

*Privy Council Appeal No. 65 of 1932.*

Ometa - - - - - *Appellant*

*v.*

Chief Dore Numa, since deceased - - - - - *Respondent*

FROM

THE SUPREME COURT OF NIGERIA.

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JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE  
PRIVY COUNCIL, DELIVERED THE 26TH OCTOBER 1934.

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*Present at the Hearing:*

LORD ATKIN.

LORD ALNESS.

SIR SIDNEY ROWLATT.

[*Delivered by* LORD ATKIN.]

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This is an appeal from the full Court of the Supreme Court of Nigeria who dismissed the present appellant's appeal from a judgment of Mr. Justice Webber in an action in which the appellant was plaintiff and the respondents were defendants. It was an action brought by the plaintiff on behalf of a tribe or sub-tribe in that district of the Agbasa people claiming the territorial rights over land known as the Agbasa land in the Warri district of the Southern Province of Nigeria. The dispute was between the plaintiff representing the Agbasa people and the defendants representing another tribe or sub-tribe of the Jekri people claiming to be the overlords of this territory.

The question was, as it appears to their Lordships, entirely a question of fact and a question depending upon the knowledge of tribal tenures and of the habits and customs of native people in relation to dealings with land. It was decided by both Courts in favour of the defendants, and it appears to be a case peculiarly within the principle of the rule that their Lordships have laid down themselves, that as a general rule they will not interfere with concurrent findings of fact in cases of this description. There

obviously was ample evidence upon which the learned Judge was entitled to find that the plaintiff people came into this country which originally belonged to the Jekris some hundred years or so ago, and they throughout recognised the overlordship of the defendants, and that on the other hand the defendants throughout this period have exercised rights of ownership over the land and in particular from time to time have leased land to the Government. In pursuance of those leases buildings have been erected on the land which could not possibly have escaped the notice of the plaintiff and his people, which leases have not in any way been complained of by the plaintiff people.

In these circumstances, there being concurrent findings of fact and there being in addition ample evidence to support them, it is quite impossible for their Lordships to interfere with the decisions which have been arrived at by both Courts; and their Lordships will therefore humbly advise His Majesty that this appeal should be dismissed. The respondents must have the costs of the appeal.



In the Privy Council.

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OMETA

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CHIEF DORE NUMA, since deceased.

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DELIVERED BY LORD ATKIN.

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