



ISSN Print: 2394-7500
ISSN Online: 2394-5869
Impact Factor: 5.2
IJAR 2018; 4(1): 609-623
www.allresearchjournal.com
Received: 02-11-2017
Accepted: 13-12-2017

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The Okada region: An ethnographic reader-law and custom

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Abstract

This study is designed to investigate the ethnographic background of Okada Region and trace the origins of the Communities that constitute Okada Region and the people. The study shall begin with the introduction of the people of Okada district in the present day Ovia North East Local Government Area, as bini people who trace their origins to the ancient Benin Kingdom in history. The study underscores the Law and Customs of Okada people particularly, in the areas of family and marriage traditional legal systems as connected with those of the entire bini people. A documentary research instrument, a self-report questionnaire based on oral evidences are designed to be used in this study which is adopted in such sensitive areas of concern such as Okada, Utesse, Egbeta, Uhen, Ogbesse and the other communities that comprised Okada Region within the old Iyekovia district of Benin Kingdom. In this study, a hypothetical conclusion shall be made on the relationship between the law and customs of Okada people and those of the entire Region as well as show the significant relationship between those cultural and traditional legal practices that are acceptable to the people and those repudiative to them. Comparism shall be made between the legal and cultural practices of Okada people in their traditional days of existence and the modern days in history. Based on this study, findings and vital recommendations will be made and suggestions for further studies given at the end of the study.

Keywords: Okada, ethnographic, reader-law and custom

Introduction

Traditionally, Okada Town or Community belongs to the Iyekovia District of Benin Kingdom. Before September 1991, this Community was not associated with the communities in the old Iyekuselu District which comprised the present day Ekiador and Ekewan Area. Today Ekiador and some part of Ekewan area are part of Ovia North East Local Government Area which has Okada Community or Town as it's headquarter. Indeed, the present people of Okada region was a distinct sub-group in the defunct Ovia Local Government Area made up of both the old Iyekovia and Iyekuselu Districts in the ancient Benin Kingdom.

The old Ovia Local Government Area occupies the entire Western Section of the Benin Kingdom; It share a common boundary with Ondo State but its Southern ends have common boundary with the presence riverine areas of the old Warri Local Government Area ^[1]. Broadly speaking, the entire area of Okada region consist principally part of Iyekovia and Iyekuselu Districts. Today Okada region fall exclusively within the area known as Ovia North East Local Government.

The entire landmass now known as Ovia North East Local Government with its headquarters at Okada Town was originally, a part of the defunct Ovia Local Government Area which was bifurcated into two local government area, on September 30th 1991 by the General Ibrahim Banbangida led military administration. The entire area is vast in size covering a landmass measuring approximately 2,354.24.sq.km ^[2].

The entire Ovia North East Local Government Area (ONELGA) lies in the Rain Forest belt in the country bonded by Ondo State in the West, Owan West Local Government Area in the North, Egor Local Government Area in the East and Ovia South West Local Government Area in the South ^[3].

According to Mrs. Lucy Omagbon ^[4] the average population of the Local Government Area is sparsely dense, about 122,107 people who are scattered in 492 towns and Villages of the Local Government Area. The people are mainly Binis with a relative mix-up of some other tribes like the Yorubas, Ijaws, Urhobos, Isokos, Igbos, Itshekiri and Effiks.

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Indeed, interaction with the local people within this region reveals this fact. In the course of this research, one of the researchers attended the inter-house sport activities of Okha Primary School, during the various performances, it was revealed that the Ibos and the Effik were as much as the Bini speaking tribes.

The Bini race

The Binis occupy the following Local Government Area of Edo State – Oredo, Egor, Ikpoba-Okha, Orhionmwon, Uhumwonde, Ovia North East and Ovia South West ^[5]. The capital city is Benin City, which is also the political and traditional headquarters of the State. The indigenous of Benin are the “Edos” who speak the Edo Language as their native tongue.

The early rulers of the Binis were the Ogisos (40BC – 1059AD). The present day Benin was called Igodomigodo; And due to the expensive exploit of the early rulers particularly Oba Eweure the great (1440AD – 1473AD), the name was change to Benin ^[6]. According to Chief (Dr.) Egharevba Jacob, the word Benin is an adulteration from the Portuguese word “Benyn” meaning “Kindness” because the first Portuguese to visit Edo saw the inhabitants as kind and friendly people. The “City” strategically, is located for industrialization, as well as all highways from the East, North, South and Western part of Nigeria meet in Benin City, the seat of power of the great Oba of Benin Kingdom.

Evolution of Okada region and its people

Ethnologically, the people of Okada Region traced their ancestral origin to Benin Kingdom. However, in Iyekovia district where Okada region is a part, there were two notable communities, namely, Udo and Okha. These Communities were said to have existed before and during the Ogiso era in the Kingdom.

According to Pa. Emwinogbon Omoregbe the Odionwere of Iguobazuwa, it is from the people of Udo the present people of Ondo got their existence. They were first known as Emwa N’Udo (people of Udo) who during the reign of Oba Esigie (1504) migrated to a place called Urhazen upon defeat by the warriors of Oba Esigie.

The oral account found support from the earlier documentary account of other great writers and historians ^[7]. It is to be noted that the present day Okada was bounded by Okha village and Uhen Village respectively.

Usen a few kilometers away from the present day Okada town was said to have been founded by Elawure and his half-brother Erando who were among the relations of Prince Oronmiyan sent to accompany him from Ile-Ife in 1170 ^[8]. According to Pa. Emwinogbon Omoregbe, Elawure was the man who actually carried the Uwen and Ora Charms or wands which accompanied the Prince to Benin City. The story went further that before they got to the place now called Usen, there was a heavy rain which washed the contents of the charms or wands (Uwen and Ora) on Elawure who instantly became afflicted with a serious illness which rendered him incapable of continuing the journey. On the instruction of the Prince, Elawure was only to remain for five days to enable him recover; after which he was to further carry the Uwen and Charms to join the entourage. The name “USEN” was coined from the five days grace granted by the Prince. The five days grace in Benin Language means “Usienne”. According to Prince

Eweka, custom, it is said die hard. Elawure remained there and till today it is a hereditary title and the traditional head of Usen Community. Eventually as time pass by, Elawure half- brother Erando migrated to found Utesse where he became the first Enogie of the Community.

Utesse

This Community as stated earlier was founded by man named Erando the half- brother to Elawure of Usen Community. This Community or village which according to Mr. Amiomode ^[9] was only a quarter headed by an Enogie, has grown into a very big village. According to Marshall in his intelligence report, there are ten other hereditary title called “Irieje”. Our investigation recently revealed that the hereditary title in Utesse have increased beyond ten as was hitherto obtainable. One fact remain established, that is, the Chieftaincy title obtainable in these Communities (village) do not compare in status with those conferred by the Oba of Benin. This is quite understandable, as it is the Oba that creates or confers the title of Enogie to the recipient including that of „Utesse”.

It is worthy to point out that in between Okada town or community and Utesse is a village called Iguomo. This village is already been seen as part of Okada because of the proximity. Next to this are small villages usually referred as camps, these are Aghanokpe, Ugbuwe and Okodo. It is after these camps, call it small villages that you get to Utesse. After Utesse, you get to Egbetta. The exact boundary between these two large villages is difficult to ascertain by a stranger. The smaller villages or camps are under Utesse. During our visit, the boundary was identified to us by an indigene. Its boundary is a big “Ikhinmwun tree” close to a transformer and Egbetta primary school.

Egbetta

This village, Egbetta is said to have been founded by a man called “Ajibuwa” – a mystic from a place called “USO” in Owo area. The man was claimed to have rendered valuable services of some sort to Oba Ehengbuda (1578AD). A visit to this village revealed that it is a large community with many streets called Idunmwun. This village is headed by an Enogie who is the traditional head of the village. There are also traditional Chiefs who do not also rank with those conferred by the Oba of Benin.

Along the Ofosu – Ogbesse Road is a village called Uhen. This village is situated between Egbetta and Ogbesse Villages. From Uhen there is an existing tarred road leading to Olumoye which is surrounded by a big river; other village after Olumoye – Ugboke, Ariyan, Kokodo, Oshodin can only be accessed through that big river from Olumoye by boat or canoe.

Uhen

This village is reputed to have owned its existence to Oba Eware the Great (1440AD) one of the early settler of Uhen according to Pa Gregory Otasowie Osagie ^[10] was a man called “Atu” a royal family member of Benin who was said to have erected or pegged the Ikhinmwun tree (a royal symbolic tree which herald the existence of a village) for Ogbesse village. His account clearly revealed that Uhen existed long before Ogbesse village.

According to Pa. G. O. Osagie, Uhen is neither headed by an Enogie nor an Odionwere but a warrior known in Benin

terminology as “Okakuo”. It is evidenced from the narrator’s account that it is the family lineage of “ATU” that now remains the Okao (Head) of Ogbesse.

Historically, it is claimed that from the family lineage of Atu, one of the early settler of Uhen that found Oke-nusen a village across river Ogbesse. Notably, at Uhen, there is a popular river called Osoghogbugie N^o Iyomo. This river according to Mr. Felix Idehen ^[11] had a matrimonial relationship with Ogbesse river ^[12] originally known as “Ogbehenazada”. Significantly, Uhen people till date celebrates a yearly festival called “Oligan” which ceremony is a resemblance to “Ovia” Festival celebration.

Ogbesse

From the oral narrative, it was been revealed that Ogbesse village was founded by “Atu” from a royal family of Benin who was one of the early settler at Uhen Village and to whom the establishment of Okenusen settlement was attributed. The name Ogbesse was coined from the river named “Ogbehenazada”. However, historical evidence showed that the original inhabitants of „Ogbesse” village apart from „Atu” who was sent to pegged the Ikhinmwini tree as earlier stated, were people who earlier migrated from Usen village and from Benin (who are members of the royal family member in Ugbague). No wonder therefore majority of Ogbesse people greet traditionally “Lavbize” a greeting associated with the lineage of Ize-N^o ozuwa N^o Ugbague of Benin.

Contrary to this, people from Okenusen have their traditional greetings as “Layehu” meaning that they are Binis who were ceded to Ondo State in 1991, just as Uhobe (now called Sobe) was also ceded.

Other Communities under Okada region are Okoro, Abumwenre and Uhenmwoke. These villages like others in Ovia area, were settlement founded by migrants from Okada and Ogbesse in around 1900. These villages like Okada itself, are headed by an Odionwere respectively and not an Enogie.

Brief history of Okada

The existence of Okada, the hometown of a Benin Businessman, a notable Benin Chief, Sir (Dr.) Gabriel Osawaru Igbinedion, the Esama of Benin Kingdom, is traced to the 13th or 14th Century in history ^[13]. The location of the new Okada town is however traced to the father of the Esama of Benin, Pa Igbinedion.

Historically, the name Okada is derived from the expression “Okeghada” meaning “the Hill of Ada river”, quite naturally, the people of the present day Okada originally had their settlement a little but far away from its present place. As settlement at foundation, Okada was located in a place surrounded by its sister Communities – Igbogor and Ogbodun extending to Iguiye as off-shoot in the hill top of river Ada and hence the name “Okada” derived from “Oke-Ada”.

Etymologically, the original inhabitants of Okada were said to have been traced to the Eken family hence the main greetings of Okada people is “Lavbieken” and were known at that time, as great farmers with farming as their major occupation. There are others who migrated from other places who also settled in the village with other traditional greetings such as “Lamore” as with the Osadiaye family.

In an unpublished book written by Pa. A.I.G Okundaye ^[14] it was claimed that the old Okada settlement used to be a

meeting point for farmers from the different parts of the entire land. According to him, it was probably because of the strategic position of the settlement that earned it the name Ada. But more researches and indeed oral testimonies have proven that “Ada” was a river uphill Usen which flows along the side of Oha River near a place now known as Iguedo village. The research prove that it was because of the discovery of river Ada and Ewawa respectively in the land and as a result of the newly constructed road the “Ofosu – Ogbesse road” that led to the migration of the Okada early settlers to the part of the land in what is now known as the “New Okada” as against the “Old Okada”, a distinct people know to have developed the building of their houses with special kind of sand, a stony sand known as “Iziken”. The people, it was said, never built their houses with red sand as we have it today. They were a special people from the Eken family lineage. According to Princess Christy A. Akenzua in her book titled ^[15], the word „Eken” is used to describe a kind of festival usually celebrated and traceable to the East, on Eken day, a sacred traditional week day in Benin.

It is however expedient to note that Okada is headed by an Odionwere and that it was Uhen and Okha that remain the aboriginal owners of Okada land from the history days hence the traditional Ikhinmwini tree was sign-posted for the Okada people by Uhen Village many years back.

Okada community and the people

As earlier in this study, the people of Okada are mainly Binis with a mixture of some other tribes such as Urhobo, Isoko, Yoruba, Ijaw and Igbo. It is relatively homogeneous since the majority of Okada people are Binis who traced their ancestral origin to Bini.

In and around Okada main town, there are about 46 villages or different communities that constitute the two political wards of Okada. These political wards are known as Okada West and East among the thirteen wards that made up of the entire Ovia North East Local Government Area.

The 1991 provisional population census as well as the year 2000 Report of the Ovia North East Local Government Council, the following towns and villages comprised both the Okada West and Okada East political wards: The Okada West ward communities include: Ofunmwengbe, Oseminota, Guobadia, Abrieor, Omamini, Oyibo, Iguomo, Okoro, Ovioma, Agharagbon, Aghere, Okoimose, Ayeko, Aweweru, Ogbewe, Enogie, Ogunleye and John camp while those of Okada East Ward Communities include, Igbogo, Egboha, Ulakpa, Oghobahon, Isiwa, Ogbodun, Ugbokon I and II, Igizeze, Iyera, Iguiye, Egbeteyin, Ekemomaeghele, Ajayi, Iyanomo, Evbuobazee, Egbede, Takare, Ete, Omede, Evbayoboru, Igbume, Albra and Halfway Camps respectively.

In all of the above, the main Bini-speaking communities which since time immemorial, have existed and traditionally recognized include, Ulakpa, Egboha, Igbogo, Iyera, Iguiye, Ogbodun, Iyanomo, Okoro, Iguomo, Ofunmwengbe, Agharagbon etc.

In the view of Prince Eweka E. B., Ulakpa existed along side with Okha (formerly known as Ugha) from time immemorial, it is traced to the era of the Ogiso rulers in history, while Egboha is a village said to have been founded during the reign of Oba Eresoyen (1735AD) and communities such as Aideyanba, Olumoye, Igizeze, Iguevioba, Iguobo, Iyanomo etc, were settled by migrants from the other places in around the 19th century. Like

Okada, these villages are headed by Odionwere respectively. The oral narration from our sources could not clearly confirm these facts.

In the view of B. O. Umweni ^[16] Okada which began life as a settlement and later as a village, is now a well-developed town. What informed this development is the huge investment on the place by its son of the soil, Chief, Sir (Dr.) G. O. Igbinedion, the Pro-chancellor of Igbinedion University, Okada (I.U.O).

Okada main town is about seven kilometers away from Benin - Shagamu Expressway, roughly bounded at Usen junction by Okha (formerly known as Ugha) village to the South West and Iguomo village to the North East. As the political headquarters of Ovia North East Local Government Area (ONELGA), Okada town is about 58km from Benin Kingdom ^[17]. Within the main town of Okada are the Igbinedion University, Igbinedion Teaching Hospital, the Splendid Guest House, the Visible Lawn Tennis Courts, Amusement Centre, Fish Ponds, the Igbinedion Hall of Fame, Charlets among others, which have added to the various stages of development of the town ^[18]. Besides, Okada, the birth place of a multi millionaire, Chief G. O. Igbinedion, the Esama of Benin Kingdom, is well known and remains popular for its holiday resort, medical research, academic learning, hospitality, catering services and tourism.

In addition to the above, the location of Okada, the administrative headquarters, of Ovia North East Local Government Area, encourages the provision of infrastructural facilities like roads, one of which leads to the neighbouring communities such as Iguomo, Utesse, Egbetta, Uhen and Ogbesee along the Ofosu- Ogbesee road. On the other hand, Okada main town is noted to have been a reputable beneficiary of other social amenities and facilities such as electricity, water, health centres and schools.

The general environment of Okada town is investment friendly suitable for intended investors to invest in such areas as banking business, business centres, commercial services and lots more.

Basically, the people of Okada and its neighbouring communities are agrarian in nature and some, trade-oriented. There are tremendous stimulations of raw material production in Okada environs for local industries and international markets; as well as creation of awareness on the availability of local raw materials among potential investors to operate through exhibition.

Undeniably, Okada people are known to be great farmers, growing both arable and cash crops for their subsistence needs or for income. It is therefore evidenced that the Okada farmers grow crops and plants (both subsistence agricultural crop and cash crops trees) all year round. Some of the arable crops grown by Okada farmers include, Yam, Cassava, Maize, Okro, Vegetables, Plantain, Banana, Pineapple, Cocoyam etc. they are also known for their agricultural oriented abilities in the production of economic and cash trees such as Oil palm, Cocoa, Rubber, Mango, Citruses, Avocado (pears), to mention but few. Suffice it to say that all the food crops produced by Okada people and their district area undoubtedly, constitute a steady source of raw materials for the Agro-based cottage industries in the area.

It should be noted that during the Edo/Delta Trade Fair Exhibition tagged "Unique 2002", Hon. Bright O. Umweni, Head of Department, agriculture and Natural Resources, Ovia North East Local Government Council (ONELGC),

aptly itemize the available Raw Material and Utility Agro-Based Industries in Okada district area as follows:

1. Mango, Orange, Pineapple – for fruit industries
2. Maize – for Bakery and Confectionery as well as for Starch/Glucose/Adhesive and Maize flour.
3. Cassava – for Garri, Starch, Cassava flour and chips.
4. Yam – for Yam flour and water yam Akara known in Bini as "Ekaogiogio".
5. Plantain – for Plantain chips and flour used to prepare what the bini called "Elubo" or Amala according to the Yorubas.
6. Oil Palm – for Palm Kernel, Oil, Soap and Detergent e.g. native soap
7. Cocoa – for Beverages and
8. Coconut – for Cosmetic and Hair-cream (local made).

He also listed the Forested Based Industries to include the following:

1. Sawmill Industries
2. Furniture making Industries
3. Pulp and paper Industries
4. Wood Industries
5. Chip Board and particle Board Industries
6. Matches Industries
7. Tooth pick and Ruler Industries
8. Rope and Bamboo sticks industries, and
9. Wool and Tyles Industries among others ^[19]

Apart from providing the centre of administration of the Local Government Council of Ovia North – East, Okada also provides the location of the Local Government Council Secretariat along the Okada – Ogbesee road of the town. The presence of the Holiday Resort, Igbinedion Hospital and Medical Research Centre, Igbinedion University, the Igbinedion Presidential villa and the Igbinedion Garden of Famous past heroes, among other tourist centre for attraction, that truly made Okada main town to be known as the "Popular Okada Wonderland".

In and around Okada within the Local Government Area, are the most facilitating and stimulating cultural cum-tourist attractions as the Nigeria Institute for Oil Palm Research (NIFOR); the Oluku Junction which provides a transit station for travellers from within and outside the local government area with Okada as its headquarter and Ughoton which provides a path for the Benin British Expedition in 1897 is the place to the path of the ancestral world, according to the Bini traditional belief, where the river christened "Eze-Nemimikpo N"Erinwin Na Gbokele" meaning "the river where the dead are believed to take their last earthly bath before transcending to the world beyond" is located. Okada is thus, a place to be, live and settle. It is indeed, a new heaven here on earth.

Law, customs and traditions of Okada people: an ethnographic study

Ethnography, according to the Association for Public Understanding of Sociology (APUS) Programme Evaluation Kit in a book titled ^[20]. It asserted that through this ethnographic study, it has been possible to show how people in different environments (communities) attempt to solve their own problem ^[21]. In this study of the law, customs and traditions (culture) of Okada people through the ethnographic approach, a more useful mean and sophisticated method of studying the African past known as

“ethno archaeology” which takes account of variable of time, space, history and geography in reaching conclusions, will be applied. The culture, in relations to the family marriage and traditional legal systems of Okada people, will be the main focus of this study.

Recalled that the Okada people who are Binis by tribe are migrants from Usen and Uhen in the present day Ovia North East Local Government Area. The major clans of people of Okada greets “Lavbieken”, “Lavbieze” and Lamore; and whose law, customs and traditions are based on the Bini Customary Law and Traditions.

The customary law of the binis (Okada people in focus)

Customary Law is defined as “the ancient regulatory rules or norms which are generally acceptable by the people subject to it as binding among them”^[22] It therefore, mean “a measure of acceptable way of life of the people from time immemorial”^[23]. Osemwowa quoted Obilade in his book titled, “The Nigerian Legal System” (at page 83) as “consisting of customs acceptable by members of a community as binding among them”^[24].

More references concerning what customary law is are given as follow^[25], Hon. Justice Obaseki JSC (as he then was) defines Customary Law in *Oyewumi v. Ogunesan*^[26] as an organic or living law of indigenous people of Nigeria, regulating their lives and transaction”.

It is organic, according to the definition, in that it is static and unchangeable, and it is regulatory in that it controls the lives and transactions of the community subject to it. Osemwowa U. I. therefore adumbrated the above ideas to mean that “Custom is a mirror of the culture of the people and that customary law goes further and import justice to the lives of those subject to it”^[27].

Culture, is “the entire social heritage, which includes knowledge, beliefs, customs and skills acquired by man in his environment”^[28]. According to Otite and Ogionwo (1979), culture is “the total way of life of a group of people^[29].” An anthropologist therefore, defines culture as “that complex whole which includes knowledge, belief, art, moral, law, custom and any other capabilities or habits acquired by man as a member of society^[30]”. Another anthropologist, defines culture “to embrace all the manifestations of social habits of a community and the individual reaction as affected by the habits of the group in which they live and also the product of human activities as affected by these habits^[31]”. In the view of Malinowski, culture is defined “as consisting of inherited artifact, implements, ideas, crafts, beliefs, habits and values^[32]”. As a pointer to the various definitions, culture is seen as that which had to deal with customs, the actual social habits of the people^[33].

Bini Customary Law is predicated upon the Benin Traditional legal system which is based on custom and traditions of Benin people. The Benin conventions were strictly applied and adhered to in the adjudication process. Decisions arrived at were strictly binding and proof was simply, by oral evidence. Thus prefaced, the Okada Village Communities had, from time immemorial, adopted their own administrative procedures which were similar to other Bini-speaking people in all Bini Land. Benin customary Law, is a product of Bini Law and Customs which like most customary law “have remained, principally because it reflects the values of communities of traditional African

type and it is an admirable instrument for regulating activities and relations within such communities”^[34].

The view of the law and customs of Okada people is what I referred to as „refined“ like every native law and custom all over Benin Kingdom in particular and the world in general. It is refined because it has taken a departure far away from the archaic primitive law and customs of the ancient fathers of Okada Communities.

By and large, proof of the Customary law of Okada people like those of the entire Bini people is strictly by oral evidence though as ancient law and custom which are not documented in writing before this study.

The „Law“ and “Customs“ of the Okada people simply means their Customary Law. In fact, different terms, such as “Native law and custom”, “native law”, native customary law” and “local law” have been used interchangeably to refer to this class of laws. By definition, Okada people’s law and customs, is referred to as “a body of customs and traditions, which regulate the various kinds of relationship between members of the Community in their traditional setting.

Okada legal and family traditional system

Generally speaking, the legal and family traditional system of Okada people is based strictly on “kinship system”. Kinship system is that family pattern which involves two or more people whose descent is traced to a common ancestor. It therefore, includes ties of blood, ties of descent (jural or legal) and ties of marriage (affiliation). As among other Bini people, Okada people recognize two types of family system. Traditionally, the ancient father of Okada people preferred the extended family system than this modern day nuclear family system. While the extended family system is that which involves other kins and generations which are included in the family system, comprising two or more nuclear families with emphasis on the consanguine type, nuclear family system involve a situation where there is a relationship existing between a man, his wife and children^[35]. In nuclear family system, there is usually two kinds of involvements. These are the orientation family kinds and the conjugal family or family of procreation. While the former refers to where the individuals involved are born and consists of a father, mother, brother and sister, the latter is established by marriage and consists of a husband, wife and one or more children.

The father and the mother that form a family naturally become the parents of their children which also, naturally form sibling group. Children of the same parents, according to Ovbiagele, are called siblings while those with same father but different mothers are called half-siblings. A case in point is that which involves Elawure, the founder of Usen Community before Okada Community and Erando, the founder of Utesse community after Okada Community.

Fatherhood in Okada family system like every other family in Benin Kingdom, is either “pater” or “genitor”. While pater refers to the social father of a child or the children, genitor become the biological father of his child or children. Studies have shown that pater and genitor kinds of fatherhood exist in Okada. This we mean that a man may marry a woman who has already given birth to her children to another man and as such, such man become a pater or step father to the children who thus, become step-children to the husband of their mother. This type of fatherhood is not

common among the younger generation of men but very rampant when the man had gotten old. Reverse, the genitor type of fatherhood is one in which a man marries his wife or wives who bear all his children to him as biological father, necessarily by blood. Thus, the children are said to have had blood-relations to their father from a woman or women who have never raised any child or children to another man.

Okada and its traditional marriage system based on its native law and custom

Contextually, traditional marriage is the “Union between persons of opposite sexes, which involves rights, and obligations fixed by law and custom” [36]. In African society as a whole, marriage is seen as a process, which marks the organization of social structure. It is therefore, an informal aspect of social institution and by marriage, people enter into social relationship at various levels, which are culturally defined [37].

The traditional marriage system in Okada and among its people is holistically based on the Benin Law, Customs and Tradition. Though marriage has some qualities among Okada people according to the economic level of individual family members involved, but the practice and activities involve in the marriage are same. There are rules in Okada Community or Communities within the district which are acceptable to the people and those not acceptable are discarded which may be regarded as taboos. These taboos are occurrences which prevent certain relatives or blood relations from marrying one another. This is to avoid incest taboo among the people, an involvement which makes immediate relations to have sexual intercourse with one another. This is a sin of course!

Marriage customs in Okada and its region just like in every other places that trace their origin to Benin, need evidential requirements. An investigation into this study has shown that a “betrothal” must be done at the beginning in the traditional way which had to be in the concern of kin groups because the relationship formed is not only between the spouses but also the spouses’ kins. According to an Egor historian, Chief Ukiwere, “there is a need for a go-between or a message carrier known in Bini as” *Osuomwan*” before any marriage between two couples is contacted. The “*Osuomwan*” plays a crucial role in marriage at the early stage. He or she ensures that a definite exchange of gifts in form of goods, money and services is made effective as a form of contact. These things in English are called “presentations”. An advanced stage of this is the proper introduction exercise where the suitor’s family members are conveyed to the damsel’s family house for intimacy between the two families. However, the contract of marriage is incomplete unless a “bride price” is paid on the girl to her parent. This ceremony symbolizes the full legal acceptance and recognition of the groom as husband of the bride after the marriage formalities have been completed. The symbolic payment of all that are needed to the girl’s family by the groom and its acceptance indicates that the girl’s parents have approved of the new relationship.

In the proper traditional setting, marriage is its traditional system in Okada and its region allows certain religious accomplishment. This often involves the invocation of the supernatural power through prayers to bless the marriage. Depending on the family or families involved, the ancestors

of both spouses are involved through libations and prayers in the native traditional way so as to protect the Union created by the two spouses and their families. The climax of any marriage ceremony as practiced in Okada, even in communities around it, is when after the payment of pride price the father of the bride or his representative after all formalities have been meant and procedures followed, takes his daughter’s hand in marriage with that of her new-found husband by holding her, and after seven times counting, letting her rest at the laps of her new husband who holds his wife tightly to himself amidst joy and adoration. This time, the right and duties of the couples are defined in relationship to customs and traditions existing at the time of marriage.

Traditionally, marriage or union between Okada daughters and sons is not expected to be based on romantic love or as a result of a long period of courtship or the sexual request and conquest of a girl, but the foundation must be built on the love and mercy of God Almighty. Drinking, dancing and eating take the attractive side of marriage after all the necessary formalities have been concluded.

Permissible and non-permissible marriage and family practices under the law and customs of Okada people

Against the back drop of the Western or Christianity marriage system of the modern day generation, the typical traditional marriage system is still practiced in Okada and among its people as dictated in accordance with the ancient traditional and customary law pattern.

In a research carried out in this study based on oral evidence, there are a number of marriage and family traditional practices of which some are permissible and some others, not permissible as predicated upon the habits still developed by the people. Some of them are follow:

1. Early marriage

The Okada traditional society till date, still practice the early marriage, a study which showed that less than 1% of Okada women remain single at the time they reach the age of menopause while the men in their youthful age of 20 – 30 years marry. Interms of unbroken marriage among the older people, there is relatively high marital stability compare to the people at the younger days. Though the problem of divorce which is a permissible practice in marriage in Okada and its region is relatively low, but no doubt, it still exist because of certain reasons known to the couples involved. The ground and methods for affecting divorce vary from family to family. Child bearing it is observed according to the research carried out, begins soon after marriage and Okada women are often reluctant to cease child bearing until they reach menopause. As Africans and as Binis, Okada women enjoy long reproductive span with many children preferably.

Relatively, most men in Okada prefer polygamous marriage than other for reasons they said, is in essence to desire for many children for their agricultural practices; to boost their ego as this is regarded as a mark of progress; and to provide some extract sexual outlet. The fact also remains that some of the women would want to share their husband with other women. Men at their old age still want to have children from younger women who would bear for them what the binis referred to as “*Aghowa*” meaning children that would live with them at their old age, especially when the older ones have left to join their wives or husbands in marriage.

2. Woman to woman marriage

In this type of marriage, the woman here referred to as „husband“, marries her „wife“ in exactly the same way as a man. When the marriage rites have been completed, the woman „husband“ get a mate kinsman or a friend to beget children by her „wife“ and assist her. By this marriage, the woman „husband“ is the legal „husband“ and she is regarded as the „pater“ and all rights over the „wife“ and the children are vested in her. Essentially, when the daughters of the marriage are married eventually, the genitor (biological father) receives the cow from the pater (social father) for the begetting. However, this practice of marriage was only practiced in the days old in Okada but not practically practiced these days as expected.

3. Marriage to a Dead Person

As in woman to woman marriage, this practice of marriage also known as “Ghost Marriage” is still in existence in Okada but not rampant as it were. This of course, is a form of marriage contracted when a man dies without children and his partrilineage or the younger brother of the dead man marries a wife in his name and all the children so raised in the course of the marriage become the dead man’s legal children. In this form of marriage, the pater and genitor are different, but the legal and social recognition emphasize the right of the pater. The only advantage of this type of marriage is that it helps to strengthen both the relationships between brother and the unity of the family. It is most appropriate in order to maintain and sustain the wealth of the dead brother in whose name a wife is married for children to be bore for him.

4. Widow Inheritance

This form of marriage is when a son inherits the wife of his deceased father or a close relative marries his dead brother’s wife and thus, became her socially and legally approved husband. The children of such a union belong to the genitor and no the deceased. Just as this form of marriage is common in many Bini communities, it is also practiced in Okada district Communities.

5. Payment of bride price in marriage

As earlier discussed in this study, payment of pride price is a necessary requirement in marriage and therefore, a sine-quantum.

As already remarked, marriage among Okada people in Benin Kingdom is a sacred institution ordained by God and not until a man marries, pays the bride price and produces off spring’s that would continue with the family tree, such a man is regarded as an irresponsible person. Women too are no exception ^[38]. As in the bini native law and customs, the law and customs of Okada people permits the belief that “if a man or woman marries, he or she marries the whole family of the bride and vice versa, and/or the family of the groom as the case may be.

Under the customary law of Okada people which is a reflection of the entire Bini Customary Law, the first requirement for a valid customary law marriage is that the parent of the girl in marriage will have to give their consent to the marriage through blessing and acceptance, the same goes with the family of the man to marry after the necessary silent and secret investigations about the background of each other’s families have been done. Before them the consent of the girl to be married must be sought because this days,

there is no longer the issue of forced marriage as it was applicable in the days past. As applicable in any customary court under Matrimonial Causes Act, any Union in which the girl in marry has not given her consent to the marriage such union will be declared void ^[39]. In the case of *Osadiaye Osamwonyi v. Itohan Osamwonyi* ^[40] the lower court in its ruling was right in holding on to the evidence before it that under Bini and Custom as also applicable to the Law and Custom of Okada people, “a daughter could not be married off to a man by her parents without her consent”.

Now, it is not just enough for a girl in marry to put her consent before marriage is completed, but the formalization of the marriage under Bini Native Law and Custom can only take place after the bride price which is the acceptable N25.00 (Twenty-Five Naira) has been paid and a symbolic handling over is made. It should however be noted that the term bride price is not the same thing as dowry as most people have to belief. Dowry, unlike bride price which is the acceptable sum of money paid on the girl in marriage to her parents, represents those things (cloths, household utensens, bags etc which the parents of the newly marriage daughter take along with their daughter to her husband’s house. What make such a marriage valid is the “payment of bride price or dowry as most people often believe and a formal handing over ceremony to the eldest member or a representative of the groom even though he is physically present at the ceremony”. In fact, handing over the bride to her husband’s family member demands that she will be called out and asked by the eldest member of her family three (3) times whether she agreed to marry the groom. The aim its to ascertain the girl’s consent to the marriage which she is expected to answer either in affirmative or otherwise. This marriage formality is usually done in the presence of both parties before the actual commencement of bride price payment, usually during the introduction stage.

After the traditional marriage ceremony of both husband and wife, usually the choice of residence to stay after marriage becomes imminent. But among Okada people, patrilocal residence is preferred. Here the couple resides in the husband’s family house. Nevertheless, the choice of the couple may be directed to the other paternal of residence which include matrilocal, bilocal, avunculocal and neolocal residence respectively.

Matrilocal pathern of residence is when the couple resides in the wife’s family house whereas, bilocal residence is when the couple spends some time in the bride’s family house and sometime in the family house of the groom. The avunculocal residence is when the couple decides to reside with the maternal uncle of the groom. But of all of the above, the patrilocal residence paternal seems appropriable especially if the husband of the bride is the eldest son of his parent perhaps, in a proper traditional family or marriage setting. This is very common among the uneducated class of Okada people ^[41]. Nevertheless, there is the neolocal paternal of residence of which the couple decides to establish their own independent residence. This is very common among the educated class of the people in the Okada Community as in other communities in Benin Kingdom and in short, in Nigeria as a whole.

6. Refund of Bride Price (Dowry)

In marriage, this practice can be done on ground of divorce. It takes place when a wife divorces her husband and she is required to refund all that was paid on her or else she will

continue to be the man's wife, answers his name and may not have sexual intercourse with any man. Except dowries are paid back by the woman to the man and all the necessary sacrifices are made for her in her husband's ancestral shrine, the way will not be open for her to have sexual relationship with another man or to marry another man. A woman whose bride price has not been paid on her by her divorced husband does not necessary has to pass through the ordeal of the necessary sacrifice involve. Likewise, a man who has not paid his divorced wife's bride price will not be allowed to participate in the event of his ex- wife's deceased father or mother but may be allowed to financially assist the divorced wife through their children if he so wish, otherwise he is so forbidden, especially if the divorced woman has not given him any child.

7. Adultery

This is an extra marital relationship on the part of a married woman or man which in Bini native law and custom, is referred to as "Nofloweyoha". It is recognized by the Common customary law of the binis as a ground of divorce if it is so proven that living with the adulterous spouse has become intolerable. It is therefore a criminal offence under bini customary law which is punishable by the law.

A research carried out with an Okada indigene living in Benin, Pa. A.I.G. Okundaye said, "Any Okada woman who commits adultery is allowed to make some sacrifices after true confession to appeals the husband's ancestors and therefore, fines are imposed on the woman; on the other hand, any married man who also commits adultery does so at his own risk because in Benin, a man is not said to commit adultery as he has right to extra marital affairs which is permissible by the Bini customary law of the land". Adultery, according to Pa. Okundaye, is dead trap for any woman who had sworn to the oath of faithfulness, her life, the lives of her children and that of her husband as the gods to whom she swore to during marriage ceremonies would have been offended.

8. Widowhood

This practice is not exactly like the widow inheritance which has a one way effect. But widowhood which in Benin and Okada is referred to as "No-Degbe", is a situation where a woman had lost her husband and decide to live unmarried. This narration accord with the various expressed by Osemwowa U. I. when he noted that "when the husband of a woman dies, the widow has two opinions, either to decide to live and marry another man after performing all the rights that the people's customs demands, or she may decide to stay in the deceased husband's house all her life but never to get married to another man or have sexual intercourse with any other man"^[42].

Widows are not subject to inheritance by any of the junior brothers of the deceased in Benin and among Okada people as it is in the custom in some areas in Nigeria, particularly in the Igbo communities.

9. Adoption

Adoption in Benin is called "Iyayomon" and it is recognized in Bini customary law. It is a situation in which a child that has been adopted has a share of the deceased estate but not an equal share with the actual children of the deceased. Adoption in Benin and in Okada region can be by fostering or outright adoption if the married couple have agreed to

adopt a child or children if they have none of their own to inherit their estate or keep the name of the immediate family alive.

10. Inheritance or Succession

Under the Law and Customs of Okada people as in the Bini Native Law and Custom, the system of primogeniture that is, from father to the eldest sons, is rigidly adhered to in deciding who inherits or succeeds his father both his inheritable properties and ascension to the throne as the case may be. According to U. I. Osemwowa, "if a man has no male child, distribution or sharing of properties is made among the female children according to their ages". But peradventure the deceased father has no child at all, male or female, the younger brother or any surviving male brother of the deceased man steps into the shoes of the supposed first male son of the deceased as if he is the first son of the deceased and has to perform all the burial rites as the son would have done if he were to have a male child. Unfortunately, there is no King or Enogie in Okada district except Utesse and Egbetta and in this wise in case of Okada Community, the rules stated above therefore applies.

11. Inheritance after burial rites

Inheritance after burial rites of a deceased father and mother is the most controversial in Okada as in every Bini family, yet, the Customary Law of the people has put measures in place for the distribution of a deceased property.

Okada region being Binis Community, inheritance is also based on primogeniture. In this case, a deceased man's surviving eldest son performs the traditional ceremonies of the first and second burials including "Isoton" and "Ikpovia" ceremonies. If for example a deceased man has no surviving male child to stand for the burial rite of the deceased, then, the first surviving grand male child, either from the deceased man's male or female child, steps into the shoes of the first son of the deceased. Thereafter, the family of the deceased man gets together to share the deceased properties to the exclusion of the wives who are not allowed to share in their late husband's properties. However, on the death of a wife who has no child for the man, the law and custom of Okada people as in the Bini Customary Law permits the man (husband of the deceased wife) to inherit the wives' properties in any case or at best, give her properties to the brothers and sisters of any member of the wives' family. This is the usual practice under Bini Native Law and Custom. Nevertheless, place of an eldest male child is very paramount in the case of inheritance, hence the burning desire for any woman to have male child first to a man is very strong among the binis. Of course, the struggle between wives of a Bini man (as in the case of Okada people) to have the eldest son of the house attest to this fact.

There are circumstances which arise when a man has many wives, each with her first male child in the ancestral house of the man. On ground of a deceased man having only one house hereby referred to as Igiobe, the entire house belongs to the first male child of the man. But on ground that the man has many houses outside the Igiogbe, which ever house or place the deceased man is buried automatically belongs to the primogenitor while the others are shared to the first male child of each wife according to seniority who will in turn, join his brothers and sisters together to lay hold on the property (house or piece of land) shared to him. The

primogenitor however, has the lion's share of his deceased father's properties, but the Igiogbe which is ancestral house where the deceased served his ancestors' Ukhure (family staff of office) lived and died is exclusively and automatically becomes the property of the eldest son on successful completion of the first and second burial rites.

Quite naturally, on the event that a child who may be the first male child of a deceased man is born outside wedlock which was not properly solemnized and with no evidence from members of the deceased family attesting to the marriage, such a supposed first born male child may have problem being accepted as a senior male child if he is not the only male of the deceased. Whether the child is from a girl friend before and after marriage or from a concubine, such child may be denied the right of a senior son but may remain a legitimate child of the ceased man. A child, be him senior or junior, born out of adultery by a woman cannot be legitimized as a child belonging to his biological parent^[43].

12. Customary Tenancy (The Position of Law and Custom of Okada People)

Against the backdrop of the argument that the provisions of the 1978 Land Use Act has saved tenants of land from the legal responsibility to pay their landlord any further tributes, which has often led to misunderstanding in the rural communities such as Okada Community and region, and at times led to unnecessary clashes, the position of the law is clearly stated in the case of *Abioye v. Yakubu*^[44] stated that: "The holding of a customary tenant is not a gift. The land is not given for a definite term, hence, he is in a different category from a lease. It is a grant upon terms and conditions agreed with the owner, provided he keeps to the conditions of the grant and payment of tribute, he can enjoy possession of his holding from year to year in perpetuity".

The position of the law and custom of Okada people as referred above is that „the Land Use Act of 1978 has not abrogated the right of the customary landlords of Okada land to claim tributes (Ikhako) from their customary tenants". The law is that "a tenant on a land continues to be a tenant, even with the Land Use Act of 1978 and no matter how long he is on the land, he cannot acquire ownership and can never acquire autonomy".

13. Alienation of Family Land:

To alienate means "to separate from" or "to keep away from". Therefore, the term "Alienation of family land" refers to a situation where the individual family members safeguard their family land and prevent it from being encroached upon by anybody from another family in Okada, the community of focus in this study.

Land matter in Okada Community, especially family land, is highly pruned to misunderstanding. It has been argued that the family land of most Okada people had been encroached upon on ground that the Oba of Benin owns all the land in Benin Kingdom. When it is said that the Oba owns the land, it does not mean that he is in possession of all land as to make it mandatory that before individual build a house or acquire land for farming, he had to take authority from the Oba, or did it mean that the Community or families in the Community forfeit all rights to possession to the Oba. What it simply means is that the Oba holds all Bini land in trust for all Binis.

In Okada, each family has a right to family land and so are children of deceased ancestors. The Oba of Benin as Customary Law of the binis demands, only grants approval for any acquired land in a newly carved out area and plays a supervisory role in all lands of Benin including the family lands of Okada people. Any individual of Okada Community could be alienated from the family land if the Oba deems it fit and necessary to give out lands to anybody in need of land for investment or development in any part of the district since it is part of the Benin Kingdom.

Be that as it may, the Land Use Act introduced in March 1978 has given the responsibility, power and authority to the Governor of the State who now replaces the Oba as the base power or authority of all lands in the state with a radical title. A detailed legal discuss is not within the scope of this study.

14. Customary tort of disgrace

Here, it is necessary to briefly talk about the cultural and economic right on gender matter of the Okada Region or people. As the position of women in the contemporary society is seen as being playing the role of a second fiddle, Okada people also believe that women are properties to their respective men. The view of people alludes to this fact, seeing women suffer all forms of discrimination right from birth, some of it inflicted by other women themselves. The female child at birth is regarded as inferior to the male child and therefore, boxed into stereotypes and most often, denied from having access to her father's property by inheritance. In community matters, it is believed among some Okada people that "women are not to be seen nor heard in some secret observances in the community. Decision taking regarded the welfare of the people of the community is most often, taken by the men only, implementation may be left for the women if necessary. Gender inequality between male and female in Okada stem from the fact there are works which men can do that women cannot do, but the female folk have a different view, saying that what men can do, women can also do it. This is what bring to the fore that gender equality prevails when men's and women's right, responsibility and opportunities do not depend on whether they are born male or female. Is this really true? Certainly not, this is because it has been a common experience to see some female children and mother risk being thrown out of the matrimonial home if the mother is unable to produce male child or children in spite of the fact that it has been biologically and scientifically proven that the choice of sex of the child is hinged on the mate's spermatozoa. Male genders call the female one "weaker sex".

In the traditional days, women were not allowed to go to school or be educated because of the belief that "Women's education ends in the kitchen" or that when you train a female child, you trains her for her husband, but these day, the story had changed.

Okada people and their traditional practices (the igue and Ovia festivals)

Okada people are known for the celebration of two traditional practices in the old Iyekovia district of Benin Kingdom. They are known as Igue (Ague) festival and Ovia festival respectively. Other communities within Okada region celebrate traditional festival akin to these two festivals as stated earlier.

a. Celebration of Igue Festival

Generally speaking, festivals are celebrated or held at different parts of Benin Kingdom at which the people (the binis) show their rich cultural heritage of dances, colourful dresses and costumes, arts and crafts and their hospitality in terms of gifts and free food. Festivals generally affirm common historical or cultural bonds of the people and today occasions the coming-home of many sons and daughters of communities (that made up of Benin Kingdom) sojourning in other lands. For Okada people as the other Bini people do, festivals celebrated by them may be connected with hero-deities annually in most cases, biannually.

The celebration of annual festival in Okada district and among Okada people especially, is celebrated after the Oba of Benin has concluded his own celebration in such occasion called "Igue-Edohia". According to special report on Igue festival ^[45], "Igue festival is celebrated every December by the Oba to usher in the New Benin year. It used to be celebrated around September to climax a series of ceremonies but was moved forward by Oba Akenzua the second". According to this report, it says although Igue may be as old as Benin City, it has been linked with fifteenth century Oba Ewuare the great, who developed it for his wife, Ewere". It further reported that "the marriage between Ewuare and Ewere was said to have brought prosperity to the Kingdom and then, Ewuare celebrated the union ever after for the rest of his life. Today, the Ugie-Ewere (Ewere festival) comes at the head of nine principal ceremonies in Benin".

However, Pa. A.I.G. Okundaye in his oral narrations on this study said that during Igue festival in Okada, the people usually turn out in their best dresses (attires). Then the Community as in every other communities in the whole of Edo land, especially among the Bini speaking people, is astir with joy, jubilation, singing, dancing and exchange of greeting or felicitation. He said at its start, individual groups of community people in Okada joyfully dance to the general Odionwere of Okada (Odionwere-Evbo) to beginning the celebration as it is application in the other communities or villages. According to him "though this was before, but now families or group of families celebrate the Igue festival which they call "Igue-Uhunmwun" on respective basis probably because the development and the largeness of Okada Community. He itemized the items used for the celebration to have include 201 pieces of coconut, coconut water, at least a large cock which must be native one, Kolanut and so on so forth.

The narrator explained that prayers, singing and dancing are made and carried out by people present and sharing of kola and coconut for eating is done before leaving one place for another. This is usually done all through the evening of the day deep late in the night and if even not till dawn. Depending on the person celebrating the Igue festival at Okada, goat and even cow apart from native cock, could be offer to celebrate his head for the good luck and prosperity it has brought forth for the year in anticipation of what he expects in the proceeding year. At dawn, early in the morning, the happily prepared pounded-yam (Ema) with Egusi (Melon) soup or any other soap as the celebrator desires, are ready for consumption by any body who cares to participate in the consumption.

At the festival" high point, the Ugiewere (Ewere ceremony), heralding the dawn of the new year, youths, boys and girls prepare their early firework (Ubirie) to drive out evil forces

and the participating youths merrily distribute ebe-ewere (Ewere leaves), symbol of good luck and prosperity, in street and individual homes, to people of older ages. At noon, the people dressed in their best attires, sing and dance and merry through out the day, the Benin New Year day, and in the evening of it, a special evil driven ceremony or practice (ESUSU) is accomplished to completely drive off all the evil forces away from the community. Remarkd the narrator the display is quite inevitable in Okada considering the story that formed the foundation of their early existence bothering on the issues of witches and wizardry, reason they were made to occupy the hilly area of river Ada (Oke-Ada) in a land originally owned to Uhen people for peace, development and prosperity to prevail among the people in and around the entire place the festival of "Ewere" and "Esusu- Gualegual" display must be carried out.

b. Ovia Festival Celebration

Ovia festival is one distinct but peculiarly known festival celebration of the Okada people and the entire region ^[46]. It usually has an appropriate time for its celebration in the community every year. The various performances mainly involve both men and women of Okada community at commencement, during and towards the end of the festival. Act of purification must be maintained so as to safely return the „initiates" home. At the end of the festival, some certain objects including animals must be sacrificed, this will make them be rest assured that the goddess appreciated what they offered as a general task among the inhabitants. After the end of the festival, they would hope to see all things go accordingly and would also be rest assured of adequate protection of life.

In celebrating the Ovia festival is either on yearly or bi-annual basis, one fundamental item is involved for a worthwhile and highly enhanced festival celebration; this is the Ukhure (a carved wood) which symbolizes the ancestral staff of the fore-runner masquerade known as (Ilevbo). The ancestral staff (Ukhure) is expectantly held by the Ilevbo masquerade ^[47] while offering prayers for people and through which messages are transmitted to the god.

In an unpolished book authored by Pa. Okundaye A.I.G. ^[48] gave a detailed history of the evolution of Ovia festival. According to him; In about 1101AD, Ovia festival came into being through the transition of a woman to a river and was regarded as one of the prominent among gods and goddesses in the land. In Benin territory as the story goes, before the event of the date above, Ovia was a living being and she was a lovely daughter to King Oleye of Otuo which is now a part of Edo State. Ovia was not actually the name the woman was called. Her real name was Ayawemwen before she became a goddess. Ayawemwen was lovely to her husband a Bini King (Ogiso Owodo). She was betrothed to the Benin King who later move her to Okenusen in the present day Ondo State just across river Ogbesse in the present day Ovia North East Local Government Area of Edo State. A beautiful damsel of course, Ayawemwen was destined to be loved. When she got to the house of her husband, Ayawemwen became more lovely to the King than the other wives of the King. As a result of this, Esagho (the King"s Avbebor), the most senior wife of the king began to jealous Ayawemwen. She continued to suggest to herself on what to do to her in order to ruin the life of the innocent woman and to remove her from the matrimonial home. The attitude of Esagho N"Avbebor, the senior wife of Ogiso

Owodo became so ridiculous to Ayawemwen. She eventually got her deceived one day that, they should both go to the bush to search for snails, knowing fully well that Ayawemwen liked eating snail. This is just the only source in which she could make her redundant. They both went to the bush to collect snails.

When they got to the bush according to Pa. Okundaye A. I. G., Ayawemwen collected more snails in great numbers than Esagho. This prompted Esagho to move more into jealousy towards Ayawemwen but she did not know that she was being jealous by the King's senior wife. By and large, how to convey the snails home became a problem to Ayawemwen, which eventually made her to seek for solution and advice from Esagho, the dangerous and evil woman. But instead of solving the problem with her, Esagho added more to the problem. She told Ayawemwen to loose her white rapper (cloth she was wearing), on her waist and use it to wrap the snails knowing an use it to wrap the snails knowing well that the snail will stain the white cloth and if so, that could lead her to either life banishment or death. Ayawemwen had thought she was applying the best solution to the problem. Eventually, she conveyed the snails home with the white cloth. Before they got home, the white cloth of Ayawemwen was already stained by the snail's mucus (shine). The stain on the cloth looked like menstrual stain, which motivated people's thoughts beyond the actual happening. A day later (as the story further goes), Ayawemwen entered the King's room and swept it thoroughly as a lovely wife could do for her lovely husband. Esagho monitored her entrance to the King's room, and she established a false statement, alleging Ayawemwen of having sexual intercourse with the king during the period she was not clean enough to do so. Of course, such was a taboo for any woman to enter the King's room when her body was not kept clean. Indeed, Esagho's plan to get rid of Ayawemwen, the wife of the King and daughter of King Oleye of Otuo has thus, materialized. This is because, in the royal family house in those days, it was considered an abominable act and therefore, a taboo for any woman who had committed an act of internal sexual intercourse to be in the same roof or building with the King, neither shall such a woman, whether wife or daughter of the King, gain entrance to the King's room or the palace. It was also a taboo that such a woman be kept in a vacuum throughout the period of being in her menstrual period or had internal sexual intercourse so as to let her naturally clean ^[49].

As masterminded by Esagho, one of the King's subjects had moved that "such an act is against the tradition generally and that will be regarded as deliberate act of Ayawemwen and therefore, it is maliciously done not only against the ancestors of the land but to this king. Meanwhile, the normal and maximum protocol must be followed". With this statement, the King set an enquiry to find out the truth and submit report to him as a day assignment. But this could not prevail because of the instability among the subject. They observed stains on the white cloth which Ayawemwen wore at that time, therefore, they found it difficult to carry out a proper investigation. The stain on the white cloth was suspected to be a menstrual stain hence, they gave subsequent report to the King, presuming the allegation was a true one. Then they left with that impression. This of course, was wrongly believed by the King and his subjects and then promulgated a traditional decree and passed judgment on the basis of the impression they had that the

penalty for Ayawemwen is banishment. Owing to the love the King had for Ayawemwen as a wife, he gave a verdict that she should be sent to a vacant building for twenty-one (21) Days, with the view that the punishment was relevant to the offence she committed, instead of banishment. The King was also of the view that by the time Ayawemwen had served the twenty-one days punishment, that it will serve as a deterrent to other wives in the King's harem.

Eventually, Ayawemwen was forced to the vacant building to serve the punishment. But when Ayawemwen began to reason about what happened to her, she could not realize the source of her predicament or the basis for her punishment, being that she was never responsible for the offence alleged against her, neither will she be liable to any punishment. As a result of this, she decided to totally boycott all aspects of feeding and continued to cry. During the course of crying, the servant of the King saw her and watched her cry that they had to make this known to the public of what they had observed. They then informed the King of Ayawemwen's cry and in reporting to the King, the servants simply said "Ovie" which means "she is crying". It was the word "Ovie" that was later translated to the word "Ovia" after Ayawemwen, the lamented wife of Ogiso Owodo, had become a goddess.

According to the story, these servants of the King had laughed and mocked Ayawemwen with the word "Ovie". As the woman began to weep and cry severely then tears flew from her eyes and sweat profusely came out from her body which seemed that she (Ayawemwen) had just had her bath and the sweat flew from down her body. Amazing therefore, the sweat that flew from Ayawemwen's body turned to water on the ground and flew through the gutter that was dug from the place she was kept. The water then penetrated up to the apartment of the King. In the process of this, the body of Ayawemwen began to melt into water and on the ninth day when the King rose up from the bed in the morning, he discovered that water had occupied all part of his bedroom, even up to the palace sitting room. Then the King had to order his servants to find out the source of the mysterious flow of water which had engulfed the palace since there was no rainfall the previous days. In tracing the source of the water flow, it was led to the vacant building where Ayawemwen was kept and on getting there, her body had begun to melt from her toe to her chest region of her body. This unfortunate happening was immediately reported to the King who on seeing the unimaginable, sobered and pleaded to Ayawemwen who had almost melted completely, except from her chest to her head. The King then asked, "My dear wife, what is the matter?". Oh; I remember this is an authentic evidence to ascertain that, my senior wife, Esagho had lied against you. How I wish, I can reverse my decision."

The King's wife, Ayawemwen, then aroused the interest of the King, the people around including the King's servants, and wives and began to lay down protocol and directives for the King to maintain after her final transition to river, and said "Oh!

My husband, a matter does not sound very interesting at the palace as it is decided, but it rather gravitates itself to other people at where it is heard. I was baffled at the allegation against me in which the truth could not prevail. The panel you set to verify the matter is un-meticulous to have inquired the wrong thing and passed wrong judgment on me therefore, I can not bear the insult. Although you minimized

the punishment that was melted on me, whether minimized or maximized, punishment is punishment. I cannot resist the shame neither should I endure the suffering of what I did not know anything about, hence I decided to leave down a forever record. But not that you must ever defend me at all attacks of word against me and abide to my rules and regulations. You should know all my likes and dislikes”.

In unveiling her instructions to her rules and regulations to the King, Ayawemwen remarked; “you should make provision for my remembrance, take me as a goddess and keep on celebrating me every year, as does to other prominent gods in the Bini territory. I am changing to river of blessing for every man, woman, boy and girl. They shall taste my water, wash with it and do as much as they could with the water. You must keep on worshipping me as done to other gods of the land. But, a woman shall not partake in the activity neither shall they celebrate. However, let them get themselves modeled and appareled during the period of festivity. A woman shall not taste the food used for the sacrifice unto me and they shall not touch my shrine neither my masquerades shall they touch. Whenever they do anything contrary to these instructions, I will award death penalty unto them. To ascertain when I am reacting on my victim, the fellow will initially gain fatness. All the parts of the body will swell and there shall be no remedy, lest the person would die as a result of malnutrition. For a woman that caused me into this condition, for your own sake, will I mercy the men, because my anger was been deferred. The men shall freely taste all my food upon initiation. All whatever I issues, I permit men to be part of, but my secret must be hidden from women”.

As Ayawemwen was still weeping in the presence of the King (Ogiso Owodo), she completely, melted to water which is today known as river OVIA (OSSE) ^[50].

Actually when the King got home, he wept seriously and then made the necessary arrangement to perform the ceremony of Ovia (festival) after a priest has been appointed for the purpose in remembrance of his wife turned Ovia River. The priest was called “Ohen-Ovia”.

Meanwhile, at the end of the festival, masquerades are made to mark the successful celebration. In the condition, women are permitted to touch and embrace the masquerades during their visiting hour only. This visitation by the masquerades is very significant, though they do not dance as usual, the use the occasion as an avenue to drive away evil spirits from the Community’s land.

Okada people and the celebration of Ovia festival

As it is everywhere the Ovia festival is celebrated, Okada people whose main festival celebration is Ovia, prepare a day for the celebration. When they celebrate the Ovia festival, masquerades and other outfits are prepared in different forms, to embrace the success of the activity. These masquerades are today classified into two groups – the “Ulevbo” and “Erinmwini” (measuring, the “Fore-runner” and the “Assaulted” masquerades. The fore-runner masquerades are designed with palm-leaves and cloth, while the Assaulted masquerades are designed of cloth, palm leaves, parrot red feather (Ebakhue), carved wood staff (Ukhure), designed sticks (Okpo) and mirrors (Uwegbe) with some other objects, which makes them look very beautiful and sacred. The fore-runner is only a single masquerades in kind, but in those days, before the fourth day of celebration, many male people saw how interesting it

was, then they became very eager to take part in it. This prompted the King to suggest other groups of masquerades with different patterns of dressings. The objects designed for the masquerades were instruments used for dancing. To make it more attractive these days, other ringing objects are placed on their two legs. With the forming of the Erinmwini masquerades, men and initiated to feature visibly before the public and the women are rendered incommunicado. All the materials are kept off the reach of the women. However, the women are still part of the celebrating system as it is today, for the fact that, they have their role played during the festivity. The role of the women at this stage is quite significant. It is a sort of manner to gratify one’s interest towards the activity and also seen as an occasion for them to exhibit their wealth before one another. This will prompt the initiates to feel at home and also creates the home awareness in them. Nevertheless, some of the objects used during the festivity are obviously and conspicuously placed at the road side as a remark, intense of posterity reference.

The Dancing Style

According to the narrator, Pa. Okundaye A. I. G., a retired Educationist and Local Historian, “when they are dancing, it is only the masquerades that form a circle.

The women at this time, stage a local party aside, in view of grooving the occasion. All the men sits down very closely while some standing around the masquerades. Every male member of each family who had a relation among the initiates would use a local (native) fan to cool the temperature of his masquerades while some other men will be mandated to maintain peace and order, so as to ensure that no woman crosses to the side of the masquerades neither touches. After the masquerades have danced in a circuitous form, they would change their style and system which is on two parallel lines. The main actor of the masquerades which is their leader and called the “Junior priest would be in their centre at the extreme beginning between the two parallel lines. The priest (Ohen-Ovia) would demonstrate with the staff (Ukhure) by striking the ground with it at every second interval. As he strikes the ground by the carved wood (Ukhure), he also sings simultaneously with it. It is always declared act of abomination if a woman sings the song. The duration for staying away is three months (depending on the arrangement anyway) before everything concerning the festival is concluded. The festival is made generalized, regularized and also popularized, so that it will remain a permanent activity to promote the culture of the inhabitants and their community. Uptill date, it has never been changed.

Promptly, the masquerades come out to dance every two days and the dance usually commences at 2.00pm as the case may, till 6.00pm in each day. During this period, the participants are totally isolated from homes, in order to stay clear from women. Even the non-initiates members are cautioned of abstinence from sexual intercourse during the period for the sake of proper purification act. By so doing, there is an evidence of tremendous spiritual intervention in the midst of the initiates (Avbenosoro). If any, the “Act of Purification” is absolutely maintained by every individual concerned and involved.

It needs to be concluded that since the origin of Ovia, and hen celebrating its festival, all the matured age grades are compelled to be partakers. As it is celebrated every year, it enhances also, the understanding of all the various activities

and thereby inculcates its knowledge into the people's minds.

It is imperative to note that a few days after Ayawemwen had transited to a river, the King (Ogiso Owodo) had also ordered Esagho to change to a river too. Esagho actually did change to a river and possessed unpure or impure water. Most devastating is that, the river Esagho turned to flows to a wrong direction and when there is dry season during the setting of the moon, the water always get dried. The water in Ovia (Osse) always over-shadowed Esagho's water in the rainy season. However, as a mark of respect to Esagho, being the senior wife of the King before she changed to a river, the word "Imose" is used to describe the river water in spite of its dirtiness and impurity. It is for this reason that most historians who have also gained knowledge about river formation mythologically, have believed that the river Esagho turned to is "Obe" situated at Iguogun village in the present Ovia South West Local government Area, hence the river is till date called "Obe N'Imose". Proof of this fact has shown that the water that comes out from the Esagho turned river does not cross the Ovia River back to Benin till date, no matter how the water is preserved in any thick container. The veracity of this fact is left for any doubting Thomas to experiment as the two rivers are still there in existence.

Why Ovia generally do not go to Benin till date but its activities restricted to villages only

There is usually this popular adage that say "To err is human and to forgive is divine". In this wise, the Ovia masquerades long time ago, have erred against the Benin Monarch and their forgiveness is for a divined consolation.

In the course of this study it was told that after a very long period of the establishment of Ovia, it came to a climax whereby it was deemed very necessary to visit the palace for confirmation during a second term of festivity. The masquerades prepared themselves properly in both moral, emotional, physical and spiritual aspects and went to the palace and danced marvelously to the glory and joy of the Bini Monarch. After the confirmation and approval of the Monarch, the masquerades returned home. But on their going, they met some women who were also returning from the bush where they fetched fire woods. The women ordered the masquerades to dance to their glory too, so that they will offer them some cowries each. Due to act of greediness, the masquerades danced and they did not know when they went beyond the rules and regulations that, they ought not to dance for anybody that day as they have just left the palace. They accepted the money from the women and actually danced to their glory, and thereby, they erred against the Monarch. Within a twinkle of an eye, the information had reached the Monarch about the masquerades' attitude on the way, and the palace as a whole lamented over their behaviour. The Monarch therefore requested their presence back to the palace for a disciplinary action. After administering disciplines on them, the Monarch thereby seized only seven (7) among the lot and banned the rest from coming to Benin City neither shall they enter the palace again. The seven of them that were seized are today called "Ododua", which are now featuring before the palace at every season of need. Up till date, Ovia masquerades cannot proceed beyond the Moat surrounding Benin City.

From then, it became abomination for Ovia masquerades to enter the Kingdom of Benin, although the activity is still the directives of the Monarch, hence he subjected it to be a

villager activity, otherwise Ovia is part of the gods and other ancestors in the palace. The festival, must be confirmed by the Benin Monarch before it will be taken for granted as successfully completed activity. Since then, the mode of celebrating Ovia festival is however sky rocking.

It is generally believed, among the communities (Oto-Ovia) where Ovia exist, the people claim that when there is a prolonged suspension of rain, they will go and appeal to the goddess (Ovia) and the rain will surely fall from the sky. For this reason therefore, people in communities such as Okada where Ovia is existing make sacrifice to the goddess every year in order to mark the end of the year and also, use it as a medium to show appreciation for the kindness and protection upon them throughout the year. In the month of February, the people of the host communities make the first sacrifice to the goddess in view of declaring the year open for blessing of all their activities. Ovia is highly regarded by the people because of its paramount importance to them.

However, Ovia festival is expensive to celebrate because of time factor and the materials required. It is better celebrated when the celebrants are conveniently prepared for the activity and ceremony.

Conclusion

Once, let it be said that the product of this study is of certain unplanned developments that have occurred since the district of Okada came under the artificial creation of Uhen people many centuries ago probably in about 13th or 14th century in history. Until this particular study which to the best of my knowledge, is one of the few documentations, if any before now, ever done on Okada district with a view to embracing the people law, customs and traditions, through an ethnographic microscope, we do not think that any other study of this kind has been carried to meet its acceptable standard.

Until we have decided to embark on this study, it has never been known to me that Okada people, have during their awful days been regarded as dissident people who were excommunicated from the neighbouring Usen simply for a flimsy witchcraft accusation. They were believed to have tested positively to an "Iyin" substance, which is a kind of liquid substance given to a suspected witch or wizard to test and ascertain its witchcraft or wizardry spirit as the case may be, and consequently were demanded out and find a new place for themselves. Interview through oral evidence pointed that the people of Okada's early existence were fortunately received by the elders of Uhen who unwilling to keep them in their territory, created a piece of land for them at the hill-top of river Ada with the mind of being dumped there. Research carried out showed that this was actually how the "Okada" came to be, that Okada as a name was coined from words "Oke and Ada" – Whether this version of the existence is true or not, the place has come to be a blessing to them rather than being a curse. Many reasons have made this to be so not because the name Pa. Igbinedion, father of Chief (Dr.) Gabriel Osawaru is associated with the existence and development of the „New Okada“, but that the place has come to occupy a strategic in the old Iyekovia district of the entire Benin Kingdom and among comity of communities that constitute the defunct Ovia Local Government Area, of which Okada has become the headquarter of its North East axis till date.

This study, we hope has been carried out to provide a new vista for the traditional and political recognition of Okada as

new approach has developed for its ethnographic study so that further studies can be accomplished out of it.

Now that we have been able to know how Okada, the host community of our prestigious University, the Igbinedion University and the birth place of one of the outstanding Benin Chief, Sir (Dr.) Gabriel Oswaru Igbinedion, came into existence centuries years back, the comprehensive research on the evolution of Ovia from the word “Ovie” and Okada’s connection with its festival and remembrance activities as contained in this study, makes the compendium an asset that have decided to de-envelop the reason probably, why Okada town has been preferred to be the political headquarters of the present day Ovia North East Local Government other than Ekiadolor which many people would have choice for.

The ethnographic view of Okada will reveal one distinct fact about the place, first as the major community within the old Iyekovia (meaning “Beyond the Ovia River”) district that has so embraced the worship of Ovia deity in whose name the defunct Ovia Local Government Area derived, and second, that it maintained its strategic position and its level-land, undulating and of magnitude to accommodate the strength of a local government secretariat and an unembarrassed nature of its terrain. The argument here is that, Ekiadolor could not have been because at the mention of the Ovia name and its district coverage in the past, Ekiadolor is far from it which in logical reasoning, is known to have been district in the entire Old Iyekuselu district which interdem with the Iyekovia district conglomerated into the defunct Ovia Local Government Area on February 3rd 1976. The local government area then, was bifurcated into the present day Ovia South West Local Government Area with Iguobazuwa as its political headquarters from the ages past, and the Ovia North East Local Government Area with Okada as its political headquarters and its administrative seat of the local government council.

If one may ask, which among the pre and post Ogiso era Community that existed in the old Iyekovia district can claim to have been associated with the worship of Ovia deity? Is it Udo, Essi, Okha or even Usen? None of them absolutely. For Udo people, they worship Erinmwindu, Essi served the Uwenvboha imported from Usen before recently, Okha was cursed by Prince Oronmiyan on his way back to Ife in 1173 when the branch of the Okha tree in the formerly called Ugha Community in the presence of the Prince from Ife, disastrously killed about 201 people in a congregation of elders for conference attended by Prince Oronmiyan on his way from Benin where he ruled as Oba (1170 – 1173), while Use itself worship Uwen vb’ora as their god which before Prince Oronmiyan got to Benin, has been introduction at Usen by Elawure and Erando who later went to found Utesse as Enogie.

The cultural beauty of this study and its stand point as consisting the law, customs and traditional practices (Ovia festival celebration) of Okada people – the focus of this study, has made this research work worthwhile and quite unique. Okada people are therefore, lucky and unique for being the principal and peculiar focus of this study.

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9. Mr. Amiomode is a historian and a staff of College of Agriculture Iguorakhi
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46. Sometime it may be called other names such as what entails in Usen as earlier stated Oligan festival.
47. The narrator who would not want his name mentioned claimed that it was forbidden to speak about the celebration to a non-initiated and added that there are so many things he cannot speak about.
48. History of Ovia – god of Land and Water.
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