	Erasmus S. Jaja		"	
	Dick E.S. Jaja		"	

House	Payees	Amount £.s.d.	Opobo N.A. P.V. No.	Date.
8. Ogolo	Sampson D. Ogolo	369.4.7	4	
	Raymond D. Ogolo		"	
	Joseph D. Ogolo		"	
	Sunday S. Ogolo		"	
	George Daminabo Ogolo		"	
		<u>£3,454.12.1d</u>		

Certified true Statement.

(Sgd.) A.F. Ambiet

N.A. Treasurer, Opobo

12 May, 1945

Countersigned.

(Sgd.) H.N. Harcourt

District Officer, Opobo

15 May, 1945.

9. John Africa	Herbert J. Africa	369.47	4	13.10.44
	Phillip J. Africa			
	George S.J. Africa			
	Amos I. Dick Africa			
	Joseph O.J. Africa			
10. Saturday Jaja	Daniel S. Jaja	369.4.7	4	
	Emmanuel M. Jaja			
	Jacob F. Jaja			
	Nna A. Jaja			
	Monday D. Jaja			
11. Annie Stuart	Daniel J.A. Stuart	369.4.7	4	
	Ezekiel A. Stuart			
	Gilbert O.A. Stuart			
	J.J.A. Stuart			
12. Oko Jaja	Erasmus Oko Jaja	369.4.7	4	
	Gabriel R. Jaja			
	Nwafor Oko Jaja			
	George Oko Jaja			
	Enoch P.O. Jaja			
13. Toby	Harry Toby	369.4.7	4	
	George K. Toby			
	Simeon T.D. Toby			
	G.F. Toby			
	Dick I. Toby			

House	Payees	Amount £.s.d.	Opobo N.A. P.V. No.	Date
14. Tom Brown	Fred A. Toby	369.4.7	4	13.10.44
	Zacchues Toby			
	Ben I. Toby			
	Y.N.J. Tom Brown			
	M. John Tom Brown			
	C.J. T. Brown			
	Emmanuel J.T. Brown			
	Heze. O.J.T. Brown			
15. Tom Jaja	Tobiah J.T. Brown	369.4.7	4	
	Daniel J.J.T. Brown			
	Fred Tom Jaja			
16. Bruce Jaja	Albert T. Jaja	369.4.7	4	
	Daniel T. Jaja			
	Heggs Bruce Jaja			
	Horton Bruce Jaja			
	O. Bruce Jaja			
17. Bruce Jaja	Daniel Bruce Jaja	950.-.-	4	
	Jonah Bruce Jaja			
	Heggs Bruce Jaja			
	Horton Bruce Jaja			
	O. Bruce Jaja			
	Daniel Bruce Jaja			
	Jonah Bruce Jaja			
		£7,358.8.9		

Certified true Statement.
(Sgd.) A.F. Ambiet
N.A. Treasurer, Opobo
12 May, 1945

Countersigned.
(Sgd.) H.N. Harcourt
District Officer, Opobo
15 May, 1945.

18. Strong Face	Thomas H. Strongface	369.4.7.	4	13.1.44
	Moses W. Strongface			
	Mark Igbi Strongface			
	Henry Strongface			
	Erasmus A. Strongface			
	George Strongface			
	Caleb Strongface			

House	Payees	Amount £.s.d.	Opobo N.A. P.V. No.	Date
19. Epelle Amos	Sam Oko Epelle Herbert M. Epelle Samuel G.A. Epelle Cornelius S.O. Epelle Emmanuel M.T. Epelle Frank F.W. Epelle Isaac John S.O. Epelle	369.4.7		
20 Deerie Tolefare	Albert Deerie Tolefare Isaac Warri D. Tolefare Johnson Deerie Tolefare Robert W.D. Tolefare Joseph R.D. Tolefare	369.4.7		
21 William Obanny	Foster William Obanny David William Obanny Nathan H. Obanny Johnson Obanny Amos D. Obanny	369.4.7		
22. Jungo Manilla	Sunday Jungo Manilla Robert Jungo Manilla Kanu Jungo Manilla Atabara Jungo Manilla Joseph Jungo Manilla	369.4.7		
23. Cockeye Brown	Josiah Cockeye Brown Newyear Cockeye Brown Isaac J. Cockeye Brown Mindari Cockeye Brown Christmas C. Brown Abraham peter Cockeye Brown	369.4.7	4	13.10.44
24. Warriso	Ishamel B. Warriso Jim Kamanu Warriso George Dappa Warriso Edward Moses Warriso Moses Fowari Warriso	369.4.7		

House	Payees	Amount £.s.d.	Opobo N.A. P.V. No.	Date
N. Legg Jack	Edward Legg Jack Face L.J. Tolefare Moses L.J. Tolefare Sampson L.T. Tolefare Jonah N.L.J. Tolefare Thomas L.J. Tolefare	369.4.7		
26. Duke Norfolk	Isaac Duke Norfolk Jeremiah D. Norfolk Jacob Duke Norfolk	369.4.7		
		£10,681.10-d		
27. Sam Toby	Gabriel Sam Toby Albert Sam Toby John A. Sam Toby Michael Sam Toby Jonah Sam Toby Wilfred Sam Toby	369.4.7	3	10.11.45
28. King Jaja	Stephen U. Jaja Aaron Jaja Randolph O. Pepple William O. Minimah Tom Dinne Jaja Miller Ozam Jaja Johnson F. Jaja	369.5.5	45	27.1.45
	Certified true Statement. (Sgd.) A.F. Ambiet N.A. Treasurer, Opobo 12 May, 1945	£11,420.	Countersigned. (Sgd.) H.N. Harcourt District Officer, Opobo 15 May, 1945.	

Examined.
(Sgd.) H.W. Drake
AUDITOR
15th June, 1945.

No. X.34/3

LAGQS
JUNE, 1945

Sir,

I have the honour to refer to paragraph 2 of your letter No. 4011/1 of 28th March, 1945, and to forward one copy of the certified Statement covering (a) payment of the claim of £11,420 by the Nigerian Government to the Obobo Native Administration made in accordance with paragraph 6 of the Governor's Confidential Despatch of 18th June, 1944, and (b) payment by the Native Administration Treasury to Obobo Chiefs made in accordance with paragraph 4 of the above-mentioned Despatch.

2. The payments have been checked with the original Native Administration vouchers and verified with Bonds of Indemnity executed by all the members of the Houses concerned indemnifying the Government of Nigeria against any further claims in respect of the sum of £11,420.

3. The payment to the Native Administration was charged to Expenditure Head 26 sub-head 15C Compensation - Obobo Chiefs Claims. The refund by His Majesty's Government appears in the Crown Agents accounts for March 1945. I am informed that it is proposed to credit this refund to a separate sub-head under Revenue Head 13 Reimbursements.

I have the honour to be,

Sir,

Your obedient Servant,

Sgd.

AUDITOR.

THE DIRECTOR OF COLONIAL AUDIT,
LONDON.

From: O.A.G., Nigeria.

To: The Secretary of State, London

18 June, 1945.

No. 1293 Confidential.

Your savingram No. 205 of the 15th of March. Obobo claims. I forward in duplicate a statement showing amounts paid, names of payees and dates of payment.

2. In my Confidential Despatch of the 18th of June, 1944, I proposed that payment should be made through the Obobo Native Treasury. This procedure

was approved in your Code Telegram No. 915 of the 3rd July, 1944. The attached statement is therefore in three parts:-

- (i) A statement certified by the Accountant-General that £11,420 was paid over to the Opobo Native Treasury.
- (ii) A statement certified by the Opobo Native Treasurer giving details of payments to the Opobo Chiefs.
- (iii) A certificate by the Financial Secretary to the effect that payment was made in accordance with the approved procedure.

3. As you are aware, the Audit Department does not audit Native Treasury accounts in the Eastern Provinces. The auditor has nevertheless examined the statement and checked its details against the original payment vouchers and against the bonds of indemnity entered into by the payees.

4. I trust that the statement will meet your requirements.

LBZLE.

(intld)W.S.C.

CONFIDENTIAL

No. 18989/425

SECRETARY'S OFFICE,
EASTERN PROVINCES,
ENUGU, NIGERIA.

29 August, 1945.

The Honourable
The Chief Secretary to the Government
Lagos.

Opobo Town War Canoe Compensations

I am directed to refer to your endorsement No.38706/191 of May 17, 1944, and to say that in compliance with the instructions contained therein, the Opobo Town War Canoes compensations of £11,420 was paid to the credit of the Opobo Native Treasury's bank account at Port Harcourt. After the money was withdrawn for payment to the 26 Houses, however, the Opobo Town Native Treasury was debited by the bank with the sum of £11.19.9d on account of bank charges incurred in respect of this transaction.

2. In forwarding a claim for the refund of the bank charges, the District Officer, Opobo, (Mr. H.N. Harcourt) writes:-

As this compensation money has been of no benefit to the Opobo Treasury, which undertook the onerous task of paying it all out on behalf of the Government, but has gone into the pockets of a number of private persons, may the bank charges please be refunded? This Treasury is in very low water and cannot afford expenditure of a kind that is not a fair charge on it.

The 'political reasons' which prompted payment to the Opobo Treasury were presumably in part an anxiety to allay suspicion of the Government's good faith in the matter of accepting the liability to pay a claim that it took five years to recognize as valid.

3. I am to say that as the amount was deposited with the Opobo Native Treasury "for political reasons", His Honour is of the opinion that the bank charges are a fair charge on the government and therefore recommends that the Opobo Native Treasury be re-imbursed.

Sgd.

Secretary
Eastern Provinces.

F.S.

Above for consideration pl. The money was paid by the home Govt., but the method of payment through Opobo NAIS bank account - was decided locally, so it seems a fair charge on Nigeria.

Sgd.

5/9/45.

Whilst I do not feel very strongly about it, I think that the "political reasons" were the result of the peculiar fancies of the Opobos themselves and that therefore cost is a fair charge on their own treasury. Furthermore we have generally opposed these piecemeal reimbursements and it is an incorrect interpretation of present Policy for a N.A. treasury to assume that it has the right to make such claims against Govt.

Sgd.

5/9/45.

PAS F (via AFS)

Will you please explain orally the "background"

Sgd.

5.9.45.

THE TREASURY,
LAGOS, NIGERIA.
15th June, 1945.

Ref. No. 48/20150/1

The Honourable

The Chief Secretary

Lagos.

Opobo Claims

Further to my minute of the 19th of April at page 343 of your Minutes Paper No. 38706, I have to inform you that the sum of £11,420 received from His

Majesty's Government has been credited to the following newly created sub-head under Head 13 Reimbursements, in 1944/45 Estimates:-

"22B Compensation - Opobo Chiefs' Claims".

Sgd.

f: AG: ACCOUNTANT-GENERAL.

D.F.S.,

The P.A.S.F. has explained to me in outline the history of this question. While it would be possible not to accept this claim, I do not think it is worth while to do so against the recommendation of the CCEP. I, therefore authorize payment of this small claim. I leave it to F. Branch to decide in consultation with the Accountant-General the vote against which it should be debited; if there is a miscellaneous vote from which minor claims of this kind can be appropriately met, so much the better. If there is not, we must ask for supplementary provision at the next meeting of the Finance Committee.

Sgd? (6.9.45).

Ac.Gen.

Minute above. Is there an appropriate vote for this payment?

Sgd?

for CSG 7/9/45.

CSG.

Your minute above.

The amount of £11.19.9 can be charged to Hd.27 Misc. Item 25. incidentals pl.

Sgd?

for: Acct. General.

14/9/45.

No. 38706/368

17 September, 45.

Confidential

The Secretary,
Eastern Provinces
Enugu.

Opobo Town War Canoe Compensations

With reference to your Confidential letter No. 18989/425 of the 29th of August, the refund to Opobo Town Native Treasury of £11.19.9 is approved. Payment to be made from Head 27 Miscellaneous Item 25 Incidentals.

2. A copy of this memorandum has been sent to the Accountant-General.
(Sgd.) G.B.G. Chapman
for: Chief Secretary to the Government.

No. 38706/368A

Copy to:- 17 September, 1945.

Accountant-General,

For information.

for: C.S.G.

C.S.

The question at 304 has not yet been answered. The Chiefs have all been paid in full - see 361 - and a reply is hardly necessary, but I think it would be advisable to reply briefly.

Sgd?

25.x.45.

Reply by the Honourable the Chief Secretary to the Government to Question No. 5 by the Honourable the Member for Calabar Division.

5. The compensation has now been paid in full to those entitled thereto.

ENTERED

Sgd? 26/10

Opobo Town,
Opobo
1st August, 1950

The Honourable,
The Chief Secretary to the Government,
LAGOS.

Sir,

The Opobo Chiefs' Security of £1000 in 1889

I have the honour to transmit, in triplicate, a petition to the Foreign Secretary. The petition speaks for itself. I am further to inform you that an advance copy has been expedited by air mail to His Lordship.

Yours faithfully,

Sgd. H. Jim Jaja

Ref. No. 38322/846
 (Office Address) Nigerian Secretariat,
 Lagos.
 Date: 22 August, 1950.

Sir,

I am directed to return herewith your petition of 1st August, 1950 and to invite your attention to paragraphs 6 and 7 of Government Notice Number 925 of 1950 which is reproduced below.

I am, sir,
 Your obedient Servant,
 Signature Sir H.R. Stephen
 f: Chief Secretary to the Government.

(Petitioner's Name and Address)

pp. 66-68 returned to:

Chief H.J. Jaja
 Opobo Town
 Opobo.

u.f.s. District Officer,
 Opobo.

30022/292/50

Saving.

From the Secretary of State for the Colonies.
 To the Officer Administering the Government of Nigeria.
 Date: 31 August, 1950
 No. 3035 Saving

Opobo Chiefs Claim

I enclose copies of correspondence with the Reverend R.W. Sorensen, MP., about a claim made by Mr. H. Jim Jaja for the repayment of the sum of £1,000 referred to in paragraphs 9 - 11 of Grantham's confidential despatch of the 18th May, 1942.

2. As you are already aware, the Foreign Office have destroyed all their records before 1900 and it is impossible to trace any payment to Messrs Alexander Miller, Brother and Company. In the correspondence ending with Nigeria Telegram No. 2217 of the 17th December, 1943, it was stated that

further enquiries were being pursued with regard to this matter but I can trace no report of the results of such enquiries.

3. As I have no doubt that these representations will be renewed, I shall be grateful if you can inform me of the results of the enquiries previously made. Meanwhile, I am approaching the Foreign Office again in order to see if they have in their possession any printed material which can throw light on this subject. You will no doubt inform me if it would be worth while approaching the Head Office of U.A.C. for their assistance in this matter.

SECER.

COPY

House of Commons. 38 Woodside Park Avenue

E.17

11th August, 1950.

Dear Jim,

Enclosed please find copy of a letter addressed to the Foreign Secretary by a namesake Mr. H. Jim Jaja.

The original may have been transferred to you, and therefore I shall be glad to have the copy back at your early convenience.

There is an interesting background to the grievance of the enclosed. Some years ago I raised the question of the non-payment of some £12,000 or thereabouts due from His Majesty's Government to the descendants of Ja Ja of Opobo who was wrongly exiled in the 19th Century and ultimately allowed to return, only to die before he reached Opobo.

He was an ex-slave who became powerful and was involved in friction with the white traders. Colonel Ponsonby M.P. joined in, and in the end the money was paid. Now, apparently, one of the descendants has spotted the non payment of the £1,000 (+ interest?) and hence his letter. There may be substance in his claim.

If the House had been sitting, I would have put down an oral question, for the issue is an intriguing one. I hope still to put down a question for October. Meanwhile, I am making this preliminary enquiry, and shall be glad to have your comments.

Yours sincerely,
(Sgd.) R. Sorensen.

COPY

Opobo Town.
Opobo, Nigeria.
1st August, 1950.

The Right Honourable,
The Secretary of State for Foreign Affairs,
LONDON.

Your Lordship,

The Opobo Chiefs' Security of £1000 in 1889

I am directed by the Chiefs of Opobo to make representations to your Lordship on the question of £1000 given, in 1889, by the Chiefs of Opobo to Her Britannic Majesty's Government as security for good and loyal behaviour for three years. The time has long expired and has lengthened into over half a century. Our fathers who subscribed this money have all died; and it is only unfortunate that they, in their time, did not raise the question of refund immediately it became due. It is still fortunate that only a few months ago the documents connected with this money came to our knowledge.

2. A little over 18 months after the deportation of Jaja in 1887, at the instigation of Consul Hewett, a strict naval blockade was instituted at Opobo. The conditions imposed, the satisfaction of which might, and did, influence consideration of raising the blockade were:-

- (i) payment of a fine of 300 puncheons of palm oil equivalent of £3000.
- (ii) Delivery of all war-canoes, guns, and rifles confiscated to Her Majesty's Government.
- (iii) Tangible security of £1000 for good and loyal behaviour for three years.
- (iv) Trade restriction for a period of three months.

3. Until the fine was paid and the security given Consul Hewett, in his letter of the 30th March, 1889, to Lord Salisbury, the then Foreign Secretary, expressed in the last clause of the letter that a "lien was put on all amounts due to the Opobo Chiefs by the different firms in the river". The blockade was not raised until the evening of the 5th April, 1889, the conditions imposed having been satisfied.

4. It should be mentioned, in passing, that a question was raised, in the House of Commons, on the 28th March, 1889, by Mr. Howorth, with reference to the institution of blockade on Opobo river, the infliction of 300 puncheons of palm-oil fine, and the demand of £1000 security. The then under-Secretary of State for Foreign Affairs (Sir James Fergusson) replied, inter alia, that "security for good behaviour to the amount of £1000 to be enforced by blockade if necessary."

5. As evidence of giving of the security of £1000 by the Opobo Chiefs and of the decision of Her Majesty's Government to refund the capital with interest accruing, references are respectfully made to certain relevant departmental correspondences on the matter. First, the Opobo Chiefs paid the amount to the firm of Messrs Miller, Brother and Company of Glasgow (now a member of the United Africa Company Limited) which made remittance to the Paymaster-General. Your Lordship's attention is invited to a letter dated at the Foreign Office on the 2nd July, 1889, by Sir T. Williers Lister, on the direction of Lord Salisbury, and addressed to the Paymaster-General requesting that "the proceeds of the bill for £1000 on Messrs Miller, Brother and Company of Glasgow, which was sent him (the Paymaster-General on the 18th June, 1889), may be invested in Government 2 per cent in the joint names of the Assistant Paymaster-General and the Chief Clerk of the Foreign Office for the time being.

6. Secondly, the Paymaster-General, under the signature of Mr. A. Earnshaw, replying on the 8th July, 1889 to the Foreign Office letter of the 2nd July, 1889, reported that "the sum of £1000 has been invested in the purchase of £1041.12.10d 2 per cent Stock....that the stock would be transferred on the receipt at the Bank of the usual authority from the Treasury under the Exchequer and Audit Act....and also requested whether the dividends arising from this investment are to be credited to your Account for Consular Services as they accrue". Similar communication, on the same date, was addressed to the Treasury.

7. Thirdly, on the 19th July, 1889, Mr. R. E. Welby, under direction of the Lords Commissioners for Her Majesty's Treasury, transmitted to the Foreign Office a copy of a letter (i.e. the letter of 8th July, 1889) received from the Paymaster-General relative to a sum of £1000 "*being security given by Opobo Chiefs*" which has been invested in 2 per cent stock. The Treasury also requested from the Foreign Secretary for information of the "circumstances under which this investment is being made".

8. Finally, Sir T.V. Lister, directed by Lord Salisbury, the Foreign Secretary, replying on the 6th August, 1889, to the Treasury's letter of the 19th July, 1889, said:- "It will be observed that, *if the Chiefs given no cause for this money to be estreated, it will have to be returned at the end of the three years*". The Foreign Office letter continued:- "under these circumstances Lord Salisbury would be glad to be favoured with the opinion of their Lordships as to whether the dividends should be invested, with a view to their being returned with the principal, or be paid as an appropriation in aid of the Consular Vote."

9. Fifthly, Mr. Welby, replying on the 13th August, 1889 on direction of the Lords Commissioners of Her Majesty's Treasury, to the Foreign Office letter of the 6th August, 1889, acquainted the Foreign Secretary that "under section 20 of the Exchequer and Audit Act, the Treasury has authorized the opening of an account in the books of the Bank of England for 2 per cent Consols, purchased and to be purchased in the joint names of the Assistant Paymaster-

General and the Chief Clerk of the Foreign Office for the time being, in respect of security given by the Opobo Chiefs". He added that their Lordships think that "the accruing interest on the stock should be invested in like stock and added to the fund, and that *the whole fund should be surrendered to the Chiefs when the proper time arrives*".

10. Sixthly, in a letter of the 16th August, 1889 from the Paymaster-General's Office, and under the hand of Mr. A. Earnshaw, to the Foreign Office, was enclosed the following receipt:-

"Received this 15th day of August, 1889, of the Assistant Paymaster-General and the Chief Clerk of the Foreign Office for the time being, in respect of security given by the Opobo Chiefs of Old Calabar, hereinafter called the said transferee, the sum of nine hundred and ninety-eight pounds thirteen shillings and five pence, being the consideration for one thousand and forty-one pounds twelve shillings and ten pence interest or share in the capital or joint stock of the two pounds ten shillings per centum Annuities, forming part of the National Debt, transferable at the Bank of England, together with the proportional annuity attending the same, by me this day transferred to the said transferee.

Witness my hand,

.....Clerk.

Witness

C.J. Rickards".

11. Lastly, Sir T.H. Sanderson, directed by the Foreign Secretary, Lord Salisbury, communicating the Paymaster-General on the 23rd August, 1889, in reply to his letter of the 16th August, 1889, asks him to observe that "the Board of Treasury are of opinion that the accruing interest on the 2 per cent Consols purchased with the security given by the Opobo Chiefs should be invested in like stock and added to the fund, and that *the whole fund should be surrendered to the Chiefs when the proper time arrives*".

12. It is evident and obvious, from the series of departmental correspondences referred to, that the fact is established that the Opobo Chiefs did give a sum of £1000 in 1889 to Her Britannic Majesty's Government as security for good and loyal behaviour, and that the Government did decide that at the end of three years *"the whole fund (capital with interest) should be surrendered to the Chiefs"*. I am to repeat that it is unfortunate that application was not made immediately the refund became due. The lapse of time, the Chiefs believe, does not and would not affect the surrender of the security with accrued interest, this not being anything like compensation payable from the British Revenue; the money is purely a *bona fide* property of the Opobo Chiefs deposited, on interest, in the Bank of England.

13. But the question arises as to whether the Opobo Chiefs have given evidence of "loyal and good behaviour" for three years from 1889. The answer

is found in an undertaking given, under the hand of Mr. W. Cairns Armstrong, Deputy Commissioner and Vice-Consul representing H.B.M. Government, at H.B.M. Vice-Consulate, Opobo, on the 17th of June, 1892 - the security being given in March, 1889. The undertaking reads:-

"Whereas the Chiefs of Opobo have by their loyal conduct in recent years won the confidence of Her Britannic Majesty's Government and whereas Trade and Commerce have vastly increased in the River, etc. etc." The original undertaking was submitted, in March, 1939, by the Opobo Chiefs, through the Nigerian Government, to your Lordship, in relation to claim for compensation of £11,420 for war-canoes and guns confiscated in March, 1889, at one and the same time that the £1000 security was demanded. Parliament, on the 19th January, 1944, accepted the claim (vide Hansard Volume 396 No. 16 of Wednesday 19th January, 1944 Page 179-180)- a claim which was paid by the District Officer, Opobo, on the 11th October, 1944.

14. It is to be assumed, with all deference to Your Lordship's authority, that there being evidence of "good and loyal behaviour" of Opobo Chiefs, not only for three, but even for sixty-one years, and during two Great Wars to which Opobo Chiefs contributed largely in money, men and material, there shall be no temparising or prevarication but an outright "surrender of the whole fund", the time having long arrived, and for this the Opobo Chiefs cannot be too gratefully thankful.

Yours faithfully,

(sgd.) H. Jim Jaja.

30022/292/50 Nigeria.

10th August, 1950

Thank you for your letter of the 11th August with which you enclosed a claim made on behalf of the Opobo Chiefs for the return of a sum of £1000 given by them in 1889 to Her Britannic Majesty's Government as security for good and loyal behaviour for three years. I am returning your copy of the letter to you herewith.

This particular claim was raised by the opobo Chiefs in 1942 at the same time as they raised their claim for the payment of £11,420 due to them in respect of agreements executed in 1892. On present evidence it appears that the sum of £1,000 was advanced by Messrs Miller, Brother and Company and that the Company had the money returned to them in 1892. The deposit had been invested and the product amounting to £1065.11.0 was transferred to the Oil Rivers Protectorate for payment to Messrs Miller Brother & Co. of the sum of £1,000 and the balance to the Chiefs themselves.

As far as I can tell from Mr. H. Jim Jaja's letter, no new evidence has come to light in this matter. I am, however, arranging for further enquiries to be pursued.

(Sgd.) J. GRIFFITHS.

The Reverend R. Sorensen, M.P.

11329/S.62/344
19th September, 50

The Secretary
Eastern Provisions
Enugu.

Opobo Chiefs' Security of £1,000 in 1889

I am directed to inform you that copy of a petition from H. Jim Jaja on the above subject dated the 1st of August and addressed to the Secretary of State for Foreign Affairs was returned to the sender on the usual form on the 22nd of August but was sent through the District Officer, Opobo for his information. Another copy has now been received from the Secretary of State with a letter from the Reverend R.W. Sorensen, M.P. and the Secretary of State's reply thereto, copies of which are attached.

2. I am to ask for His Honour's comments as soon as possible.

(Sgd.) H.R. Stephens

for: Chief Secretary to the Government.

No. 18989/435

The Secretary
Eastern Provisions
Enugu, Nigeria.

10th November, 1950.

The Honourable
The Chief Secretary to the Government
Lagos.

Opobo Chiefs' Security of £1,000 in 1889

I am directed to refer to your letter No. 11329/S.62/349 of the 19th of September, and to say that the Senior Resident, Calabar (Mr. C.J. Mayne) states that the Opobo Town Subsidy chiefs are aware of the statement by the Secretary of State that £1,000 deposit was refunded to Messrs Miller Brothers and have

informed the Senior Resident that they considered it useless to approach local representatives of the United Africa Company. His Honour has nothing to add to the recommendations contained in this office letter No. E.P. 12468/152 of the 20th of August, 1940, as it is not possible that further enquiries at Opobo will produce any further evidence.

(Sgd.)

for: Acting Secretary,
Eastern Provinces.

30022/292/50.

Saving.

From the Secretary of State for the Colonies.

To the Officer Administering the Government of NIGERIA.

Date 14 November, 1950.

No. 3693 Saving.

My Savingram No. 3035

Claim from Opobo Chiefs.

The Foreign Office have been unable to find any trace of a receipt or other written indication that the £1,000 in question was repaid to Messrs Alexander Miller and Company.

2. It is however clear from their researches that the firm did ask for the money on the expiry of the probationary period and that His Majesty's Commissioner and Consul-General was authorized to make the repayment. There can therefore be little reason to doubt that the money was repaid. In any case it seems clear that the money originally came from the firm mentioned and not from the Opobo Chiefs.

3. I should be grateful to know whether you have been able to trace any further evidence on this matter.

4. I enclose a copy of a question and answer in the House of Commons on this subject on the 8th November.

SECER.

ORAL REPLY

FOR WEDNESDAY 8TH NOVEMBER, 1950

MR. SORENSEN - To ask the Secretary of State for the Colonies, if he has reconsidered the claim of Chief H. Jim Jaja and others to return to them of the £1,000 deposited with the British Government in 1889 by the then

Opobo Chiefs as security; why this was transferred to the Oil Rivers Protectorate for payment to Messrs Miller, Brothers and only the interest of £65.11s paid to the Chiefs; and, in particular, why the descendants of the Chiefs are not paid compound interest on the original sum.

ANSWER

MR. DUGDALE:

On present information it appears that this sum was deposited not by the Chiefs but by Messrs Miller Brothers on their behalf, and that repayment to the firm was authorized in 1892. The claim raised recently is, however, still under investigation as far as surviving records permit.

Col. Office Ref. 30022/292/50.

Nigeria Ref. 38706.

The Acting Secretary of State for the Colonies
21 December, 1950.

Your Savings Nos. 3035 and 3693 of the 31st of August and 14th of November respectively.

Claim from Opobo Chiefs.

Further enquiries have been made at Opobo but no frank evidence has come to light. It does not now seem possible that further enquiries in Nigeria will produce any more evidence to substantiate the views expressed in paragraph 2 of your Saving No. 3693 of the 14th of November with which we are in agreement.

Acting Governor.

30022/292/50.

DESPATCH Nigeria.
No. 5

Date: 4 January 1950

Transmitted with the compliments of the Secretary of State for the Colonies
for the Governor's information.

Reference: Governor's Savingram No. 3193 of 21st December, 1950.

Date	Nature of Communication
21st Dec. 1950	Letter from the Rev. R. Sorensen and enclosure.
2nd Jan. 1950	Letter to the Rev. R. Sorensen.

COPY

38 Woodside Park Avenue,
E. 17.
12.12.50

Dear Jim,

The enclosed has been sent to me by Chief H. Jim Jaja, about whom I have already had correspondence with you.

Yours sincerely,
(Sgd.) R. Sorensen.

COPY

Opobo Town,
Opobo, Nigeria

15 December, 1950

The Right Honourable
The Secretary of State for the Colonies
c/o The Reverend R.W. Sorensen, M.P.
House of Commons
London.

Your Lordship,

Opobo Chiefs' Security of £1000 in 1889

Following your Lordship's letter No. 30022/292/50 Nigeria of the 28th August, 1950 to the Reverend R.W. Sorensen, M.P. - a copy of which was addressed us by reverend Sorensen - we had communicated the Board of Directors of the United Africa Company Limited on the 10th November, 1950 and received their reply of the 1st December, 1950 as follows: "With reference to your letter dated 10th November, I am instructed by the Board to tell you that your claim has been investigated and that the Company cannot admit any liability in respect of the sum of money to which you refer."

2. Replying the Board's letter and saying that "the reply is vague", we added:- "When application was made to the British Government for a refund of the security the reply is not meant a negative of liability but the ground of non-liability was given and, that is, "that the amount of £1,065.11 - was paid to Miller Bros in 1892.

"If your Board follows the trend of His Majesty's Government reply it would say when, and to whom (Opobo Chiefs), payment was made. As successors in

title the Opobo Chiefs hold your Company as liable unless sufficient evidence, like a valid receipt, is presentable; otherwise there must be available, in your Company's archives (or in that of His Majesty's Government) a copy of a letter from Miller Bros to the Government, reporting payment".

3. Your Lordship would agree that in the ordinary course of business if Miller Bros, as agents, returned the money to the Opobo Chiefs in 1892, there should be a formal report to Government while the company preserves the receipt issued by the Opobo Chiefs. If the Opobo Chiefs could, today, present the receipt given them in 1889, by Messrs. Miller Bros, when the sum of £1,000 was paid to the firm for remittance to His Majesty's Government, there is every reason to expect the firm to be able, today, to present a receipt given in 1892 by the Opobo Chiefs if and when the sum of £1,065.11.0 was refunded to them.

4. Your Lordship would admit it as a fact which needs no emphasis from us that the onus of investigation rests on the Government not on the Opobo Chiefs. It is H.M. Government that should hold the United Africa Company Limited, as successors in title to the firm of Messrs. Miller Bros, to prove beyond reasonable doubts that payment was made to the Opobo Chiefs in 1892 or in any subsequent year; otherwise, if doubt exists, we should be given the benefit of it.

Yours faithfully,
(sgd.) H. Jim Ja Ja.
(Chief H. Jim Ja Ja)

30022/292/50 Nigeria.

2nd January, 1951

Thank you for your letter of the 21st December with which was enclosed a letter from Chief H. Jim Jaja about the claim which he has made on behalf of the Opobo Chiefs for the return of the security of £1,000 deposited in 1889 with His Majesty's Government. I am returning the enclosures to your letter with this.

Since my letter of the 26th August was written further investigations have been made into this matter and these have confirmed that the sum of £1,000 was advanced by Messrs Miller Bros and Company, and that the money was returned to the Company in 1892 with accrued interest.

In these circumstances it does not appear that there is anything more for this Majesty's Government to do in this matter.

(Sgd.) J. GRIFFITHS.

The Reverend R. W. Sorensen, M.P.

38706/388
20 January, 51

The Secretary
Eastern Provinces
Enugu.

Opobo Chiefs' Security of £1,000 in 1889

I am directed to refer to your letter No. 18989/435 of the 10th of November, 1950 and to forward herewith, for information, copies of two enclosures to letters received from the Secretary of State on the above subject.

(Sgd.) H.R. Stephens

f: Chief Secretary to the Government.

30022/292/51: Your Ref. 38706

Saving

From the Secretary of State for the Colonies.

To the Officer Administering the Government of NIGERIA

Date 14 February, 1951

No. 350 Saving.

My despatch No. 5 of the 4th January, 1950.

Claim from Opobo Chiefs

I enclose for such action as you consider necessary a copy of a further letter from Chief Jim Jaja.

SECER.

Opobo Town,
Opobo, Nigeria.
3rd February, 1951

The Right Honourable
The Secretary of State for the Colonies
London.

Your Lordship,

The Opobo Chiefs' Security of £1,000 in 1889

In your Lordship's letter No. 30022/292/50 Nigeria of the 28th August, 1950 addressed to Reverend R.W. Sorensen M.P., who kindly furnished us with a copy, your Lordship said: "On present evidence it appears that the sum of £1000 was advanced by Messrs Miller, Brother & Co and that the Company had the money returned to them in 1892. The deposit had been invested and the product

amounting to £1065.11/- was transferred to the credit of the Oil Rivers Protectorate for payment to Messrs Miller Brother & Co. of the sum of £1000 and the balance to the Chiefs themselves".

2. Your Lordship's letter correctly interpreted implies that payment had already been made to the Opobo Chiefs, in 1892, through the firm of Messrs Miller Brother & Company.

3. From H.M. Paymaster-General we have the following information by his letter No. ID/R.202/Misc. 64 of the 12th December, 1950 relative to the investment in 1889 of £1000, received on behalf of the Opobo Chiefs, in 2% Annuities, I am directed by the Paymaster-General to say that this stock, together with further like stock in which dividends accruing from 1889 to 1892 on their current holdings were invested, was sold at the request of the Chief Clerk, Foreign Office in June, 1892".

4. It is evident from the Paymaster-General's letter quoted above that the money was not paid to Messrs Miller Brother & Company for payment to the Opobo Chiefs. It serves also for Your Lordship's information that on receipt of the copy of your letter to Reverend Sorensen we communicated the Board of Directors of the United Africa Company Limited (Successors in title to Miller Bros) and they denied liability.

5. As the matter stands H.M. Government is still liable for payment, to Opobo Chiefs of the sum of £1,000 together with the interest at 2% from 1889 to present day. If the stock was sold, according to the evidence of the Paymaster-General who, with the Chief Clerk of the Foreign Office, was an investor, it is obvious that our claim is tenable. We respectfully beseech Your Lordship to move the Government to make this payment at the earliest convenience. It is needless impressing upon Your Lordship that the £1000, as security, is the property of the Opobo Chiefs, and should not have been disposed of without their knowledge, consent, or approval; it was not estreated and there was no cause to estreat it.

Yours faithfully,
Sgd.(Chief H. Jim Jaja)

24 February, 1951

The Secretary
Eastern Provinces
Enugu.

Opobo Chiefs' Security of £1,000 in 1889

I am directed to refer to my letter No. 38706/388 of the 20th of January and to enclose herewith for such action as you consider necessary a copy of a further letter sent to the Secretary of State by Chief Jim Jaja.

(Sgd.) H.R. Stephens

f: Acting Chief Secretary to the Government.

30022/292/51

Saving.

From the Secretary of State for the Colonies.

To the Officer Administering the Government of NIGERIA

Date 20 February, 1951

No. 404 Saving

My despatch No. 5 of 1951.

Claim from Opobo Chiefs.

I enclose a copy of another letter from Chief Jim Jaja addressed to the Chancellor of the Exchequer, for such action as you consider necessary. The present position is as outlined in my letter of the 2nd January to Rev. R.W. Sorensen, M.P., a copy of which was sent to you in the despatch under reference.

SECER.

38706/396

6 March, 1951

The Secretary
Eastern Provinces
Enugu.

Opobo Chiefs' Security of £1,000 in 1889

With reference to my letter No. 38706/391 of the 24th of February, I am directed to forward herewith a copy of another letter from Chief Jim Jaja addressed to the Chancellor of the Exchequer and to ask you to draw his attention to the correct channel of communication.

2. I am to add that the present position is as outlined in the Secretary of State's letter of the 2nd of January to the Reverend R.W. Sorensen, M.P., a copy of which was forwarded with my letter No. 38706/388 of the 20th of January.

(H.R. STEPHENS)

f: Acting Chief Secretary to the Government.

CS 026/38706 Vol. II

CODE TELEGRAAM NO. 1349 Date 6th October, 1944 File No.

To: The GOVERNOR NIGERIA

FROM: SECRETARY OF STATE, LONDON

REPEATED TO

Your telegram No. 989 Saving. OPOBO CLAIMS

Geary has asked that his clients may be informed that he approves of form of indenture and advises they should sign subject to addition after the words "will at all times hereafter indemnify and keep indemnified the Governor against all

claims and demands" of words "by such other persons". I see no objection to proposed amendment and if you agree and if indentures have not been already executed, Geary's clients may be so informed and indentures amended accordingly. If payment has not already been made I should be glad to know when it is likely to be completed.

Opobo Town,
Opobo, Nigeria.
25 January, 1952.

The Right Honourable,
The Secretary of State for the Colonies,
London.

Sir,

WAR CANOE COMPENSATION:

There is a communication from the Nigerian Government that Your Lordship desired us to be informed that in the absence of any evidence of an agreement or undertaking, Your Lordship is unable to entertain our petition. Your Lordship is prayed to reconsider this decision in the light of the following submissions.

2. Your Lordship, we observe, refuses to entertain our petition on legal ground; but Your Lordship also refuses to be impressed by paragraph 8 of our petition of the 31st January, 1951 - namely, that "the principle of Justice actuated the Government to decide to grant compensation.....and that it is not material to invoke the law since the Opobo Chiefs did not proceed to law to effect the decision for compensation; the decision was a voluntary act of Government." We anticipated the legal point raised in Your Lordship's reply when we said that "it is not material to invoke the law.....the decision was a voluntary act of Government".

3. Your Lordship does not dispute the fact that the names of our Houses appear in the original list of Chiefs who, in March 1889, surrendered their armunitions to H.M. Government, and that the non-inclusion of our names in the list attached to the agreement or undertaking given in 1892 was an inadvertent mistake by Government.

4. While it is true that, on legal ground, our petition could not be entertained in the absence of agreement or undertaking, it is equally true that, but for the inadvertent mistake made by H.M. Government itself in 1892 while copying into a second list from the original, the names of our Houses would have been included in the list attached to the agreement and we, like the other 26 Chiefs, would have been compensated.

5. All the world over the British Government is renowned for justice, above every other virtue; and when this Government sacrifices justice for law it is sacrificing its greatest characteristic feature. This is a point we respectively desire to impress upon Your Lordship - an idea which may not have occurred to you at the time of writing the reply - and it is a very great point.

6. We would re-emphasize that H.M. Government, impressed by its sense of justice, decided on its own volition - *not on any legal submission by the Opobo Chiefs* - to grant the compensation for which an undertaking was given - the undertaking given only as earnest of good faith and as evidence to be tendered when payment became due - payment being stretched for 30 years. To employ a legal weapon to offset our claim which, certainly, would have been honoured as late as only a little over seven years ago is to defeat that sense of justice (not law) which actuated Government decision in 1892.

7. We further respectfully submit that ours is a humble petition, not law suit - a petition devoid of legal language or tone; and our petition is for the grant of that element of justice extended to our fellow (26) Chiefs once Your Lordship is satisfied that we surrendered our ammunitions at one and the same time and place, and that we were not compensated at one and the same time with the other (26) Chiefs is traceable to an inadvertent mistake by Government.

8. We do not think that, with reference to paragraph 8 of our petition of the 31st January, 1951, the question of agreement or undertaking is relevant, unless it is a diplomatic way to evade a claim which Government, by its own act, had established precedent. The facts of our case and the commendable justice of Government, and not law, should influence Your Lordship's reconsideration of the decision communicated to us; and nothing would be disconsolate than such stereotyped and curt reply as "His Lordship regrets that he has nothing to add to his reply to previous representations on this subject". Your Lordship facing the facts would, we pray, revise the first reply to our representations on this matter and for which we are immensely grateful.

Yours faithfully,

Sgd.

S.K.W. Uranta (Chief)

P.A.S. (Pol.)

Pp. 487 - 489. The facts regarding Chief Uranta's claim for compensation for war canoes are set out in your minute pp. 423-424 and the savingram forwarding Chief Uranta's first petition at pp.428-429. The S. of S. was unable to entertain the petition (p.459) or a later petition (p.479) and the Chief was so informed (pp.463 and 481).

2. The petition at pp. 488-489 raises no new matter of relevance but we should forward it to the S. of S. suggesting that it should be emphasized in his reply that payment was made to other Opobo Chiefs in 1944 on the strength of documents

produced, that there was no inadvertent omission from those documents and that unless similar documents can be produced by the present claimants the petition cannot be entertained? This point was not brought out in p. 459 and the petitioner is labouring under a misapprehension (para. 6 p. 488).

Sgd.

H.R. Stephens

24 March, 1952.

A.S. (Pol.)

Please submit draft saving as indicated in your para 2 above.

Sgd.?

25/3/52.

PAS. (Pil).

Draft 1 + c. at cover.

Hrs.

27/3/52.

AS (POL),

Please issue as slightly amended.

Sgd.?

25/3

Col. Office Ref: WAF/B.12

Nigeria Ref: 38706

The Secretary of State for the Colonies.

29 March, 1952.

Your saving No. 3332 of the 17th of December, 1951.

Claim from Opobo Chiefs.

I attach a further petition from Chief Uranta. It raises no new matter of relevance but in paragraph 6 the petitioner seems to be under the misapprehension that documents proving the liability of Her Majesty's Government were not produced before payment was made to the other Opobo Houses in 1944. It is therefore recommended that the petitioner should again be informed that payment was made to these Houses in 1944 on the strength of documents produced, and that unless similar documents can be produced by the present claimants their petition cannot be entertained.

Governor.

H.R. STEPHENS

B.U. 20/5/52
H.R.S.No. 24107/72
Civil Secretary's Office
Eastern Region
Enugu
25th April, 1952.The Honourable,
The Chief Secretary to the Government,
Lagos.Opobo Chiefs' Security of £1,000 in 1889

I have to refer to the correspondence ending with your letter No. 38706/485 of the 8th of February, and to forward herewith a further petition from Chief H. Jim Jaja in which he asks for early advice of the date, time and place of his interview with the Secretary of State.

2. I am to recommend that he be given an unequivocal reply that no meeting is possible in view of the short time that the Secretary of State will be in the Region. While I appreciate the fact that it is formally for the Secretary of State himself to decide, I feel that it is desirable and just for the petitioner to be apprised of the position before the Secretary of State's itinerary is published.

Sgd.?

Ag. Civil Secretary,
Eastern Nigeria.

BK-A.

Opobo Town
22nd March, 1952The Honourable,
The Chief Secretary to the Government,
Lagos.

Sir,

Opobo Chiefs' Security of £1000 in 1889

I am directed to refer to your letter No. 38706/486 of the 8th February, 1952, in reply to our petition dated the 8th of December, 1951, saying that our request

for an interview on the above subject will be brought to the notice of the Secretary of State in due course.

2. It was over two months, counting from the date of our petition, before we received the reply referred to above. Presuming that by the fall of spring His Lordship would set out on his tour of West Africa, we shall be delighted to know at the earliest time whether our request for interview is granted and, if so, the place, date, and time of meeting His Lordship. As it is likely that the Secretary of State might visit places like Enugu and Port Harcourt we cannot be too gratefully thankful if the very nearest place to Opobo could be arranged.

3. May we be allowed to say that much may depend on the representations of our case by the Nigerian Government for influence His Lordship to grant us the interview. The Colonial office has been inundated with volumes of correspondences on this matter since August, 1950 - correspondences from us and from kind Members of Parliament. Our claim, including interest since 1889, would not be far below £3000 - a sum that is not inconsiderable. To arrange for our deputation and transport expenses it is hoped we shall be timely notified.

Yours faithfully,

Sgd.

(Chief H. Jim Jaja)

38706 III

5th May, 52

The Civil Secretary,
Eastern Region,
ENUGU.

With reference to your letter No. 24107/72 of the 25th of April, I am directed to say that this Government is not in a position to give an unequivocal reply to Chief Jim Jaja's request for an interview with the Secretary of State.

2. I am accordingly to request that a reply be sent to the petitioner to the effect that his representations will be brought to the S. of S.'s notice, but that it is extremely improbable, on account of the shortness of his visit and the multiplicity of his engagements, that the S. of S. will be able to accord the interview sought.

(Sgd.) J.O. Field

f: Chief Secretary to the Government.

PAS (POL.)

The S of S is due to arrive in Enugu at 6p.m. on 26/5 and touch down at Lagos for the first time on 28/5 at 7pm. It will be too late to inform him of Chief Jim Jaja's request on 28/5; the East should therefore be asked to put the request to him?

Sgd.?

6/5/52.

Say that as S of S will be visiting Enugu before Lagos, it is presumed you will bring the request to the notice of the S. of S's p.s.

Sgd.?

10/5

P.A.S. (Pol),

Pl. see pp. 492-2 reference pp. 484-6. We now know the S. of S's visit will only be a short one and it is therefore even more improbable that he will see Jim Jaja & Co. Can we reply as in the first sentence of para. 2 p. 492?

H.R.S.

28/4/52.

38706

7 May, 52

The Civil Secretary
Eastern Region
Enugu.

Opobo Chiefs' Security of £1,000 in 1889

Further to my letter No. 38706/495 of the 5th of May, I am directed to say that as the Secretary of State will be visiting Enugu before Lagos it is presumed that you will bring Chief Jim Jaja's request for an interview to the notice of the Secretary of State's Private Secretary.

H.R. STEPHENS.

f: Chief Secretary to the Government.

WAF/B 12

Saving.

From the Secretary of State for the Colonies.

To the Officer Administering the Government of NIGERIA.

Date 24 April, 1952.

No. 1262 Saving.

Your savingram No. 1264 of the 29th March.

Claim by Opobo Chiefs.

I should be grateful if you would explain to the petitioner that payment to the Houses of Opobo in 1944 was made only on the strength of documents produced by those Houses, and that unless similar documents can be produced by the present claimants in support of their claim, their petition cannot be entertained.

SECER.

38706

12 May, 52.

The Civil Secretary
Eastern Region
Enugu.

Opobo Town War Canoes Compensations

I am directed to refer to your letter No. 18989/488 of the 22nd of February and to request you to cause the original of the attached letter to be delivered to the petitioner.

H.R. STEPHENS

f: Chief Secretary to the Government.

PAS (Pol),

p. 497. Draft reply to petitioner, to be sent through CSER, is s.t.c. at cover.

HRS.

9/5/52

Issue - thro' CSER

Sgd.?

9/5.

38706/501

12 May, 52.

Sir,

With reference to your petition dated the 25th of January, I am directed by the Secretary of State for the Colonies to inform you that payment to the Houses of Opobo in 1944 was made only on the strength of documents produced by these

Houses, and that unless similar documents can be produced by the present claimants in support of their claim their petition cannot be entertained.

I am Sir,
Your obedient servant,

H.R. STEPHENS
f: Chief Secretary to the Government.

Chief S.K.W. Uranta
Opobo Town
Opobo.

b.u. 18/6/52
HRS.
p.a.

No. 24107/78.
Civil Secretary's Office,
Eastern Region,
Enugu, Nigeria.
10th June, 1952.

The Honourable,
The Chief Secretary to the Government,
Lagos.

Opobo Chiefs' Security of £1000 in 1889

I have to refer to your letter No. 38706/498 of the 7th of May and to say that Chief Jim Jaja's request for an interview was brought to the notice of the Secretary of State's Private Secretary. He observed that not only was an interview out of the question, but also that the Secretary of State having thoroughly investigated the case and having no fresh information available to him, was satisfied that there was nothing further he could do.

2. I have not informed the petitioner of this since this is not a matter in which this Secretariat normally corresponds direct with the Secretary of State.
3. I recommend that the petitioner be informed in the above sense, and his attention again drawn to your letter No. 38706/421 of the 20th of June, 1951 and be told that further petitions will neither be entertained nor answered.

Sgd.
Acting Civil Secretary,
Eastern Region.

PAS Pol
Above. Letter at b.c. my issue?
Sgd.?
23 June.

38706/503

26 June 52

The Civil Secretary
Eastern Region,
Enugu, Nigeria.

Opobo Chiefs' Security of £1,000 in 1889

I am directed to refer to your letter No. 24107/78 of the 10th of June and to enclose a letter for onward transmission to Chief Jim Jaja.

C.W. Michie
f: Ag. Chief Secretary to the Government.

WAF/D.94

SAVING.

FROM THE SECRETARY OF STATE FOR THE COLONIES
TO THE OFFICER ADMINISTERING THE GOVERNMENT OF
THE FEDERATION OF NIGERIA, LAGOS.

Date: 26 November, 1954.
No. 517 Saving.

Repeated to:

THE OFFICER ADMINISTERING THE GOVERNMENT OF
THE EASTERN REGION OF NIGERIA. NO. 35 SAVING. ENUGU

Your savingram No. 2901 of the 12th September, 1951.

Claim by Opobo Chiefs.

I enclose copies of further correspondences with Mr. Peter Smithers, M.P. The enclosure to Chief D. Jaja's letter of the 23rd October to Mr. Smithers is in the

form of a petition to the Secretary of State. If this petition is in due course submitted in the correct way it will no doubt be forwarded to me together with comments and advise as the reply to be returned to the petitioner.

2. I assume that this particular matter will in future be dealt with by the Governor of the Eastern Region and that further correspondence should be addressed to him. I should be grateful for your confirmation.

SECER.

38706/504

26 June 52

Sir,

I have the honour to refer to your letter of the 22nd of March and to say that your request for an interview was brought to the notice of the Secretary of State who regretted that since he had thoroughly investigated your case and since no fresh information had been made available to him, he is unable to accede to your wishes in this matter.

2. I am to add that the delay in replying to your letter is regretted.

???

Colonial Office,
22nd November, 1954.

COPY

WAF.D.94.

In Hopkinson's absence I am replying to your note of the 3rd November, about some further correspondence you have received from the Opoobo Chiefs, on the subject of the repayment of a £1,000 security dating from 1889.

As you know, correspondence on this matter has been going on for a long time. The latest letters from Chief D. Jaja do not raise any new arguments, so that there is nothing I can add to the replies which have been made to the Chiefs in the past. If they have a valid claim to the sum in question they should approach Messrs Miller Bros and their successors, for, having repaid the original security to Messrs Miller Bros., Her Majesty's Government is no longer liable.

I note that the enclosure to Chief Jaja's letter of the 22nd October is in the form of a petition addressed to the Secretary of State. If this is submitted in the usual way, the Governor of the Eastern Region would, of course, forward it with his comments to the Secretary of State, when it would be considered. You may therefore in your reply wish to remind the Opoobo Chiefs that, in order to receive the attention of the Secretary of State, their petition should be submitted in accordance with Colonial Regulations.

I am returning the enclosures to your memorandum.

(Sgd.) LLOYD.

P. Smithers, Esq., V.R.D., M.P.

WAF/D.94

SAVING.

FROM THE SECRETARY OF STATE FOR THE COLONIES
TO THE OFFICER ADMINISTERING THE GOVERNMENT OF
THE FEDERATION OF NIGERIA, LAGOS

DATE: 26 November, 1954.

No. 517 Saving.

Repeated to

THE OFFICER ADMINISTERING THE GOVERNMENT OF
THE EASTERN REGION OF NIGERIA NO. 35 SAVING.
ENUGU.

Your savingram No. 2901 of the 12th September, 1951.

Claim by Opobo Chiefs.

I enclose copies of further correspondence with Mr. Peter Smithers, M.P. The enclosure to Chief D. Jaja's letter of the 23rd October to Mr. Smithers is in the form of a petition to the Secretary of State.

???

COPY

Peter Smither, M.P., 30 Wilton Crescent, S.W.1.

From: P.P.S.

To: Minister of State.

The Opobo Chiefs

The enclosed document has arrived from Chief Jim Jaja, who has formally got in touch with me, and I dare say other members. I had a comprehensive reply given me by the Colonial Office on a former occasion. Perhaps the Office would be good enough to look at this new document and let me know whether they have any suggestions for a further reply.

(Inld.) P.S.

3rd November, 1954.

Opobo Town,
Opobo, Nigeria.
23rd October, 1954.

Mr. Peter Smithers, M.P.,
80, Milton Crescent,
London, S.W.1

Dear Sir,

By way of introduction I am to inform you that I am a grandson of late King Jaja and I succeeded to his stool and title in August 1952. Soon after my accession a file of correspondence on the subject-matter of "Opobo Chiefs Security of £1,000 in 1889" was placed in my hands. The papers have been signed by one Chief Harvey Jim Jaja - a scion of Jaja House - representing the Opobo Chiefs.

2. As the Amanyanabo (vernacular equivalent of "King") of Opobo I am the official representative of the Chiefs and people having the recognition of the Nigerian Government. I must say that I am the proper person to deal with all Opobo affairs.

3. I am gratefully thankful to you for your interest manifested in the subject-matter of the £1,000 Security. I only regret that owing to over-whelming public affairs I have not been able to resume communication on this matter since my accession.

4. I submit, in duplicate, a fresh petition to the Colonial Secretary who I gather from one of your letters is your "close personal friend". I am inclined to believe that you would treat this matter as your own personal affair, and that you would succeed more easily by direct personal contact with your friend, Mr. Lennox-Boyd, the Colonial Secretary.

5. The crux of the matter, at present, is whether the firm of Messrs Miller Brothers become "Security by payment of the £1000" for the Opobo Chiefs. Once this point is cleared the onus of responsibility is on the British Government. You will please induce the Colonial Secretary to be influenced and convinced with the facts and evidence before him in the light of the references made to several official correspondence and pronouncements - all of which would be found in the Foreign Office Confidential Volume No. 5945 of 1889. This, strictly speaking, is a matter on which the Foreign Office could best decide.

6. It appears that the late Colonial Secretary was partial; he listened only to the voice of Messrs Miller Brothers in 1892 without considering the official correspondence and pronouncements on the matter - namely, that "*the security was paid by the Opobo Chiefs*" and that "*the whole sum should be surrendered to the opobo Chiefs*" when the time arrived. If, in any event, Messrs Miller Brothers misrepresented themselves and without the knowledge of the Opobo Chiefs, obtained payment, that would not destroy the facts as placed on record by the

British Government itself. To these facts we desire the Colonial Secretary to direct his attention.

7. The point is not what Messrs Miller Brothers said in 1892; but what the British Government know to be the facts in 1889. Let it be admitted that the British Government, in refunding the money to Messrs Miller Brothers in 1892, made a mistake. Let the Government demonstrate its magnanimity by admitting the mistake. A characteristic feature of a great man is his readiness to admit mistake.

I would want you to impress the Colonial Secretary that it gives no credit to the British Government if this matter were exposed to the world; and with a sensitive conscience that British Government would not drag down its high reputation for only £1000 and the accruing interest - an amount less than the annual salary of one of the Colonial Office Junior staffs. I don't want to refer here and now to the exile of my late grandfather (King Jaja), and his death in the hands of the British Government. Jaja's exile followed by the Security given in 1889 and other events at Opobo between 1887 and 1889 blacken Nigerian Col. history. I am sure (as it has been expressed in wide circles), the events are regretted by Britishers.

8. Alternatively, you would please press upon paragraph 13 of the petition to the Colonial Secretary. You have my many thanks for your kind interest.

Yours sincerely,
(Sgd.) Chief D. Jaja
Amanyababo of Opobo.

GMIOJ.

COPY:

Opobo Town.
Opobo,
Nigeria.
23rd October, 1954.

The Right Honourable,
The Secretary of State for the Colonies,
LONDON.

Your Lordship,

"The Opobo Chiefs' Security of £1000 in 1889"

The above matter was brought to your Lordship's notice first in 1950; and between that year and 1952 there were a considerable correspondence relating thereto. On the whole, while admitting the payment of the £1000 Security, it was also stated that the amount (principal plus interest for three years) had been

refunded to Messrs Miller, Brothers and Company in 1892, as the Company applied to the Foreign Office in a letter dated 9th September, 1892.

2. Your Lordship's plea of justification for returning the money to Messrs Miller Brothers, in 1892, and not to the Chiefs of Opobo, was based on the words of the Company given in its letter of the 9th September, 1892 that "we became security for the Chiefs of Opobo by the payment to the Chief Clerk of the Foreign Office of £1000 drawn upon us at Opobo on 1st April 1889" (vice your Lordship's letter No. 30022/292/51 Nigeria of the 8th August, 1951). We respectfully crave indulgence in re-opening this matter, and your Lordship is prayed to be influenced by reasons and evidence to explode the misrepresentations made by Messrs Miller Brothers. Once your Lordship is convinced by facts and evidence that the Company "did not become Security for the Chiefs of Opobo by the payment to the Chief Clerk of the Foreign Office the money (£1065.11/- vide your Lordship's letter No. 30022/292/50 Nigeria of 25th August, 1950) to the Company in 1892.

3. We have to state, categorically and unequivocally, that the Company, in no way, was Security to the Chiefs of Opobo; but, rather, it was only instructed to advance the Consul (Consul Hewett) the sum of £1000 - a sum which was later refunded to the Company and a receipt, signed by Mr. A. H. Bruce (Agent), obtained. Your Lordship had not called for this receipt to satisfy yourself on our case. The enforced payment by Consul Hewett placed a lien on all the debts which the Mercantile Agents in Opobo River owed the Chiefs. (See Consul Hewett's letter to the Foreign Secretary dated on the 30th March, 1889 - letter No. 125 (page 78 - last clause) in Foreign Office confidential Volume No. 5945 - Part III" Further Correspondence respecting the Royal Niger Company 1889)".

4. It is inconceivable that the Chiefs of Opobo were incapable of paying the money required and therefore called upon Messrs. Miller Brothers to become Security for them. If a lien was placed on the debts owed them by the Mercantile firms on Opobo River, it is admissible that the amount liened was far in excess of the £1000 security required; and the consul himself stated that it was "amply covered" by the lien. The Chiefs were distressed by the lien and, to relieve themselves of the distress, the one and only friendly firm at the time (Messrs. Miller Brothers) was asked only to advance the money to the Consul, and not to become Security.

5. Your Lordships's attention is directed to a letter from the Paymaster-General's Office (under the signature of Mr. A. Farnshaw) to the Treasury, and dated on the 8th July, 1889 (Page 175, No. 238 of the Foreign Office Confidential Volume No. 5945) referring to "the sum of £1000 being Security given by Opobo Chiefs": "and the Treasury, writing on the 19th July, 1889, to the Foreign Office (Page 174, No. 238 of the Foreign Office Confidential Volume No. 5945) also referred to the money as "Being Security given by Opobo Chiefs". No mention was made of the Security being given, "in respect of Opobo Chiefs", by

Messrs Miller Brothers. Your Lordship could not ignore the evidence of these two important Government Offices - The Paymaster-General's Office and Her Majesty's Treasury - to the effect that the Company did not become "security for the Chiefs of Opobo by the payment of £1000"; "but that, at our request, it only advanced the money required as security."

6. To explode the misrepresentations of Messrs Miller Brothers that the "payment of the £1000 security was made by the Company to the Chief Clerk of the Foreign Office" (vide your Lordship's letter referred to in paragraph 2 above), Your Lordship's attention is invited to a letter dated the 6th August, 1889 from the Foreign Office (under the signature of Sir T.V. Lister) to her Majesty's Treasury (vide page 186, No. 255 of the Foreign Office Confidential Volume No. 5945) transmitting a copy of a despatch (No.18) from Consul Hewett "in regard to the sum of £1000 remitted by the Consul as security for the good behaviour of the Opobo Chiefs."

7. Your Lordship observes that in 1889 (the year of the incident and when the circumstances of the payment was very green in memory) the Foreign Office said that "the Consul remitted the money to the Foreign Office" that is, from Opobo, but in 1892 (three years after the incident) Messrs Miller Brothers said that "they paid the money to the Chief Clerk of the Foreign Office". If Your Lordship admits the evidence of the Foreign Office it stands to reason that the Company misrepresented matter and was in no sense a security for the Opobo Chiefs.

8. The date (11th April 1889) mentioned by the Company in its letter of the 9th September 1889, as the date when it paid to the Foreign Office, is fictitious as, on that date, the arrangements about paying the money were on floor as your Lordship would gather from Consul Hewett's despatch No. 12 of the 11th April, 1889 (particularly the last but three paragraphs) vice pages 92 and 94 No. 139 of the Foreign Office Confidential Volume No. 5945).

9. On the 13th August, 1889 the Lords Commissioners of Her Majesty's Treasury directed the opening of an account in the books of the Bank of England, for 2% consols, in respect of security given by the Opobo Chiefs, and further directed that the "whole fund should be surrendered to the Chiefs when the proper time arrives". (vide page 188, No. 262 of the Foreign Office Confidential Volume No. 5945). The direction of the Lords Commissioners was endorsed by the Foreign Office vide a letter dated on the 23rd August, 1889.

10. It is submitted that, if when the time arrived, the whole fund was refunded to Messrs Miller Brothers (and not to the opobo Chiefs) it was definitely contrary to the direction of the Lords Commissioners of Her Majesty's Treasury, a direction endorsed by the Foreign Office.

11. Your Lordship had admitted the payment of the £1000 security, but disowns responsibility for refund to the Opobo Chiefs since the amount (principal plus interest) had been paid to Messrs Miller Brothers who misrepresented themselves as becoming security for the Opobo Chiefs. We submit that the onus

of refund of the money (together with interest accruing since 1889) still lies on the British Government on the following grounds:-

- (a) Payment was made to Messrs Miller Brothers on misrepresentations (The offence has been proved in the prevenient paragraphs of this memorial, particularly paragraphs, 7, 8 and 9).
- (b) Payment was made contrary to the direction of the Lords Commissioners of Her Majesty's Treasury in 1889 - a direction endorsed by the Foreign Office.
- (c) The evidence of two Government Departments (see paragraph 5 above) that the security was given by Opobo Chiefs.

12. In the light of new and fresh revelations it is evident that we have no ground to proceed against Messrs Miller Brothers (or their successors). The British Government is the proper and legal body to institute proceedings against the Company. It is hoped that payment will be made at the earliest convenience for which we cannot be too gratefully thankful.

13. If your Lordship still inclines to the view that proceedings should be instituted by us against the successors of Messrs Miller Brothers, the alternative is that we should be furnished with a certified true copy of the letter of the 9th September, 1892 by which the Company applied to the Foreign Office for payment of the amount, and also a certified true copy of the receipt issued by the Company acknowledging payment. Your Lordship would realize that it is almost impossible to prosecute the successors of Messrs Miller Brothers without these documentary evidence.

Yours faithfully,
(Sgd.) (Chief) D. Jaja
Amanyanabo of Opobo

GMIOJ.
P.A.S.

pp. 505-513. The S. of S. forwards correspondences concerning the claim by Chief Jaja for £1,000. The whole of this file deals with this claim. In 1889 the Chiefs of Opobo, the present Chiefs' grand relations, were ordered to pay £1,000 as a security for good behaviour. The £1,000 was paid provisionally by Miller Brothers and was at a later date refunded to them. Now it is alleged that this money was actually paid by the Chiefs through Miller Brothers acting as their agents. It is also alleged that the £1,000 should have been refunded to the Chiefs not Miller Bros. All this has been gone into before and the S. of S. has refused the claim. The S. of S. at p.505 has asked if this and any further correspondence should be dealt with by us or by the Eastern Region. Will it be in order to forward pp.506-513 to the E.R., copying the Saving at p.505, for information and action, asking them to deal with the S. of S. direct in future and then also reply to the S. of S. in the same terms?

Sgd. J. Mackie
3 December, 1954

A.S.I.

Copies of 506-513 will have been sent to the Eastern Region with 505 which was repeated to them. Pl. issue saving at b.c.
sgd.? (4/12/54).

Secretary of State for the Colonies.

4 December, 1954.

334 Saving

Repeated: Officer Administering the Government of the Eastern
Region, Enugu.

Your Savingram No. 517 of the 26th November.

Claim by Opobo Chiefs.

I confirm that this particular matter will in future be dealt with by the Governor of the Eastern Region and that further correspondence should be addressed to him.

Governor-General.

P.A.

Sgd.

8/12/54

J.H. Mackie

CS 026/38706 Vol. II

EXPENDITURE
NATIVE ADMINISTRATION

P.V. NO. 3

OPOBO

Head Deposit

Item: Chief Gabriel S. Toby of Opobo Town

Date	Details of Service	£	S	D
	To withdrawal of deposit vide Opobo R.V. No. 6 of 13.10.44	369.	4.	7
		369.	4.	7

Three hundred and sixty nine pounds, four shillings and seven pence.

Witness to Mark..... Passed for Payment: Sgd. District Officer

Received this 10 day of Nov. 1944, the above sum

see sub receipt attached
Signature of Receiver

NIGERIA - SUB-RECEIPT

Name of Payee	Particulars of Service	Amount			Signature in Acknowledgement of Receipt
		£	S	D	
Chief Gabriel Sam Toby					Sgd.
Albert Sam Toby					Sgd.
John Alali Sam Toby		369	4	7	His x mark
Michael Sam Toby					His x mark
Jonah Sam Toby					His x mark
Wilfred A.Sam Toby	369 4 7				His x mark

Witness to marks Sgd.
8th November, 1944.

H.N. Harcourt: Rank: D.O.
Signature of Officer Making Payment

N.A.T. Form 2

EXPENDITURE
NATIVE ADMINISTRATION

P.V. NO. 4

OPOBO

Head

Item Deposit

Dr. Opobo Town Chiefs

Date	Details of Service	£	S	D
	Withdrawal of deposit vide Opobo R.V. No. 1 of June 1944. (See details attached)	11420	-	-
	Redeposited £738:10:- vide Opobo R.V. No. 6/1031 of 13.10.44			
	Deposit Bk. P. 42	11420	-	-

NIGERIA - SUB- RECEIPT

Names of Payee	Particulars of Service	Amount £ S D	Signature in Acknowledgement of Receipt
George Coockey Gam Daniel Sunju Coockey Humphrey Coockey Gilbert F. Coockey Horace Bell-Gam Emmanuel T. Coockey Elijah Saturday Coockey Robert A. Coockey		369. 4. 7 369 4 7	Sgd. Sgd. Sgd. Sgd. Sgd. Sgd. His x mark Sgd.

Witness to mark Sgd.
Interpreter

H.N. Harcourt
Signature of Officer making payment

11th October, 1944

Rank D.O.

NIGERIA - SUB- RECEIPT

Names of Payee	Particulars of Service	Amount £ S D	Signature in Acknowledgement of Receipt
Robert D. Fubra Michael J.Black Fubra Victor Tilibo Black Fubra James J.Black Fubra Jackson F.Black Fubra		369. 4. 7 369 4. 7	Sgd. Sgd. Sgd. His x mark His x mark

Witness to mark Sgd.
Interpreter

H.N. Harcourt
Signature of Officer making payment

11th October, 1944

Rank D.O.

NIGERIA - SUB - RECEIPT

Names of Payee	Particulars of Service	Amount £ S D	Signature
Edward Finebone William Finebone Henry Finebone Peter Finebone		369. 4. 7	Sgd. His x mark Sgd. Sgd.
		369 4 6	

Witness to mark Sgd.

H.N. Harcourt

Interpreter

Signature of Officer making payment

11th October, 1944

Rank D.O.

NIGERIA-SUB-RECEIPT

Names of Payee	Particulars of	Amount £ S D	Signature
Fred Wogu Dappa Amos Wogu Dappa Abel Iderefa Woga Dappa George Wogo Dappa Nathaniel Wogo Dappa		369.4. 7	His x mark Sgd. His x mark His x mark His x mark
		369 4 7	

Witness to mark Sgd.

H.N. Harcourt

Interpreter

Signature of Officer making payment

11th October, 1944

Rank D.O.

NIGERIA-SUB-RECEIPT

Names of Payee	Particulars of	Amount £ S D	Acknowledgement
Ezekiel Sunday Jaja Eli Obietabara S. Jaja Monday S. Jaja Kenrick S. Jaja Erasmus S. Jaja Dick E.S. Jaja		369.4. 7	Sgd. Sgd. Sgd. Sgd. His x mark His x mark
		369 4. 7	

Witness to mark Sgd.
Interpreter
11th October, 1944

H.N. Harcourt
Signature of Officer making payment
Rank D.O.

NIGERIA-SUB-RECEIPT

Names of Payee	Particulars	Amount	Acknowledgement
		£ S D	
Sampson Diepiri Ogolo		369.4 7	His x mark
Raymond D. Ogolo			His x mark
Joseph Alex Ogolo			Sgd.
Sunday Simeon Ogolo			Sgd.
George Daminabo Ogolo			Sgd.
		369 4 7	

Witness to mark Sgd.
Interpreter
11th October, 1944

H.N. Harcourt
Signature of Officer making payment
Rank D.O.

NIGERIA-SUB-RECEIPT

Names of Payee	Particulars	Amount	Acknowledgement
		£ S D	
Herbert John Africa		369.4 7	His x mark
Phillip John Africa			His x mark
George Sunday John Africa			Sgd.
Amos Ibiwangi Dick Africa			His x mark
Sunday A. John Africa			Sgd.
Joseph O. John Africa			Sgd.
		369 4 7	

Witness to mark Sgd.
Interpreter
11th October, 1944

H.N. Harcourt
Signature of Officer making payment
Rank D.O.

NIGERIA - SUB-RECEIPT

Name of Payee	Particulars	Amount			Signature
		£	S	D	
Daniel Saturday Jaja		369	4	7	Sgd.
Emmanuel M. Jaja					Sgd.
Jacob F. Jaja					His x mark
Nna Adabibi Jaja					His x mark
Monday Diebo Jaja					Sgd.
		369	4	7	

Witness to marks Sgd
11th October, 1944

H. N. Harcourt
Sgd. of Officer making payment
Rank: D.O.

NIGERIA-SUB-RECEIPT

Names of Payee	Particulars of	Amount			Signature
		£	S	D	
Daniel Jacob Annie Stuart		369	4	7	His x mark
Ezekiel Annie Stuart					Sgd.
Gilbert Oko Annie Stuart					Sgd.
Jenewari J. Annie Stuart					His x mark
		369.4.7			

Witness to mark Sgd.
Interpreter
11th October, 1944

H.N. Harcourt
Signature of Officer making payment
Rank D.O.

NIGERIA-SUB-RECEIPT

Names of Payee	Particulars of	Amount			Signature
		£	S	D	
Erasmus Oko Jaja		369	4	7	Sgd.
Gabriel Romeo Jaja					His x mark
Nwafor Oko Jaja					His x mark
George Oko Jaja					His x mark
Enoch Patesi O. Jaja					Sgd.
		369	4	7	

Witness to mark Sgd.

Interpreter

11th October, 1944 Rank D.O.

H.N. Harcourt

Signature of Officer making payment

NIGERIA-SUB-RECEIPT

Names of Payee	Particulars of Service	Amount £ S D	Signature
Harry Toby		369 4 7	Sgd.
George K. Toby			Sgd.
Simeon T.D. Toby			Sgd.
George T. Toby			Sgd.
Dick I. Toby			His x mark
Fred A. Toby			Sgd.
Zacchues Toby			Sgd.
Ben I. Toby			His x mark
		369 4 7	

Witness to mark Sgd.

Interpreter

11th October, 1944

H.N. Harcourt

Signature of Officer making payment

Rank D.O.

NIGERIA-SUB-RECEIPT

Names of Payee	Particulars of Service	Amount £ S D	Signature
Yellowe Nwosu John Tom Brown		369 4 7	His x mark
Moses John Tom Brown			Sgd.
Chinyere John Tom Brown			Sgd.
Emmanuel John Tom Brown			His x mark
Hezekiah Omubo John Tom Brown			His x mark
Tobiah John Tom Brown			His x mark
Daniel Jacob John Tom Brown			His x mark
		369 4 7	

Witness to mark Sgd.

Interpreter

11th October, 1944

H.N. Harcourt

Signature of Officer making payment

Rank D.O.

NIGERIA-SUB-RECEIPT

Names of Payee	Particulars	Amount £ S D	Signature
Fred Tom Jaja Albert Tom Jaja Daniel Tom Jaja		369 4 7 369 4 7	Sgd. Sgd. His x mark

Witness to mark Sgd.
Interpreter
11th October, 1944

H.N. Harcourt
Signature of Officer making payment
Rank D.O.

NIGERIA-SUB-RECEIPT

Names of Payee	Particulars	Amount £ S D	Acknowledgement
Heggs Bruce Jaja Horton Bruce Jaja Oduobubara Bruce Jaja Daniel Bruce Jaja Jonah Bruce Jaja Heggs Bruce Jaja 950 Horton Bruce Jaja Oduobubara Bruce Jaja Daniel Bruce Jaja Jonah Bruce Jaja		369 4 7 1319 4 7	Sgd. His x mark His x mark His x mark Sgd. Sgd. His x mark His x mark His x mark

Witness to mark Sgd.
Interpreter
11th October, 1944

H.N. Harcourt
Signature of Officer making payment
Rank D.O.

NIGERIA-SUB-RECEIPT

Names of Payee	Particulars of	Amount			Acknowledgement
		£	S	D	
Thomas How Strongface		369	4	7	Sgd.
Moses Waribo Strongface					His x mark
Mark Igbi Strongface					His x mark
Henry Strongface					His x mark
Erasmus Alali Strongface					His x mark
George Strongface					Sgd.
Caleb Strongface					His x mark
		369	4	7	

Witness to mark Sgd.
 Interpreter
 11th October, 1944

H.N. Harcourt
 Signature of Officer making payment
 Rank D.O.

NIGERIA-SUB-RECEIPT

Names of Payee	Particulars	Amount			Acknowledgement
		£	S	D	
Amos Sam Oko Epelle		369	4	7	Sgd.
Herbert M. Epelle					Sgd.
Samuel Geogfrey Alfred Epelle					Sgd.
Cornelius Sam Oko Epelle					Sgd.
Emmanuel M. Tobias Epelle					Sgd.
Frank Fiberesima William Epelle					His x mark
Isaac John Sam Oko Epelle					Sgd.
		369	4	7	

Witness to mark Sgd.
 Interpreter
 11th October, 1944

H.N. Harcourt
 Signature of Officer making payment
 Rank D.O.

NIGERIA-SUB-RECEIPT

Names of Payee	Particulars of	Amount			Acknowledgement
		£	S	D	
Albert Deerie Tolefare		369	4	7	His x mark
Isaac Warri Diri Tolefare					His x mark
Johnson Deerie Tolefare					His x mark
Robert W. Deerie Tolefare					Sgd.
Joseph R. Deerie Tolefare					His x mark
		369	4	7	

Witness to mark Sgd.
Interpreter
11th October, 1944

H.N. Harcourt
Signature of Officer making payment
Rank D.O.

NIGERIA-SUB-RECEIPT

Names of Payee	Particulars of	Amount			Acknowledgement
		£	S	D	
Foster William Obanny		369	4	7	Sgd.
David William Obanny					His x mark
Nathan H. Obanny					His x mark
Johnson Obanny					His x mark
Amos D. Obanny					His x mark
		369	4	7	

Witness to mark Sgd.
Interpreter
11th October, 1944

H.N. Harcourt
Signature of Officer making payment
Rank D.O.

NIGERIA-SUB-RECEIPT

Names of Payee	Particulars	Amount			Acknowledgement
		£	S	D	
Sunday Jungo Manilla		369	4	7	Sgd.
Robert Jungo Manilla					Sgd.
Kanu Jungo Manilla					His x mark
Atabara Jungo Manilla					His x mark
Joseph Jungo Manilla					Sgd.
		369	4	7	

Witness to mark Sgd.
 Interpreter
 11th October, 1944

H.N. Harcourt
 Signature of Officer making payment
 Rank D.O.

NIGERIA-SUB-RECEIPT

Names of Payee	Particulars	Amount			Acknowledgement
		£	S	D	
Josiah Cockeye Brown		369	4	7	Sgd.
Newyear Cockeye brown					His x mark
Isaac J. Cockeye Brown					Sgd.
Mindari Cockeye Brown					Sgd.
Christmas Cockeye Brown					Sgd.
Abraham peter Cockeye Brown					Sgd.
		369	4	7	

Witness to mark Sgd.
 Interpreter
 11th October, 1944

H.N. Harcourt
 Signature of Officer making payment
 Rank D.O.

NIGERIA-SUB-RECEIPT

Names of Payee	Particulars	Amount			Acknowledgement
		£	S	D	
Ishamel B. Warriso		369.	4.	7	Sgd.
Jim Kamanu Warriso					Sgd.
George Dappa Warriso					Sgd.
Edward Moses Warriso					His x mark
Moses Fowari Warriso					Sgd.
		369	4	7	

Witness to mark Sgd.
 Interpreter
 11th October, 1944

H.N. Harcourt
 Signature of Officer making payment
 Rank D.O.

NIGERIA-SUB-RECEIPT

Names of Payee	Particulars	Amount	Acknowledgement
		£ S D	
Edward Legg Jack		369.4. 7	His x mark
Face L.J. Tolefare			His x mark
Moses L.J. Tolefare			His x mark
Sampson L.T. Tolefare			His x mark
Jonah N.L.J. Tolefare			His x mark
Thomas L.J. Tolefare			His x mark
		369 4 7	

Witness to mark Sgd.

H.N. Harcourt

Interpreter

Signature of Officer making payment

11th October, 1944

Rank D.O.

NIGERIA-SUB-RECEIPT

Names of Payee	Particulars	Amount	Acknowledgement
		£ S. D.	
Isaac Duke Norfolk		369. 4. 7	His x mark
Jeremiah D. Norfolk			His x mark
Jacob Duke Norfolk			His x mark
		369 4 7	

Witness to mark Sgd.

H.N. Harcourt

Interpreter

Signature of Officer making payment

11th October, 1944

Rank D.O.

N.A.T. Form 2 (New)

EXPENDITURE

OPOBO NATIVE ADMINISTRATION

Head

P.V. NO. 45

Item Deposit

Dr. Jaja House Opobo Town

Date	Details of Service	£	S	D
	To withdrawal of deposit in favour of King Jaja's House of Opobo Town R.V. No. 6/1031 (see subreceipt overleaf)	369	5	5
	N.A.T. To endorse on the deposit receipt The P.V. No. and date of today payment H.N.H. 27.1.45 D.V.E.A. Bk. Page D/BP. 44	369	5	5

Pay the sum of three hundred and sixty nine pounds - five shillings and five pence.

Passed for payment: H.N. Harcourt
District Officer

Witness to mark

Received this 27 day of January, 1945, the above sum.

see overleaf
Signature of Receiver.

N.A.T. P.V. Withdrawing deposit of £369 = 5 = 5 for King Jaja House
H.N.H. 27.1.45

NIGERIA

No. 1031

Native Administration Opobo

Date 13th October, 1944.

£738:10 =

Received from District Officer - Opobo
the sum of seven hundred and thirty eight - pounds, - ten - shillings and - NIL -
pence, being Deposit in favour of Jaja's house and Sam Toby's house Opobo
Town.

Signed.

Native Administration Treasurer.

Copy of a minute by the Attorney-General

C.S.

The documents whereby the Opobo Chiefs claim to be entitled to compensation
are, in my opinion:-

- (a) acknowledgements by H.B.N. Government of indebtedness to the Chiefs
for varying sums of money by way of compensation for canoes and guns
surrendered to H.B.M. Government, and
- (b) agreements to pay the sums upon on production of the respective
documents during a certain period of years.

2. I agree in general with the view expressed by Mr. Dursell in the Memorandum
enclosed in S/S's Nigeria despatch No. 451 although I am not quite satisfied
about the views expressed in the last paragraph as they apply to this particular
case.

3. Had the chiefs sued and obtained judgment then the position would be
different but the case was merely one of acknowledgement of indebtedness
which has been settled between the parties without the debtor denying liability
at any stage. That being so the creditors, in my opinion, cannot claim legal
expenses for there was no necessity for them to seek counsel's aid.

4. I am doubtful about what is meant in paragraph 4 of the memorandum
where it is stated that there were factors outside the control of the debtor more
especially in the phrase "...as even at present the Chiefs have not decided how
the money is to be paid out, there were causes outside our control". That may

be read in two ways: if it means how the chiefs themselves are to dispose of the money that I submit is no concern of H.B.M. Government because the purpose to which the money is put after payment is solely within the discretion of the payees. On the other hand if it means that the chiefs have not decided now the money is to be paid in the sense that they do not know to whom it is to be paid, that is hardly correct except in the case of one house. They of their own volition have never expressed any doubt. The doubt has arisen because the person paying is anxious to know and is justified in knowing that he will be receiving a good discharge for the payment. But even assuming there has been delay on those latter ground I do not consider that the payment of the money has been delayed to such an extent as to justify a claim for interest.

5. The correspondence, however, disclosed a point of view in connection with interest and costs with which I do not agree. The Secretary of State in despatches No. 273 of 21st July and No. 451 of 18th December, both of 1944, states in effect that if interest and costs are payable they should be met from funds of the Nigerian Government. On the assumption that either interest or costs are to be met I entirely dissent from the view that they should be charged against Nigeria funds. If reference be made to the documents concerned it will be seen that the surrenders were made to H.B.M. Government and moreover that Government upheld the claims and undertook to pay the amount, how then can it possible be alleged that the question of interest on that amount or the costs of the recovery of that amount is a matter for the Nigerian Government. No, this matter is one for the Imperial Government to bear the costs incurred by H.B.M. Government or not on the documents this Government is liable for interest and costs. In my opinion the answer is most definitely in the negative.

H.C.F. (Cox)

A.G.

1.2.45.

THE TREASURY,
LAGOS, NIGERIA

9th May, 1944

Ref: No. 5/20025.

The Honourable
The Financial Secretary
Lagos.

Opobo Claims

Referring to your letter No. 38706/58 of the 30th of april, I have arranged for the necessary adjustment to be effected.

The deposit will be shown as a separate item in the monthly statement of assets and liabilities for the month of May, 1944, which will be published in the Gazette of October, 1944.

Sgd.?

f: ACCOUNTANT-GENERAL.

From: Chief Secretary to the Government, Lagos

To: The Accountant-General, Lagos

No: 38706/191

Copy to S.E.P.

Date: 17 May, 1944

Opobo Claims

With reference to Financial Secretary's letter No. 38706/175 of the? May, I am directed to inform you that it has been decided that this sum of £11,480 in respect of the Opobo Chief's claims should be transferred to the Opobo Native Treasury where it will remain in deposit pending determination of the proper payees.

2. Will you please arrange for the transfer to be made as soon as possible.
3. A copy of this letter is being sent to the Secretary, Eastern Provinces, Enugu.

(Sgd.) G. MacDonald

f: Ag. Chief Secretary to the Government.

No. 38706/191

17 May, 1944.

Copy to:-

S.E.P.

For information, with reference to your telegram No. 18989 of the 15th of April.

(Sgd.) J.O. Field

for: C.S.G.

C.S.

1 letter to sign (p. 175) to which reference in words is undated)

Sgd."

16/5/44

CPS.

This file might become ordinary confidential now and no longer be kept locked up?

Sgd.?

16/5/44

I have handed letter to Acct.General

Sgd.? 17/5/44.

C.s.

Sir Wm Geary's letters at 162 - 3 are outstanding, I guess? - or reply as in my para 3 p. 171?

Sgd.?

17/5/44

A despatch has just come in form S/S. In view thereof I don't think any reply to Sir W. is necessary.

Sgd.?

17/5/44

FROM: 2

April 1944 encl.

SIR WILLIAM NEVILL M. GEARY, BT.

STATIONS:

TOWNBRIDGE 5 MILES

WROTHAM 4 MILES

TO: The Honourable the
Chief Secretary

TELEPHONE: 232 HADLOW, KENT.

OXON HEATH

TOWNBRIDGE

Sir,

Opobo Claims

I beg to acknowledge receipt of yours of 28 February ref. 38786/128 which was by air-mail, but only delivered 20 March; it was opened by the censor, I enclose envelope which surprised me, is some other department spying on the Secretariat, perhaps this caused the delay in delivery.

2. I have received from my clients a letter of 8 February, delivered that their claim was accepted and that they would be paid. They further stated that they had furnished a list of the proper payees as being the heirs and successors of the original chiefs the beneficiaries under the deed of 17 June 1892. Is this list accepted by the Government? Please be so good as to inform me.

3. If so when will the payment be made and how? Please to inform me.

4. I have a claim for my professional fees thereout. Would the Government ask each payee if he consented that say a quarter of his money should lie in Bank in joint names of payee and myself to answer my fee and the residue to be handed to the payee under the 1892 deed.

5. Will you reply by air-mail or cable.

I am, dear Sir, your most obedient humble servant,

William Nevill M. Geary

Nigerian solicitor for MacJaja Amanyanabo of Opobo and Opobo Chiefs.

Colonial Office,
Downing Street,
10th May, 1944

NIGERIA:

No. 153

Sir,

I have the honour to refer to my telegram No. 658 of the 9th May regarding the Opobo Claims and to forward herewith a copy of a letter to Sir William Geary from persons purporting to be their heirs and successors of the original Chiefs. Sir William sent a copy of this letter to the Colonial Office. He has suggested that payment should be made immediately to these persons against an indemnity to Government by them against any other claims. Sir William was promised that this suggestion would be passed on to you, but, as you will see from the attached record of an interview with him on the 5th May, doubt was expressed whether this procedure would be acceptable to you.

2. You will note that Sir William has raised the question of interest and of costs. I will let you have any observations which I wish to make on these points after I have considered them further and I propose to discuss the matter with Mr. Cox when he is in this country.

I have the honour to be,

Sir,

Your most obedient humble servant,

Oliver Stanley

GOVERNOR

SIR ARTHUR RICHARDS, G.C.M.G./

etc.,etc.,etc.

COPY

24/2/44

Opobo Town
Opobo Nigeria.
8th February, 1944

Sir William Geary, Bart.

Oxon Heath

Tonbridge, Kent.

Dear Sir,

I am directed to reply to all your letters of last year addressed to Chief Douglas Mac Jaja and to thank you for all the cuttings of Newspapers published in

England and for your contributions in English Newspapers. We also thank you for all your activities, particularly in securing the service of Colonel Ponsonby M.P. to press our matter in the Imperial Parliament. We also thank you for your expenses in cabling us more than once even though we have not paid a mite to you in this matter. We appreciate not only the activities in our behalf but the genuine interest manifested.

We endorse your presence on the Government for payment with interest as from March, 1939. As a celebrated lawyer you must be convinced of the legality of the point you submit to convince Government of the necessity, the reasonableness, and the legality of payment with interest. We pray that unrelentless you should prosecute the cause.

A few weeks ago the District Office, Opobo, announced to us that the Government had accepted our documents as genuine and had also agreed to pay the sum either through the bank or through the High Court. We await your confirmation of this announcement. It is evident that your labours are bearing fruit. But all that we anxiously await to hear is the date of payment.

We understand that Government could not decide on date of payment without knowing the rightful and legitimate payees. All the original Chiefs have died. Over is a list of the payees who are heirs by right of birth or successors according to the native customary law of succession. There is no question about these payees. Government has been furnished with the list. Once payment is made to these Chiefs there would be no further claim advanced on Government.

With reference to your charge we add to the £1000 already offered, 20% of the interest secured. Opobo Chiefs of today are not those you used to know or hear about. In fact, the depredation during the naval blockade between 1888 and 1889 adversely affected the wealth of the town. Some of the Houses are in a decrepit condition as a result of the pillages. It is almost impossible for some of the Houses claiming the compensation to subscribe to the £300 fee. We earnestly request you to prosecute the matter with all the fervour and zeal. If you succeed, as we believe you could succeed, £1000 with 20% of the interest would not be an unreasonable offer.

Some of the chiefs, including myself, are personally known to Mr. A.C. Douglas when he was Consul in Opobo River. We are grateful to him for exposing the facts in his possession. He is a typical Britisher and was kind to us as a Consul here. Please convey our thanks to him for communicating to the "Times".

Now that the Government has signified its intention to pay, you would please press so unrelentlessly that payment is no longer delayed. You would decry any suggestion whatsoever other than paying the money direct to us. It is compensation for the wrong done us. It is a debt. Government has no suggestion to make other than liquidating its liability. It takes quite two months via steamer for letters to reach us during this war time. We would esteem it a great favour to be communicated by cablegram or by air mail. Again we thank you.

Your sincerely,
 (Sgd.) (Chief) Harry Toby.
 Ag. President, Opobo Town Council.

List of Opobo Chiefs whose war-canoes and guns were surrendered and confiscated to H.B.M. Government between 1888 and 1889 (conditionally).

Original Chiefs	Payees (Heirs and/or Successors)
Sam Annie Pepple	(S) A.S. Pepple
Cookey Gam	(HS) George Cookey Gam
Black Fobra	(RHS) Robert D. Black Fobra
Fine Bone	(HS) Edward Fine Bone
Wogo Dappa	(RHS) Fred Iwo Wogo Dappa
King Jaja's own (1) Queen	(RHC) Harvey Jim Jaja and Jeremiah A. Jaja
King Jaja's own (2) Oby Jack	(S) Ezekiel S. Jaja
Ogollo Annie Pepple	(HS) Diepri Ogollo Annie Pepple
John Africa	(RHC) George John Africa
Saturday Jaja	(S) Daniel Saturday Jaja
Jacob Annie Stewart	(S) Daniel Annie Stewart
Oko Jaja	(RHC) Erasmus Oko Jaja
Toby	(HS) Harry Toby
John Tom Brown	(HS) Yellowe Nwosu John Brown
Tom Jaja	(RHC) Fred Tom Jaja
Bruce Jaja	(HS) Heggs Bruce Jaja
How Strongface	(HS) Thomas How Strongface
Sam Oko Epelle	(HS) Amos Sam Oko Epelle
Deerie Tolefare	(S) Albert Deerie Tolefare
Obanny	(RHC) Foster Obanny
Jungo Manilla	(RHC) Sunday Jungo Manilla
Cockeye Brown	(RHC) Josiah Cockeye Brown
Warriso	(S) Ishmael Warriso
Jack Tolefary	(S) Edward Jack Tolefary
Sam Toby	(HS) Gabriel Sam Toby
Duke Norfolk	(RHC) Isaac Duke Norfolk

S = Successor in office
 HS = Heir and successor in office
 RHC = Representative of House Committee.

Note of Discussion on Opobo Claims on the 5th May, 1944.

Present:

Sir William Geary, Bt.

Sir Alison Russell

Mr. Cohen.

It was explained to Sir William Geary that, as the Secretary of State had stated in the House of Commons on the 19th January, the claims had been accepted by His Majesty's Government and Parliament would be asked to vote the sum of £11,420 at the first opportunity. Meanwhile, in order to make it absolutely clear that it was the intention of Government to settle this matter as soon as possible, the Nigerian Government had invited the finance Committee on the 28th April to vote the sum of £11,420, which would be placed in a separate deposit account and shown as a separate item in the Colony's balance sheet, which is published in the Gazette. The money would be held available for payment as soon as the proper payees had been determined, and if Parliament agree to vote the sum of £11,420 the Nigerian Government would in due course be reimbursed.

Sir Alison Russell further explained to Sir William Geary that the Nigerian Government and the Colonial Office were most anxious to see this matter settled and the money paid to the proper payees, but payment could not be made until the proper payees had been determined. The claims had not been submitted until 1939, 47 years after the signature of the documents, and the process of determining the proper payees was inevitably a difficult one. Sir Alison Russell mentioned that in fact the claims had been brought forward in 1939 at the suggestion of an officer of the Nigerian Government.

In order to settle the question as quickly as possible once the claim had been admitted by His Majesty's Government, the Nigerian Government had proposed to the Opobo Chiefs that a special tribunal should be established under a special ordinance for the purpose of investigating the proper payees. The Governor had, however, reported on the 15th April that the Chiefs were unwilling to accept a special tribunal and that alternative proposals were still being discussed. If no special procedure could be established it might be necessary to let the matter go to the Courts for settlement, in which case there might be a great deal of litigation and a large part of the claims might be dissipated in this way.

Sir William Geary suggested that payment should be made immediately to the list of heirs and/or successors append to the letter to him of the 8th February, of which he had sent a copy to the Colonial Office, the payees giving the Government an indemnity against any other claims. Sir Alison Russell promised that this suggestion would be put to the Nigerian Government, but he said that there might be large numbers of other claimants. He asked Sir William Geary whether he had any information to suggest that these were the only claims and

Sir William said that the only information he had was in the letter of the 8th February. *Sir Alison Russell* also said that it was clear exactly what "heirs or successors" meant. *Sir William Geary* suggested that *Sir Henry Galway* might be able to help as to this and *Sir Alison Russell* said that he would be consulted.

Sir Alison Russell said that the Nigerian Government clearly could not pay over the money until they were satisfied as to the proper payees. Otherwise they would lay both themselves and those who received the money open to litigation and considerable trouble might be stirred up in the district. The only way of settling the matter would be for it to be fully gone into at this stage before payment was actually made, although, as he had already said, the Nigerian Government were anxious to settle the matter as rapidly as possible.

Sir William Geary raised the question of interest and of costs. *Sir Alison Russell* said that he could not say anything about either of these matters, but he took note of the fact that they had been raised.

(Sgd.) John O. field 23.5.44

for:C.S.G.

Resident Calabar.

38706x Your 2329 of 2nd Mayx Please expedite details.
Chiefsec.

C.S.

From 192. *Sir William* seems very concerned about his fees, but I fail to see why we should assist him to bring his speculations to a successful conclusion. In any case, we are merely acting as agents for H.M.G. in this matter and if he wants his cash deducted at source, he had better arrange it in London. But S of S might be interested to know of *Sir Wm's* request.

2. Pp 193-7 raise the question of paying out to the claimants listed at 195 on an indemnity, also the question of heirs and successors. We still await the details promised at the foot of 161. The list given at 195, however, provides all explanation to the point raised by HAG in para 5 of his minute at 150. It will be observed that there are two people to share "King Jaja's own (1)" and a different person to take "King jaja's own (2)", thus giving an increase of two on the original 25.

Sgd.?

23/5/44.

Reply to 162 and 192 that the question of the payment of *Sir Wm's* fees is a matter between him and his clients and the Government is unable to accede to his request.

Sgd.?

23/5/44.

AIRMAIL

38706/200

30th May, 44

Sir,

With reference to paragraph 4 of your letter No. 35a/44 of the 2nd of April, and paragraph 3 of your airgraph letter No. 40a/44 of the 13th of April, I am directed to inform you that the question of the payment of your fees in connection with Opobo claims would appear to be a matter for direct arrangement between yourself and your clients and Government is unable to assist.

2. The present position as regards the claims is that the sum of £11,420 has been paid to the Opobo Native Treasury where it will remain on deposit pending determination of the proper payees. This is not an easy matter as was explained in your discussion with Sir Alison Russell and Mr. Cohen at the Colonial Office on the 5th of May. In particular the phrase "heirs or successors", which appears in the documents, is not clear. The Resident Calabar is sending particulars of the individual persons who claim to be proper payees; when these particulars are received your suggestion to the Colonial Office that payment should be made to them against an indemnity to Government by them against any other claims will be considered.

I am sir,

Your Obedient Servant,

(Sgd.) G. MacDonald

for: Acting Chief Secretary to the Government.

Sir William Geary, Bart,
Oxon Hoath,
Tonbridge
KENT.

YE.

Opobo Chiefs.

Sir Williams is getting nervous about his fees - see last sentences of 162 and 192. I entirely agree that it is not the function of the Government to act as debt collector for him.

?Letter may issue.

Sgd.?

29/5/44.

Yes. I have not seen these papers before.

2. But meanwhile, the discussion - now 7 months old - of how to settle the list of payees goes on with undiminished gusto. I think it is a pity that the suggestion at 134 was not accepted. Even that is now 3 months old and the c.c. has

apparently given up the struggle to get something done. Presumably all the details desired from the Resident Calabar are now available and their is nothing to prevent action as at 157 since that course temporarily holds the field - unless these fallow six weeks have produced as even more futile thought.

Sgd.
29.5.44.

CONFIDENTIAL

No. 18989/316
SECRETARY'S OFFICE
EASTERN PROVINCES
ENUGU, NIGERIA

24th May, 1944

The Honourable
The Chief Secretary to the Government
Lagos

Compensation for War Canoes and Guns

With reference to your telegram No. 38706 of the 15th of April 1944, I am directed to transmit herewith a copy of a letter No. 723/81 of the 26th of April, 1944 from the District Officer, Opobo, (Mr. H.N. Harcourt).

2. The Resident, Calabar Province, (Capt. H.P. James) has invited attention to the fact that in the copy of the document in respect of the £9600 dated the 17th of June, 1892 in his file are specified the names of twenty five Chiefs; whereas in the District Officer's copy twenty six names are shown; twenty five being the same as in the attachment A to my letter No. E.P. 12468/152 of the 20th of August, 1940, and the twenty sixth being the name of Tom Jaja which appears between the names of John Tom Brown and Bruce Jaja. In the copy in the file in this Secretariat twenty-five names only are recorded. I am to request that the original document may be examined to ascertain whether the name of Tom Jaja appears therein.

Sgd.
Secretary
Eastern Province.

CSO26/38706 Vol. III

No. 24107/37

THE SECRETARIAT
EASTERN PROVINCES
ENUGU, NIGERIA

23 April, 1951.

The Honourable
The Chief Secretary to the Government
Lagos.

Opobo Chiefs' security of £1,000 in 1889

I am directed to refer to the correspondence ending with your letter No. 38766/396 of the 6th of March and to forward herewith a further petition by Chief H. Jim Jaja to the address of the Secretary of State. Attached hereto is a copy of his letter to the Secretary of State for Foreign Affairs dated 1st August 1890 and copies of letters that have passed between the petitioner and the United Kingdom Office of the United Africa Company in which the latter denies liability. The petition raises no new matter of relevance.

2. It is observed from the copies of correspondence received here that Chief Jim Jaja does not appear to have been addressed directly by the Secretary of State for the Colonies. It is true that the Rev. R. W. Sorenson M.P. conveyed to the petitioner a copy of the Secretary of State's letter No. 30033/292/50 Nigeria of the 2nd of January but it is felt that it is desirable for the petitioner to be told more dogmatically than in that letter that Government denies all liability and that this decision should be contained in a letter to his address.

(Sgd.)

SECRETARY
EASTERN PROVINCES

FON

CSO26/38706 Vol. III
Opobo Town
Opobo, Nigeria
27th February, 1951

The Right Honourable
The Secretary of State for the Colonies
London.

Your Lordship,

The Opobo Chiefs' Security of £1000 in 1889

Reverend Sorenson has kindly favoured us with a copy of Your Lordship's letter No. 30022/292/50 Nigeria of the 2nd January, 1951. With Your Lordship's

permission, and with all due deference, further representations on this matter are made.

2. It does appear to us that much capital is made of the word "Advance", following expressions in both letters addressed to Reverend Sorenson and discussions with local Administrative Officers. We crave indulgence of expression of our own version of the hackneyed word "advance".

3. Admitting, for the sake of argument, that Messrs Miller Brothers and Company advanced the sum of £1000 in 1889 it would also be admitted that it was "in respect of Opobo Chiefs". The transaction having passed, the money ceased to be a property of the Company, and becomes the property of the Opobo Chiefs. H.M. Government was not, and should not be, concerned with the sufficient that the Opobo Chiefs deposited the £1000 Security demanded as evidenced by the Departmental correspondences on the matter, namely, Treasury's letter of July 19, 1889, Foreign Office letter of August 6, 1889, Treasury's letter of August 13, 1889, and Foreign Officer letter of August 23, 1889. The outcome of these correspondences is the investment of this £1000 Security in the Bank of England, "in respect of the Opobo Chiefs", according to receipt of the 15th August, 1889.

4. The last clause of the last paragraph of Consul Hewett's letter dated at Opobo on the 30th March, 1889, and addressed to the Marquis of Salisbury (Foreign Secretary) says:- "As to the security of £1000, that is simply covered by the lion which was put on all amounts due to the Opobo Chiefs by the different Firms in the River". The lion was removed when the Opobo Chiefs paid the £1000 through Messrs Miller Bros & Company, and for which payment there is receipt.

5. The fact having been established that the money is the property of the Opobo Chiefs, the legal point raised now is that it should not have been paid to any body else (not even to Messrs Miller Bros and Company even though it acted as only Agent of payment) without the authority of the Opobo Chiefs; the payment raises complications and controversy, it is needless of us emphasizing the liability of Government, in the strict senses of law, making another payment direct to the Opobo Chiefs.

6. But the United Africa Company, Limited (Successors in title to Messrs Miller Bros and Company) has denied liability. The Company has not even admitted payment to it by H.M. Government. The Company's non-admission of liability is expressed in its letter of the 1st December, 1950 in reply to ours of the 10th November, 1950 and repeated in another letter of the 5th February 1951 in reply to ours of the 11th December, 1950. Copies of these correspondences have been transmitted to Your Lordship through the Nigerian Government and to which please refer.

7. Might we invite Your Lordship's attention to a letter of the 12th December, 1950 (Ref. No. ID/R 202/Misc.64) from the Paymaster General saying that:- "Stock in which dividend accruing from 1889 to 1892 on then current holdings

were invested, was sold at the request of the Chief Clerk, Foreign Office in June 1892.....at this date the records of the Department do not show to whom the proceeds were credited." Might it not be inferred that Messrs Miller Bros and Company bought the Stock, and that there was no remittance through the Company, to the Opobo Chiefs.

8. In these circumstances we respectfully submit that it does appear that there is something more for Her Majesty's Government to do in this matter, and that further investigation be made. We cannot be too gratefully thankful for the kind action of the Government at no distant date.

Yours faithfully,
Sgd.

(Chief H. Jim Jaja).

CS026/38706 Vol. III

Opobo Town
Opobo, Nigeria
1st August, 1950

The Right Honourable
The Secretary of State for Foreign Affairs
London.

Your Lordship,

The Opobo Chiefs' Security of £1000 in 1889

I am directed by the Chiefs of Opobo to make representations to your Lordship on the question of £1000 given, in 1889, by the Chiefs of Opobo to Her Britannic Majesty's Government as security for good and loyal behaviour for three years. The time has long expired and had lengthened into over half-a-century. Our fathers who subscribed this money have all died; and it is only unfortunate that they, in their time, did not raise the question of refund immediately it became due. It is still fortunate that only a few months ago other documents connected with this money came to our knowledge.

2. A little over 18 months after the deportation of Jaja in 1887. at the instigation of Consul Hewett, a strict naval blockade was instituted at Opobo. The conditions imposed, the satisfaction of which might, and did, influence consideration of raising the blockade were:-

- (i) Payment of a fine of 300 puncheons of palm oil equivalent of £3000.
- (ii) Delivery of all war-canoes, guns and rifles confiscated to Her Majesty's Government.
- (iii) Tangible security of £1000 for good and loyal behaviour for three years.
- (iv) Trade restriction for a period of three months.

3. Until the fine was paid and the security given Consul Hewett, in his letter of the 30th March, 1889, to Lord Salisbury, the then Foreign Secretary, expressed in the last clause of the letter, that "a lion was put on all amounts due to the Opobo Chiefs by the different firms in the river". The blockade was not raised until the evening of the 6th April, 1889, the conditions imposed having been satisfied.

4. It should be mentioned, in passing, that a question was raised, in the House of Commons, on the 28th March, 1889, by Mr. Roworth, with reference to the institution of blockade on Opobo river, the infliction of 300 puncheons of palm-oil fine, and the demand for £1000 security. The then under-Secretary of State for Foreign Affairs (Sir James Fergusson) replied, *inter alia*, that "security for good behaviour to the amount of £1000 to be enforced by blockade if necessary".

5. As evidence of giving of the security of £1000 by the Opobo Chiefs and of the decision of Her Majesty's Government on refund of the capital with interest accruing, references are respectfully made to certain relevant departmental correspondences on the issue. First, the Opobo Chiefs paid the amount to the firm of Messrs Miller, Brothers and Company, of Glasgow (now a member of the United Africa Company Limited) which made remittance to the Paymaster-General. Your Lordship's attention is invited to a letter from the Foreign Office dated 2nd July, 1889 by Sir T. Villiers Lister on the direction of Lord Salisbury, and addressed to the Paymaster-General requesting that "the proceeds of the bill for £1000 on Messrs Miller, Brother and Company, of Glasgow, which was sent him through the Paymaster-General on the 18th June, 1889) may be invested in Government 2 per cent in the joint names of the Assistant Paymaster-General and the Chief Clerk of the Foreign Office for the blockade.

6. Secondly, the Foreign Office reported that "the Paymaster invested in the purchase of £1041.12 stock.....that the stock will be transferred on receipt at the Bank of the usual authority from the Treasury under the Exchequer and Audit Act.....and also requested whether the dividends arising from this investment are to be credited to your Account for Consular Services as they accrue". Similar communication, on the same date was addressed to the Treasury.

7. Thirdly, on the 19th July, 1889, Mr. R.E. Walby, under direction of the Lords Commissioners of Her Majesty's Treasury, transmitted to the Foreign Office a copy of a letter (i.e. the letter of 8th July, 1889) received from the Paymaster-General relative to a sum of £1000 "*being security given by Opobo Chiefs*" which has been invested in 2 per cent Stock. The Treasury also requested from the Foreign Secretary for information of the "circumstances under which this investment is being made".

8. Finally, Sir T.V. Lister, directed by Lord Salisbury the Foreign Secretary, replying on the 6th August, 1889, to the Treasury letter of the 19th July, 1889, said:- "*It will be observed that, if the Chiefs give no cause for this money to be*

estimated, it will have to be returned at the end of three years". The Foreign Office letter contained:- "Under these circumstances, Lord Salisbury would be glad to be favoured with the opinion of their Lordships as to whether the dividends should be invested, with a view to their being returned with the principal, or be paid as an appropriation in aid of the Consular Vote".

9. Finally, Mr. Walby, replying on the 13th August, 1889 on direction of the Lords Commissioners of Her Majesty's Treasury, to the Foreign Office letter of the 6th August, 1889, acquainted the Foreign Secretary that "under Section 20 of the Exchequer and Audit Act, the Treasury has authorized the opening of an account in the books of the Bank of England for 2 per cent Console, purchased and to be purchased in the joint names of the Assistant Paymaster-General and the Chief Clerk of the Foreign Office for the time being, in respect of security given by the Opobo Chiefs. He added that their Lordships think that "the accruing interest on the stock should be invested in like stock and added to the fund, and that the *whole fund should be surrendered to the Chiefs when the proper time arrives*".

10. Sixthly, in a letter of the 16th August, 1889 from the Paymaster-General's Office, and under the hand of Mr. A. Branshaw, Foreign Office, was enclosed the following receipt:-

Received this 15th day of August, 1889, of the Assistant Pay-master-General and the Chief Clerk of the Foreign Office for the time being, in respect of security given by the Opobo Chiefs of Old Calabar, hereinafter called the said transfer, the sum of nine hundred and ninety-eight pounds thirteen shillings and five pence, being the consideration for the one thousand and forty-one pounds twelve shillings and ten pence interest for share on the capital or joint stock of the two pounds ten shillings for certain Amenities, forming part of the National Debt, transfer attending the same, by me this day transferred to the said force.

Witness,
C.J. Richards"

Witness my hand
.....Clerk

11. Lastly, Sir T.N. Sanderson, directed by the Foreign Secretary, Lord Salisbury, communicating the Paymaster-General on the 23rd August, 1889, in reply to his letter of the 16th August, 1889, asked him to observe that "the Board of Treasury are of opinion that the accruing interest on the 2 per cent Console purchased with the security given by the Opobo Chiefs should be invested in like stock and added to the fund, and that *the whole fund should be surrendered to the Chiefs when the proper time arrives*".

12. It is evident and obvious, from the series of departmental correspondence referred to, that the fact is established that the Opobo Chiefs did give a sum of £1000 in 1889 to Her Britannic Majesty's Government as security for good and loyal behaviour, and that the Government did decide that at the end of three years "the *whole fund (capital with interest), should be surrendered to the Chiefs*".

I am to repeat that it is unfortunate that application was not made immediately the refund became due. The lapse of time, the Chiefs believe, does not and would not affect the surrender of the security with accrued interest, this not being anything like compensation payable from the British Revenue; the money is purely a bona fide property of the Opobo Chiefs deposited, on interest, in the Bank of England.

13. But the question arises as to whether the Opobo Chiefs have given evidence of "loyal and good behaviour" for three years from 1889. The answer is found in an undertaking given, under the hand of Mr. W. Cairns Armstrong, Deputy Commissioner and Vice-Consul representing H.B.M. Government at H.B.M. Vice-Consulate, Opobo, on the 17th of June, 1892 the security being given in March, 1889. The undertaking reads:-

"Whereas the Chiefs of Opobo have by their loyal conduct in recent years won the confidence of Her Britannic Majesty's Government, and whereas Trade and Commerce have vastly increased in the River, etc. etc.". The original undertaking was submitted, in March, 1939, by the Opobo Chiefs, through the Nigerian Government, to your Lordship, in relation to claim for compensation of £11,420 for war-canoes and guns confiscated in March, 1889, at one and the same time that the £1000 security was demanded. Parliament, on the 19th January, 1944, accepted the claim (vide Hansard Volume 396 No. 16 of Wednesday 19th January, 1944 pages 179-180) - a claim which was paid by District Officer, Opobo, on the 11th October, 1944.

14. It is to be assumed, with all deference to Your Lordships' authority, that there being evidence of "good and loyal behaviour" of Opobo Chiefs, not only for three, but even for, sixty-one years, and during two Great Wars to which Opobo Chiefs contributed largely in money, men and material, there shall be not temporizing or prevarication but an outright "surrender of the whole fund", the time having long arrived, and for this the Opobo Chiefs cannot be too gratefully thankful.

Yours faithfully,

Sgd.

(H. Jim Jaja)

DISTRICT OFFICE

19.2.51

OPOBO

Precis on Petition on "The Opobo Chiefs' Security of £1000 in 1889"

In 1889 Opobo Chiefs gave to H.M. Government £1000 as security for good behaviour. The money was paid to Messrs Miller Bros (now a Branch of the United Africa Co. Ltd.) which transmitted same to the Foreign Office (vide Foreign Office letter of 2nd July, 1889). According to the Foreign Secretary's

letter of 6th August, 1889 the money, if no cause to estreat it, was to be returned to the Chiefs at the end of the three years. On the 13th August, 1889, the Treasury wrote that the whole fund (capital with interest) should be surrendered to the Opobo Chiefs when the proper time arrived. The money was invested in the Bank of England on the 15th August, 1889.

Departmental correspondences referred to above testify to the giving of the security by Opobo Chiefs and to the decision of H.M. Government to refund the money after three years (from 1889).

The Chiefs in 1889 have all died. But the lapse of time would not affect the refund since the money, as security, is property of the Opobo Chiefs; and there is no evidence that the Opobos have been disloyal - the only ground on which the money might have been estreated. during the 61 years (1889 to 1950) there have been two World Wars and the loyalty of the Opobos has been unquestionable. It is prayed that refund should be made immediately and the Chiefs are gratefully thankful.

Opobo Town
Opobo, Nigeria
10th November, 1950

The Secretary to the Board of Directors
The United Africa Company Ltd
London.

Sir,

The Opobo Chiefs' Security of £1000 in 1889

The matter under reference to you affects one of the firms which, in 1920, formed your "Outline", namely, the firm of Messrs Miller Brothers.

2. In 1889, during a British naval blockade of Opobo, a sum of £1000 was required by H.B.M. Government to be paid by the Opobo Chiefs as security for good behaviour for three years. This sum was paid through the firm of Messrs Miller Bros. (then of Glasgow) which remitted same to the Foreign Office in London. A letter dated at the Foreign Office on the 2nd July, 1950 by Sir T. Villiors Lister on the direction of the then Foreign Secretary (Lord Salisbury), and addressed to the Paymaster-General, gives evidence of the remittance made by the firm. We hold a receipt by the firm of Messrs Miller Brothers for this sum of £1000.

3. The matter of this security had lapsed from memory and all the Opobo Chiefs at the time had died. But discovery was made a few months ago and, on the 1st August, 1950, I was instructed by the Opobo Chiefs to make representations to the Foreign Secretary. A copy of the Foreign Secretary's letter was addressed to the Reverend Regional W. Sorenson M.P. to advocate our cause. At once he contacted the Colonial Secretary who, is a letter dated the

28th August, 1950 (No. 30038/298/50 Nigeria) to Reverend Sorenson, said:- "On present evidence it appears that the sum of £1000 was advanced by Messrs Miller, Brother and Co. and that *the Company had the money returned to them in 1892*".

4. The money was, on the 15th August, 1889, invested in the Bank of England at 2% compound interest. It was decided by the British Government that, if the Chiefs gave no cause for the money to be estreated, the whole fund (principal plus interest) would be surrendered to them when the proper time arrived, that is, after the expiration of three years.

5. In 1892, the money invested in the Bank, had amounted to £1065:11/-. The Colonial Secretary, in his letter referred to above, said further:- "The deposit had been invested and the product amounting to £1065:11/- was transferred to the credit of the Oil Rivers Protectorate for payment to Messrs Miller Brother and Co.

6. Obviously, the deposit of £1000 paid through the firm of Messrs Miller Brothers - a deposit for which we hold the firm's receipt, is the property, not of the firm, but of the Opobo Chiefs. According to the Colonial Secretary the firm had received this money (£1065:11/-), and there is no evidence of payment, by the firm, to the Opobo Chiefs. Investment in the bank was made, not in the firm's name, but, according to the bank's receipt, "in respect of security given by the Opobo Chiefs".

7. Unless sufficient and legally acceptable evidence of payment, by the firm, of the full amount (£1065:11/-) to the Opobo Chiefs could be produced, it stands to reason that your Company shall have to discharge this liability and the Opobo Chiefs would claim the sum of £1065:11/- at 2% compound interest from 1892 to any date of payment. It is to be hoped that you would institute enquiries as to discover the firm's representative or agent who was recipient of the money in 1892; and, if payment was at any time before this date made to any Opobo Chief, who was the recipient, failing to satisfy us that payment was made to any Opobo Chief we could not but call upon your Company to make good this liability on the face of the Colonial Secretary's letter referred to above. Nothing could give us happier satisfaction than this matter were amicably settled without any recourse to law.

Yours faithfully,

.....
(Chief H. Jjin Jaja)

THE UNITED AFRICA COMPANY LIMITED
Unilever House, Blackfriars
LONDON, E.C. 4

REF. ARIM/CED Date:

1st December, 1950

Chief H. Jim Jaja
Opobo Town
Opobo, Nigeria

Dear Sir,

The Opobo Chiefs' Security of £1000 in 1889

With reference to your letter dated 10th November, I am instructed by the Board to tell you that your claim has been investigated and that the Company cannot admit any liability in respect of the sum of money to which you refer.

Yours faithfully,
(A.R.I. Mellor).

Opobo Town
Opobo, Nigeria
11th December, 1950

The Secretary to the Board of Directors
The United Africa Company Ltd
London.

Sir,

The Opobo Chiefs' Security of £1000 in 1889

Your letter Ref. ARIM/CED of the 1st December, 1950, in reply to ours of the 10th November, 1950 for the above subject matter, has been placed before the Opobo Chiefs and I was instructed to refer to the reply as rather vague.

2. When application was made to the British Government for a refund of the security the reply is not merely a negative of liability but the ground of non-liability was given and, that is, "that the amount of £1065:11/- was paid to Miller Bros in 1892".

3. If your Board follows the trend of His Majesty's Government reply it would say when, and to whom (Opobo Chiefs), payment was made. As successors in title the Opobo Chiefs hold your company as liable unless sufficient evidence, like a valid receipt, is presentable; otherwise there must be available, in your Company's archives (or that of His Majesty's Government) a copy of letter from Miller Bros to the Government, reporting payment. Under the circumstance, your Company is respectfully requested to investigate further, with your permission a copy of your letter is being forwarded to H.M. Government in London.

Yours faithfully,

Chief H. Jim Jaja.

THE UNITED AFRICA COMPANY LIMITED
Unilever House, Blackfriars
LONDON, E.C. 4

REF. ARIM/CED

Date: 8th February, 1951

Chief H. Jim Jaja
Opobo Town
Opobo, Nigeria

Dear Sir,

With reference to your letter dated 11th December, I am instructed to say that the investigations which the Company had undertaken point to an entirely contrary conclusion to those that you have put forward, and that none of the matters which you raise indicate in the view of the company the need for any further enquiry on its part.

Yours faithfully,
(A.R.I. Mellor)

No. 18989/469

SECRETARY'S OFFICE
EASTERN PROVINCES
ENUGU, NIGERIA.

24 April, 1951

The Honourable
The Chief Secretary to the Government
Lagos.

Opobo Town War Canoe Compensations

I am directed to forward herewith in duplicate a petition to Secretary of State signed by S.K.W. Uranta on behalf of the houses of the late Waribo Uranta, Yellow Strongface and Shoo Peterside, all of Opobo. He asks that payment of £1000 may be made on account of the confiscation of canoes belong to these three houses in March 1889.

2. I am directed to refer to the Confidential Despatch to the Secretary of State dated 18th May, 1942, a copy of which was forwarded to this Secretariat by your Strictly Confidential letter No. 38706 of the 19th of May, 1942, which sets out the history of certain claims made by the Opobo Chiefs. These were honoured to the extent that £11,420 was disbursed; this sum was made up as follows:

- (a) £9,600 on account of SOLA 'A' attached to the above mentioned despatch
- (b) £640 by SOLA 'B'
- (c) £230 by SOLA 'C'
- (d) £950 by SOLA 'D'

The names of the three houses referred to in paragraph 1 above do not appear on the reverse of SOLA "A". Thus when the money was disbursed, their successors did not receive anything. However, the petitioners now allege that a document printed at page 103 of a Foreign Office volume entitled "Confidential (5945) Part III Further Correspondence respecting the Royal Niger Company, 1889" discloses that canoes belong to these three houses were also confiscated at the same time as those for which the £9,600 has now been paid. It is claimed that these names were, by an error of His Majesty's Government, omitted from SOLA "A" and that this error should be retrieved by the payment of compensation to them. The sum of £1,000 is arrived at having regard to the fact that the £9,600 was divided into aliquot portions each amounting to £369.4.7d. The claimants are therefore asking for approximately three shares.

3. It will be recalled that it was suggested by your confidential letter No. 38706/124 of the 1st of February, 1944, that there should be a tribunal to inquire into the identities of the persons who should receive the money. This suggestion was unacceptable to the Opobo Chiefs whose views were conveyed in our confidential letters Nos. 18989/267 of the 9th of March, and 18989/276 of the 3rd of April, 1944. As a result the money was disbursed against indentures that indemnified Government in respect of payment to each of the houses specified in SOLA "A". The petitioners made no protest at this time. It is clear that they had no knowledge then that these three houses were in any way concerned with the confiscations of 1889. It is only now that they have discovered evidence which leads them to think that there are some spoils upon which they can get their hands. It may be added, in passing, that the first house, Uranta, appears to have received different and preferential treatment in the decretal part of the sentence read to the Chiefs of Opobo on 12th March, 1889, a copy of which was forwarded by our letter No. E.P. 12468/152 of the 20th of August, 1940.

4. His Honour is advised that the issue resolves itself simply into a question of fact: was there an agreement with the three houses concerned that compensation would be payable. Document No. 5945 Part III, 1889, is not available here, so it is not possible further to comment. It would appear, however, from the "list of papers examined" attached to the despatch referred to in paragraph 2 that these papers are available to you.

Sgd.?

Secretary
Eastern Provinces.

Opobo Town
Opobo, Nigeria
31st January, 1951

The Right Honourable
The Secretary of State for the Colonies
London.

Your Lordship,

In March, 1889, H.M. Government confiscated the war-canoes and guns of a number of Opobo Chiefs who, at the time, were considered the most important and the most influential. The war-canoes and guns were surrendered to Lieutenant Johnson commanding Her Majesty's ship "Pheasant".

2. On the 17th January, 1892, H.M. Government gave an undertaking to the Opobo Chiefs for compensation to the tune of £9,600 for the war-canoes and guns conditionally surrendered. According to the terms of the undertaking payment was not to be made until after thirty years from the date of the undertaking - that is, payment was due in 1923 by which year all the Chiefs who personally surrendered the ammunitions have died. The respective successors had little or no knowledge of the event.

3. Some time in 1939 the original documents - that is, the undertaking and the list of Chiefs who surrendered the war-canoes and guns were discovered. They were submitted to the Nigerian Government and are now in the archives of the Colonial Office. After protracted correspondence on the matter the compensation was paid in October, 1944.

4. Accidentally, but unfortunately, a copy of a volume from the Foreign Office has fallen into our hands. I refer to "Confidential (5945) Part III Further Correspondence respecting the Royal Niger Company 1889". Your Lordship's attention is respectfully invited to page 103 of this Volume wherein under "Inclosure 5 in No. 146" is given a list of canoes, guns and rifles received on board Her Majesty's ship "Pheasant" from the 12th March to the 29th March, in payment of fine Opobo". The list includes the following Chiefs:-

- (i) Waraboo Uranta (Waribo Uranta)
- (ii) Yellow Strongface
- (iii) Shuc Peter Said (Shoo Peterside)

5. It is to be deeply regretted that in the list attached to the undertaking given by H.M. Government for the £9,600 compensation for the war-canoes and guns confiscated, the names of the three Chiefs named above were inadvertently omitted. Consequently no compensation was made to these Chiefs, like others, in 1944, even though there is evidence according to record extant that these three Chiefs, together with others who had been compensated, did surrender their own war-canoes etc.

6. I am directed by the respective authorities to H.M. Government for such compensation as is commensurate with the losses sustained by the surrender. It must be pointed out that each individual Chief was not given a personal receipt on which any successor could base a claim; the names of the surrendering Chiefs were given in one and the same list attached to a "Sola" copy of the undertaking.

7. It is admittedly true that our claim is late in the light of the law of the Statute of limitation which was implied in the undertaking as covered by the clause "with 50 (fifty) years ensuing from the 1st of January, 1893". But it should be admitted also that this law is not applicable in our case, taking into consideration the circumstance - that is, that the omission of the names of the three Chiefs is a regrettable act of Government. As successors it was impossible to call attention to the omission, in time, since no individual House possesses a separate document testifying to the surrender.

8. Your Lordship's attention and that of H.M. Government is respectfully invited to the principle of justice which actuated the Government, scarcely two years after the surrender, to decide to grant compensation to the Opobo Chiefs affected by the confiscation. It is not material as a principle of justice, to invoke the law since the Opobo Chiefs did not proceed to law to effect the decision for compensation; the decision was a voluntary act of Government. If it is certain that were the names of the Chiefs above mentioned included in the list, but not inadvertently omitted, they would have been equally compensated, like others, there is every reason to expect Government to retrieve the mistake made by the inadvertent omission of the names of the three Chiefs.

9. A claim for £1000 compensation would not be considered excessive. In short, our case it that in so far as Government decided to grant compensation, and did compensate a number of Chiefs, it is nothing but just, fair and right that the Houses of late Chiefs Waribo Uranta, Yellow Strongface and Shoo Peterside should be compensated, irrespective of the expiry of time-limit, since the fault is not ours but Government's.

10. It is hoped that this matter would not provoke protracted correspondence. The question simply resolved is this:- Is H.M. Government justified in refusing to compensate Chiefs Waribo Uranta, Yellow Strongface and Shoo Peterside, for their war-canoes and guns surrendered, since others have been compensated, and the circumstance of their belated claim attributable to Government, evidence existing that they did surrender their ammunitions at one and the same date and place as others compensated? A negative reply determines further action of Government in this matter. Our appeal is to the British sense of Justice. Our thanks are immense.

Yours faithfully,
S.K.W. Uranta
(Sgd.) (Chief).

Col. Office Ref. 30022/292/51

Nig. Ref. 38706

Secretary of State for the Colonies

3 May, 1951

1359 SAVING

392 Your Saving No. 404 of the 20th of February

Claim from Opobo Chiefs.

Forwarded herewith is a petition from Chief H. Jim Jaja on the above subject. The petitioner attaches a copy of his letter to the Secretary of State for Foreign Affairs dated 1st August, 1950 and copies of letters that have passed between him and the United Kingdom Office of the United Africa Company in which the latter denies liability. The petition is forwarded because, although it raises no new matter of relevance, it is the first petition on the subject to have been submitted through the correct channels.

2. It is suggested that the petitioner should be informed that investigations have confirmed that the sum of £1,000 was advanced in 1889 by Messrs Miller Brothers and Company and not by the Opobo Chiefs, and that the money was returned to the Company in 1892 with accrued interest. This being so, it is not the intention of His Majesty's Government or the Nigerian Government to take any further action in the matter.

H.R. STEPHENS

GOVERNOR.

Reg 5/5 - 10.45

DESPATCH

NO. 154

30022/292/51

Date 27 April 1951

Transmitted with the compliments of the Secretary of State for the Colonies
for the Governor's information

	Date	Nature of Communication
359	26th April, 51	Letter to Dingle Foot Esq. MP.
30022/292/51		Colonial Office 26th April, 1951

Thank you for your letter of the 16th April, with which you enclosed a letter from Chief S.K. W. Uranta to the Secretary of State about the claim for £1000

compensation he has made on behalf of three Opobo Chiefs. I return your enclose with this letter.

An advance copy of this petition had been received earlier this year, with an intimation that the petition was being properly submitted through the Governor of Nigeria. We have not yet received the petition from the Governor, but we expect to receive it shortly.

(sgd.) T. F. Cook

Dingle Foot, Esq.

P.A.S. (Pol.)

PP410-433. A petition to the S of S asking that £1,000 be paid to the houses of the late Waribo Uranta, Yellow Strongface and Shoo Peterside (all of Opobo) on account of the confiscation of war canoes belonging to those three houses in March, 1889. The petitioner, on behalf of the three houses, reminds Government of the £9,600 that was paid to certain Opobo Chiefs in October, 1944, in compensation for confiscated war canoes and claims that the three houses named should also have been compensated.

2. Four claims were made by the Opobo Chiefs in 1940, the first being for £9,600 (p. 1 in 38706 Vol. I attached) on the strength of a document, a copy of which is at p. 405 of Vol. I of this file, and the original of which is at the back of the file marked "attachments to 38706". The document was considered genuine, the claim was referred to the S. of S. in the Despatch at p. 47 and in the telegram at p. 95 the S. of S. agreed that Government should accept the claim. (The sum accepted and finally paid was £11,420 being the £9,600 plus the sum of £870 paid to the Sam Annie Pepple house and the sum of £950 paid to the Bruce Jaja house, but we are not concerned with the two latter here). The proper payees were then decided and the payment of the £9,600 was made in October 1944 - see the Indentures of Indemnity in the file marked "Attachments to 38706".

3. The names of Waribo Uranta, Yellow Strongface and Shoo Peterside do not appear on the document on the strength of which the £9,600 was paid (pp.4-5); the petitioner admits this and says that the names were inadvertently omitted by H.M. Government. He argues that it is stated in "Inclosure 5 in No. 146" in "Further Correspondence respecting the Royal Niger Company, Parts III and IV, 1889", a copy of which is attached, that war canoes, guns, etc. were received from the three houses in 1889 and that they should therefore receive compensation in line with the compensation paid to the other houses in 1944.

4. It will be seen that the war canoes, guns and rifles listed in "Inclosure 5 in No. 146" at p. 103 of "Further Correspondence etc." were received at Opobo in payment of fine between March 12th and 29th, 1889. This action was in furtherance of clause 2 of the Sentence of Punishment on Opobo Chiefs set out in "Inclosure 1 in No. 125" at p. 78 of "Further Correspondence"; the clause

reads "You are to deliver up all your war canoes, guns and rifles to be confiscated to the Queen". It is clear that the war canoes etc. were confiscated and not conditionally surrendered and that at the time they were confiscated there was no intention to pay compensation. Whether at a later date, in view of the good behaviour of the Opobo Chiefs, a document was signed, similar to that at pp.4-5, whereby H.M. Government agreed to pay compensation to the three Chiefs concerned we do not know but I submit that unless the petitioner can produce such a document in original there can be no obligation on H.M. Government or this Government to pay. It is true that a number of names appear in both "Inclosure 5 in No. 146" and in the list at p.5 but there are many discrepancies, especially over the number of guns received, and it seems unlikely that the names of the three Chiefs were "inadvertently omitted" from the list at p.5. And, even if they were omitted, the remedy I think would be for the three Chiefs to sue the recipients of the £9,600 for their fair share, the Governor being indemnified against any claims and demands above the £9,600 already paid.

5. The copy at cover of the petition may be sent to the S. of S. with a saving suggesting that the petitioner be informed that the war canoes etc. listed in the Inclosure mentioned by the petitioner were confiscated as a punishment, that there is no record of H.M. Government agreeing to pay compensation for the war canoes and guns confiscated, that the three Chiefs concerned did not appear on the list on the strength of which £9,600 was paid in 1944 and that, unless the petitioner can produce an original document whereby it is shown that H.M. Government agreed to pay compensation, the S. of S. is not prepared to agree to the payment of the sum requested?

6. You will see from p. 146 that the S. of S. has already had an advance copy of this petition and that Mr. Dingle Foot is interested.

Sgd.

H.R. Stephens

40.5.51.

30022/292/51

Reg. 14/6 - 12.45 p.m.

Saving

From Secretary of State for the Colonies

To the Officer Administering the Government of Nigeria.

Date 7 June, 1951

No. 1412 Saving.

Your Savingram No. 1359 of 3rd May, 1951.

Opobo Chiefs

I should be grateful if you would inform Chief H. Jim Jaja that I have received and considered his petition but that investigations have confirmed that the sum

of £1,000 was advanced in 1889 by Messrs Miller Brothers and Company and not by the Opobo Chiefs, and that the money was returned to the Company in 1892 with accrued interest.

This being so it is not the intention of the Secretary of State to take any further action in the matter.

SECEP.

PAS (POL),

I took this file from your office. Reference above, a draft reply to the petitioner - to be sent in quadruplicate to SEP under covering letter - is s.t.c. at cover.

HRS

16/6/51

fair as amended

Sgd.?

18/6

38706

20 June, 51

Sir,

I am directed to refer to your petition of the 27th of February relating to the sum of £1,000 said to have been deposited by the Opobo Chiefs in 1889 as security for good behaviour. The Secretary of State desired that you be informed that he has received and considered the petition and that investigations have confirmed that the sum of £1,000 was advanced in 1889 by Messrs Miller Brothers and Company and not by the Opobo Chiefs, and that the money was returned to the Company in 1892 with accrued interest.

2. This being so it is not the intention of the Secretary of State to take any further action in the matter.

I am, Sir,

Your obedient servant,

sgd. J.O. Field

for: Chief Secretary to the Government.

Chief H.J. Jaja
Opobo Town
Opobo.

38706/422

20 June, 51

The Secretary
Eastern Provinces
Enugu.

Opobo Chiefs' Security of £1,000 in 1889

I am directed to refer to your letter No. 24107/37 of the 23rd of April and to request you to cause the original of the attached letter to be delivered to the petitioner.

(Sgd.) J.O. Field
for: Chief Secretary to the Government.

P.A.S. (Pol)

My minute at pp 417-419 is resubmitted.

HRS.

22/6/51

The Honourable
The Attorney-General.

P.410 with petition at 412. You will not be familiar with this case. Briefly, the facts are as follows.

2. In 1889, the Chiefs of Opobo put a boom across the Azuminne Creek to stop canoes going up and down, the reason being that the merchants wanted to trade direct with the markets of the interior and the Opobos, who up till then had been the sole middlemen, wanted to keep the trade in their own hands. The Opobos refused to remove the boom, whereupon Counsel Hewett imposed a fine on them and ordered them to surrender their war canoes and guns and demanded £1000 security for good behaviour. A naval blockade was instituted to enforce the punishment. The canoes and guns were duly surrendered. The affairs gave rise to some controversy and in 1891 was enquired into by the Consular Court which decided that compensation should be paid to the Chiefs in accordance with the terms of the documents at pp. 183-188 in Vol. I attached. These documents were produced a few years ago and after investigation the claims were duly paid by H.M.G. under the indentures of indemnity in the jacket attached. We have the full story up to the seizure of the canoes etc. but know virtually nothing about the subsequent award of compensation: the Foreign Office records have been destroyed and we have not been able to trace the records of the Consular Court.

3. "Document No. 5945" on which the present petitioners base their claim is "Further Correspondence respecting the Royal Niger Company, Part III" below. "Inclosure No. 5 in No. 146" at p103 of that book shows 'hat Wariboo Uranta, Yellow Strong Face and Shue Peter Said did in fact surrender canoes and guns. I have been through all the correspondence and, beyond a reference that Uranta, was "a friendly Chief", I can find nothing at all to suggest any reason why they should have been treated in any way different from the other Chiefs. It is unlikely that these three Chiefs were given their property back because "Inclosure No. 171" at p. 134 in Doc. No. 5945 mentions that the guns etc. surrendered to the "Peacock" were subsequently thrown overboard.

4. It seems to me unlikely, however, that these three Chiefs were omitted for good cause or were given a separate document or documents of their own, which they have since lost.

5. H.M.G. did not pay compensation in 1944 in a belated attempt to make amends for what had been done in 1889 but solely in discharge of an obligation evidenced by the documents produced by the Chiefs. If these three Chiefs want similar treatment, they must, I suggest, produce similar documents. I do not think the fact that we offered an inquiry into who might be entitled to the money is relevant since that only referred to the money payable under the documents already produced and was not in respect of a lump sum payment in settlement of all outstanding claims. For the same reason it seems unlikely that we can shelter behind the indemnities we have taken.

I should be grateful for your advice on this claim.

Sgd.?

for: Chief Secretary to the Government

J.O.F.

9.7.51.

Hon. C.S.

I agree with you that there may be several reasons, other than inadvertence, for the omission of the names from the list of payees. In any event there is certainly no evidence of any agreement or undertaking to pay anything to the present petitioners. Consequently the petitioners have, in my opinion, no ground for making any claim.

Sgd.?

20.7.51.

8.vi. 51

HOUSE OF COMMONS.

My dear Jim,

I have been sent the enclosed which is a copy of letter you have already received. I am bound to say that as a matter of morals I have no very great sympathy with the applicants who have not themselves suffered any damage and are merely the sons, or the grandsons, of Chiefs who surrendered guns and canoes many years ago. On the other hand in strict law it cannot be denied that they have something of a case, and as they have written to me I should like to write back to them and would therefore be grateful if someone in your department would let me have a note about the position.

Yours very sincerely,

(sgd.) Ronald Ackland.

RT. HON. JIM GRIEFFITHS, M.P.
COLONIAL OFFICE,
S.W. 1.

30022/292/51

Saving.

From the Secretary of State for the Colonies.
To the Officer Administering the Government of Nigeria.

Date 28 June, 1951
No. 1648 Saving.

My despatch No. 154 of the 27th April
Claim for Compensation: Opobo Chiefs

I enclose copies of an exchange of correspondence with Sir R. Ackland, M.P., on the above subject. I should be grateful to know what the present position is concerning Chief Uranta's petition.

SECER.

AS,

Ref. may be in 38706 now in action with HAG (P 360 refers).

SECRETARY OF STATE

27.7.51

SAVING

Your despatch No. 154 of the 27 of April. Claim from Opobo Chiefs.

I forward herewith a petition from Chief S.K.W. Uranta of Opobo praying that compensation amounting to £1000 be paid to the Waribo Uranta, Yellow Strongface and Shoo Peterside Houses at Opobo in 1889. The petitioner claims that these Houses were "inadvertently" omitted from the documents which formed the basis of the claims dealt with in Mr. (now Sir Alexander) Grantham's Confidential despatch of the 18th of May 1942.

2. It appears from the correspondence to which the petitioner refers in paragraph 4 of the petition that each of these three Houses in fact surrender war canoes and a number of guns and rifles and that these were subsequently destroyed by Consul Hewett and the Commander of H.M.S. "Peacock". There is nothing in the correspondence to suggest a reason why these particular Houses should have been accorded different treatment when the claims were inquired into by the Consular Court in 1891. As you will be aware the records of that Court have not been traced but in the absence of any evidence to the contrary the only assumptions that can be made are that these Houses were omitted from the settlement for good cause or that they were given a separate document or documents similar to those given to the other Chiefs which they have since lost.

3. His Majesty's Government did not pay compensation to the other Houses in a belated attempt to make amends for what had been done in 1889 but solely in discharge of an obligation evidenced by documents produced by those Houses, and I am advised that in the absence of any evidence of an agreement or undertaking to pay any to the present claimants they have no grounds for making any claim. I therefore recommend that the petitioner be informed that in the absence of any such evidence you are unable to entertain his petition.

Sgd.

J.O.P. (Field)

Opobo Town
Opobo
Nigeria.
18th June, 1951

The Right Honourable
The Chancellor of the Exchequer
Treasury Chambers
Great Church Street
London, S.W. 1.

Sir,

Opobo Chiefs Security of £1,000 in 1889

It is to be regretted that since your acknowledgment of the 9th August, 1950 to a copy of my letter of the 1st August, 1950 addressed to the Foreign Secretary, I have had no further communication from you on the subject-matter of the Foreign Secretary's letter.

2. In 1889 the Lords Commissioners of H.M. Treasury, in a letter of the 13th August, 1889, to the Foreign Office, said, with reference to this £1,000 security given by the Opobo Chiefs:- "*The whole fund should be surrendered to the Chiefs when the proper time arrives*". It is contrary to the Treasury's decision in that this money, instead of being surrendered to the Opobo Chiefs, was "*returned to Messrs Miller Brothers and Company in 1892*", according to the Colonial Secretary in his letter No. 300022/292/50 Nigeria of the 28th August, 1950 - the Colonial Secretary making no mention in his letter that the money "returned" to the Company was intended for remittance, through the Company, to the Chiefs of Opobo.

3. It is suggested, with all deference to your authority, that as Head of the Government Department which reached the decision of surrendering the "whole fund" to the Chiefs, you might move H.M. Government:-

- (i) to investigate the circumstance under which the money was "returned" to the Company and not surrendered to the Opobo Chiefs and also
- (ii) to consider the justifiableness of our claim.

We cannot be too gratefully thankful.

Yours faithfully,

(Sgd.) Chief H. Jim Jaja

N.B. Replying to our letter, whose copies have been forwarded to the Colonial Secretary, the United Africa Company, Limited have denied liability to us for this sum of £1000 returned in 1892 to Messrs Miller Brothers and Company - & Company succeeded in title by the U.A.C.

Ad. Sec.

Pp.410-413 with my minute at p.433 and HAG's minute at p.424. At first sight it might appear fair to accord these three houses the same treatment as was accorded to the other houses since there is satisfactory evidence that they, too, surrendered war canoes and guns. But it was never suggested, when the main claim was being considered, that the Opobos ought to be compensated for their losses on the merits of the case. The claim was paid solely in satisfaction of a debt evidenced by documents produced by the Chiefs and I think H.M.G. (who will have to pay if this claim is admitted) would be fully justified in sticking to this line. I submit a draft saving for consideration.

Sgd.J.O. Field

26.7.51.

30022/292/51 21 Jul 1951

Saving.

From the Secretary of State for the Colonies
To the Officer Administering the Government of Nigeria
Date 12 July, 1951
No. 1743 Saving

My savingsrams No. 404 of 20th February, 1951 and No. 1412 of 7th June, 1951.

Claim from Opobo Chiefs.

I enclose, for such action as you may consider necessary, a copy of a further letter from Chief Jim Jaja addressed to the Chancellor of the Exchequer.

SECER.

30022/292/51

Saving.

From the Secretary of State for the Colonies
To the Officer Administering the Government of Nigeria
Date 30 July, 1951
No. 1914 Saving

My savingsrams No. 1743.

Opobo Chief

Two further letters from Chief Jim Jaja addressed to the Attorney General are enclosed for such action as you consider necessary.

30022/292/51 23rd June, 1951

You wrote to me on the 8th June about a claim for compensation from three Opobo Chiefs, enclosing a letter from S.K.W. Uranta, which I now return.

An advance copy of this petition reached me earlier this year with an intimation that the petition was being submitted (in accordance with Colonial Regulations) through the Governor of Nigeria. The Governor's comments on the petition have not yet been received but I have asked him to let me know how the matter stands.

You may like to know that the whole question of the Opobo Chiefs' claim to compensation was exhaustively investigated during the war years and that in

January, 1944, His Majesty's Government agreed to pay a sum of £11,420, to the Heads of Houses concerned, provided that the recipients indemnified the Government against any claimants who might subsequently prove a better claim. Before the payment elaborate arrangements were made in Opobo to decide which people should receive the money.

(Sgd.) J. Griffiths.

Sir Richard Ackland, M.P.

Opobo Town
Opobo, Nigeria
9th June, 1951

The Right Honourable
The Attorney-General
London.

Sir,

The Opobo Chiefs' Security of £1000 in 1889

Between the 1st August, 1950 and the present date there have been a series of correspondences between the Opobo Chiefs, represented by me, and the Secretary of State for the Colonies on the above subject matter. The original communication of the 1st August, was addressed to the Foreign Secretary; but a reply dated the 28th August, 1950, through the Reverend R.W. Sorenson M.P., proceeded from the Colonial Secretary. It should be said at once that copies of the letter of the 1st August, 1950, were addressed to other Government Departmental Heads affected by the matter, namely, the Chancellor of the Exchequer and the Paymaster-General.

2. Representations made to the Colonial Secretary through the Nigerian Government and through some Members of Parliament have not yielded satisfactory result. It is almost a decision of the Opobo Chiefs to resort to law; but a wiser Counsel prevails that representation should be made to you to advise H.M. Government on the legality of the claim submitted through the Colonial Secretary. The facts of the claim are as submitted in the following paragraphs.

3. In March, 1889; the Chiefs of Opobo deposited, through the firm of Messrs Miller Brother and Company (now in the "Combine" of the United Africa Company, Limited with headquarters at Blackfriars, London) a sum of £1000 (one thousand pounds) with H.M. Government as security for good and loyal behaviour for the space of three years. This money was subsequently deposited by H.M. Government in the Bank of England "*in respect of security given by the Opobo Chiefs*" according to the bank's receipt of the 15th August, 1889 issued to the Assistant Paymaster-General and the Chief Clerk of the Foreign Office.

4. That the deposit together with the interest would be surrendered to the Opobo Chiefs when the proper time arrived was a decision of H.M. Government is revealed in the following Departmental correspondences on the matter. First, the Foreign Secretary, writing on the 6th August, 1889 to the Treasury said:- "If the Chiefs give no cause for this money to be estreated, it will have to be returned at the end of three years". Secondly, the Lords Commissioners of Her Majesty's Treasury, replying on the 13th August, 1889, to the Foreign Secretary's letter said, *inter alia*:- "*The whole fund should be surrendered to the Chiefs when the proper time arrives*".

5. I am to submit that there was no cause to estreat the money. If the question arises as to whether the Opobo Chiefs have given evidence of "loyal and good behaviour" for three years from 1889 the answer is to be found in an undertaking given, under the hand of Mr. W. Cairns Armstrong, Deputy Commissioner and Vice-Consul, representing H.B.M. Government, at H.B.M. Vice-Consulate, Opobo, on the 17th June, 1892 - the £1000 security being given in March, 1889. The undertaking reads:-

"Whereas the Chiefs of Opobo have by their loyal conduct in recent years won the confidence of Her Britannic Majesty's Government and whereas Trade and Commerce have vastly increased in the River etc. etc. etc.". The original of this undertaking is in the archives of the Colonial Office.

6. Unfortunately this matter, no doubt, escaped from the memory of the Chiefs who paid the deposit and, more unfortunately still, all of them had died by the time the documents and papers relative to the claims were submitted (paragraph 2):- "On present evidence it appears that the sum of £1000 was advanced by Messrs Miller, Brother & Co. and that the Company had the money returned to them in 1892. The deposit had been invested and the product amounting to £1065/- was transferred to the credit of the Oil Rivers Protectorate for payment to Messrs Miller Brother & Co. of the sum of £1000 and the balance to the Chiefs themselves".

7. You will gather from the underlined clause above that *the sum of £1000 was paid to the Company and only the balance (£65:11/-) was said to be paid to the Chiefs. But the amount deposited by the Opobo Chiefs, in 1889, was £1000.* Government has not denied, and does not deny, this fact.

8. If a decision was reached by H.M. Government, as disclosed in the Departmental correspondences referred to in paragraph 4 above, to "surrender the whole-fund" - that is, capital demand explanation, or any legal justification, for the *payment of the sum of £1000 to Messrs Brother & Co. and only £65:11/- (interest for 3 years) said to be paid to the Opobo Chiefs, according to the Colonial Secretary.* it must be obviously clear and evident to you that there is no indication whatsoever in the Colonial Secretary's letter to the effect of any instruction, order, or arrangement for the money to be remitted, by the Company, to the Opobo Chiefs.

9. Another evidence that the money was paid direct and solely to the Company is disclosed by the Colonial Secretary in his statement that:- "the sum of £1000 was advanced by Messrs Miller Brother & Co. and that the Company had the money returned to them in 1892". You would agree that, in law, payment was made to the wrong person. Government is, therefore liable for payment to the Opobo Chiefs of their claim of the £1000 security together with interest at 2½% from 1889 to present day.

10. You will agree that if even the Company advanced the money there does not exist any legal justification for returning the money to them in 1892 in which year the money was no longer the property of the Company. It is true that the Company advanced the £1000 to H.M. Government but, then, it was on the instruction of the Opobo Chiefs; and there is receipt issued by the Company to the Chiefs for this advance. The advance having been made, in the name of the Opobo Chiefs, the transaction had passed and the money was no longer the property of the Company but that of the Opobo Chiefs. H.M. Government recognizing the money not as the property of the Company but that of the Opobo Chiefs banked it "in respect of security given by the Opobo Chiefs" (vide the Bank of England receipt of the 15th August, 1889 by Mr. Clark and witnessed by Mr. C.J. Richards).

11. For your information, following the Colonial Secretary's letter we communicated the United Africa Co. Limited (successors in title to Messrs Miller, Brother & Co.). They have long since replied denying liability. Copies of the Company's two letters denying liability have been forwarded to the Colonial Secretary through the Nigerian Government. We accept the Company's plea of non-liability since there is no evidence from the Colonial Secretary's letter of the 28th August, 1950, indicating remittance through Messrs Miller, Brother & Co. to the Opobo Chiefs.

12. In our letter of the 27th February, 1951, forwarded through the Nigerian Government to the Colonial Secretary we raised a legal issue - that of "authority". In paragraph 5 we submitted:- "The fact having been established and the money is the property of the Opobo Chiefs, the legal point raised now is that it should not have been paid to anybody else (not even to Messrs Miller Bro. and Company even though it acted only as agent of payment) without the authority of the Opobo Chiefs; and if the Government made payment, without an authority, and the payment raises complications and controversy, it is needless of us emphasizing the liability of Government, in the strict sense of law, making another payment direct to the Opobo Chiefs".

13. The legal contention is that Government holds no authority from the Opobo Chiefs to pay this money to Messrs Miller, Brother and Company (if ever the Government made remittance through this Company), and the Company, so well, took no authority from the Chiefs to receive this money from H.M. Government. If we accept in law this is a technical point to decide in Court.

14. The Government cannot call a witness

- (i) H.M. Government does not deny receiving £1000 as security given by the Chiefs of Opobo.
- (ii) H.M. Government definitely decided to surrender the "whole fund (£1000 with any accruing interest) to the Chiefs of Opobo when the proper time arrives.
- (iii) Payment of the £1000 to Messrs Brother and Company according to the Colonial Secretary's Statement, was payment to a wrong person and therefore illegal.
- (iv) Evidence exists of the loyal and good behaviour of the Chiefs during the specified period of three years (1889 to 1892) and, therefore, there is no cause to estreat the security.
- (v) The £1000 is the property of the Opobo Chiefs and not of the Company (Messrs Miller Bro & Co.).
- (vi) Payment through the Company, without authority from the Opobo Chiefs, is illegal. It is worse still if the money is not received.
- (vii) Refund of the £1000 security should include interest (compound) at 2% from 1889 (the year of investment) to any day of payment.

15.. In his letter of the 2nd January, 1951, to the Reverend R. W. Sorenson M.P. the Colonial Secretary in the last paragraph said:- "It does not appear that there is anything more for His Majesty's Government to do in this matter". There had flowed a volume of correspondence from us since the receipt of the Colonial Secretary's last letter. There has been, as it were, a conspiracy of silence. This silence could be broken by legal proceedings instituted against H.M. Government. It gives us no pleasure to strain our cordial relations with the Government by litigation. It is with all due deference that we have been at pains in making representations to you, as the principal Legal Adviser to H.M. Government, to dilate on our representations and, in the end, to advise payment. We cannot be too gratefully thankful to you.

Yours faithfully,

Sgd.

(Chief H. Jim Jaja)

Opobo Town
Opobo, Nigeria
18th June, 1954

The Right Honourable
The Attorney-General

London.

Sir,

The Opobo Chiefs' Security of £1000 in 1889

Anent our letter of the 9th June, 1951 on the above subject-matter, your attention is respectfully invited to the Hansard of November 8th 1950 containing interpellation as follows:-

"Mr. Sorenson asked the Secretary of State for the Colonies if he has reconsidered the claim of Chief H. Jim Jaja and others to the return to them the £1000 deposited with the British Government in 1889 by the then Opobo Chiefs as security; why this was transferred to the Oil Rivers Protectorate for payment to Messrs Miller Brothers, and only the interest of £65/- paid to the Chiefs; and, in particular, why the descendants of the Chiefs are not paid compound interest on the original sum. "Mr. Dugdale: On present information it appears that this sum was deposited not by the Chiefs but by Messrs Miller Brothers on their behalf, and that repayment to the firm was authorized in 1892. The claim raised recently is, however, still under investigation as far as surviving records permit".

2. You would observe that Mr. Dugdale's answer does not cover fully the several points in Mr. Sorensen's question. There is no answer to this important questions" "*Why only the interest of £65:11/- paid to the Chiefs.*" This point shall be dwelt upon later. The investigation referred to has closed since the Colonial Secretary, in his letter of the 2nd January, 1951, said that H.M. Government could do nothing more in the matter.

3. During the hectic years (1884-1889) of Opobo there were six European and British firms operating on Opobo river, five of which combined as the "Amalgamates" against the Opobo Chiefs and people, the firm of Messrs Miller Brother and Company being the one and only firm on friendly and business relations with the Chiefs and people. At the time (1889) there was no bank in operation in Nigeria; the strained relation between H.M. Government and the Opobo Chiefs rendered direct communication of remittance of money impossible. These circumstances accounted for the payment of the £1000 security to Messrs Miller Brother and Company for remittance to H.M. Government. You would please refer to the Foreign Office letter of the 2nd July, 1889 to the Paymaster-General (vide Foreign Office volume Confidential (5945) part III Further correspondence respecting the Royal Niger Company 1889, page 165, No. 215).

4. Referring to paragraph 3 above it becomes clear to you, why, according to Mr. Dugdale, "this sum was deposited not by the Chiefs but by Messrs Miller Brothers on their behalf". If payment was made by the Company, not in their own behalf, *but on behalf of the Opobo Chiefs*, the claim by the Chiefs of Opobo that the £1000 security is their property cannot be dismissed as illegal.

5. Mr. Edward Hyde Hewett, H.B.M. Consul on Opobo River, writing on Opobo River on the 30th March, 1889, to the Foreign Secretary (Lord Salisbury) said in conclusion: "As to the Security of £1000 that is amply covered by the lion which was put on all amounts due to the Opobo Chiefs by the different firms". (vide para 75-78, No. 12b of the Foreign Office Volume referred to in paragraph 3 above). The firm of Messrs Miller Brothers was also due certain amounts to the Opobo Chiefs. To life the "lien" put on all amounts due them by the different firms, the Opobo Chiefs instructed the firm of Messrs Miller Brothers to remit to H.M. Government the £1000 security repaid by the Government. Above all, H.M. Government accepted the deposit as payment by Opobo Chiefs and recognizing this payment as such, deposited it in the Bank of England "in respect of the Opobo Chiefs".

6. The Colonial Secretary in his letter No. 30022/292/50 Nigeria of 28th August, 1950 to Reverend Sorensen, said:- "*The Company had the money returned to them in 1892*", and Mr. Dugdale, answering to Revd. Sorenson's question in the House of Commons on the 8th November, 1950, said:- "*Repayment to the firm was authorized in 1892*". From these information, from the Colonial Office you could not gather any order, instruction, or arrangement, that the £1000 was paid to the firm for remittance to the Opobo Chiefs. The money was paid direct and solely to the firm for appropriation. In the light of the facts in paragraph 5 above you would want to know on what ground the money was paid to the firm, and not to the Opobo Chiefs, contrary to the decision of H.M. Government as expressed in the Foreign Office letter of the 6th August, 1889 (vide page 186 No. 255 of the Volume referred to above) and in the Treasury's letter of the 13th August, 1889 (page 188 No. 262).

7. Your attention is now directed to Reverend Sorensen's question:- "*Why only the interest of £65:11/- paid to the Chiefs*" - a question evaded by Mr. Dugdale in his answers. It is unthinkable and, even, unnatural and impossible for one to derive interest on an investment which is not one's property in any respect. If the £1000 were the property of Messrs Miller, Brother and Company, then the firm was legally entitled to all the interest; it would be bordering on insanity for the Opobo Chiefs to make any claim on the interest and any such claim would be dismissed as preposterous and illegal. On the contrary, if the Chiefs have a legal claim on the interest, as it was directed that the balance (interest of £65:11/- should be paid to the Chiefs themselves, the obvious implication is that the principal (£1000) investment is also the property of the Chiefs themselves. law and business ethics could not give a contrary interpretation.

8. The Colonial Secretary and the Colonial Office Spokesman have both given conclusive evidences that payment was made to Messrs Miller Brother and Company as if the firm owned the money. There is not an iota of evidence in reference to payment of the money to the Opobo Chiefs, besides, the firm's denial of liability to the Opobo Chiefs. It is for you to determine whether in the

strict sense of law H.M. Government is liable or not to the Opobo Chiefs and, if liable, to advise payment of the £1000 security together with compound interest at 2% per annum from August, 1889 to any day of payment at the earliest conveniences. Your advice in our favour would certainly reverse our instructions to our Solicitors to proceed to law.

Yours faithfully,

Sgd.

(Chief H. Jim Jaja)

No. 24107/48
Secretary's Office
Eastern Provinces
Enugu, Nigeria.

5th July, 1951

The Honourable
The Chief Secretary to the Government
Lagos

Opobo Chiefs' Security of £1,000 in 1889

I am directed to refer to your letter No. 38706/422 of 20th of June and to forward a further petition addressed to the Secretary of State from Chief H. J. Jaja.

2. I am to observe that the petition is merely a repetition of previous statements and to suggest that it is treated in accordance with rule 12 (a) of Government Notice No. 925 of 1950 on Petitions.

Sgd.

Secretary
Eastern Provinces

Opobo Town
Opobo, Nigeria
18th May, 1951

The Right Honourable
The Secretary of State for the Colonies
London.

Your Lordship,

The Opobo Chiefs' Security of £1000 in 1889

I have the honour to refer to my letter of the 27th February, 1951, on the above matter. Your Lordship, after some preliminary investigations had concluded that "it does not appear that there is anything more for His Majesty's Government to do in this matter".

2. Having received the letter referred to above and copies of correspondences from the United Africa Company, Limited, in London, Your Lordship might revise your conclusion. The copies of correspondences from U.A.C. Ltd. have been submitted to your Lordship through the Nigeria Government. The Company does not admit liability.

3. The legal point stressed in our letter of the 27th February, 1951 is that of authority (see paragraph 5). If, as is the case, the money is property of the Opobo Chiefs, there is no authority from the Chiefs to Government to pay the money to Messrs Miller Bros, as there is no authority to this firm to receive payment. The fact that remittance of the £1000 was made through the firm (Miller Bros) to H.M. Government is not, in law an authority to receive payment.

4. Paragraph 2 of Your Lordship's letter No. 30022/292/50 Nigeria of the 28th August, 1950 (addressed to Rev. R. V. Sorenson M.P.) indicates that the security had been returned through Miller Bros to the Opobo Chiefs. But if the U.A.C. Ltd. (successors to Miller Bros) denies this in its two letters (1st December 1950 and 5th February, 1951) it is needless stressing the point of Liability of H.M. Government, particularly there being no authority from the Chiefs to the Government or to the firm.

5. If the firm had expressly admitted receiving the money from Government and paying to Opobo Chiefs, then Government would no longer be liable. Contention would then lie between the firm and the Chiefs. But the firm denying liability says in the letter of the 5th February, 1951 that "the investigations which the Company has undertaken point to an entirely contrary conclusion to those that you have put forward".

6. Properly interpreted the firm implies that no money was remitted through it by H.M. Government, to Opobo Chiefs. We, therefore, assumed that it was the firm which bought the stock when sold (see H.M. Paymaster-General's letter No. ID/R.202/Misc 64 of 12th December, 1950 in our letter of 27th December, 1950). Your Lordship, in the face of present revelations could now conclude that any transaction between Government and the firm of Messrs Miller Bros was one of purpose of stock (Opobo security) and not of remittance to the Chiefs. Your Lordship is prayed to re-investigate the matter for which we could be too gratefully thankful.

???

EASTERN PROVINCES
ENUGU, NIGERIA
16 August, 1951.

The Honourable
The Chief Secretary to the Government
Lagos.

Opobo Chiefs' security of £1,000 in 1889

Further to my letter No. 24107/48 of the 5th of July, and with reference to your letter No. 38706/422 of the 20th of June, 1951, I am directed to forward yet another petition addressed to the Secretary of State from Chief H.J. Jaja and dated 21st July, 1951. The petitioner's arguments are much the same as before but he refers for the first time to a letter dated 5th December, 1889, presumably from Messrs Miller Brothers, addressed to the Right Honourable the Marquis of Salisbury. The extract quoted from this letter purports to show that the £1,000 security was paid by the Opobos to the Company and was not an advance from the Company to Government on Opobo's behalf.

2. It is suggested that the petitioner is informed that, as the Secretary of State is satisfied that the £1,000 security was received by His Majesty's Government from Messrs Miller Brothers and was returned to them with interest, he is not prepared to enter into any further correspondence on this subject.

Sgd.?

f. Secretary
Eastern Provinces.

PAS (Pol):

Please see from page 424. The subject of these petitioners has been dealt with by the S/S at page 420 and Chief Jaja was informed accordingly at page 421. Action on pages 442-443 as proposed by S.E.P.?

Opobo Town,
Opobo Nigeria,
21st July, 1951.

The Right Honourable
The Secretary of State for the Colonies
London.

Your Lordship,

The Opobo Chiefs' Security of £1000 in 1889

Apart from a letter from the Right Honourable Mr. Peter Smithers M.P. there is no official reply to our several letters since this year, dating from our letter of the 3rd February, 1951.

2. We gathered from Mr. Smithers's letter of the 14th June, 1951, that your Lordship still maintains the view that "*the money in question was advanced not by the Opobo Chiefs, but by Messrs Müller Brothers and Company*" and therefore "*the money was returned to the Company with accrued interest in 1892*".

3. The crux of the matter is not whether the Opobo Chiefs ever paid the £1000 security demanded by H.M. Government in 1889; but Your Lordships contention is that "the money was advanced by the Company", and therefore it had been returned to the Company *as if it were the owner*.

4. We respectfully submit that the view held by Your Lordship is not correct, nor is action in returning the money to the Company as if it were the owner justifiable, in the light of facts. First, the Opobo Chiefs hold a receipt, signed by Mr. Bruce (Agent of Miller Brothers) for the £1000 deposited with the firm for payment to Mr. Consul Hewett who, subsequently remitted the money to the Foreign Office (vide Consul Hewett's letter No. 18 of 1889 at the Foreign Office and also a letter of the 6th August, 1889 from the Foreign office to the Treasury). Consul Hewett, in remitting the money, expressly said it was "*security for the good behaviour of the Opobo Chiefs*". Secondly, the firm itself whom Your Lordship maintains advanced the money and was entitled to refund as if an owner, explodes at once the case for the firm in its letter of the 5th December, 1889 written at 217 West George Street, Glasgow, and addressed to the Marquis of Salisbury (Foreign Secretary). *Inter alia* the firm, describing to the Foreign Secretary the impositions, the degradations, and the inflections on the Opobos, said:- "With their markets closed to them, the surrounding tribes in arms against them their towns blockaded and themselves shut out from help, *they, after much difficulty succeeded in paying the security of £1000.* (vide paragraph 2 of the page 260 middle clause in "part III Further Correspondence Respecting the Royal Niger Company 1889" Foreign Office Volume Confidential (1945).

5. It is obvious that the firm, by the letter referred to above, gives evidence of title and ownership of the money (£1000) to the Opobo Chiefs, and the reply also disclaims the claim Your Lordship maintains in its favour. It remains with Your Lordship to refer to the material official documents cited above and, in the light of the facts revealed, to convince yourself of right of ownership - whether the firm of Messrs Miller Brothers to whom the money with accrued interest was returned in 1892, or, the Opobo Chiefs. But, we submit, no evidence of ownership could be weightier than the Company's letter of 5th December,

1889 quoted in paragraph 4 above. If convinced that the Opobo Chiefs are the proper owners of the £1000 security, the mistake in paying the money to the firm in 1892 would be corrected, and Your Lordship is respectfully urged to advise immediate refund to the Opobo Chiefs for which we cannot be too gratefully thankful.

Yours faithfully,

Sgd.?

the Rev. R.W. Sorenson M.P., and Mr. Peter Smithers M.P. The new argument raised in this letter is the reference to Messrs Miller Brothers's letter of 5th December, 1889 disclaiming ownership of the money, saying that the Opobo Chiefs (and *not* the Company and Your Lordship maintains) paid the money. The evidence is sufficient for Your Lordship to revise your view.

Sgd.?

PAS (Pol):

From page 444 The letter referred to at x on 446 may be found at page 260 of the volume of attached correspondence. This letter contains no evidence that the £1000 was paid by the Opobo Chiefs to Miller Bros. The only evidence so far produced indicates that Miller Brothers (who were for good reasons sympathetically disposed towards the Opobos) paid the security on their behalf and that this sum was returned to Miller Bros with interest in due course of time.

2. To reply to petitioners as in p. 2 of 445 saying that their letter raises now new matter of relevance which would justify its being forwarded to the Secretary of State.

Sgd.?

24/8/51

NOTE ON CHIEF JAJA'S CLAIM FOR £1000 REFUND OF SECURITY GIVEN BY OPOBO CHIEFS IN 1889

A very brief history of the relevant events at Opobo in 1889 is given in para 1 of the minute at p. 423. Amongst other measures to settle the affair, Consul Hewett ordered the Opobo Chiefs to deposit £1,000 as security for good behaviour. The money was to be repaid after 3 years if Chiefs were of good behaviour. The money was paid by Messrs Miller Bros, a firm then trading at Opobo and now merged in the U.A.C. In 1940, the Chiefs asked for the money to be refunded. We rejected the claim on the grounds that the money had already been refunded to Miller Bros, who paid it. The Chiefs have recently begun to press their claim again. Their case is that if Miller Bros paid the money, that firm merely acted as their agents in paying it over to Government, and that

any money that may have been refunded to Miller Bros never reached them. It is Government's contention that Miller Bros (who were known to be backing the Chiefs against the Consul put up the money on the Chief's behalf, that the money was repaid to Miller Bros and that there is thus no outstanding liability to either the company or the Chiefs.

2. The Chiefs base their case on the following-

(1) The Decretal part of the sentence read to the Chiefs of Opobo by Consul Hewett in March 1889:-

"3. You are to give tangible security to the amount of one thousand pounds (£1,000) for your good and loyal behaviour the three years" (para. 3 p. 6, Vol. I).

(2) The following extract from a letter dated 5/12/1889 from Miller Bros to the Marquis of Salisbury, then S. of S. for Foreign Affairs:

"The poor people could do nothing but submit... they, after much difficulty, succeeded in paying the fine of £3,000 the security of £1,000 and delivered up all their war canoes, guns, etc."

(X on p.9, Vol. I).

(4) A letter dated 6th August, 1889, from the Foreign Office to the Treasury forwarding a despatch from Consul Hewett "in regard to a sum of £1,000 remitted by him as security for the good behaviour of the Opobo Chiefs" (Letter No. 255 at p. 186 in "Further Correspondence etc. Parts III and IV". No copy of Hewett's despatch No. 18 is available.

(5) Although they don't mention it, the receipt for the stock bought with the money, which is expressed as being "in respect of security given by the Opobo Chiefs of Old Calabar, hereinafter called the transferee." (Letter (2) at p.40 in Vol. I).

3. Government's case rests on a despatch dated 12th March, 1892, from Sir Claud MacDonald to the Foreign Office which states -

"This fine was imposed by the later Consul Hewett on the Opobo Chiefs but the money was paid by the firm of Alex Miller Bros and Co. who in so doing secured the gratitude of the Chiefs and their trade.

I would respectfully suggest that taking the circumstances of the loan into consideration the Miller Bros and Co. of Glasgow, and the interest should be paid to the Opobo Chiefs." (Letter (4) at p.41 Vol. I of this file).

and the Foreign Office reply which states -

"You are at liberty to repay to Messrs Miller the sum of £1,000 which was, it appears, advanced by them for the deposit in question, after obtaining from the Chiefs authority to do so.

The balance, being the interest on the fine may, as you suggest, be returned to the Chiefs themselves."

4. At p. 45 in Vol. I Mr. (now Sir Gerard) Howe advised that although it is a fairly safe assumption that the money was paid (otherwise Miller Bros doubtless would have put forward a claim) - the above despatches were merely an authority to pay and not proof that the money has in fact been paid. He advised that pending further search we should adopt the attitude that the money had been repaid and that the U.A.C. have no record of the transaction (p.125). We are thus still unable to prove that the money was actually paid. The U.A.C. deny liability to the Chiefs and say that the investigations "point to an entirely contrary conclusion to those that you (the Chiefs) have put forward". (Pp.406-408). It is not clear whether this answer refers to the Chiefs' contention that the money was repaid to Miller Bros, or that the U.A.C. is liable, or to both).

6. The S. of S. is prepared to stand on the ground that the money was paid by Miller Bros and not the Chiefs and that it was refunded.

(p.379,420).

Sgd.?

10/9/51

H.A.G.

The above note sets out the facts relating to the Opobo Chiefs' claim for £1000 refund of money deposited as security. You will note that our main ground for resisting the claim is our belief that the Chiefs did not pay the money themselves but that Miller Bros paid it for them. Recently, however, the Chiefs have asserted that they hold a receipt from Miller Bros which, they claim, proves that they put up the money themselves.

2. If that receipt does in fact show that the Chiefs put up the money the case will assume a rather different complexion and we shall then presumably have to reconsider our position. Should we in the circumstances ask the Chiefs to produce the receipt - and risk having the ground on which the S. of S. is at present standing cut from under his feet?

Hon. C.S.

I see no advantage in asking for a sight of the receipt. Its existence is unlikely to alter the view taken by the S. of S., since it would show that the £1,000 was paid to the Consul by Miller Bros (as the S. of S. contends), though as agent for the Chiefs, and the repayment would therefore have been made in the ordinary course to the Chiefs' agent.

Sgd.?

10.9.51

Secretary of State for the Colonies.

12 September, 1951.

Your Savingram 1914
Claim by Opobo Chiefs

I enclose a further petition addressed to you by Chief Jim Jaja concerning the claim for the refund of £1,000 deposited by the Opobo Chiefs as security for good behaviour in 1889.

2. The petition raises no new point except, perhaps the claim that the Chiefs are in possession of a receipt showing that the money was provided by them in the first place and not by Messrs Alex Miller Bros & Co. I am advised that if the Chiefs do possess such a receipt, it would not necessarily affect the case since if the money was paid by the firm as the Chiefs' agent it would in the ordinary course have been repaid to the firm as the Chiefs' agent.

3. I therefore recommend that the petitioners be informed that you have received and considered their petition but have nothing to add to your reply to their previous representations on this subject.

J.O. FIELD

GOVERNOR

WAF/B.7

SAVINGS.

From the Secretary of State for the Colonies.

To the Office Administering Government of NIGERIA

Date 18 September, 1951

No. 2420 Saving.

My Savingram No. 1914.

Opobo Chiefs.

I enclose further correspondence received from Chief Jim Jaja and should be grateful if you would draw his attention to the correct channels for making submissions to His Majesty's Government.

SECER.

COPY

Opobo Town
Opobo, Nigeria
30th August, 1951

The Legal Secretary
Crown Officers' Department
London.

Sir,

The Opobo Chiefs' Security of £1000 in 1889

I have the honour to forward to you a copy of the first letter - the letter of the 1st August, 1889 - addressed to the Foreign Secretary and which His Lordship re-directed to the Colonial Secretary. The Foreign Secretary, in 1889, was directly and intimately connected and concerned with this matter, Opobo being then under the authority and administration of the Foreign Office.

2. You will appreciate the case of the Opobo Chiefs after carefully referring to the several Departmental correspondence mentioned in the letter. Our case is based on official documents and it is not understandable that, on the face of the reference, the Colonial Secretary concluded, and wrongly too, that Messrs Miller Brothers and Company, and not the Opobo Chiefs, advanced the money - thus giving right of title and ownership of £1,000 was "*given by the Opobo Chiefs*"; that the Government invested this money in the Bank of England "*in respect of the Opobo Chiefs*." And that the Government reached a decision that "*the whole fund should be surrendered to the Chiefs when the proper tune arrives*" - all these are official evidences (that is, evidences by H.M. Government itself) that the Opobo Chiefs have the title to this money of £1,000 security. On what ground, we respectfully ask, was this money returned to Messrs Miller Brothers and Company in 1892 when this very Company, in a letter of the 5th December, 1889 addressed to the Marquis of Salisbury (Foreign Secretary) made it crystal clear that the Opobo Chiefs, paid the money.

4. Assuming, for the sake of argument, that, according to the Colonial Secretary, the money was advanced by Messrs Miller Brothers. The advance was made by the Company to H.M. Government "*in respect of the Opobo Chiefs*" and "*on their instruction*". In law once the advance was made the transaction was passed; the advance made by the Company was credited by H.M. Government in the name of the Opobo Chiefs (vide paragraph 10 for the Bank of England receipt dated 15th August, 1889) and *not* in the name of the Company. Payment would legally be made to one in whose name money is credited or on the one's authority; and this authority was not given by the Opobo Chiefs either to H.M. Government or to the Company.

5. You would admit that some blunder was made in 1892 and that was one wrong. Refusing to pay now to the Opobo Chiefs is another wrong. As "two wrongs do not make a right" your legal advice to H.M. Government would retrieve the blunder and wrong of 1892. While we hesitate to litigate on this matter it must also be admitted that we have a quite good case tenable in law. Writing the Reverend R.W. Sorenson M.P. in his letter No. 30022/292/50 Nigeria of 28th August, 1950, the Colonial Secretary said (paragraph 2) "The deposit had been invested and the product amounting to £1065:11/- was transferred to the credit of the Oil Rivers Protectorate for payment to Messrs Miller Brothers and Co. of the sum of £1000 and the balance to the Chiefs themselves". Even this balance (£65:11/-) said to be paid to the Opobo Chiefs has not been received, and you would want evidence to prove that even this sum has been paid. The Colonial Secretary, in his letter of the 2nd January, 1951 to Rcv. R. W. Sorenson M.P. said:- "It does not appear that there is anything more for His Majesty's Government to do in this matter". His Lordship would state whether Government's final word includes any say about this sum of £65:11/- said to be paid but which is not yet paid.

Yours faithfully,
(Sgd.) H. Jim Jaja
Chief H. Jim Jaja

Opobo Town
Opobo, Nigeria
18th August, 1951

The Right Honourable
The Chancellor of the Exchequer
London.

Sir,

The Opobo Chiefs' Security of £1000 in 1889

With all deference to your authority, I crave indulgence to say that I am not satisfied with mere acknowledgement of my letters on a matter of vital importance to us. Your letters of 9th August, 1950 and of 27th June, 1951 are mere formal acknowledgements.

2. At the time (in 1889) your Department was very much concerned with the investment of the money (£1000 security) in the Bank of England and also with the decision to surrender the capital with interest to the Opobo Chiefs when the proper time arrived.

3. In these concerns I respectfully invite your attention to a letter of the 13th August, 1889 under the hand of Mr. R.E. Walby and on direction of the Lords Commissioners of Her Majesty's Treasury, and addressed to the Foreign Secretary, authorizing the investment of the money in the Bank of England and adding that "*the whole fund should be surrendered to the Chiefs when the proper time arrives*".

4. The Treasury and the Foreign Office were the Departments of H.M. Government intimately connected with this question of the Opobo Chiefs' security of £1000, and which ultimately decided that the money, after some time, should be surrendered to the Chiefs with the accrued interest. Opobo, at the time, was not under the authority and administration of the Colonial Office and, further still, this office at the time had no connection with, or say in, this question of the £1000 security. Consequently the Colonial Secretary would not be in full possession of material and relevant documents and facts.

5. The Colonial Secretary, not well possessed with the facts of this case, had maintained that the firm of Messrs Miller Brothers and Company, and not the Opobo Chiefs, advanced the money and so the firm had the money returned to them in 1892. This is wrong.

6. That we hold a receipt by Messrs Miller Brothers and Company for this £1000 deposited with the firm for payment to Consul Hewett who remitted the money to the Foreign Office, that the money was invested in the Bank of England on the 15th August, 1889 in the name of Opobo Chiefs that H.M. Government, represented by two great Departments of State - the Treasury and the Foreign Office - decided that the whole fund should be surrendered to the Opobo Chiefs (and not to Messrs Miller Brothers and Company) and that the Company (Messrs Miller Brothers) in a letter of the 5th December, 1889 to the Foreign Secretary indicated that the £1000 security was paid by the Opobo Chiefs - all these are evidences that the proper payees are the Opobo Chiefs and that payment to Messrs Miller Brothers and Company, according to the Colonial Secretary, was payment made in error.

7. Our objective in repeating communication to you is to move your Department to contact the Colonial Office assisting to state the facts and to influence equitable decision by H.M. Government. For your Department to remain passively indifferent on a matter about which it has first-hand knowledge cannot be said to be genuine politics. It is action, and not mere acknowledgement of our letters, that shall provoke our grateful and immense thanks, and you might act by raising the matter in Cabinet.

Yours faithfully,
Sgd. Chief H. Jim Jaja.

8 October, 51

The Secretary
Eastern Provinces
Enugu.

Chief H. Jim Jaja - Petition from:

I am directed to attach copies (in triplicate) of letters addressed by Chief Jim Jaja to the Chancellor of the Exchequer and the Legal Secretary, Crown Officers' Department respectively, and to request that the attention of the petitioner be drawn to the correct Channels for making submissions to His Majesty's Government.

2. No action will be taken either by the Secretary of State or by this Office on petitions which are not submitted in accordance with the procedure set out in Government Notice 925 of 1950.

R.J. Hilton

for: Acting Chief Secretary to the Government.

Saving

From the Secretary of State for the Colonies
To the Office Administering the Government of NIGERIA
Date 16 October, 1951.
No. 2697 Saving.

Your Saving No. 2276 of the 27th July.
Claim from Opobo Chiefs.

I should be grateful if you would inform Chief S.K.W. Uranta that in the absence of any evidence of agreement or undertaking to pay anything to the present claimants I am unable to entertain his petition.

SECER.

WAF/B/7/51

Saving.

From the Secretary of State for the Colonies.
To the Officer Administering the Government of NIGERIA
Date 16 October, 1951
No. 2698 Saving.

Your Saving No. 2901 of the 12th September

Claim by Opobo Chiefs

I should be grateful if you would inform the petitioners that I have received and considered their petition but have nothing to add to my reply to their previous representations on this subject.

SECER.

No. 38706/462

17th November, 51.

The Secretary
Eastern Provinces
Enugu.

Opobo Town War Canoe Compensation

I am directed to refer to your letter No. 18989/469 of the 24th of April and to request that the original of the attached letter be handed to the petitioner.

(sgd.) J.O. Field

f: Ag. Chief Secretary to the Government.

17th November, 51

Sir,

I am directed to refer to your petition addressed to the Secretary of State for the Colonies dated the 31st January, 1951, and to say that the Secretary of State desires that you be informed in reply thereto that in the absence of any evidence of an agreement or undertaking to pay anything to the Waribo Uranta, Yellow Strong Face or Shoo Peterside please he is unable to entertain your petition.

I am Sir,

Your Obedient Servant,

(Sgd.) J.O. Field

f: Acting Chief Secretary to the Government.

Chief S.K.W. Uranta
Opobo Town
Opobo.

17th November, 51.

The Secretary
Eastern Provinces
Enugu.

Opobo Chiefs' Security of £1,000 in 1889

I am directed to refer to your letter No. 24107/53 of the 16th of August and to request that the original copy of the attached letter be handed to the petitioner.

(Sgd.) J.O. Field

f: Ag. Chief Secretary to the Government.

17th November, 51

Sir,

I am directed to refer to your petition addressed to the Security of State for the Colonies dated the 21st July, 1951, and to say that the Secretary of State desires that you be informed in reply thereto that he has received and considered the petition but has nothing to add to his reply to your previous representations on this subject.

I am Sir,

Your Obedient Servant,

(Sgd.) J.O. Field

f: Acting Chief Secretary to the Government.

Chief H. Jim Jaja
Opobo Town
Opobo.

CONFIDENTIAL

No. 18989/476
 THE SECRETARIAT
 EASTERN PROVINCES
 ENUGU, NIGERIA

9 November, 1951.

The Honourable
 The Chief Secretary to the Government
 Lagos.

Opobo Town War Canoe Compensations

I am directed to refer to my letter No. 18989/469 of the 24th of April, and to forward in duplicate a further petition addressed to the Secretary of State by Mr. S.K.W. Uranta. His Honour has nothing to add to his comments on Mr. Uranta's previous petition and considers that the letter might well be regarded as coming under paragraph 12 (a) of Public Notice 925 of 1950 on Petitions.

Sgd.?
 Acting Secretary
 Eastern Provinces

Opobo Town
 Opobo, Nigeria
 17th October, 1951

The Right Honourable
 The Secretary of State for the Colonies
 London

Your Lordship

War - Canoe Compensation

I have the honour to remind Your Lordship of our petition of the 31st January, 1951 - copies of which were submitted to the Nigerian Government, according to Colonial Regulations, for transmission to Your Lordship - a reply to which is awaited. The only indirect reply to which we could safely refer is the one Your Lordship addressed our M.P. friend (Sir Richard Acland M.P.) to whom we also addressed a copy of the petition.

2. Writing Sir Richard on the 23rd June, 1951 Your Lordship said, *inter alia*, that "the Governor's comments on the petition have not been received but I have asked him to let me know how the matter stands." It may be assumed that by now His Excellency has addressed Your Lordship on the matter.

3. It might not be improper to quote from a copy of Sir Richard's letter to you. He wrote:- "I am bound to repeat a view which I expressed in an earlier letter, namely that if the names of these Chiefs do indeed appear in the document where they claim they appear, it seems to me that they have a very good case which cannot be answered merely by saying that at some later date the compensation money was paid out to an incomplete list of Chiefs on some understanding that the recipients would subsequently make payments to any one who may later establish a claim."
4. Sir Richard derives authority for the view he holds from paragraph 4 of our petition of the 31st January 1951 referred to supra. and to which Your Lordship's attention is respectfully invited. For reason of clearing any misapprehension it is categorically and unequivocally stated that there is no suggestion whatsoever that the £11,426 compensation paid to the 26 Opobo Chiefs in October, 1944 was payment made in error, or that we have "a better claim". It must be said at once that those (26) Chiefs were legally entitled to the payment made to them.
5. Our submission is that in 1889 we (the three Houses now claiming compensation) together with the 26 Chiefs, compensated in 1944, surrendered our War-Canoes and guns to H.B.M. Government on the 12th March, 1889 vide the official (Foreign Office) Volume referred to in paragraph 4 of our petition of the 31st January, 1951. But, in 1892, when the sum of £11,426 compensation was decided upon and an undertaking for the compensation given to the Opobo Chiefs, the names of our three Houses were inadvertently omitted from the list of these Chiefs entitled to the compensation - a list compiled on the 17th June, 1892, by Mr. Cairns Armstrong, Deputy Commissioner and Vice-Consul. The original list was compiled on the 12th March, 1889 by Lieutenant-Commander W.C.B. Johnson who, on behalf of H.B.M. Government, received the War-Canoes and ammunitions conditionally surrendered.
6. But for this unfortunate and inadvertent omission we should have been included among the 26 recipients of the compensation. If each of us (the three Houses) claimed this amount, our aggregate claim would be just £1317. But our present claim is for only £1000 - that is, over £300 less than the proper compensation calculated on the basis of the amount paid to the 26 Chiefs. We make this concession in consideration of the length of time, and it is hoped that Your Lordship would appreciate the concession as a sacrifice.
7. We desire to emphasize upon paragraphs 6 and 7 of the petition of the 31st January, 1951 and would therefore add that, in so far as H.M. Government, for reason of justice and fairness, decided to compensate and did compensate, the Opobo Chiefs who surrendered their war-canoes and guns in March 1889, we

also are entitled to that decision. If, as in the case, we were not compensated in 1944, the force of that decision is not reduced nor is the decision itself reversible; the principle of justice and fairness obtains in our case, since the Government, and not ourselves, is responsible for the omission of our names in the list attached to the undertaking for the £11,426 compensation already paid.

8. In conclusion, we beg to reiterate that our claim does not affect directly or indirectly the payment made to the 26 Chiefs in 1944. We do not raise an iota of dispute against those Chiefs whose claim was quite legitimate. In fact, our Houses are quite independent of, and unconnected with, those Houses compensated. Our case is a quite isolated one. Counting from the date of our first petition we respectfully submit that it is time a reply is forthcoming for which please accept our immense thanks.

Yours faithfully,
Sgd.
Chief S.K.W. Uranta.

PAS (Pol)

From page 466

The petition at pages 463-468 raises no new matter of relevance. The reply to the petition at 412-418 has been sent at page 463. I suggest that in accordance with Section 12 (a) of GN 925/1950 we do not send a reply.

Sgd.?

24/11/51

Nigeria No. 38706

The Secretary of State for the Colonies
1 December 1951
4015 Saving

Your telegram No. 2697 Saving.
Claim from Opobo Chiefs/

I attach a further petition from Chief Uranta. It raises nothing new and crossed the reply that was sent to him in accordance with your telegram No. 2697 Saving of the 16th of October. I suggest that it will be sufficient to acknowledge the present petition and to invite the petitioner's attention to the reply that was given to his previous petition of the 31st of January.

ACTING GOVERNOR.

Date 7 DEC 1951

With the compliments of the Secretary of State for the Colonies The Governor's information.

Nature of Communication

Copies of correspondence between:- Peter Smithers M.P. Chief Jim Jaja and S. of S.

WAF/B.7

4th December, 1951

Thank you for your letter of the 21st November about the case of certain Opobo Chiefs.

Chief Jim Jaja petitioned the Secretary of State earlier this year, alleging that the Chiefs hold a receipt for the £1,000 paid to Messrs Miller Brothers, and claiming that H.M.G. acted wrongly in 1892 in returning the sum advanced by Messrs Miller Brothers to that Company. The position of course was that the Company became security for the Chiefs and paid £1,000 to H.M.G. who returned the money with accrued interest to the Company in 1892. If the Chiefs hold a receipt for money paid to the Company, then their only profitable course would seem to be to pursue the matter with the successors of Messrs Miller Brothers.

A number of petitions have been received from Chief Jim Jaja, and they have all been fully investigated and considered, I do not think that there is anything more than can be done to help Chief Jim Jaja: he has stated his case fully and ably, but it has not been accepted.

I return the enclosures to your letter.

(Sgd.) A.T. Lennox-Boyd.
Peter Smithers, Esq., M.P.

Peter Smithers, M.P. 30, Wilton Crescent, S.W.1

House of Commons.

21st November, 1951.

Dear Alan,

I write with regard to a correspondence which I have been having with Chief. H. Jim Jaja of Opobo Town, Opobo, Nigeria. A letter from the ex-Colonial Secretary to me dated the 8th August, reference 30022/292/51 Nigeria, is the last document from your Department which refers. You will see that according to Griffiths the matter at issue is one between the Chiefs and the successors, if any, of Messrs Miller Bros.

This is obviously a very complicated legal matter and though I have been to some trouble in it and have a file of correspondence with the Chiefs, I think it

is hardly the kind of thing into which a member of Parliament ought to go personally. We are, however, I hope most anxious to strengthen and assist, the Chiefs in any way. They have certainly had a very raw deal recently in West Africa. The important point seems to me to be to make Chief Jim Jaja, if he is a reliable man, feel that under the present administration, the Colonial Office is anxious to help him to present his claim, and have it fairly considered.

The action which I would like to ask of you therefore is to get the Colonial Office to do a little more than merely to wash its hands off the matter, by saying that it does not concern them; and to make Chief Jim Jaja feel instead that they are willing to give him a little fatherly help and advice.

It may of course be that we are merely up against a slick lawyer behind the scenes, and that there is nothing in the whole business, but if this is the case I would like to be convinced of it by evidence.

Yours ever,
(Sgd.) Peter

P.S.

I attach hereto two letters received from Chief Jim Jaja, since last writing to the Colonial Office about this matter.

COPY

Opobo Town
Opobo, Nigeria,
1st Sept. 1951

The Rt. Hon. Mr. Peter Smithers, M.P.
30, Wilton Crescent, S.W.1.

Sir,

There is a point to which I have not invited your attention and, that is, a letter from H.M. Paymaster-General. Replying to my letters of 1st August, and 10th November, 1950 he said in his letter No. LD/R.202/Misc.64 of 12th December, 1950 as follows:-

"With reference to your letters of 1st August and 10 November 1950 relative to the investment in 1889 of £1,000, received on behalf of the Opobo Chiefs, in 2% Annuities, I am directed by the Paymaster-General to say that this stock, together with further like stock in which dividends accruing from 1889 to 1892 on then current holdings were invested, was sold at the request of the Chief Clerk, Foreign Office in June 1892. I am to add that at this date the records of the Department do not show to whom the proceeds were credited."

2. The Colonial Secretary, writing you, said that the money was advanced not by the Opobo Chiefs but by Messrs Miller Brothers and Company in 1892. The evidence of the Paymaster-General is that the stock was sold. There is no corroboration. When you consider that the Paymaster-General was closely concerned with this matter of the £1000 security in 1889 and that the Assistant Paymaster-General (together with the Chief Clerk of the Foreign Office) was an investor of the security in the Bank of England (vide the Bank's receipt dated the 15th August 1889) you would prefer the Paymaster-General's evidence.

3. I am to suggest that if the stock was sold the Company must have been the purchaser, and should this be the case, the Colonial Secretary's statement is erroneous. This is a point you would investigate.

Yours faithfully,
(sgd.) Chief H. Jim Jaja.

COPY

Opobo Town
Opobo, Nigeria,
27th August, 1951

The Rt. Hon.
Mr. Peter Smithers, M.P.
30, Wilton Crescent, S.W.1.

Dear Sir,

I am in receipt of your letter of the 30th July. I cannot be too thankful for your referring my letter of the 28th June again to the Colonial Office.

2. Convinced that the Colonial Office authorities are somewhat stubborn and unamendable, I have been compelled to place all the facts - the substance of all my letters to you and to the Colonial Office - before the Attorney-General of H.M. Government; and I am to inform you that I have received a reply that the matter is receiving attention. I intimated, in the letter to the Attorney-General, that the Opobo Chiefs have reached decision, but temporarily suspended pending further investigations, to sue H.M. Government.

3. Might it be suggestive that you divert attention to the Legal Secretary of the Crown Officers' Department of the Royal Courts of Justice to know the proceedings in that Department and to induce the Department to expedite matter.

4. Mr. Gilbert McAllister M.P. of 1 The Grove, Highgate Village, London N. 6 is keenly interested in this matter and it might help our cause if you concert action with him. Mr. McAllister has been informed accordingly.

Yours faithfully,
(Sgd.) Chief H. Jim Jaja.

WAF/B.12

Secretary of State for the Colonies
Officer Administering the Government of NIGERIA
November, 1951.

Saving.

Your savingram No. 4015 of 1st December.
Claim from Opobo Chiefs.

I should be grateful if you would inform Chief Uranta that I have received and considered his petition of the 17th October, and invite his attention to the reply that was given to his previous petition of the 31st January.

SECER.

PAS (Pol),
Above Draft reply s.t.c. at cover.
Sgd.?
2/1/52
Issue (through SEP)
Sgd.?
2/1.

3 January 51

The Civil Secretary
Eastern Region
Enugu.

Opobo Town War Canoe Compensations

I am directed to refer to your letter No. 18989/476 of the 9th of November, 1951 and to request you to cause the original of the attached letter to be delivered to the petitioner.

H.R. STEPHENS.
f: Chief Secretary to the Government.

3 January, 52

Sir,

I am directed by the Secretary of State for the Colonies to inform you that he has received and considered your petition dated the 17th of October, 1951 and to invite your attention to the reply given to your previous petition of the 31st of January, 1951.

I am sir,
Your obedient servant,
H.R. STEPHENS
f: Chief Secretary to the Government.

Chief S.K.W. Uranta
Opobo Town
Opobo.

No. 24107/63
CIVIL SECRETARY'S OFFICE
EASTERN PROVINCES
ENUGU, NIGERIA

24 January, 1952.

The Honourable
The Chief Secretary to the Government
Lagos

Opobo Chiefs' Security of £1,000 in 1889

I am to refer to the correspondence ending with your letter No. 38706/464 of the 17th of November, 1951 and to forward a further petition addressed to His Excellency from Chief H. Jim Jaja. he requests that a meeting be arranged between the Secretary of State, when he visits Nigeria, and other Chiefs and himself.

2. It is recommended that, since the petitioner has been informed repeatedly that his claim cannot be entertained, he be now told that His Excellency is not prepared to arrange an interview.

Sgd.?

f: Acting Civil Secretary,
Eastern Region.

Opobo Town
Opobo.
8th December, 1951.

His Excellency
The Governor and Commander-in-Chief
Lagos

Your Excellency,

Opobo Chiefs' Security of £1000 in 1889

On the intelligence that the Secretary of State tours West Africa some time during the first half of next year, I am directed respectfully to request your Excellency, at this early date, to grant permission to a deputation of the Opobo Chiefs to wait on His Lordship at any place in Nigeria nearest to Opobo, otherwise the deputation to wait on His Lordship at Lagos or at Enugu.

2. The above subject-matter is the only one for discussion. Between August, 1950 and the present date our correspondences on this matter have been voluminous. A rather curt reply from the late Secretary of State only leaves room for continued correspondences on the matter. Some Members of Parliament have this matter well on hand and their correspondences, copies of which are addressed to us, regularly inundate the Colonial Office.

3. Our claim is not only for the security of £1000 but even for the compound interest at 2% from the 15th August, 1889 when the money was invested in the Bank of England to the present day. This rate of interest was decided upon by H.B.M. Government as evidenced by the Foreign Office letter of the 6th August, 1889 and by H.M. Treasury's letter of the 18th August, 1889.

4. The occasion of His Lordship's visit to Nigeria would afford both His Lordship and ourselves an opportunity to thorough discussion during which we would tender documents to substantiate our case. It is hoped that in the interest of justice your Excellency, influenced by sympathy, could not but consider our application, considering also the amount involved. amount involved (capital with interest) is nearing £3000. It is to be hoped that some duration of even less than one hour could be arranged for us to meet this authority. Our travelling expenses etc. shall be no charge on the public revenue. We cannot be too gratefully thankful for your Excellency's kind consideration.

Yours faithfully,

Sgd.

(Chief H. Jim Jaja)

PAS (Pol),

Pp.482-483. Chief Jim Jaja is asking for an interview with the S. of S. A draft reply (to be sent via CSER) is i.t.c. at cover. Sgd.? 4/2/52.

It is surely for the S. of S. to say whether we will see them (though it is most improbable that he will). The reply should be that their request will be brought to S of S's notice in due course. Those papers should be brought up at the time of the S. of S.'s visit.

Sgd.?

5/2/52.

PAS (Pol).

2 draft 1 +c. at cover.

Sgd.?

6/2/52

fair.

Sgd.?

6/2

38706/485

8 February, 52

The Civil Secretary
Eastern Region
Enugu

Opobo Chiefs' security of £1,000 in 1889

I am directed to refer to your letter No. 24107/63 of the 24th of January and to request you to cause the original of the attached letter to be delivered to the petitioner. Though it is most improbable that the Secretary of State will see the Chiefs, it must be for him to say whether he will grant the interview.

(Sgd.) J.O. Field

f: Chief Secretary to the Government.

38706/486

8 February, 52

Sir,

I am directed to refer to your petition dated the 8th of December, 1951 and to say that your request for an interview on the subject of the Opobo Chiefs' Security in 1889 will be brought to the notice of the Secretary of State in due course.

I am, Sir,

Your obedient servant,

(Sgd.) J.O. Field

f: Chief Secretary to the Government.

Chief Jim Jaja
Opobo Town
Opobo.

No. 18989/488

SECRETARY'S OFFICE
EASTERN PROVINCES
ENUGU, NIGERIA

22 February, 1952

The Honourable
The Chief Secretary to the Government
Lagos.

Opobo Town War Canoe Compensations

I have to refer to the correspondence ending with your letter No. 38706/480 of the 3rd of January, and to forward in duplicate a further petition from Chief S.K.W. Uranta addressed to the Secretary of State.

2. No new matters of relevance are raised and it is assumed no answer will be made.

Sgd.

f: Acting Civil Secretary
Eastern Region.

REFERENCES AND NOTES

A: INTRODUCTION

1. The popular view in some works on Opobo studies and other available publications is that Opobo was founded on Christmas Day, 25th December, 1870. There is no document to justify the acceptance of this date. Rather, Opobo oral tradition, Jaja's personal papers, and letters in the Jaja House Family Repository, in the Public Records Office, London, Foreign and Commonwealth Office, London, and in the National Archives in Enugu and Ibadan tend to confirm that 1 January 1870 was the event date for the foundation of Opobo. By January 1870, Jaja was already writing letters from Opobo.
2. So far, there are several theories of Opobo migration. Two of them, the planned theory and the sudden or unplanned theory, seem to be the most popular. The planned theory points up to Opobo as a place that had been known before, identified and planned as a potential future settlement. This theory popularized by E.M.T. Epelle, makes Jaja a strategist and an uncompromising Head Chief of Annie Pepple group of Houses in Bonny. He was only waiting for a tinder to ignite the conflagration that eventually came to be known as the Bonny Civil War. The sudden or unplanned theory, however, denies all that and makes Jaja a victim of circumstances and the establishment of Opobo a matter of chance. Jaja, like Abraham Lincoln, the sixteenth President of America, seemed to say, "I do not control events. Rather, as events came, I always saw them with one faith". The writer seems to agree with the latter theory which was postulated by Prince Amachree of Kalabari during the arbitration of 1873.
3. K.O. Dike, *Trade and Politics in the Niger Delta 1830-1885*, Oxford, 1956.
4. E.M.T. Epelle, *Opobo Town in a Century*, Aba, (undated) - contains several unreliable pieces of information.
5. S.J.S. Cookey, *King Jaja of the Niger Delta: His Life and Times 1821-1891*; New York, Nok Publishers Ltd., 1974 - the first full-scale biography of King Jaja. For further comments on this document, see part four of this book.
6. *Ibid.*, appendix.
7. Jaja to Earl of Clarendon, 31 January 1870; Chief Harvey Jim Jaja, the oldest surviving Chief in Opobo during the Centenary of Opobo, gave a similar account. His views were confirmed by other chiefs including Chief Raymond Daminabo Oголо.
8. London, Longman, 1966.
9. Cambridge, 1966.
10. London, Longman, 1972.

11. London, Longman, 1962; republished in 1980.
12. Sir Alan Burns, *History of Nigeria*, London, George Allen and Unwin Ltd., 1929 18th edition, 1972), p. 152; M. Crowder, *The Story of Nigeria*, London, Faber and Faber, 1962, pp.159-160 (See in particular the revised edition of 1978); P. Amaury Talbot, *The Peoples of Southern Nigeria*, (Vol.I) London, Frank Cass, 1969, pp. 69 and 212. Unfortunately, some Nigerian Scholars and authors have accorded an uncritical acceptance to this idea. See. R. Olufemi, Ekundare, *An Economic History of Nigeria 1860-1960*.
13. Sir Harry Johnston's view on the issue, see *West Africa*, December, 1888. See also Roland Oliver's view along a similar line: Roland Oliver, *Sir Harry Johnston and the Scramble for Africa*, London, Chatto and Windus, 1957, pp.107-122.
14. *Ibid.*
15. *Ibid.*
16. *Ibid.*
17. *Ibid.*
18. Harry A Gailey, *The Road to Aba*, London, 1971, p.142; A.E. Afigbo, *The Warrant Chiefs; Indirect Rule in Southeastern Nigeria 1891 - 1929*, London, 1972, Chapter 6. For the views of the present writer on the event, see S.O. Jaja "Women's War 1925-1929: An episode in the British Administration of Nigeria", *Calabar Journal of Library Studies*, Vol. II, No. II, 1991, pp.22-34.
19. For a cyptic comment on this issue which, however, has a larger context, see E.M.T. Epelle, *op.cit*, pp.32-33; see also S.J.S. Cookey, *op. cit.*, p.166. This issue is dealt with in part IV of this book which also contains the relevant documents on reparation.
20. Over twenty-five press establishments in Nigeria, Britain, Enugu, America and other parts of the world made editorial and other damaging comments on the British handling of the Opopo Compensation or reparation issue. Members of the Labour Party in the British Parliament also made use of the publications on the issue as well as the correspondence from Sir William Geary to dampen the image and reduce the popularity of the British Conservative Party then in the war National Government led by Sir Winston Churchill, himself a Conservative Party leader. The post-war election of 1945 brought a disaster to the Conservatives. The British Labour Party won a land-slide victory. Several factors led to the political reverses of the Conservatives. The poor handling of the Opopo reparation case and the shame and disgrace brought to British during the struggle inside and out of the Parliament by Winston Churchill's administration were not, perhaps, the least among the causes of the unpopularity suffered by the Conservative party at the 1945 General Elections.

21. J.C. Anene captioned Chapter IV of his book "Southern Nigeria at the Cross Roads" and Chapter V, "The overthrow of indigenous authority" in emphasizing the extent of the tragedy that befell southern Nigeria when the Opobo Experiment virtually collapsed and other parts of Southern Nigeria became a prey to British forces. J.C. Anene, *op.cit*; E.A. Ayandele, *op.cit*; S.J.S. Cookey, *op.cit*; an equally sympathetic view of Jaja may be seen from E.A. Jaja, "King Jaja of Opobo", in T.N. Tamuno and E.J. Alagoa (eds), *Eminent Nigerians of the Rivers State*, Ibadan, Heinemann, 1980, Chapter 4. For other views see, E.J. Alagoa, *Jaja of Opobo; The Slave who became a King*, London, Longman 1970; J.C. Anene, "Jaja of Opobo", in K.O. Dike (ed.), *Eminent Nigerians of the Nineteenth Century*, Cambridge, 1960, pp.17-25.
22. *Ibid*.
23. M. P. Ashley, *Louis XIV and the greatness of France*, London, 1946; D. Ogg, *Louis XIV*, London, 1933.
24. For example, W.H. Lewis, *The Splendid Century: Life in the France of Louis XIV*, London, 1953.
25. For a similar role played by two powerful forces and institutions in Nigeria, Christianity and Islam, to provide the background to Nigerian nationalism, see J.F. Ade Ajayi, "The Nineteenth Century origins of Nigerian nationalism".
26. Basil Davidson, *Africa in modern history: The Search for a new Society* (Penguin books) Harmondsworth, 1978.
27. Alan Burns, *History of Nigeria*, London, George Allen and Unwin Ltd., 1972 (8th edition), pp. 150-156.
28. Michael Crowder, *The Story of Nigeria*, London, Faber and Faber Ltd., 1962 (republished 1966, 1973 and 1978).
29. Basil Davidson, *op.cit.*, p.69.
30. G.I. Jones especially tried to press this view. G.I. Jones, *The Trading States of the Oil Rivers*, Oxford, 1963.
31. J.C. Anene, *Southern Nigeria in Transition 1885 - 1906*, Cambridge, 1966 pressed this view. For this source, the "House System" was "more or less a trading association". (at pp.9-10).
32. Opobo people had and still have lasting bonds of friendship and marriage relations with their neighbours which in the traditions of the times, would have made their commercial relations to this extent possible. But, contrary views are often expressed in some works. For example, in connection with the Qua Iboe Affair, how did Hewett, while on leave in London obtain his information about the "Qua Iboe Affair", before he wrote a tendentious and damaging report against Jaja and his people? His most

dependable source, it has been discovered, was a rival and an inveterate opponent of the Opobo. See "Watt to Edward Hyde Hewett", dated 17th October, 1881, *Calprof* 4/1/25. For a fair and in depth assessment of the friendly and commercial relationship, see Cookey, *op.cit.*, particularly Chapter 4.

33. Edward W. Blyden, *Africa and the Africans: Christianity, Islam and the Negro Race*, Edinburgh, Edinburgh University Press, 1967; Gideon Cyrus M. Mutiso and S.W. Rohio, *Readings in African Political Thought*, London, Heinemann, 1975 (reprinted 1978), Chapter 2 (Part I).
34. Kwame Nkrumah, *I Speak of Freedom*, London, Panafbooks, 1961, pp.125-134; Gideon-Cyrus M. Mutiso and S.W. Rohio, *op.cit.*, Chapter 7 (Part I); Alex Quison-Sackey, *Africa Unbound*, London, Andre Deutsch Ltd. 1963, particularly pp. 35-58.
35. Leopold S. Senghor, "What is Negritude?" excerpts from a public lecture delivered by L. Senghor at the University of Ibadan in 1962 at which the present writer was present. See also Gideon-Cyrus M. Mutiso and S.W. Rohio, *op.cit.*, Chapter 12 (Part I).
36. J.C. Anene, *op.cit.*; S.J.S. Cookey, *op.cit.*; Basis Davidson, *op.cit.*; E.A. Ayandele, *op.cit.* (a very incisive view), among others.
37. This can be gathered from the Anglo-Opobo treaty of 1873; and correspondence between Opobo and Britain, some of them over-ambitious and presumptive of British most-favoured nation policy. As M. Crowder had stated, Britain's approach to Opobo at this period was one of "sympathy", M. Crowther, *op.cit.*
38. The formal recognition of Opobo in 1873 was multi-lateral: recognition by Prince Amachree and other Kings who took part in the Bonny-Opobo arbitration panel of 1873; recognition by Bonny; recognition by the Andoni who were specifically mentioned in the treaty of 1873; and recognition by Britain.
39. It is not only likely that the worsening attitude of Europe to negotiate agreements directly or indirectly contributed to the setting up of the Permanent Court of Arbitration created by the Hague Convention of 1899 for "Pacific Settlement of International Disputes". However, in respect of Nigeria, Britain quickly made the Order-in-Council of 1899 for both Southern and Northern Nigeria confirming her hold on Nigeria as a Protectorate with effect from 1 October, 1900. Humphrey Waldock (ed.) J.L. Brierly: *The Law of Nations*, Oxford, Clarendon Press 1963, particularly Chapter VI.
40. The principle is expressed as *pacta tertiis nac nocent nee prosunt* (obligations to a treaty are limited to the contracting parties and to the expressed words or necessary intentment), see H. Lauter pacht (ed.), *International Law: A Treatise by L. Oppenheim*, London, Longmans, 1967 (8th edition), pp. 893-894

41. *West Africa*, December 1888; See also W.M.N. Geary, *Nigeria Under British Rule*, London, Frank Cass, 1965, p.287.
42. M. Crowther, *op.cit.*, p. 159.
43. J.A. Bratt, *A Brief Historical Sketch of Opobo*, London Missionary Leaves Association, 1910, p.13.
44. James Duffy, *Portuguese Africa*, Cambridge, Harvard University Press, 1959; Basil Davidson, "Congo Destinies", in Peter Judd (ed.), *African Independence*, New York, Dell Publishing Co. Ltd., 1963, pp. 29-108.
45. London, Heinemann, 1980 (reprinted 1981, 1982 and 1986).
46. *Ibid.* p.137; see also Ali a. Mazrui, "African International Relations", in John A. Paden and Edward W. Soja (eds.), *The African Experience*, Evanston, Northwestern University Press, 1970, pp.532-544; L.A. Jina-du, *Fanon In Search of the African Revolution*, Enugu, Fourth Dimension, 1980; Renate Zahar, *Colonialism and Alienation*, Benin-City, Ethiope Publishing Corporation, 1969 (Translation W.F. Fenser); Cheith Anta Drop, *Black Africa*, Connecticut, Lawrence Hill and Co., 1974; Kwame Nkrumah, *Towards Colonial Freedom*, London, Panaf Books, 1962 (reprinted 1973); *The Struggle Continues*, London, Panaf Books, undated (particularly the "Myth of the Third World"). For a general view see Albert Memmi, *The Colonizer and the Colonized*, New York, "The Orion Press, 1974; E.A. Brett, *Colonialism and Underdevelopment in East Africa*, New York, Nok, 1973 (reprinted 1974 and 1977) (Introduction).
47. Kwame Nkrumah, *Africa Must Unite*, London Panaf Books, 1963, pp.173-184; see also Gideon-Cyrus M. Mutiso and S.W. Rohio (eds.) *op.cit.*, pp.415-418.
48. *Ibid.* For similar views on the same subject, see Oginga Odinga, *Not Yet Uhuru*, London, Heinemann, 1968, pp. 312-315; J.K. Nyere, *Freedom and Unity*, Oxford, Oxford Press, 1969, Frantz Fanon, *The Wretched of the Earth*, London, Penguin Books, 1967; *Black Skin White Masks*, New York Grove Press, 1967.
49. Harry Gailey, *op.cit.*; A.E. Afigbo, *op.cit.*, S. O. Jaja, *op.cit.*
50. For the text of this memorable agreement, see part 4 of this book.
51. For the text of W.N.N. Geary's submission, see also part 4 of this book.
52. For the history of nationalist movements in Nigeria, see James S. Coleman, *Nigeria: Background to Nationalism*, London, University of California Press, 1971; Obaro Ikime, *Groundwork of Nigerian History*, Ibadan, Heinemann, 1980, particularly part IV. for recent comments on decolonization process in Africa, see J.F. Ade Ajayi and M. Crowther (eds.) *History of West Africa*, London Longmans, (1971 and 1974); K. W. Post, *The States of West Africa*, London, 1964; G.B. Wasserman, *Politics of Decolonization: Kenya Europeans and Land Issue, 1960 - 1965*,

London, 1976; A.H.M. Kirk-Greene and a few other European authors still cling to the old epithet "transfer of power", popularized by Sir Charles Jefferies, once a deputy Under-Secretary at the Colonial Office, London. Their views and those of other adherents of this theory may be found in A.H.M. Kirk-Greene, (ed.) *The Transfer of power: The Colonial Administrator in the Age of Decolonization*, Oxford, 1979; W.H. Morris-Jones and Georges Fischer (eds.), *Decolonization and After: The British and French Experience* (1980); and Prosser Gifford and William Roger Louis (eds.), *The Transfer of Power in Africa, Decolonization, 1940-1960*, London, Yale University Press, 1982.

53. Chiefs Harvey Jim Jaja, Erasmus Cookey and Raymond Ogolo affirmed this view during interviews by the present writer and the eve of Opobo Centenary Celebration in December 1970.
54. For the text of W.N.M. Geary's petition see part IV of this book.
55. *Ibid.*

B. PART I: THE FOUNDATION YEARS

1. K.O. Dike, *op.cit.*, J.C. Anene, *op.cit.*, S.J.S. Cookey, *op.cit.*, E.A. Ayandele, *op.cit.*, and E.J. Alagoa, *op.cit.*
2. Notes of an address delivered by Prince George Amachree to the Chiefs of Bonny in Opobo just before the giving of the decision of the Arbitrators which brought the Bonny Civil War to an end. The address was given in the local language and was translated into English by Prince George Amachree himself in "broken English" to Charles Livingston, Consul. Source: F.O. 84/1377, dated 16th January, 1873. This document is enclosed in this part of this book for easy reference.
3. *Ibid.*
4. *Ibid.*
5. C.J. Jones, *Trading States of the Oil Rivers*, 1956.
6. Treaty Between Bonny and Opobo, 1873. This treaty is enclosed in this part of this book.
7. See the preface to this book for brief comment on the existing theories about Opobo migration. See also Dike, *op. cit.*, J.C. anene, *op.cit.*, S.J.S. Cookey, *op.cit.*, and E.A. Ayandele, *op.cit.*
8. Letter from Oko Jumbo and other Chiefs of the Manilla House of Consul Charles Livingston, dated 7th March, 1870. This is a very useful source for updating Bonny tradition about the Bonny Civil War of 1869.
9. *Ibid.*

C. PART II: DEVELOPMENT, PROGRESS, CRISIS AND CONFLICT.

1. Interview with Chief Harvey Jim Jaja, December, 1970. See also J.F. Ade Ajayi and m. Crowder (eds.) *op.cit.*
2. G.I. Jones, *op.cit.*, pp. 239-241.
3. a copy of the W.A.C.A. Report is attached hereto. The case was between Chief Ogboro Aro (later died and was substituted by Chief Eferikuma for the Andoni, Chief Akpan Udo Ekpo representing the Ibibio, all as plaintiffs or appellants against Chief Mac Pepple Jaja of Opobo defendant or respondent.
4. A copy of this treaty is also enclosed.
5. See the introduction of this book.
6. *Ibid.*
7. For the account of the deportation of Jaja, his exile, death and burial, see S.J.S. Cookey, *op.cit.* and J.C. Anane, *op.cit.*, J.A. Pratt, *op.cit.* has interesting details about the burial obsequies of King Jaja.
8. A copy of the address by Admiral Hunt Grubbe, Commanding-Officer, British Naval Forces on the Coast of West Africa delivered to the Chiefs of the Oil Rivers on 12th December, 1887, immediately after the deportation of Jaja, is enclosed in Part III of this book.
9. It is interesting to note from this account the extent of the cooperation between the British and the Germans on the West African Coast during the closing years of the 19th Century. This cooperation seems to have broken down after the Berlin Conference had torn both nations apart and set them scrambling for African territories.
10. This regulation was also adapted to form a part of the instructions in the Order-in-Council of 1889, which ushered the Civil Service in Southern and Northern Nigeria with effect from 1 January, 1900.

D. PART III: THE DEPORTATION AND TRIAL OF JAJA

1. J.c. Anane, *op.cit.*, S.J.S. Cookey, *op.cit.*
2. The text of this document is enclosed in this part of this book.
3. *ibid.*
4. *ibid.*
5. *ibid.*
6. *ibid.*
7. The fact is that in deporting Jaja, the British expected no further resistance or conflict. they did so apparently believing that Jaja was carrying out his actions alone. The British did not realize the presence and nature of the Opobo Experiment. they did not also realize that his followers whom he left behind would continue the experiment, though in a modified form.

E. PART IV: OPOBO EXPERIMENT AND THE REPARATION CASE

1. The document concerning the reparation case of Opobo was found among Chief Sunday Jaja's papers between October and November 1937 by Bruce Heggs Jaja in the presence of Rev. Stephen Jaja, David Cyprian Jaja and Charles D Jaja. The case for reparation was taken up with the District Office, Opobo in January, 1938. After the death of Chief Sunday Jaja, the document was placed in the custody of Chief Cookey-Gam who faithfully surrendered it to Chief Arthur MacPepple, following the succession of the latter to the throne of Opobo as the Amanyanabo. Chief MacPepple showed the document to one Mr. Betts, perhaps, a European friend in Lagos, who advised him to take no action thereon. He was not satisfied. In 1917, he took the document to the Provincial Commissioner for Calabar Province at Calabar who explained to Chief MacPepple that Government could not meet such obligation in war time. So matters were delayed until two years after the succession to the throne of Opobo by Chief Douglas MacPepple Jaja.
2. A copy of this document is enclosed in this part of this book.
3. When the reparation case was started, an attempt was made to deny the signature of Mr. W. Cairns Armstrong, but this did not succeed.
4. Reparation case was treated not only as Opobo case but as a case for all Africans and blacks throughout the world. It was regarded as a human rights case. In the Nigerian Constitution, it is now provided as a part of the Human Rights provisions of that Constitution that no one should be deprived of his property without adequate payment of compensation. The leaders at the Constitutional Conferences in 1950 and 1951, could not turn away their eyes from the importance attached to fair compensation and reparation and probably the Opobo example.
5. The list of the Houses in Opobo and those who represented the Houses when the compensation was paid is also enclosed in this part of this book.
6. Chief Uranta's petition is also enclosed.
7. This "Agreement" has already been commented upon. But, it is interesting to note that the Opobo League led by J.A. Cookey was the first organization to produce the document. It was also the first organization that wanted to obstruct the payment of the compensation and produced an alternative plan of action for use of the compensation fund for a welfare scheme or development.
8. The British Government mounted an intensive search of the original of the document, but could not find one. It later made a very decisive comment on the document.
9. Surprisingly, Dike, Cookey and Epelle, changed the old title of the document and substituted a new one. It seems to the present writer that they had no authority for doing so.

10. The comments by the British Government upset the hopes of the Opobo League. That Government however, gave credit to the league for its good intention and proposals which, unfortunately, could not be met through the sort of documents they produced. It is interesting to note also that that was the first time any group of persons in Opobo presented a case to the British Government for the commemoration of King Jaja, the first leader of the Opobo Experiment through the establishment of a College to be named after Jaja. The hope for establishment of a Secondary School or College in Opobo eluded the people of the area until 1976.

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- A. *Oral Evidence*: The collection of oral evidence in Opobo and its settlements was carried out systematically for several years from various sources including chiefs and elders. E.M.T. Epelle also afforded some useful information. In 1970, the Council of Chiefs of Opobo asked the present writer to join E.M.T. Epelle as the co-author of *Opobo Town in a Century*. The chiefs yielded up very valuable sources of information and oral testimony. However, E.M.T. Epelle later disagreed with some of them and decided to produce the book alone ignoring some of the useful sources that would have helped to enrich and illuminate the history of the people. Oral evidence was also collected from Bonny and Kalabari where the writer had lived and worked before the Nigerian Civil War. Adadonye Fombo's information was in many respects also useful, particularly with regard to Bonny tradition of the Bonny Civil War.

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- 2. Rhodes House Collections, Oxford "King Jaja of Opobo: Papers relating to King Jaja and the Opening of West African Markets to British trade 710.175/1880.
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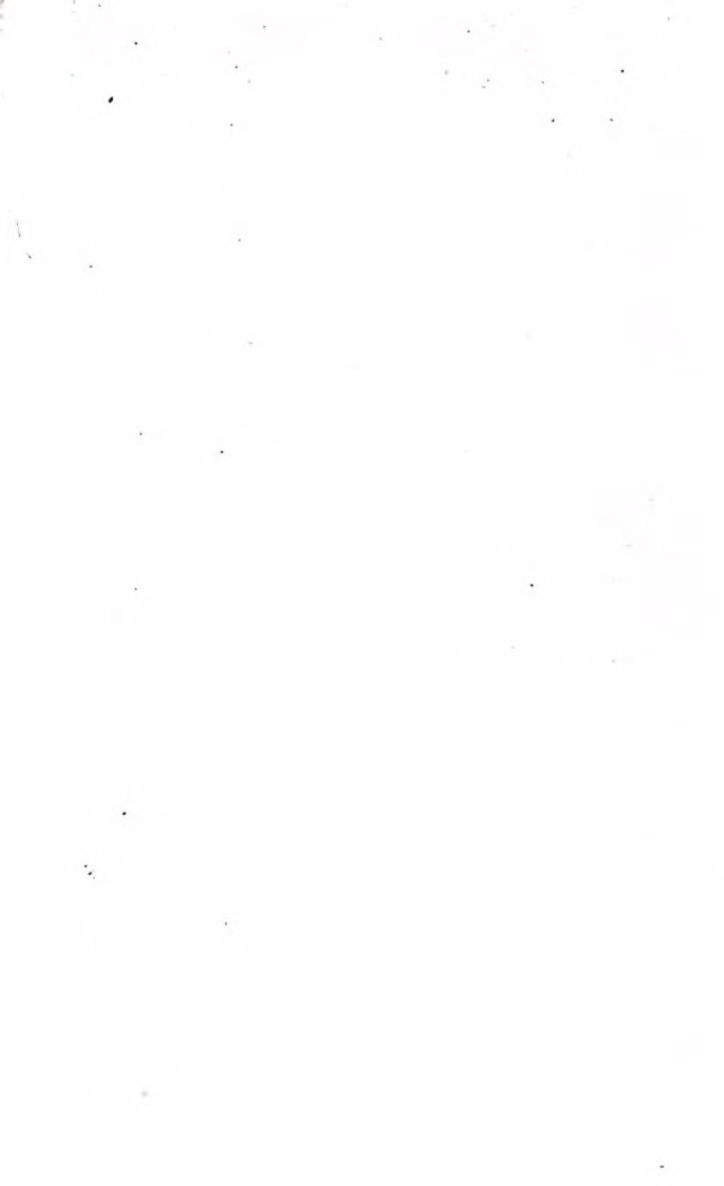
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