The Third Wave *of* Historical Scholarship *on* Nigeria

ESSAYS IN HONOR OF AYODEJI OLUKOJU

Edited by

Saheed Aderinto and Paul Osifodunrin

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CHAPTER NINE

NATIVE COURTS, THE COCOA ECONOMY, AND LAND "PALAVER": IJESA AND EKITI, 1900–1948

OLATUNJI OJO AND LAWRENCE K. ALO

This chapter examines the impact of British rule on the administration of land laws in northeastern Yorubaland between 1900 and 1948. It argues that colonialism led to the creation of native courts where indigenous Yoruba laws were administered insofar as they were consistent with British legal ideas and "not repugnant to natural justice, equity and good conscience."[1] Although Ekiti and Ijesa were two of the last Yoruba districts to come under European influence, they shared experiences of British courts similar to those of regions with older contacts. Native courts were popular as evidenced by the number of cases reported and the class of litigants. Everywhere the courts provided an unequal but not so distinct playing field for litigants regardless of class and gender. It empowered commoners and women to challenge their chiefs and gerontocratic rule. How did the native courts, which combined the Yoruba and British legal systems, shape land cases in Ijesa and Ekiti Districts? How did the British legal code and the associated social and economic changes impact gender, class, and property relations? How well did the new courts perform in settling conflicts brought before them? Further, to the extent that the indigenous family and chiefs' courts continued to function parallel to the new colonial courts, how were similar cases involving land handled in these courts, and why was it that individuals sought to have their disputes settled in the new courts? This chapter draws on extensive archival sources including the records of native courts, the diaries of colonial commissioners whose pronouncements had legal implications, and the files of Western Nigeria's regional land ministry.

In 1904, at Efon-Ekiti, a man Osunrinde, recently freed from slavery learned that one Ogunmudimu had encroached on his land while he was

away in captivity. He sued the man to the *alaaye*'s (king's) court. His suit was to reclaim a farm at Ilase that he had abandoned for about thirty years while he was in slavery. The details of the case are as follows: around 1866, Ijesa forces attacked and sacked Efon-Ekiti and carried some of its people into slavery including the plaintiff, his father, Ologunede, and other members of his family. Subsequently, the defendant, who escaped enslavement, took over the farm at Ilase, hitherto farmed by the plaintiff's father. The defendant denied the charge claiming instead that the plot belonged to *his* father. The court rejected the plaintiff's claim on the basis that his father had no boundary with the defendant's father.

Not satisfied with the ruling, in 1905 the plaintiff appealed to the British commissioner for northeastern Yorubaland and reiterated his claims. The defendant again denied the plaintiff's claim. In his defense, he pointed out that the land in dispute was a neglected farm near his farm, a fact the plaintiff seemingly agreed with when he stated that "there were two farms divided by a stream." However, he stressed that "the defendant has crossed the stream and encroached on his farm which he had not occupied for thirty years while he was in slavery." When the commissioner asked if a farmer could occupy and get title to a farm abandoned by another person for many years, the *alaaye* replied that a landowner had the right to reclaim his farm: "[when an] owner returns he gets his farm back, however long he is away."[2] The commissioner also asked about when the plaintiff returned to Efon and when he reclaimed his land—to which the plaintiff responded that he repossessed the farm in 1904, two years after he returned from slavery. The reason why he did not reclaim the land in 1902 was lack of knowledge about it until another farmer, Lokosan, told him about it. Two witnesses, Olagunju and Atoye, denied Osunrinde's claim to the land. In his ruling, the commissioner awarded judgment for the defendant and sentenced the plaintiff to six months' imprisonment "for stirring up trouble by driving people out of their farms."[3]

This case is symptomatic of the changes brought about by the imposition of British rule and British-style court systems in Yorubaland as well as other parts of Africa. It shows how through the intervention of British officials and courts in local disputes new legislative and arbitration processes evolved.[4] For example, had the case came up ten years earlier, there would have been no appeal beyond the *alaaye*'s court. Second, the case shows how the commissioner overruled the *alaaye* on tenure rights. The *alaaye* believed that a person cannot be denied ownership of their land no matter the years of neglect, but the commissioner seemingly rejected this view. Instead, he was of the opinion that long usage of the farmland in question by Ogunmudimu had changed the ownership of the land, and that

farmers could not be separated from the improvements such as crops planted on a piece of land.[5]

There are works on the Yoruba legal system under British colonial rule, though very little has been written specifically on Ekiti and Ijesa Districts. Omoniyi Adewoye, Teslim Elias, and Gabriel Coker have examined the development of the British legal system in Nigeria with an emphasis on court operations and legal practitioners.[6] Kristin Mann explores how Lagosians used British courts as they pursued property rights in land and buildings.[7] Peter Lloyd's magisterial work on Yoruba land law examines land disputes in mostly native courts in four Yoruba districts—Ondo, Ekiti, Ijebu, and Abeokuta. The work provides many court cases relating to access, ownership, lease, and pawning, but the reader does not get a good idea of the growth and evolution of customary courts. While customary courts had been established in Ekiti as early as 1914, the oldest case from Ekiti that Lloyd cites is from 1949 after the courts had consolidated their operations, and thus not from the initial period of encounter and friction.[8] In other parts of West Africa, Richard Roberts uses early colonial court records to examine social change in French Soudan (modern Mali) during the period when colonial rule was consolidated over the interior of West Africa. The French courts were new, introduced to replace existing Islamic courts and local tribunals in non-Muslim areas, and became a focal point for contesting power and seeking to acquire or confirm rights to property, inheritance, marital assets, and the custody of children.[9]

Overview of Land Law in Precolonial Yorubaland

The nineteenth century was very significant in the history of Yorubaland. To some observers, it was the "age of confusion"—a sobriquet earned from the wars fought intermittently between 1817 and 1893. Warfare brought with it banditry, death, trade disruption, enslavement, ethnic tension, and population displacement. The crises were accentuated by social, political, and economic changes linked to the extension of the Sokoto jihad into Yorubaland as well as the region's involvement in the Atlantic slave trade and later the legitimate trade in agricultural crops along the coast.[10]

Some of the conflicts had their origins in disputes over land. Although land did not become a market commodity in Yorubaland prior to the British takeover of Lagos in 1851, and not for decades in the interior, land disputes nonetheless fueled and prolonged Yoruba warfare.[11] It is impossible to fully understand the perennial Ife-Modakeke crisis without

factoring in land litigation. As the northern Yoruba kingdom of Oyo disintegrated between the 1790s and 1830s, refugees pushed southward and settled among local people. A large number found refuge at Ile-Ife, the mythical "cradle of the [Yoruba] race."[12] Not later than 1850, the refugees who mostly settled in Iraye Quarter and later Modakeke Ward were no longer wanted. Subsequently, they were treated like slaves and at best as tenants and stragglers. The people of Ife wanted the settlers to pay tribute in the form of payments (Yoruba: *isakole*, *iwifo*) for the right to farm and build houses. Sometimes the settlers complied; other times they refused.[13] In 1886, Ife chiefs accused the settlers of not acting "like their fathers who used to supply them with food."[14]

As seen in the Ife-Modakeke contests, Yoruba warfare and the attendant destruction of towns, creation of new ones, and movement of mass populations resulted in people newly occupying abandoned lands by forcing out the original inhabitants. Ironically, the wars also generated economic activity. Soldiers, slaves, traders, and refugees all required food, and their demands were met largely by farmers who increased food production. In 1855, shortly after Ibadan soldiers returned from the wars against Ekiti, David Hinderer of the Church Missionary Society (CMS) recorded his experiences in Ibadan. On agriculture he noted:

> The Ibadan war [against Ekiti] has at last terminated, and the warriors have come home with great riches alas! I say, with hosts of slaves. Though not many are sold down to the coast except to Porto Novo by way of Abeokuta, yet is the high price. Their farms are filled with them and many of the rich warriors make new farms for them and not a few of the free farmers have long been saving money to buy slaves for their farms.[15]

By "free farmers" Hinderer meant mostly civilians who bought slaves from the market. Such farmers, especially those with military backgrounds, appropriated abandoned lands and drove people off their farms. The expulsion of the Egba from their original homelands by the Oyo in the 1820s and the Egba's desire to reclaim their old homes provide a crucial context to understanding persistent Oyo-Egba friction during the nineteenth century.[16]

However, if we grant that the aim of the British legal system was to resolve or minimize conflicts, then to the extent that it altered the existing social equilibrium, it actually created new disputes. Initially, British officers used force as a conflict-management tactic. Some towns were leveled with military force, and others were partially sacked. For instance, Lagos and Ijebu were bombarded in 1851 and 1892, respectively, and Ilorin and Oyo in 1895. Many residents in these towns who lived in

thatched houses had their buildings burned and their property destroyed during the pacification process.[17] Other cities were emotionally overwhelmed by the demonstration of military might. A British delegation to the Yoruba hinterland in 1886 had an escort of fifty Hausa soldiers, carrying twenty-five hundred ball cartridges, a seven-pounder gun, and a rocket launcher. According to Acting Governor Fred Evans, the troops were intended, not to overawe the Yoruba, but to safeguard the commissioners. However, given the mistrust between the Yoruba and many Hausa slaves and/or soldiers, many people perceived the contingent as an occupation force.[18] Seven years later, Britain again used Hausa soldiers to force Ibadan chiefs into submission. In 1893, Governor Gilbert Carter made Ibadan the administrative capital of the Yoruba hinterland with a resident British officer assisted by fifty to one hundred Hausa soldiers to maintain peace.[19] Carter ordered "two maxim guns," knowing that a display of military power would frighten the Ibadan chiefs from starting new wars. He writes: "There is no doubt that these guns are much needed, not necessarily for use, but it has been found that the mere sight of them has a soothing effect upon the native mind."[20]

With the consolidation of British rule it was clear that force alone would not resolve conflicts; hence, new tools were adopted. One such measure was the creation of a legal system drawn from Yoruba and British judicial models. Under the new framework, native courts were set up to administer justice through local laws under colonial supervision.[21] The guiding principle thus was the administration of justice based on practices that were compatible with British morality, natural justice, equity, and good conscience.

Origin of the British Northeastern Yoruba District

Immediately after the British conquest of Yorubaland in the 1890s, a program to ensure effective control of the region started in earnest. It was in this pursuit that Ekiti and Ijesa Districts were merged into the Northeastern Yoruba District with headquarters in Ilesa in 1899.[22] The district was placed under Major William Reeve-Tucker, a traveling commissioner who exercised wide military, judicial, and administrative powers for the purpose of maintaining law and order. As if to further enhance peace, law and order, and "development" in the district, and in line with Britain's policy of "native authority" (later renamed indirect rule), a federated Ekitiparapo council was inaugurated in June 1900, composed of senior chiefs in Ekiti and Ijesa. The choice of Ilesa as council

headquarters made the Ijesa and their king the senior partner and ruler in and of the alliance.[23]

The council's activities were, however, short-lived. First, it was only in the face of a common enemy—opposition to the Ibadan and Ilorin military machines—and later at the official level that the Ekitiparapo alliance presented a semblance of unity.[24] Ekiti chiefs did not recognize the *owa* (king) of Ilesa as the most senior chief, or his people, as the senior partner in the alliance.[25] The people of another Ekiti district, Akure, distrusted the Ijesa almost as much as they disliked Ibadan and Ilorin. In a report from 1897, Captain E. P. S. Roupel, an officer of the British Niger Coast Protectorate, sent a letter to his counterpart at Odo Otin (on the boundary between the Ilorin and Ekiti forces) relating to a complaint made by Akure chiefs against the king of Ijesa: "Akure chiefs complained against Owa of Ilesa who was demanding gifts from Akure as an overlord. They sent to him a slave and 300 shillings."[26] Since it was the Yoruba wars that brought about the alliance, the cessation of hostilities rendered the coalition redundant.

Second, there was also significant division among the Ijesa themselves. At Ilesa there was periodic tension between civil and military chiefs as well as between the chiefs and the king. For example, in 1896, Frederick Haastrup Akinmokun, an ex-slave, merchant, and Christian, ascended the throne and took the title Ajimoko I. Although he was of royal blood, some of his subjects considered him an "outsider" because he had lived the previous fifty years outside Ilesa, first as a slave and later as a trader operating from Lagos and Ayesan.[27] Others were angry that he encouraged a number of his chiefs to attend church services and that his Christian faith could undermine local belief systems. Paradoxically, members of the Christian elite did not see Ajimoko I as a true believer. A clergyman, having complimented Ajimoko for bringing his chiefs to church, wrote: "His [Ajimoko's] addictedness to polygamy causes much embarrassment to our agents and he encourages the inconsistent members of the church by his example."[28] The differences continued during the regime of Ajimoko's successor, Owa Atayero (1901–20). In 1903, for instance, there were animosities between the *owa* and his chiefs led by Obanla Ogedengbe (the second-ranking chief), who before his elevation in 1896 was Ijesa's army chief, Seriki.[29] Indeed, there is a belief that the *obanla* chieftaincy was conferred on Ogedengbe to placate him and make him pledge loyalty to the king. One of the *obanla*'s grievances was that the *owa* was too close to Ijesa residents in Lagos, and less attached to his chiefs domiciled at Ilesa.[30] Other chiefs complained that some of the *owa*'s authority had been usurped by a very powerful daughter, Princess Adenibi.[31] It did not take

long before the *owa* was accused of high-handedness in his dealings with his chiefs.[32]

Before British rule in Ilesa, there existed an executive council composed of the six leading chiefs. This was reactivated after the Ekitiparapo Council collapsed. The council deliberated on issues affecting its people both in the capital city and in the countryside.[33] It has been noted earlier that this council was reorganized. It was partly for this reason that Governor William Macgregor of Lagos introduced the Native Councils Ordinance of 1901, which stipulated the creation of a council of chiefs in each district under the headship of the person recognized by the British governor as the senior chief. The council had the task of advising the governor and colonial officers on local laws and customs and helping carry out colonial policies.[34]

It seems obvious that early in the life of the Ekitiparapo Council, it was unprepared to cope with some of the administrative challenges facing it, particularly the settling of the huge number of cases reaching the colonial officer.[35] In the precolonial period, family heads and quarter chiefs adjudicated in petty cases such as spousal abuse, theft, adultery, and boundary disputes between close relatives. More serious cases like kidnapping, rape, robbery, treason, and murder and appeal from lower courts were handled by the king-in-council—that is, the king assisted by a hierarchy of chiefs that varied according to the size of the town. For cases with religious elements, such as violation of local taboos, exposure of religious secrets, and witchcraft, the king-in council was assisted by religious cults like the *Ogboni* and *Egungun*.[36] Disputes between women and quarrels from the marketplace were settled by the head of female chiefs, the *arise* in Ilesa and the *eyegba* at Ado-Ekiti.[37] Occasionally, trade disputes such as over debts, allocation of stalls, and sanitation were reported to and settled by the *iyaloja* (head of the market) and the heads of market guilds.[38] The judges received payment for their services in palm wine, kola nuts, imported liquor, and cash. Fines paid by offending parties and properties seized from criminals were appropriated by the judges.[39] Therefore, litigation provided an important source of income for local chiefs.

Colonialism changed the arrangements described above. The council of chiefs no longer had the power to dispense capital punishment, and the king's court was no longer the highest court of the land. The colonial administration also gradually took over the collection and administration of tolls and market fees, thus reducing the king's source of income. Fines collected from the courts must also be reported to the government as part of overall revenue collection. Since the king's court was no longer

supreme, and the general feeling was that the chiefs were corrupt, especially when they presided over cases in which they had a vested interest, the common people began to take their cases directly to the British district commissioner, to the detriment of chiefly power. Stripped of the aura that had hitherto surrounded the palace, the king's council, being subject to colonial laws, fought back by resisting British interference in judicial administration.[40]

Furthermore, it also seems that the government did not trust the chiefs and viewed their judicial power as, to quote Governor Macgregor, "a temporary one, calculated to take the chiefs only one stage onward in their administrative education";[41] for the administration, "in a very few years something more elaborate will be necessary."[42] The elaborate institution to which he referred was a formal court. But it is important to note that the colonial administration could not just establish a formal court without creating a basis for it. The agreements reached with the various Yoruba states on the eve of colonial conquest had tended to guarantee their independence, so for the colonialists to establish any formalized court would be contravening these treaties.

Creating the Native Courts

The creation of native courts in Ekiti and Ijesa benefited from centuries of British confrontation with non-European legal systems whether this was in the Americas, Asia, South Africa, or Sierra Leone. This knowledge was imported into Yorubaland beginning with the British conquest of Lagos in 1852 and the introduction of a British-style legal code. For example, the first treaty signed between British and Lagos officials immediately after conquest contains clauses dealing with commercial litigation, punishment for civil and criminal offences like indebtedness and slave trading, and the process of appeal. During the following decade, Lagos had four courts, two of which adjudicated in trade and land cases.[43] Lagosians moving into the Yoruba hinterland and later the British colonialists extended European legal values into the relationships with the interior dwellers. Police courts existed at Lekki and Badagry east and west of Lagos, respectively, in the 1860s.[44] At Abeokuta, Egba traders of Sierra Leonean origin founded a trade tribunal in 1860 to adjudicate in commercial disputes between them and Lagosians.[45] In the east, Governor Alfred Moloney decided in 1886 to subject the coastal portion of eastern Yorubaland embracing Mahin to laws applicable at Lekki.[46] Finally in 1893 and 1897, British commissioners were stationed at Ibadan and Igbobini (Ilaje).[47] These officers toured towns and villages in their jurisdiction, where they served as judges in a

number of cases. Governor Gilbert Carter visited Ijebu Ode in December 1893, and during his stay he reviewed a case involving a man whom the *awujale* (king) of Ijebu had sentenced to twenty years' imprisonment with hard labor plus one hundred lashes for opening an umbrella in the street—a royal privilege.[48] Before then, no one in Yoruba towns including Ijebu territory except the king could open their umbrellas on the street. They must fold it and carry it on their heads. Although the *awujale* insisted that his sentence was lenient because the original punishment was death, Carter reduced the sentence to one-year imprisonment.[49] Thus, the introduction of a new legal system for Yorubaland in 1903 occurred in the context of a long history of legal interactions. However, while British legal intervention from 1852 to 1902 had usually been tied to military considerations—conquest and pacification—the legal reforms after 1903 were related to the consolidation of a colonial state.

Macgregor understood that the hold Britain had over most Yoruba states was fragile, such that, on a tour of the hinterland in 1903, he noted that the British "position ... was a weak one [and] the people are frequently encouraged to assert their independence of the British government."[50] Again, the British government realized that courts in Lagos where the colonial administration had operated since 1852 possessed practically no jurisdiction in the interior. No jurisdiction "whatsoever has been established" in these places by the British by force, Macgregor further remarked, and "none has been ceded and no jurisdiction has grown up by use or custom." It was for this reason that Britain initiated the Judicial Agreement of 1904 with the major Yoruba states.[51] This agreement not only helped the British to formalize their jurisdiction; it also enabled the introduction of a European legal and judicial system in Yorubaland.[52]

By 1903, it was obvious that the machinery of justice had to be overhauled. Some factors necessitated the establishment of a colonial court in Ilesa as elsewhere in Southern Nigeria. These factors were political and economic. Politically, the native court that was established for resolving conflicts was to be an instrument in the hands of the colonial state for wielding power in its colony. The native courts were seen as of immense value to the colonial government perhaps because they rendered "material assistance" in the control of the colonies. These courts were charged with the responsibility for "all administration and executive works among the natives for the furtherance of trade, education and agriculture."[53] It is against this background that the role of the native court as an instrument of conflict resolution can be appreciated.

In 1905, the Ilesa Native Court was established in accordance with the provision of the Native Council Ordinance of 1900.[54] The court members were the *owa* and his principal chiefs: the *obanla*, the *loro*, the *risawe*, and the *ogboni* of Ilesa. The *owa*'s appeals court was made up of the kings (*ogboni*) of the three principal Ijesa towns: Ijebu-Jesa, Ipole, and Ibokun.[55] The Ilesa Native Court originally handled all cases—criminal, civil, and land. By 1914, when the Native Courts Ordinance was amended, the courts were ranked from A to D, with grade A courts having as judges the district officer and senior monarchs like the kings of Oyo, Abeokuta, Ijebu, and Ile-Ife. Grade D courts had the least power and adjudicated only minor cases. Grade A and B courts were divided into sessions and heard cases separately—civil and criminal were heard in a court in two sessions, and land cases in another session. The Ilesa court, a grade B court, could pass a sentence of two years in jail, up to £50 in fines, and twenty-four lashes in criminal cases.[56]

Ekiti, with its sixteen kingdoms, had a slightly different arrangement. Until the dissolution of the northeastern district council and the creation of Ekiti District with headquarters at Ado-Ekiti in 1913, cases from Ekiti were taken to the Ilesa Native Court. Occasionally, however, the British district officer (DO), who had his headquarters at Ilesa, toured Ekiti, during which litigants brought their cases to him in designated towns. The creation of Ekiti into a separate administrative unit saw the further creation of a C-grade native court at Ado-Ekiti in 1915 and later at Oye-Ekiti and Ido-Ekiti in 1916, Ikere-Ekiti in 1917, and Akure in 1918.[57] Each court had the king as president assisted by his senior chiefs and selected kings from neighboring villages. The Ado court covered central and southern Ekiti, so it had among its judges the kings of Ikere, Ise, Emure, Ilawe, and Igbara-Odo.[58] The grade C court heard cases where the claims did not exceed £25, and it could not impose fines of more than £10 or punishments exceeding twenty-four lashes.[59]

How did the native court function? The procedure of the court was that cases emanated through the service of civil summons on a defendant or accused person subsequent to a suit at court by a plaintiff. An *akoda* (sword bearer), later *olopa* (staff bearer), served the summons. When a plaintiff failed to appear in court, the case was to be struck out, unless notice was given that an adjournment was required and the necessary fees were paid. At the end of the day's hearing, any case remaining on the case list was adjourned and the dates of hearing of such adjournment were announced in the open court.[60] The cases that came before the courts can be grouped into civil and criminal disputes. When it comes to civil cases,

we will focus on certain cases as representative of the role they played in social change. These cases were largely land and matrimonial disputes.

Economic Change and Land Disputes

The economic base of Ijesa and Ekiti was farming, and until the 1890s they specialized in food crops, especially yam, maize, guinea corn, and vegetables. They also produced kola nuts and cotton. However, a different wind was blowing. Starting around 1850, commercial activities in such nonfood products as palm oil, palm kernels, and tobacco—popularly called cash crops—began and expanded first in response to Ibadan imperialism and later to the "legitimate" trade in farm products. The people of Ekiti and Ijesa traded in palm oil, yams, kola nuts, mats, and woven textiles, among other items to raise money for themselves. Other times these products were sent to Ibadan as tribute payment (Yoruba: *iwisin*).[61] In 1885, Are Momoh Latoosa, the senior chief at Ibadan, described the people of Ijesa and Ekiti as "our [Ibadan] wives, yams and palm oil," the terms referring to the enslavement of their women for the purpose of supplying free and cheap wives and workers but also for the agricultural goods collected as tax from the two districts.[62] The most fundamental incentive came after the end of the Yoruba wars as demobilized soldiers settled back into civilian life as farmers and traders, and as the colonial government encouraged tree crop production for revenue purposes.[63] The soldiers first adopted rubber production around 1893, but this lasted a very short time. By 1898, most of the rubber vines in Ijesa and Ekiti had been destroyed, and they were replaced by the production of cocoa, kola nuts, and palm produce.[64]

It is impossible to date accurately when cocoa was introduced into either Ijesa or Ekiti, but its cultivation was closely associated with the return of ex-slaves and Christian converts from Lagos, Sierra Leone, Abeokuta, and Ayesan. Consequently, cocoa would have been introduced no later than 1898, following first the collapse of rubber production and the extension of the missionary policy of "the bible and the plough."[65] By 1920, the colonial state was more or less dependent on cocoa, palm products, timber, cotton, and peanuts for its foreign trade and the local payment of taxes. Given the low income from food crops, farmers took to tree crop production and other remunerative vocations.

In northern Ekiti, for example, although the land was not very good for cocoa, it still attracted many farmers, some of whom soon built new houses and acquired more wives and titles.[66] Unlike Ijesa, however, cocoa farming took off late in Ekiti—active production did not begin until the

1920s. The change of attitude was partly a response to a combination of a number of socioeconomic factors. First was the impact of the periodic droughts, which destroyed agricultural crops during World War 1. Second, in 1919, the colonial administration introduced a flat tax of six shillings on adult males, with nonpayment resulting in imprisonment. The family members of tax evaders who went into hiding were arrested and punished. Upon arrest, tax defaulters were rounded up and fined four years' tax three times over, just as people were also conscripted to do public works like road construction.[67]

Aware of the potential income from cocoa, a significant number of Ekiti youth traveled to Ijesa, Ibadan, and Ondo, where they worked as wage laborers on cocoa farms.[68] Many also used the opportunity to learn the art of cocoa cultivation. These young men began returning to Ekiti in the 1930s, signaling the beginning of a farming revolution in Ekiti. Many received plots from their families on which they created cocoa farms. Individuals with inadequate fertile soil leased land from other farmers. Lease agreements involved an annual fee paid to the landlord. Payments were usually made in cash but also in palm oil, yams, palm wine, labor, and cocoa seeds.[69]

How did cocoa cultivation change Yoruba land tenure and use? Cash crop production attracted people to farming, and many hitherto virgin forests were converted into farmland. Indeed, higher reliance on farming soon converted land into a commodity of exchange used in raising loans, winning followers, and as an instrument of social control. Consequently, ownership of virgin forest became a principal source of wealth. Adventurous farmers began to appropriate every available virgin forest. Therefore, it was unavoidable that disputes would arise over land access, use, and ownership to accommodate these new farms. The disputes were even more contentious when land redistribution amounted to a reduction in chiefly power.

The introduction of cocoa into the economy of Yorubaland fundamentally changed local valuation of land. In precolonial Ekiti and Ijesa, the most valuable possession that a man had was the control over another person.[70] People saved money to buy slaves and rent pawns, husbands obtained more wives so they could control them and their children, and senior lineage members controlled their juniors. However, when cocoa became a commodity that offered the possibility of substantial profit, land on which to grow cash crops became equally as important, and property rights became heavily disputed.[71] Thus, the fact that land could not be jointly owned within a marriage meant that in the event of divorce, one party lost the wealth that was associated with landholding. More important than land

ownership, though, was the mental shift regarding the purpose of farming that occurred with the development of cocoa production. As has been mentioned, cash crops had the potential for huge economic gains. Consequently, the purpose of farming changed from survival or subsistence to profit. This shift in purpose meant that the family food farm and the most fertile land would be converted into cocoa plots, and family foodstuffs had to be procured from other sources or cultivated on less fertile soils.

The imposition of a hierarchy of crops resulted in enormous changes in land use and property rights. Intense labor and extensive land use were necessary in order to establish a successful cocoa farm, and as farmers searched for lands on which to farm cocoa, cultivation increasingly took place farther away from a farmer's primary residence. Thus, many cocoa farms were located five to fifteen miles beyond the town walls. Farmers built temporary houses and huts on their farms so that they could sleep while on the farm; they returned to their homes in town during weekends and public holidays.[72] Where a farmer did not get adequate land, he leased from friends or seized other people's lands. Land-grabbing or theft was a major cause of the conflicts that reached colonial courts.[73] One such litigation took place in the 1930s in the Ekiti town of Ikole.

The Ikole or Lemomu Yesufu case was similar to the Efon case cited above, but it also has other unique features. The issue at stake was to establish whether a disputed land, called Erijiyan, belonged to a lineage, thereby making it a private holding, or to the entire Ikole community—that is, a public land. Ikole authorities contended that the disputed land was the original location of their town, from where they were forced out by war. However, unlike communities who completely abandoned their old locations, Ikole chiefs placed an *emese* (royal slave), the *sajiyan*, to watch over their old relics, especially the shrines and the palace. This arrangement of having an officer watch over the site was maintained until 1915 when villages in Ikole District agreed to abandon their hilly and "inaccessible" locations, where they also had sought refuge during the nineteenth-century Yoruba wars, for the more habitable plains. Thus, one of the villages, Ikoyi, was the first to relocate and resettle at Erijiyan.[74] By this time, however, slavery had been abolished; and as we will see, the descendants of *sajiyan* no longer accepted their slave ancestry. They identified themselves as freeborn and landowners rather than agents designated to monitor a communal property.

Shortly before the relocation of Ikoyi, a portion of Erijiyan land was allocated to the family of Imam Yesufu for purposes of farming and residence. The story of Yesufu goes back to about 1875. His grandmother,

Mokoku (daughter of Onibedo), was captured by Ibadan soldiers in 1875. At Ibadan, Mokoku became the slave wife of a soldier belonging to the Elesin Nla family of Oritamerin, and the couple gave birth to a boy, Muritala (Yesufu's father). A trader in his early adulthood, Muritala traveled to Ikole several times in the 1890s, and later his grandfather, Onibedo, persuaded him to settle and not go back to Ibadan. Muritala agreed and happily settled with his maternal relations. Through Onibedo, the Elekole granted a section of Erijiyan land to Muritala, and he also became the first imam of Ikole.[75] Having come from Ibadan, renowned for its large-scale slave- and landholdings, and where private rights in land were better developed than at Ikole, Muritala planted his plots with cocoa, sugarcane, and vegetables. Because the plot originally allocated to him was inadequate, he chose to encroach on virgin lands adjacent to his farm, but without seeking the approval of Ikole chiefs. The latter condemned Muritala for land-grabbing, and in disgrace he abandoned his farm and moved back to Ibadan—but not before leaving his estate to his son, Yesufu. It was shortly after this episode that the Ikoyi arrived in the territory. Yesufu ordered the new settlers to leave Erijiyan unless they acknowledged him as the owner, and as one to whom they must pay rent. Yesufu's defense basically confirmed this extended narrative. His major contention was that the land in dispute belonged not to Ikole authorities but to the family of the *sajiyan*, to which he had a maternal link.[76]

In this case, Ikole authorities collectively fought against someone they deemed a usurper. Other cases show how farm entrepreneurs with no ancestry tie to a specific land yet received enough court support to pursue their claims. In 1945, Ali Babalola sued Oloja Isireyun claiming the ownership of a farmland at Isireyun village near Ilesa. Babalola's father was the previous *oloja* (village head) and for this reason had a farmland attached to his office (*ile oye*, "chieftaincy land"), which his son inherited from him. Cocoa and kola nut plants were cultivated on it. But when his father died, the plaintiff refused to take up the *oloja* of Isireyun chieftaincy title, which another man accepted, and the latter claimed the said farmland as a chieftaincy land.[77] At the lands session of the native court, the judge, Chief S. Latunji, the *ogboni* of Ilesa, ruled that the land was an official property of the *oloja* of Isireyun, which belonged to Ali Babalola's family but that since Babalola refused the title, the right to the land must go to the titleholder (the defendant). However, since Babalola had developed the plot by planting permanent crops like kola nuts and cocoa, the court ordered that he should be allowed to harvest his crops while paying rent (*isakole*) on the land to the "new" *oloja* of Isireyun. This case has a dual significance. In the first instance, it shows the transition of the plaintiff,

Babalola, from a "landowner" to a "tenant." Second, it also shows how tree crop production altered land ownership. While the court rejected the *oloja*'s attempt to appropriate a family (collective) land, it acknowledged the inseparability of land and the crops on it. In essence, the court ruled that farmers of cash crops should not be separated from their property.[78]

In the following year, the court heard the case of the Fagbulu family versus Ajakaye, both of Ilesa.[79] Both claimed ownership of a farmland at Orogoji on the road to Iwara. In the course of the court's investigation, it became evident that Ajakaye was not an Ijesa but a slave of the late warrior Ogedengbe (d. 1910).[80] Ajakaye was only a tenant of the Fagbulu, and he paid rent for farming on his land. In 1916, Ajakaye went to the native court, banking on the influence of his deceased but still popular overlord, Ogedengbe, to press his claim for ownership of the said land. When he could not do this, he rescinded his claim over the land. Twenty years later, the *obaodo*, another member of the *owa*'s inner cabinet, incited him to take a fresh action over the land with a promise that he, the *obaodo*, would help in the case and that if he succeeded they would share the farmland between them.[81] It was, however, clear that Ajakaye was making a wrong and deceitful claim, his effrontery motivated by the *obaodo*'s membership on the court. The fortitude of other members of the court helped bring out the facts of the case. It is significant to note that this case evinced the importance that was placed on land, particularly farmland that could be used to cultivate economically productive trees for such products as cocoa and rubber. Again, this case also shows how attempts were made to use position and wealth to dispossess people of their property in the court. Had the members of the court been lax in their duties, Ajakaye would have been wrongfully upheld as the owner of the farmland. This was a typical example of how the native court was used by the rich and privileged in the society against the poor.

Another case, between David Jegede and David Ibidapo, the *lemodu* of Ilesa, came before the Ilesa Native Court presided over by Chief Olaitan, the *obaodo*, in 1947. Jegede wanted title to all portions of land that were leased to "the CMS Bookshop" on Okesa Street as well as the rent already paid to Ibidapo.[82] Ibidapo, for his part, claimed ownership, having inherited the land from his father, a previous *lemodu*, who had held the land as his personal property. The value of the land in dispute was approximately £100. According to Ibidapo, it was the king of Ilesa, Owa Aromolaran I (1920–42), who granted this land to the CMS through his father and predecessor in office, Chief Lemodu Ajayi. The transfer was approved by Aromolaran's successor, Fidipote Ajimoko II (1942–56). In spite of evidence that Aromolaran and Lemodu Ajayi used their chiefly

power to seize the land from Jegede's father in return for huge rent paid by the CMS, the native court decided the case in Ibidapo's favor. The judge, Chief S. Latunji, declared: "I still maintain my previous judgment in this case according to the decision of the *Owa* and Ijesa chiefs, that *Lemodu* David Ibidapo is the owner of the disputed land."[83]

The plaintiff, David Jegede, disagreed and appealed the judgment to the *owa*'s Native Court of Appeals. In the course of the appeal, it was proven that the plaintiff was the rightful owner of the said land, thereby setting aside the ruling of the lower court. The appeals court president, Owa Ajimoko II, declared: "In this case, we now see clearly that the land is not a chieftaincy land as we had thought it; therefore, this court shall decide that the rent collected on the land from the CMS Bookshop shall henceforth have to be divided into two equal parts between the plaintiff and the defendants."[84] Both plaintiff and defendant, for different reasons, expressed dissatisfaction with the judgment and wished to appeal. Admittedly, the plaintiff did not want to share the proceeds from the land with the defendant, while the latter was dissatisfied since he believed that the *owa* had used his chiefly prerogative to favor the defendant, another chief. For this reason, David Jegede immediately sent a petition to the DO for Ilesa Division.

When the case came before the DO, he upheld the judgment of the Native Court of Appeals. But he added that "the Defendant/Respondent, David Ibidapo, must keep all monies received as rent up to and including March 31, 1948, when judgment was delivered, while the Plaintiff/Appellant should receive full rent with effect from April 1." He also ordered that the plaintiff/appellant should enter into an agreement with the *owa*-in-council along the lines of the agreement drawn up between the *owa*-in-council and the defendant/respondent. After the expiration of the lease in 1956, a renewal could be contemplated and the plaintiff/appellant was to become the leaser in the place of the Native Authority.[85] This was a case of direct conflict of evidence. The *owa*'s previous recognition of the land as chieftaincy land stood in contrast with his later acceptance of the land as private property. This case was significant in that, first, it showed the importance that was placed on land; and second, it showed clearly the delicate lines walked by all the parties involved. The plaintiff believed that this was a new era in which individual rights should not be trampled upon and that courts and the law should be respectful of everyone, regardless of status. To the courts, however, it was an era of ambivalence where private property should be protected, but in a way that a chief and the chiefly institution would not be humiliated.

Land disputes were not limited to men. Clearly, the spread of "cocoa fever" in Yorubaland, as cocoa's value as a commodity of the colonial economy soared, had important consequences for women's land rights. Changes to the value of land brought about by the encouragement of cocoa production often reduced women's access to land for the growing of food crops and vegetables, and for gathering palm kernels from trees growing wild in the forests. Also, as male farmers made additional demands on familial labor, cocoa farming forced women to devote more time to working for their husbands at the expense of developing their own sources of personal income. Cocoa crops greatly restricted the independence of women, who became increasingly dependent on their husbands to provide the necessities of life. A woman was no longer a partner in a reciprocal relationship designed to facilitate the survival of the family unit. Rather, her value was primarily centered on her labor on the husband's farm, while she received compensation in cash, gifts of textiles, cocoa seeds, and help in food farming. Some men rewarded their wives with small cocoa plots. Thus, cocoa farming, while sapping the energy of the Ijesa and Ekiti women and increased their subjugation, made only a few women cocoa farmers in their own right.[86]

Unlike the precolonial period when very few women sought to inherit land, cash crops became attractive to women because they yielded good profits. Thus, a number of women took to cocoa, palm oil, and kola nut production by establishing personal farms or buying them with their savings. Others also inherited from their deceased husbands and parents. In Ekiti, the earliest women to engage in cash crop farming were widows, who after the death of their husbands took over their farms and managed them together with their children. Earlier, the tradition was that a deceased man's property, including his wife (wives) and children, were inherited by his relations, especially when the children were young.[87] As we shall see below, the legalization of divorce permitted women the opportunity to leave marriages in which they were unhappy. In selecting new husbands, women were guided by their personal aspirations and economic and social needs. From 1940 onward, a widow who had children in school could no longer tolerate a situation whereby she would become the inheritance of a brother-in-law unwilling to sponsor her children's education. Such widows would persuade their children to refuse the inheritance of their father's farm by any uncle. Instead, the widows and their children worked the farms themselves, thereby allowing widows to become cocoa farmers and household heads.[88]

Apart from widows, other hardworking women also bought cocoa farms, while others inherited farms from their parents, sometimes at the

expense of their brothers. In 1944, one Victoria Bola of Ikere-Ekiti sued her husband, Samuel Ojo, for divorce. She told the court that she had inherited a cocoa farm from her late brother, Komolafe. From the money she realized from the sale of the cocoa harvest, she kept £33.10s, which she gave to her husband for safekeeping. Without her knowledge or permission, Ojo then spent £6 of this amount making bridal payment on a new wife. Infuriated, Bola broke into Ojo's room and removed £14, and sued her husband in court to get the remaining balance of £8.10s. She won her case.[89] Another case involved a Mrs. Kolade, who was sued by her brother, Gabriel Ojo, who objected to her inheriting her father's farm at Ogotun. He accused Mrs. Kolade and her husband, along with the *Ologotun*-in-council of wrongfully dividing the property of his father, who had died in 1945. He claimed that a woman should not inherit land. The *Ologotun*-in-council that had presided over the original division, however, justified their action on the grounds that only Mrs. Kolade had financed the burial and the clearing of her father's debts, amounting to £22.11s.[90] Although the case file did not contain the ruling of the appellate court, the fact that the *oba*'s court accepted Kolade's right to inherit her father's farm was an evidence of social and economic change in Ekiti.

Women's rights over land were also upheld in a number of other cases. One example is that of Oluseju of Arigidi-Ekiti (now Ayegbaju), who gave his daughter a portion of the family's lineage land to farm. Through this woman, the land passed on to her son, who planted both cash and food crops. Sometime later, a land dispute arose between Arigidi and Ifaki in which one James Dada, a grandson of Oluseju from a paternal line, lost his portion of family land to Ifaki. He then decided to claim land farmed by J. K. Daramola, a grandson of Oluseju's daughter, on the basis that the land belonged to his lineage and not to Daramola, whose rights derived from a woman. The native court at Oye-Ekiti, however, ruled against Dada, stating that the plot belonged to Daramola, who might, if he so wished, permit Dada the use of part of it. Not content with this decision, Dada appealed to the divisional court, which upheld the decision of the lower court, that long usage had changed the ownership of the land. Planters of cash crops could not be separated from their land.[91]

Conclusion

If one charts the legacy of colonialism in what is now Nigeria, it is clear that its consequences on the history of Yorubaland are far-reaching and profound. Focusing more specifically on Britain's colonization of Ijesa and Ekiti, the issues involved were relatively complex. While it is

certainly true that British courts introduced some positive changes to the region, they also fundamentally altered important parts of Yoruba culture. This is particularly true for the court decisions concerning land ownership, access, and use. Undoubtedly, the native court was not the only instrument of conflict resolution that was available during this period. The government also resolved conflicts through treaties. Nevertheless, the court became the most "convenient" and most adaptive means of resolving conflicts, which role fitted and enhanced the policy of the colonial administration.

As is evidenced by their relationship with agriculture, virgin and forest lands increased in value during the colonial period due to the emphasis on perennial crops—palm trees, cocoa, rubber, and kola nuts. The value of these crops resulted in the attachment of their production to high profits in cash—hence the name "cash crops"—and increased demand. In turn, there commenced competition for these crops and the land supporting them. How did the native courts in Ijesa and Ekiti successfully resolve conflicts? The diversity and huge number of cases in courts and the social status of the litigants are indicative of the popularity of the courts as an avenue for conflict resolution. The people patronized this type of court with the expectation that they would get better justice than was possible in pre-colonial courts. Entrepreneurial farmers and women used the courts and the process of appeal to higher courts to advance their property and marital rights. Cocoa production altered existing land rights as farmers, including commoners, converted communal forests into private farms at the expense of some powerful chiefs. More than ever, the new legal system advocated personal and individual rights over communal rights. Among the new farmers were women who used the colonial courts to challenge patriarchal and male-biased social institutions. Apart from asserting their rights to land, women also gained from a legal system that improved women's status in property contestations.

Notes

[1] See Lagos Supreme Court Ordinance, No. 4, 1876, section 19, in George Stallard and E. H. Richards, *Ordinances, and Orders and Rules thereunder, in force in the Colony of Lagos on December 31st, 1893* (London: Stevenson and Sons, 1894).

[2] *Oshunride v. Ogunmudimu*, August 3, 1905, Ekiti Div 4/4, National Archives, Ibadan (hereafter cited as NAI).

[3] *Oshunride v. Ogunmudimu*, August 3 and 21, 1905, Ekiti Div 4/4, NAI.

[4] See Kristin Mann and Richard Roberts, eds., *Law in Colonial Africa* (Portsmouth, NH: Heinemann, 1991); Kristin Mann, "Interpreting Cases, Disentangling Disputes: Court Cases as a Source for Understanding Patron-Client Relationships

in Early Colonial Lagos," in *Sources and Methods in African History: Spoken, Written, Unearthed*, ed. Toyin Falola and Christian Jennings (Rochester, NY: University of Rochester Press, 2003), 195–218; Richard Roberts, *Litigants and Households: African Disputes and Colonial Courts in the French Soudan, 1895–1912* (Portsmouth, NH: Heinemann, 2005).

[5] On the impact of slavery on Yoruba land holdings, see Olatunji Ojo, "Warfare, Slavery, and the Transformation of Eastern Yorubaland, c. 1820–1900" (PhD diss., York University, Toronto, 2003), ch. 2; and James Fenske, "Land abundance and Economic Institutions: Egba Land and Slavery, 1830–1914," *Economic History Review*, 65.2 (2012), 527–55.

[6] Teslim O. Elias, *Nigerian Land Law and Custom* (London: Routledge, 1962); G. B. A. Coker, *Family Property among the Yorubas* (London: Sweet & Maxwell, 1966); Omoniyi Adewoye, *The Judicial System in Southern Nigeria, 1854–1954: Law and Justice in a Dependency* (London: Longman, 1977).

[7] Kristin Mann, "Women, Landed Property, and the Accumulation of Wealth in Early Colonial Lagos," *Signs* 16, no. 4 (1991): 682–706.

[8] Peter C. Lloyd, *Yoruba Land Law* (London: Oxford University Press, 1962).

[9] Roberts, *Litigants and Households*.

[10] Samuel Johnson, *History of the Yorubas: From the Earliest Times to the Beginning of the British Protectorate* (1921; reprint, Lagos: CSS Bookshops, 1976); Idowu A. Akinjogbin, ed., *War and Peace in Yorubaland, 1793–1893* (Ibadan: Heinemann Educational Books, 1998); Olatunji Ojo, "Warfare, Slavery, and the Transformation of Eastern Yorubaland, c. 1820–1900" (PhD diss., York University, Toronto, 2003).

[11] See A. L. Mabogunje, "Some Comments on Land Tenure in Egba Division, Western Nigeria," *Africa* 31 (1961): 258–69; and Kristin Mann, *Slavery and the Birth of an African City: Lagos, 1760–1900* (Bloomington: Indiana University Press, 2007), 237–76.

[12] A. Akinjogbin, introduction to *The Cradle of a Race: Ife from the Beginning to 1980*, ed. A. Akinjogbin (Port Harcourt: Sunray Publications, 1992), xi–xv.

[13] For details of the Ife-Modakeke uprising, see Olatunji Ojo, "From 'Constitutional' and 'Northern' Factors to Ethnic/Slave Uprising: Ile-Ife, 1800–1854," in *The Changing Worlds of Atlantic Africa: Essays in Honor of Robin Law*, ed. Toyin Falola and Matt D. Childs (Durham, NC: Carolina Academic Press, 2009), 233–52.

[14] Henry Higgins and Oliver Smith, journal, October 10, 1886, C4957, British Parliamentary Papers (hereafter cited as PP), vol. 60; "Re-Migration of Modakeke, 1908–1928," Oyo Prof 1/1929, vol. 1, NAI; "Ife Division: Modakeke Dispute1949–1957," Oyo Prof 1/1929, vols. 2–3, NAI; and "Payment of Isakole 1947," Oyo Prof 1/1929/1/47, NAI.

[15] David Hinderer to Henry Venn, October 26, 1855, CA2/049b, Church Missionary Society Archives (hereafter cited as CMS); and Johnson, *History of the Yorubas*, 324–25.

[16] William Moore, journal, July 7, 1851 and August 6, 1855, CA2/071, CMS; James Maser, journal, May 22, 1855, CA2/068, CMS; and Mabogunje, "Land Tenure in Egba Division."

[17] Obaro Ikime, *The Fall of Nigeria: The British Conquest* (London: Heinemann, 1977).

[18] Instructions to Henry Higgins and Oliver Smith, August 14, 1886, C4957, PP, vol. 60.

[19] Gilbert Carter to Marquis of Ripon, April 6, 1893 and January 18, 1894, Colonial Secretary's Office (hereafter cited as CSO) 1/1/14, NAI; William Macgregor to Ripon, July 3, 1893, CSO 1/3/2, NAI.

[20] Carter to Ripon, December 11, 1893, CSO 1/1/14, NAI.

[21] Adewoye, *Judicial System in Southern Nigeria*, 37–42; and Mann and Roberts, *Law in Colonial Africa*, 3.

[22] Traveling Commissioner, journal, August 19, 1897, Ibadan Prof 3/6, NAI.

[23] "Report on the North-Eastern District by W. G. Ambrose," *Lagos Annual Report, 1900–1901* (Lagos: Government Printers, 1901), 12–13; Akintoye, *Revolution and Power Politics in Yorubaland, 1840–1893: Ibadan Expansion and the Rise of Ekitiparapo* (London: Longman, 1971), 220–28.

[24] See Akintoye, *Revolution and Power Politics*.

[25] In 1902, Rev. Mojola Agbebi wrote that "in some parts of Ekiti to be styled an Ijesha is to be regarded as an opprobrium." Cf. *Lagos Standard*, March 16, 1902. On the alleged arrogance of Ijesa people, see John D. Y. Peel, *Ijeshas and Nigerians: The Incorporation of a Yoruba Kingdom, 1890s–1970s* (Cambridge: Cambridge University Press, 1983), 95–96.

[26] Akure Chiefs to E. P. S. Roupell, April 21, 1887, Ben Dist 3/1/1, NAI; Roupell to Officer Commanding the Odo Otin contingent, May 18, 1897, CSO 1/1/18, NAI.

[27] Rev. Robert Scott Oyebode, journal, Ilesa, March 28–April 14, 1896, in Bishop Charles Phillips diary, 1896, Phillips 3/7, NAI.

[28] Charles Phillips to Rev. Baylis, August 3, 1896, in Phillips diary, 1896, Phillips 3/7, NAI.

[29] Ibid. Ogedengbe became the *obanla* on May 20, 1896. See Phillips diary, May 20, 1896, Phillips 3/7, NAI.

[30] Phillips diary, April 14, 1903, Phillips 3/13, NAI.

[31] Macgregor, journal, April 4, 1900, in "Report of tour of the interior, April 3–May 8, 1900," in Macgregor to Chamberlain, June 19, 1900, CSO 1/1/21, NAI; Phillips diary, April 14, 1903, Phillips 3/13, NAI. On princess Adenibi, see Oyebode, journal, March 28–April 14, 1896, in Phillips diary, 1896, Phillips 3/7, NAI; and Phillips diary, January 19 and August 15, 1898, Phillips 3/8, NAI.

[32] "Report on the State of Affairs at Ilesha," CSO 12/19/5384, NAI; "Health of Chief Loro and Affairs in Ilesha," CSO 16/7/106/158/1905, NAI; "Citation of Several Cases as Instances of the Chicanery and Corruption Prevalent in the Ilesha Country," CSO 16/7/110/162/1905, NAI; Peel, *Ijeshas and Nigerians*, 97–106.

[33] For a detailed history and political organization of Ilesa, see Peel, *Ijeshas and Nigerians*.

[34] William Macgregor to Colonial Office, November 11, 1901, CSO 1/3/5, NAI.
[35] Macgregor to the Colonial Secretary, December 15, 1903, CSO 1/3/7, NAI.
[36] Interview with Chief Olabode Phillips, Aduloju II, the *ogboni* of Ilesa, January 29, 1999.
[37] Weir, "Intelligence Report for Ado District of Ekiti Division," 1933, para. 126, CSO 26/29734, NAI.
[38] Interview with Chief Eyeloye of Itapa Ekiti, March 24, 1996 (interviewed at Demigbeje market, Omu-Ekiti).
[39] See G. J. A. Ojo, *Yoruba Palaces: A Study of Afins of Yorubaland* (London: University of London Press, 1966); Olufemi B. Olaoba, "Palaces and Court of Arbitration in Traditional Yoruba Societies," *West African Journal of Archaeology* 27, no. 2 (1997): 81–99; and Tunde Onadeko, "Yoruba Traditional Adjudicatory Systems," *African Study Monographs* 29, no. 1 (2008): 16–19.
[40] On loss of revenue see J. M. Rutherford, Assistant District Officer (ADO), Ife/Ijesa to Commissioner Oyo Province, August 17, 1915, Oyo Prof 2/3/C./132, NAI.
[41] Macgregor to Secretary of State for Colonies, December 15, 1903, CSO 1/3/7, NAI.
[42] Ibid.
[43] Robert Smith, *The Lagos Consulate, 1851–1861* (London: Macmillan, 1978); Mann, *Slavery and the Birth of an African City.*
[44] J. D. Dumaresq to C. C. Lees, September 9, 1876, CSO 1/1/6, NAI.
[45] "Rules of Abbeokutan Mercantile Association, July 16, 1860," in Henry Hand to Russell, August 13, 1860, National Archives of the United Kingdom (NAUK).
[46] Moloney to Earl Granville, April 21, 1886, CSO 1/3/1, NAI.
[47] See Commissioner's Traveling Journal, 1897–1899, Ibadan Prof 3/6, NAI; and Traveling Commissioners Journals and Diaries, 1897–1900, Ondo Div 8/1, NAI.
[48] Carter to Marquis of Ripon, January 18, 1894, CSO 1/1/14, NAI.
[49] Ibid. Yoruba CMS missionaries were harassed for using umbrellas. In 1852, during his journeys to Ijebu, James White was "humiliated, [and] scolded for his imprudence at using an umbrella and for wearing shoes and for suggesting that a white man should reside in Ijebuland." See James White, journals, quarter ending December 25, 1852," CA2/087, CMS. A quarter century later, when James Johnson traveled to Oyo and Ogbomoso in 1877, his assistant was asked to "furl his umbrellas which was [*sic*] shading him from the sun, because it was a privilege that belonged only to his master the *Alaafin*." During the following year at Ijebu Ode, Johnson disguised himself in order to travel freely. He "threw up the legs of his trousers ... dispensed with his shoes and hid his umbrella." See James Johnson, "Report of visit to Oyo, 1877," CA2/056/51, CMS; and James Johnson and H. J. Mellor, *Two Missionary Visits to Ijebu Country—1892* (Ibadan: Daystar Press, 1974), 14.
[50] Macgregor to Secretary of State, December 15, 1903, CSO 1/3/7, NAI.
[51] See Adewoye, "The Judicial Agreement in Yorubaland, 1904–1908," *Journal of African History* 7, no. 4 (1971): 607–27.

[52] "Yorubaland Jurisdiction Ordinance, #17, 1904," in *Laws of the Colony of Southern Nigeria* (Lagos: Government Printers, 1908), 260.
[53] Adewoye, *Judicial System in Southern Nigeria*, 40.
[54] "Native Courts, Establishment of," Oyo Prof 1/3274, 3 vols., NAI; and Ilesa Native Courts, Ile Div 1/1/827, NAI.
[55] The *ogboni* of Ilesa is a senior chief, whereas the *ogboni* in neighboring villages served as kings.
[56] Native Courts, Reorganisation, Ile Div 1/1/353, NAI; "Native Courts Ordinance, 1914," in *Nigerian Government Gazette*, Supplement No. 4 of February 2, 1914; Lloyd, *Yoruba Land Law*, 20–26.
[57] Weir, Intelligence Report on Ado District, para. 81, CSO 26/29734, NAI; A. C. C. Swayne, Intelligence Report on Oye District (1936), para. 40, CSO 26/1/31318, NAI; and Intelligence Report on Ikere District (1933), para. 130, CSO 26/1/29799, NAI.
[58] O. V. Lee, Intelligence Report on Ekiti Division, Ondo Province (1942), Ekiti Div 1/1/301, NAI.
[59] Native Courts Ordinance, 1914, Section 4.
[60] Native Courts Institutions, Ministry of Justice Western Region of Nigeria (MJW) 1/1/260, vol. 1, NAI.
[61] Akintoye, "The Economic Background of the Ekitiparapo, 1878–1893," *ODU: A Journal of West African Studies* 4, no. 2 (1968): 31–52.
[62] J. B. Wood, "Account of visit to Kiriji Camp in March 1885," CMS (Y) 1/7/5, NAI.
[63] Sara Berry, *Cocoa, Customs, and Socio-Economic Change in Rural Western Nigeria* (Oxford: Clarendon Press, 1975); Peel, *Ijeshas and Nigerians*.
[64] See "Report on Nigerian Forests" by F. R. George Leigh and Thomas B. Dawodu, May 25, 1897," in McCallum to Chamberlain, June 24, 1897; George Denton to Chamberlain, June 28, 1898, CO 879/65, NAUK; and Berry, *Cocoa, Customs*.
[65] Sara Berry, "Christianity and the Rise of Cocoa Growing in Ibadan and Ondo," *Journal of the Historical Society of Nigeria* 4, no. 3 (1968): 439–51.
[66] Interviews with Joel Ige, age 90, Ataroke Street, Omu-Ekiti, June 23, 199, Samuel Ojo, age 65, Oke Oniyo, Ikole Ekiti, June 10 and 13, 1999; and David Ajibade, age 70, Abudo Street, Omu-Ekiti, December 24, 1997.
[67] W. J. Payne to Claude, April 12, 1923, CMS (Y) 2/2/16, NAI.
[68] Annual Report, Oyo Province, 1921, CSO 26/06027, NAI; Peel, *Ijeshas and Nigerians*, 122.
[69] Lloyd, *Yoruba Land Law*, 88–94, 198, 207–22.
[70] Ibid., 47.
[71] See "Re-Migration of Modakeke, 1908–1928," Oyo Prof 1/1929, vol. 1, NAI; "Ife Division: Modakeke Dispute 1949–1957," Oyo Prof 1/1929, vols. 2–3, NAI; "Payment of Isakole 1947," Oyo Prof 1/1929/1/47, NAI; R. Galletti, K. D. S. Baldwin, and I. O. Dina, *Nigerian Cocoa Farmers* (London: Oxford University Press, 1956); Lloyd, *Yoruba Land Law*; and Berry, *Cocoa, Customs*.
[72] Lloyd, *Yoruba Land Law*, 54–57.

[73] Galletti, Baldwin, and Dina, *Nigerian Cocoa Farmers*; Rolf Gusten, *Studies in the Staple Food Economy of Western Nigeria* (München: Weltforum Verlag, 1968).
[74] *Akinyede (the Oloka) v. Yesufu Lemomu of Ikole*—Dispute over Erijiyan land, Ondo Prof 1/240/468, NAI.
[75] Interview with Chief Imam Kareem Falayi, Ikole Central Mosque, July 5, 2001.
[76] *Akinyede v. Yesufu Lemomu*, Ondo Prof 1/240/468, NAI.
[77] *Ali Babalola v. Oloja Isireyun*, Ile Div 1/1/1461, NAI.
[78] Ibid. See also Ekiti Divisional Court, 134/1949; and Oye Native Court, 2/1949. Cf. Lloyd, *Yoruba Land Law*, 212–13.
[79] *Fagbulu of Ilesa v. Ajakaiye of Ilesa*, Ile Div 1/1/1462, NAI.
[80] On Ogedengbe see and Isola Olomola, "The War Generals in Eastern Yorubaland," in *War and Peace in Yorubaland*, 173–88.
[81] *Fagbulu v. Ajakaye*, Ile Div 1/1/1462, NAI. *Obaodo* is the seventh-most senior *ijesa* chief.
[82] *David Jegede v. Chief David Ibidapo*, Ile Div 1/1, 1843, NAI.
[83] Ibid.
[84] Ibid.
[85] Ibid.
[86] Baldwin, Galletti, and Dina, *Nigerian Cocoa Farmers*; Jean Davison, ed., *Agriculture, Women, and Land: The African Experience* (Boulder, CO: Westview Press, 1972).
[87] Olatunji Ojo, "More than Farmers' Wives: Yoruba Women and Cash Crop Production, c. 1920–1957," in *The Transformation of Nigeria*, ed. Adebayo Oyebade (Trenton, NJ: Africa World Press, 2001), 383–404.
[88] Interviews with Madam Abike Ogunbiyi, Ijoka Street Ado-Ekiti, July 13, 1993; and Madam Comfort Olaoba, Abudo Street, Omu Ekiti, May 10–12, 1995.
[89] Ikere Native Court case #14/1944: *Victoria Bola v. Sam Ojo*, January 20, 1944, Ekiti Div 1/1/153/1, NAI.
[90] "Ogotun district, Matters arising," 83, 84, 93, 97, Ekiti Div 1/1/77, vol. 2, NAI.
[91] Ekiti Divisional Court, 134/1949; and Oye Native Court 2/1949; cf. Lloyd, *Yoruba Land Law*, 212–13.