In 1848 Manoel Joaquim d’Almeida, a Bahian trader sent a letter to Kosoko, the king of Lagos demanding balance payment from the sale of a ship. In the letter, d’Almeida threatened to seize the vessel if payment was not effected within two months: “although… you will not pay me forthwith what you owe me…if within sixty days… I have not been paid… Let God make the schooner come here [Brazil]… I shall seize her.”¹ Five decades later, Temifta was accused of seizing a trader and his goods valued at 124 bags of cowries (c.£31) in 1895. He later sold the captive, Aboromo of Mahin into slavery. In his defense, Temifta claimed he fought with Muda (Aboroma’s countryman) in 1887 when “we used to seize each other.” That is, Aboromo’s seizure was only an extension of the quarrel with Muda. By 1898, panyarring was not only illegal but the colonial court backdated its jurisdiction and ordered Temifta to return items seized.² He was lucky to escape jail term from a court that would not differentiate between seizure, ‘抢劫’ and ‘slave dealing’. These cases highlight the centrality of trade credits and problems arising from indebtedness in Yorubaland. They also show how commercial transactions and associated disputes reflect on wider historical events in pre-colonial Yorubaland. Creditors and aggrieved parties adopted seizure as a strategy for inducing compensation. To many Europeans, the Yoruba economy was in the hands of ‘ruffians’ that the suppression of commercial brigandage became the underline ideology for imperialism.³ By the 1890s, seizure was no longer fashionable, less for its undesirability than the opposition from Britain.

As the second case shows, British rule provided litigants access to the courts. Shifts in the legal system removed the option of violence from the people and concentrate this in the colonial state. The containment of violence, through the instrumentation of British laws allows an understanding of colonialism. Colonialism involved ‘social reordering’ and colonial subjects were ‘socialized’ to adopt new behavioral codes. From this perspective, credit reform was a cultural project. Despite the abundance of studies on pre-colonial Yoruba trade and links between trade and politics, the role of trade credit and debt and associated conflicts have not received enough attention.⁴ This paper discusses the abolition

¹ British Parliamentary Papers (PP), House of Lords Sessional Papers, 1852-53, vol. 22, 327-66, letter 2, Manoel Joaquim d’Almeida to Kosoko, July 16, 1848 enclosure in #203, Commodore Bruce to the Admiralty, 3 Jan 1852.
² Nigeria National Archives, Ibadan (NNAI), Ondo Div 8/1, Aboromo vs Temifta, 8 July 1898.
of panyarryng as part of a broader reform of Yorubaland during the nineteenth century. In particular it explores problems associated with the credit system and how they were resolved. By so doing, the paper reconstructs the commercial narrative of precolonial Yorubaland, which I argue is a necessary first step to understand the continuities and discontinuities of the local credit/debt practice. A point made in the paper is that the court decision on Temifta’s cases sought to define economic behavior in the 1890s in opposition to what came before. This opposition has been duplicated in history texts that define the earlier period as primitive and commercially regressive. To appreciate the cultural production of this time period, I provide the social, economic, and political context in which this production initially took place. The paper draws on commercial, government, and some hitherto neglected sources: missionary, and court records, proverbs, and travel accounts. The non-commercial sources provide a more culture-based interpretation of Yoruba trade.

Owo L’owo (“Money is Trade”): Commerce and Credit in Yoruba History

The Yoruba people are renowned for their commercial acumen. During the pre-colonial period, they traded everywhere in the Bight of Benin and as far as the Volta and Niger Rivers. During the era of the Atlantic slave trade the commercial success of slaves of Yoruba extraction in the Americas and Sierra Leone is legendary. Out of the Yoruba commercial system came the esusu (rotating savings/credit) institution in which money paid by a group of people is handed over to a contributor in rotation. From Yorubaland Esusu spread along the West African coast to the Americas and Europe. As Yoruba trade expanded credit operations increasingly underpinned commerce. Writers have pointed attention to divergent means of capital accumulation in Yorubaland: personal savings, esusu, and loans from friends. A more widespread practice of raising and securing credit was pawnship (iwofa), which stipulated the pledging of people both as interests and guarantee debts would be paid. Under pawnship, the service of a pawn


was mortgaged to the creditor such that the exploitation of a pawn’s labor paid off interest on debts. Although these were widespread sources of capital they were limited in scope and offered only a small amount of credit. By the 1790s local sources of capital were insufficient to finance Yoruba trade which rose to new heights when Lagos emerged as a major slaving port. Afterwards, traders resorted to foreign capital. Due to huge market capitalization, foreign capital was not only essential, but from the 1890s formed the backbone of Yoruba trade. The key to commercial success was access to cheap imported goods, which enabled merchants to sell their wares with huge profits. Every commercial sector from warfare to the production of commodity products and delivery to the markets relied on credit. For a good part of the overseas slave trade, Euro-American merchants financed it by selling foreign goods—tobacco, alcohol, textiles, cowries, metals, beads, and after 1820, munitions on credit to Yoruba traders. When the Atlantic slave trade ceased in the 1850s, foreign credit retained its significance, as goods previously traded for slaves were sold for palm oil, ivory, cotton, and a few manufactured products. By this period cowries and tobacco were the most valuable items because they served as currencies as well. The cowry was the dominant local currency and a fashion and ritual object—a trade item and means to the acquiring other products. According to Giambattista Scala, a mid-nineteenth century Italian trader, Europeans gave “their merchandise to the natives, who will pay back when they have the opportunity to do so with the products of this [Yoruba] land.”

Because credit helped traders to edge out competitors, merchants with extensive capital used the system of credit payments to attract traders. As the size of European traders increased, all interested in a few local products and producers, competition ensued among them for dependable local allies and commercial brokers. Yoruba traders seized upon their knowledge of the market to woo Europeans to their side, and when possible received more credit than they could easily pay for. They patronized many traders at once that an observer described credit as “only serv[ing] to enable the… native traders, the old slave traders, to obtain large quantities of goods than they ever meant to pay for… They took goods whenever they could get them.” Goods received on by coastal traders on credit were sent to the interior districts. Through this, the Yoruba credit system spread along trade routes and created an integrated market of creditors and debtors.

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11 *African Times* (Lagos), 23 April 1862.
The boom in Yoruba trade, ironically, was accompanied by rising violence. During the nineteenth century, traders operated frequently under an atmosphere of insecurity—warfare, trade blockades and population drifts, which inevitably affected arrangements for credit. Thus the traders who succeeded were those with sufficient capital to assume the risks of sending goods to distant markets. Otherwise they employed agents whose knowledge of local markets was sufficient to minimize trade obstacles. Traders had to be flexible because of commercial risks, making short-term partnerships and deals when attractive or necessary, and maintaining formal ties with leading firms when possible. Often, foreign merchants limited their activities to arranging credit while they stayed away from the actual production and movement of goods to port towns. By so doing, they passed on the risks associated with domestic trade to the network of local traders and brokers, who absorbed losses caused by shifts in local trade systems.

Credit receivers sometimes did not deliver goods or pay their debts for long periods. In the palm oil sector, credits were generally given out several months before the late spring/summer oil season when receivers were expected to pay in oil. There were no fixed times for the liquidation of debts. If certain conditions were met, debts could remain unpaid for years. For example, if a producer did not deliver oil to the creditor at a specified time, such credits were usually pushed forward till the following oil season. In the case of cash loans, as long as interests were regularly paid, the principal could remain unpaid, unless at the onset a final payment date was agreed upon.

Despite credit flexibility debtors had to meet their obligations to avoid paying high interests. At Abeokuta interest rate on loans rose from around five pence every ninth day in the 1850s to five per cent every 17th day in the 1880s. Along the coast the annual rate fluctuated between five and ten percent in the 1870s to a high 30-60 percent in the 1880s Lagos, and 300-400% at Ijebu in the 1890s. Failure to pay interests at specified dates increased both the principal and interest. To avoid mounting debts, most traders desired to meet contract deadlines, and by that, secure new credits. Unfortunately, this did not always happen.

The effectiveness of trade trusts depended on a debtor’s desire to pay. Trade defaulters could forfeit future trusts as expressed in a proverb ẹni ya ẹgbefá ti ko san, bẹgi dina egbeje (he who defaults on a loan of 1200 cowries blocks the chance to receive 1400). A striking feature of the credit system was the immortality of debt obligations. The death of a creditor or debtor did not annul a contract. In case of death the obligation to pay/receive was transferred to the deceased’s relatives. The practice of holding relatives responsible for loans they taken by one of their own is depicted in the proverb a ji bo wa ba ni a ba ila ni atelẹwo, a ko mo eni ti o ko ọ, a ji bo wa ba ni owo adasan, a ko mo eni ti o je ẹ (we wake up and find marks on our palms, we know not the maker, also there is an old debt, but the debtor is unknown). To prevent default, measures taken to enforce payment and streamline credit regulations include pawnship, the use of a bailiff and a range of other socio-economic sanctions. Debtors risked been ostracized by colleagues and their communities, and could be stopped from buying goods even when they had money. Parents could also prevent

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their children from marrying into/from debtor families. Essentially, denial of marriage, people believed, could lead to the extinction of a debtor’s lineage. A creditor could also commit suicide in the house of a debtor (ku si l’orun, i.e. die on his neck), allowing the debtor to be charged for manslaughter, and huge fines for ritual cleansing imposed.\footnote{CMS, CA2/061, Thomas King, journal, Abeokuta, 7 Nov 1856 and Stone, Afric’s Forest, 248.}

Such threats as they relate to debts developed into the institution of \ogò\ (to distrain), which involves the harassment of debtors and families until debts were paid. The bailiff (\ològò) is charged with harassing debtors (onigbèsè) and their families until debts were paid. Under this arrangement, the bailiff was licensed to destroy properties, the cost of which is added to the original debt. He was allowed to seize food, turn over cooking pots, and be rowdy as to deny the occupants of a house sleep. His job was to make things unpleasant and insulting in all possible ways so debtors or associates would pay at the earliest opportunity.\footnote{CMS, CA2/068, James Maser, journal, Abeokuta, 21 May 1855 and Maser to Venn, 10 Sept 1861; CMS, CA2/087, James White, journal, Ota, 29 March 1859; Johnson, History, 130-31; Fadipe, Sociology of the Yoruba, 164-65; NNAI, CSO 26/1/300014, N. A. C. Weir, ‘Intelligence Report on Akure District of Ekiti Division (1934); and Ajayi K. Ajisafe, The Laws and Customs of the Yoruba People (London, 1924), 61-62.}

Sick and ‘kinless’ debtors were thrown out on the street for public ridicule and their corpses denied proper burial. Revs Isaac Smith, Robert Stone and Charles Philips writing from Abeokuta, Ijaye and Ondo respectively between 1848 and 1878 noted the disposal of debtors on street corners with no one allowed to help them unless the helper was willing to pay their debts.\footnote{CMS, CA2/081, Smith, journal, 7 April 1848; Stone, In Afric’s Forest and Jungle: Six Years Among the Yorubans (Edinburgh, 1899), 123 and CMS, CA2/078, Phillips, journal, 5 June 1878.}

Apart from coercing debtors to fulfill their obligations, traders also designed ways to deny credits to people who might default. Falola and Adebayo noted the disruption of \esusu\ payment cycles by population movements induced by incessant warfare. In their words “some members might have to flee after or before taking their funds, or the entire village or city might be attacked and destroyed.” Since \esusu\ was not designed for a mobile population, one strategy was to reduce the number contributors so that a payment cycle would end before any major upheaval. An inference is that \esusu\ contributions were solicited from permanent residents of a community, or as Bascom discovered in the 1930s, some \esusu\ were restricted to lineage members.\footnote{Bascom, “Esusu,” 66.}

Despite the widespread practice of pawnship, not every creditor accepted pawns or employed the \Ològò. And for those who did, pawns sometimes ran away or sold into slavery. It was also almost impossible to cut off a debtor from the market. Often times, bad debtors relocated to another town and started business on fresh slates. In another paper, I discussed yet another practice, panyarring that allowed creditors to seize and detain debtors or their relatives and properties in lieu of debts. Panyarring empowered a creditor to hold a community responsible for the debts of one its members.\footnote{Also see Allan Ryder, Benin and the Europeans 1485-1897 (London, 1969), 77-78, 130-33; Law, “On pawning and enslavement for debt in the pre-colonial Slave Coast,” in Pawnship, Slavery, 62-64 and Lovejoy and David Richardson, “Trust, pawnship, and Atlantic history: the institutional foundations of the Old Calabar slave trade,” American Historical Review, 104, 2 (1999), 333-55 and “‘This horrid hole’: royal authority, commerce and credit at Bonny, 1690-1840”, JAH, 45 (2004), 363-92.}

Similar to slavery, hostage taking and pawnship, debt seizure emphasized kinship and vengeance. People/communities were seized/attacked because they constituted the ‘other’. Their vulnerability derived from being a debtor’s ‘kin.’ Distrustful of debtors’ inability to fulfill
their obligations or in retaliation for certain crimes, creditors and offended parties resorted to panyarring to recuperate and avenge personal losses. For instance, in 1845, a Badagry man kidnapped two persons belonging to Porto Novo, one of whom escaped, but the other he took to Lagos and sold into slavery. After some time, the kidnapper was uncovered, and to escape punishment, he brought the money made from the sale to Badagry chiefs who divided it among themselves, and under the pretext of punishing the offender put him in prison but made no attempt to retrieve the victim. This action excited hostilities in Porto Novo against Badagry. Relatives of the Porto Novo man saw some Badagry traders in their town whom they seized and vowed not to release unless their relative was recovered.

Panyarring changed with the end of the slave trade, but never disappeared. It continued with the succeeding legitimate trade. Although panyarring was usually an option of last resort, its main by-product: insecurity of lives and property made it more punitive than other modes of payment enforcement. As people avenged the seizure of relatives and properties, panyarring bred more violence with adverse imprints on trade (blockades and high tolls), and personal and group relationships including warfare.

Panyarring was a metaphor for differential access to power. As a policing tool, local chiefs and their agents superintended panyarring. This might be why no chief, many of whom were huge debtors, was seized. It was nearly impossible to take action against big traders because they constituted part of the state elite. According to Commissioner Gerald Ambrose, the commoners in Ondo “cannot get justice…when owed money by big people without my help.” While the chiefs would not account for their own debts they presided over cases involving their subjects, even if they were not disinterested parties.

Panyarring was also riddled with corruption. No account was kept of property seized from debtors, and state officials frequently appropriated a considerable quantity of such goods for their own use. It was almost impossible to prove the amount of goods taken or for the wronged person to obtain adequate redress. He would have no witness probably, and court messengers would swear they had not removed any of the seized property. As judges, local chiefs treated the courts as a license to “do almost anything they liked” provided they acted in conformity with tradition. For instance, in November 1898, the Akarigbo of Ijebu-Remo summoned before him a man accused of ‘contempt of court’. When the man refused to show up at the palace royal messengers placed àlè in his house to compel him to appear in court. However, the man claimed, for the messengers to enter his house at night and place the àlè there, they broke down a portion of the wall, and also seized his property. The significance of this case was that while chiefly power facilitated the control of commoners, this power could not be fully exercised if chiefs lacked access to wealth. This they sought through taxes/tributes. Thus panyarring enabled chiefs to punish recalcitrant subjects and control the disposal of loot (seized) goods.

If panyarring empowered Yoruba chiefs it also weakened them in other ways. During the nineteenth century, the rise to power of warlords prompted a surge of bloody inter-group and interpersonal political factionalism over the control of Yorubaland. This politically compromised “traditional” authority and eroded the aura associated with the monarchy. Warfare destroyed several towns and enslaved many people including the kings or turned them into fugitives. That is, political dislocation exposed Yoruba chiefs to

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19 NNAL, Ondo Div 8/1, Traveling Commissioner, journal, 29 June 1898.
attacks such that ‘disorder’ became a form of social leveler. With weak chiefs, the agency necessary to regulate trade operations was generally ineffective. So if royal authority in Edo, Asante, Dahomey and Bonny societies mitigated debt bondage, its absence in Yorubaland, caused by mass state collapse, allowed and perhaps encouraged seizures.

More than the personal inconveniences of debt bondage, debts were antithetical to trade growth. Where no opportunities for redress existed, traders refused to grant new credit lines or withdrew their investments even when they had genuine needs to do otherwise. While big investors could recover trade losses from profits in other sectors, small firms were susceptible to ruins because of limited investments, and for these, they supported panyarring. Because the state was not there to mediate trade disputes, non-state actors (traders and missionaries) stepped in to fill the gap. When British forces bombarded Lagos in 1851, European traders were happy to see the major impediments to ‘free trade’ removed. Local chiefs were allowed to function if only they would advance the cause of trade. Britain’s view of colonialism was dependent on economic vibrancy hence the overhaul of Yoruba economy would ultimately undermine institutions that were considered antithetical to the advancement of free trade.

Consular Administration and Credit Reform

One of the first steps taken to check indebtedness was a treaty signed shortly after Britain captured Lagos. Signed by six chiefs (including the king), five Europeans and a British naval officer, the treaty tried to streamline relations between European and African traders on one hand and provide mechanisms for the adjudication of debt disputes. It empowered the king (Akintoye) to confiscate and sell the property of debtors for the payment of debts. Also it put a ceiling on how much credit could be advanced to traders and banned debtors from participating in further trade. For instance, merchants who insisted on trade with huge debtors were fined to the tune of 1000 gallons of palm oil. Finally, the treaty removed from the king the power to collect trade taxes. In lieu of revenue losses, the king was to be paid commission on imports and exports fixed at three and two percent respectively.

But the treaty had some deficiencies. It did not address the concerns of African traders, particularly emigrants from Sierra Leone (Saro) and Brazil-Cuba (Aguda), who numbered more than European traders, brokered trade between Europeans and African producer, and who controlled about 25% of oil exported from Lagos. Also, for the purpose of implementation, the amount payable to the king was vague especially when he was not in direct control of duty collection, and for many traders desire to evade taxation. Owing to these problems it was almost certain that the 1852 treaty was dead on arrival.

A new pact was agreed to in 1854 and signed by a large number of traders and the new king, Dosunmu). The agreement in addition to affirming the principles of the 1852 also discouraged the king from trading on his own account. It is unclear why the king was withdrawn from trade; perhaps this was to achieve two aims. Lagos chiefs formed the
core of leading local traders and big debtors. So by withdrawing from trade in return for a fixed and steady income, the king would not be subjected to financial uncertainties faced by most traders. And if not a debtor himself, the king is empowered to punish debtors. The grey areas in the treaty were further worked out and more clearly defined in 1856, 1857 and 1859. Specifically, the king’s revenue was also to include a levy of at two heads (4000) of cowries or about nine shillings on every puncheon (120 gallons) of palm oil, and three strings (120 cowries) or two pence on every pound-weight of ivory exported from Lagos. In addition to custom duties, the king received market fees, a portion of court fines, and commission from the sale of goods confiscated from debtors.

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Apart from the traders, the consular administration also aimed at ending panyarring and commercial malpractices. In a dispatch, Consul Benjamin Campbell writes: Shortly after assuming my duties as...consul [in 1853]...I was called upon to hear the complaints of various individuals, and to obtain them redress... Most of these complaints being cases of kidnapping and unjustly selling into slavery persons of free condition, and of seizing for debts not due by the parties seized, but by others belonging to the same town or country, I did not hesitate to use my utmost endeavors to obtain redress for the wrongs complained of, and, in many cases, the punishment of the aggressors.

Realizing that he was spending too much time and energy on commercial disputes, in May 1855, Campbell, following the 1852 treaty, got the emigrant merchant community in Lagos to establish a “sort of Court or tribunal” to settle trade disputes among themselves and between them and indigenous traders. The court was composed of, in Campbell’s words, “the better class of Africans, …who had…serve[d] on juries in the Law Courts of Sierra Leone, …and who have attained correct notions of right and wrong.” The court’s first executive members and judges were “William Savage (president), James Gooding (Vice president) and ‘not less than three’ members.” At the inaugural session of the court, which met on Saturdays, it banned its members from the arrest and detention of debtors (panyarring) without a prior approval of the King. Appeal from the court could be made to the king of Lagos, and in case of a deadlock, the consul.

The importance of colonial credit legislations was their recognition of tension arising from unpaid debts as well as the limited power of consular authority to solely resolve commercial disputes. As a result it was significant that the government sought and delegated certain responsibilities for conflict resolution to local authorities. Power devolution during this time served as a preamble to larger local participation in the

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24 NAUK, FO 84/950, Campbell to Clarendon, 1 June 1854 and ‘Agreements signed on 27 March 1854’.
25 See NAUK, FO 84/1002, Campbell to Clarendon, 14 May 1856; PP, 1865, V (1), 1558-63, Agreements signed on and 10 Feb 1859; Lodder to Clarendon, 11 and 30 May 1859; NAUK, FO 2/32, William Baikie to Malmesbury, 11 May 1859 and NAUK, CO 147/29, Glover to Kimberley, 27 March 1873.
26 Royal commission (pension) was estimated at £1300-£1600 a year. See William N. M. Geary, Nigeria Under British Rule (London, 1965 [1927]), 35.
27 NNAI, CSO 5/2/2, ‘Treaty between Thomas Tickel and Badagry Chiefs, 18 March 1861’ and NAUK, FO 84/1141, ‘Treaty between McCoskry and Badagry Chiefs’ in McCoskry to Foreign Office 12 July 1861.
28 NAUK, FO 84/976, # 12, Campbell to Clarendon, 2 Aug 1855 and 25 Oct 1856.
29 NAUK, FO 84/976, #12, ‘Minutes of a meeting of the committee, 19 May 1855’ in Campbell to Clarendon, 2 Aug 1855. The court was patterned after those in Sierra Leone and the Gold Coast. See ‘Instructions to the superintendent and council of the Sierra Leone Company settlement, 1791, para. 34’ in L. E. C. Evans (ed.), “An early constitution of Sierra Leone,” Sierra Leone Studies, 18 (1932), 26-77 and ‘The Gold Coast Bond Act’ signed by Lt. Gov. H.W. Hill and Fanti chiefs at Cape Coast on 6 March 1844.
administration of colonial Nigeria under what later became the ‘Dual Mandate’, ‘Indirect rule’ or the existence of pre-colonial in colonial. By combining ‘tradition’ with ‘modernity’, traders were able to harness the advantages derivable from royal authorities over their subjects as well as their connections with leaders/traders/production centers in the interior. The treaties also transferred the task of debt collection from individuals to larger bodies—the king and trade tribunals. The consular regime was impressed.

Another development along the line of reform was the commoditization of land. In studies on Lagos, Anthony Hopkins and Kristin Mann highlight the evolution of trade in landed properties. The commercial transition in Lagos, they contend, was accompanied by population growth that put pressure on resources such as farmlands, fishing ponds and housing. Most new immigrants, with no access to these resources were incorporated as tenants who owed their landlords a range of dependent obligations. Landowners utilized the booming property market to rent/lease their properties. Among the greatest beneficiaries of land sales were immigrants from Sierra Leone, Europe and the Americas, where land privatization was an entrenched practice. Thus, when Britain annexed Lagos in 1861, it claimed all rights and powers, including those over land, which had up till then been held by family elders. The new colonial regime ruled that no private ownership of land could exist except if granted by the British crown. Although, this view was later modified to recognize existing land rights, annexation quickened the growth of ‘private’ lands as the government issued temporary grants for ‘unused’ swampy land. When lease conditions were fulfilled within six months, tenants could apply for upgrade to permanent grants. By the 1860s, property speculation had become an integral aspect of Lagos economy with debtors and traders renting, leasing and selling landed properties in lieu of debt or to raise capital. Land privatization spread in two waves: first with Lagos immigrants heading back into the interior, and after 1890 with ‘cash crop’ production.

Laws designed to abolish panyarring were rooted in anti-slavery, conflating seizure with slavery, hostage taking and kidnapping. Consequently, reform measures banned panyarring as an instrument of debt collection, and in its place allowed, only if court ordered, the confiscation and sale of a debtor’s property to pay debts. If the value of goods seized were not commensurable with the debts, the law provided, in addition, jail terms for debtors. Until this time prisons (tubu or ogba ẹwon) in Yorubaland were not punishment yards. They were not more than mere holding cells for criminals pending other judicial pronouncements. Thus, for the first time imprisonment was elevated to the status of full punishment. But imprisonment was not satisfactory to many creditors

31 About 2,000 grants made before 1880 and 112 grants between 1881 and 1888. See Report by Acting Commissioner of Lands for Southern Nigeria enclosed in #69, WALC, Appendices, 223
34 Richard Burton described the Ogboni prison at Abeokuta: “inmates ankles fast in the stocks which are a pair of horse shoe shaped iron staples fitting closely round the limb, with points driven into a heavy wooden billet.” See Abeokuta and the Camaroons Mountains: An Exploration, vol. 1 (London, 1863), 152-53. On debt imprisonment see Kwabena Akurang-Parry, “What is and what is not the law: imprisonment for debt and the institution of pawnship in the Gold Coast” in Lovejoy and Falola (eds.), Pawnship,
because it neither punished the debtor enough, nor, and more important, guarantee that creditors would get paid. Indeed it was believed to have done the opposite. Jail terms neutralized customary credit procedure and reduced the likelihood of repayment from the resources of debtors or their families. A further complication was the introduction of a rule completely foreign to custom that the judgment creditor prepay the subsistence of the debtor into court before the debtor is committed to prison. This contradicted existing system, which put the burden of maintaining the ologo, his excesses as well as the subsistence of a debtor in traditional prisons on the guilty party. Thus, unlike customary payment regulations, the new laws equated imprisonment with full penitence.

Though jail terms and the bankruptcy law discouraged defaults, they fell short of the expectations of creditors. Neither option prevented traders from borrowing, knowing the bankruptcy law provided a safety valve. It was also common for debtors, when denied new access to credit, to change trade allies and trade names, as Jason Davies, who traded variously as G. W. Christie and Co. and Davies Brothers illustrates. The situation reported in 1875 during the great depression may be taken as typical of late nineteenth century Yoruba trade. The depression in addition to fresh outbreak of wars caused trade disruptions, insecure credit system, mass indebtedness, rising prison population and insolvency. However, this did not happen until many small firms had sold their shares to bigger firms, or pawned their properties to raise credits or pay debts. It was also the time in Lagos and Abeokuta when a few creditors accumulated substantial landed properties received as debt collaterals/payments, with four Europeans capturing the bulk of Lagos commercial plots. When traders had nothing valuable to pawn, creditors were afraid, and frequently refused to open credit lines, even for legitimate traders. If they did, such loans were granted under very strict conditions.

In spite of new credit laws, there were some problems. First, reform measures largely ignored the web-nature of the Yoruba economy whereby traders operated simultaneously as debtors and creditors. Hence, it was difficult, if not impossible to fully cut off debtors from new credit lines. For instance, Kosoko and Tinubu were perhaps the two biggest indigenous debtors in Lagos in the 1850s yet they continued to receive credit from traders. Tinubu’s combined debt stood at about £5000 in 1856. Yet, this did not deny her access to the market and new creditors. When she was to be exiled in 1856, for what her enemies viewed as her overbearing influence in Lagos politics, some powerful traders and friends particularly, William McCoskry, S. G. Sandeman, Hermann Grote, Jason P. Davies and J. M. Turner were not excited that she would leave without paying her debts. While some of them wrote off her debt, others demanded for her properties. Davies received in mortgage part of Tinubu’s properties in central Lagos as payment for debts. Davis lost this plot in 1872 when he filed for bankruptcy.


35 NAUK, CO 147/55, Moloney to Granville, 19 April 1886 and NAUK, CO 147/133, Denton to Chamberlain, ‘Notes of evidence on trade’, 4 June 1898. For a criticism of the Ordinance see *African Times*, 30 July 1874.

36 CMS, CA2/056, James Johnson to Hutchinson, 29 April 1875.


38 PP, 41 (Africa), #1, Louis Fraser to Malmesbury, 20 Feb 1853 and Campbell to Clarendon, 26 May 1856.

As shown above, goods received by Lagos traders on credit were almost certainly sent to production centers in the interior, so any reform of Lagos trade must take this to heart. This was not the case. Consular rule was limited to 20-25 miles radius of Lagos, meaning that the new credit laws were unknown to most Yoruba traders. There and then developed a dual commercial legal system—consular laws in Lagos and indigenous laws in the interior. Depending on what side merchants were, trafficking across jurisdictional districts ensued as traders sought commercial refuge. Many debtors left Lagos to avoid colonial courts while those in the hinterland trickled towards the city to escape seizure. Often times, hinterland traders, when on Lagos soil, were denied protection provided by consular trade laws. This was the genesis of an 1855 trade ‘war’ when Egba authorities embargoed trade with Lagos in retaliation for alleged trade discrepancies and illegitimate seizures for debt. After eight months, with a sharp drop in Lagos trade, the consul intervened, secured the release of Egba captives, and worked out how debts genuinely owed to Lagosians should be paid. Following upon this, Egba merchants, especially the Saro, established a Lagos-style mercantile court in 1860 to referee trade disputes.

Another obstacle to reform was political in nature. Credit reform targeted big debtors over whom court judges had little or no power. Because most chiefs operated on both sides of the ‘trust’ system, and bound in various ways to their clients, any tough action against them could prove disastrous for court judges including the king. Unlike the authority of local chiefs over their subjects, by the 1850s, many chief could no longer punish European traders. The Ijebu saying a fi Oyinbo, a fi Ijebu, dede aye eru ni won. Ko si oja ti a ita oyinbo, ko si oja ti a ita Ijebu (except the European and the Ijebu, everyone else is a slave. There is no market in which Europeans or Ijebu could be sold). That this saying was popular in the 1880s, when Ijebu was the only Yoruba state that could claim to be fully autonomous illustrates the new heights Europeans had attained in Yoruba worldview. Two incidents demonstrate this. In 1853, August Amadie, an Austrian trader in Lagos was accused of slave dealing. In previous years Amadie had worked under Domingo Martinez, the leading slaver in Lagos and Porto Novo in the 1830s and 1840s, and it was apparent that Martinez was not happy that Amadie left to become a trade rival. Martinez opportunity to end the competition came when Amadie sent some slaves for sale at Agwey through an Aguda agent, Antonio Martins. Martinez reported Amadie’s illegal activity to Oba Akintoye who in turn invoked articles 4 and 5 of the anti-slavery treaty of 1852 which empowered him to end slaving operations. With this authority, Amadie was arrested, and later expelled from Lagos while Antonio was ordered to pay a $2,000 fine. Rather than receive praise for fighting slavery, the consulate politicized and racialized the case. Vice Consul Louis Frazer was particularly...
harsh against the verdict. In his view “the precedent is so bad, a black man having so much power over a white one; if he is supported in this, no [white] trader along the coast will be safe; hitherto a white man has been looked upon as a kind of Fetish.” In 1857 the firms of William O’Swald and McCosky were fined 120 bags of cowries (£85), having been found guilty of trading with Kosoko, the Oba’s major opponent, and whom the British considered dangerous to Lagos society and economy. Thereafter Giambattista Scala, a Sardinian trader, and formerly collector of customs, was also summoned to the Saro court to account for duties collected on behalf of the king. Among the Europeans these actions, like the ‘Amadie affair’, undermined European supremacy. As a result, European traders pressed for the weakening of the power of local authorities. The trade treaty between Britain and Badagry chiefs in 1861 was racially specific: only the British consul could adjudicate in offences committed and debts owed by Europeans. Yoruba chiefs’ inability to punish Europeans made them ineffective.

Imperial Conquest, ‘Free Trade’ and Debt Courts

Frustrations with existing trade systems poured out from British traders and missionaries to the colonial office. In 1857, Campbell believed it had become “next to impossible…to enforce payment of just and undisputed debts.” His successor wrote in 1860 “there is no effective protection to property, no mode of enforcing the payment of debts applicable to Europeans.” For the Christians, it was the age of ‘confusion’ and ‘little things’, and British rule was the ‘Joshua’ needed to reach the ‘promised land.’ Writers have demonstrated with varying emphasis the economic issues that underlined British imperialism in West Africa. They show how trade fluctuations reduced profits, raised debts, insolvency, and promoted conflicts, and why traders called on their governments for support. Undoubtedly, there were trade and security concerns, opinions about impending disaster in the ‘periphery’ must be considered with other factors. British citizens and allies were keen on fostering their political, economic and religious views, and bypass restrictions set by local practices and authority. Since the expatriates were vocal, and had the ears of the British government, their demand for protection commenced with the annexation of Lagos in 1861.

Soon after conquest, four British courts were established in Lagos, one of which was charged with trade disputes. The commercial court, which under Ordinance 12 of 1863 was renamed the Petty Debt Court, had jurisdiction over debt cases of up to £50. By ordinance 6 of 1864 the court’s power was limited to disputes of not more than £20, and a provision for appeals to the Supreme Court. In terms of punishments awarded, the debt court did not differ radically from its indigenous predecessors. While no less

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47 NAUK, FO 84/920, Fraser to Beecroft, 27 May 1853.
48 NAUK, FO 2/20, #10, Campbell to Clarendon, 2 June and 22 Aug 1857. European opposition to local courts persisted in Ibadan. See NNAI, CSO 1/3, Macgregor to Colonial Office, 22 March 1903.
49 See paras. 2-3 and 5 of treaty signed on 18 March 1861.
50 NAUK, FO 2/20, Campbell to Clarendon, 2 June 1857.
53 NNAI, CSO 1/1/1, #87, Glover to Newcastle, 9 Oct 1863.
corrupt, its proceedings was lengthier and prosecutions more expensive. Defendants paid bribes to avoid being summoned to court, and creditors sometimes paid up to twenty per cent of their money in unofficial commission (bribes) to officers for court decisions to be enforced.\(^5^4\) Thus, people with no faith in the court and small-scale litigants who could not afford the expenses continued to handle disputes along established lines. Many times debtors relocated to places where the court had no jurisdiction.\(^5^5\) In 1869, Taiwo Olowo, a leading Lagos trader, closed the Iseri road to Egba traders in whose towns many of his debtors had taken refuge. The blockade was not lifted until 1872 when Governor Arthur Kennedy pressurized Egba administration to ensure that Olowo was paid.\(^5^6\)

If direct British control did not end the problems with Lagos debt courts, events in the hinterland, beyond colonial jurisdiction were more troubling, and detrimental to Lagos trade. The government soon extended the Lagos court system elsewhere. Although eastern Yorubaland and Badagry districts were not originally part of the colony, Lagos administration gradually extended its economic policies to cover these places. This is true of trade in the Porto Novo area where French traders challenged British commercial dominance. Since the eighteenth century, Porto Novo had served as a major trade for the Western Yoruba region. Even though there was a major shift in the 1800s when Lagos became a major slave port, British anti-slavery and the capture of Lagos once again redirected traders back to Porto Novo. Because the success of Lagos depended on unhindered inflow of interior trade, Glover decided to end Porto Novo’s competition. The opportunity came in 1863 following the report of a debt dispute between an Awori man, Musah of Ado (near Ota) and Kinikini of Porto Novo over incomplete payments for goods sold in 1859. By 1863 however, this private and localized dispute had led to seizures, and a near state of war between Awori and Porto Novo. Located on the trade routes to the interior and Porto Novo, the Lagos British regime supported the Awori. In 1859, Musah sold four slaves to Kinikini who paid for three, promising to pay for the fourth slave, a woman bought for 90 heads of cowries (about £8 10s) at a later date. After many failed attempts to secure full payments Musah seized one of Kinikini’s slaves. Rather than resolve the dispute, Kinikini hired a member of the Porto Novo royal family to punish Musah. The agent seized two Ado women at the Porto Novo market and vowed not to release them without the payment of ransom fixed at the cost of a female slave ($7-8).\(^5^7\) In other words, contrary to Musah’s view that panyarring would force Kinikini to pay him, or in the worst scenario, make him agree to ‘exchange a slave for another’ Kinikini was not contended with either option. Because the case caused tension, and had involved British ‘subjects’, Glover informed the Colonial Office, in 1865, that the “state of the town and…country of Porto Novo… require [a] more decided interference” on the part of the government.\(^5^8\) In a long dispatch on the case, Glover accused Porto Novo authorities of supporting slavery, robbery, trade disruptions and human sacrifice, all in

\(^{5^4}\) NNAI, CSO 1/8/6A, Glover to Administrator in-chief, Sierra Leone, 11 Feb 1870 and NAUK, CO 147/17, Arthur Kennedy to Granville, 14 March 1870.

\(^{5^5}\) NAUK, CO 147/29, Glover to Kimberley, 27 March 1873.

\(^{5^6}\) J. A. Ottombah Payne, *Table of Principal Events in Yoruba History* (Lagos, 1893), 18.

\(^{5^7}\) NAUK, CO 147/4, Glover to Didelot (Commander of French West Africa Navy), 2 Aug 1863. On slave prices see PP, 1852, vol. lxiv, Capt Adams (on the *Gladiator*) to Cdr. Fanshawe, 21 March 1851 encl. 2 in Arthur Fanshawe to Secretary of the Admiralty, 25 March 1851.

\(^{5^8}\) NAUK, CO 147/9, Glover to Edward Cardwell, 7 Sept 1865.
violating of the anti-slavery treaty of 1852.59 He made specific reference to the captured Ado women, one of whom was dead (perhaps killed) by August 21, 1865 since an August 22 letter mentioned only “the release of the woman reported to be still living”.60 Even when the ‘living’ woman was released on the 24th, Glover thought it appropriate to teach Porto Novo lesson. He went to Porto Novo with a military contingent and Porto Novo chiefs to meet him on board the steamer, ‘Eyo’, later HMS ‘Handy’, with HMS ‘Investigator’ standing guard. Not satisfied with psychological warfare, Glover fined Mepon, Porto Novo king, to the tune of 70 puncheons of oil (about £700). To ensure compliance, and prevent future occurrence, he recommended the deposition of Mepon, the stationing of a military unit and consul, or the annexation of Porto Novo district as possible policy options.61 He preferred the third.

With Porto Novo’s power reduced Britain increased its control over Badagry by establishing, in 1865, a debt court headed by a police magistrate to adjudicate in disputes of not more than £10. Towards the indigenization of the court two local men: chief Mobi and Sule, a trader, were appointed judges in 1870. The appointment led to, as in Lagos, a hybrid court where ‘native laws and customs’ were applied to the degree they conformed with British judicial principles. Transcripts for 1877-87 show that many cases were adjudicated, highlighting local enthusiasm for the court’s activities. Whether the court reduced the incidence of panyarrding is another matter.

Britain’s first major imperial push towards the conquest of eastern Yorubaland came in 1876, when the Ijo of eastern Yorubaland seized three people for debt, prompting Governor Alfred Moloney to implore Chief Manuwa of Itebu to eradicate trade violence in his domain. But the ‘man on the spot’ was more forceful. Commissioner John Smith of Lekki ordered an immediate release of the detainees. Because the seizure took place on ‘Lagos territory’, Smith recommended immediate action against the Ijo “to impress upon the natives that these barbarous attacks upon unoffending people will not be permitted.”62 Even after the captives were released, he insisted Ogunsemoyin, the Mahin king must “give up” for punishment “those who committed the outrage.”63 In 1880 another seizure took place in the region when Takobe of Igbobini captured 13 Lagos traders in lieu of the money owed by ex-king Kosoko of Lagos.64 We know less about the circumstances of the debt other than it was an old dispute for Kosoko had died eight years earlier. It is also known that Kosoko had lived at Epe near Mahin during between 1851 and 1862 during which he was actively traded in slaves, ivory, ammunition, palm oil, cotton and foodstuffs with Europeans, Brazilians as well as Africans. Indeed, the Lagos colonial government recalled Kosoko from exile in 1862, so as to end the rivalry his trade and friendship with French traders posed to Lagos economy.65 Nevertheless, since Kosoko was not alive to defend himself, disputes of this

60 NAUK, CO 147/9, enclosures in Glover to Cardwell: Glover, ‘Proclamations on Porto Novo, 22 Aug 1865; Glover to Senior Naval Officer, 18 Aug 1865; and Senior Naval Officer to Glover, 21 Aug 1865’.
61 NAUK, CO 147/9, Glover to Cardwell, 7 Sept 1865.
62 NNAI, CSO 1/1/6, John Smith in #129, Dumaresq to Lees, 9 Sept 1876.
63 NNAI, CSO 1/1/6, supplement to #129, Dumaresq to Lees, 5 Oct 1876.
64 NAUK, CO 147/40, Ussh er to Hicks-Beach, 21 Feb 1880 and NNAI, CSO 1/1/8, #18, Rowe to Kimberley, 7 Dec 1881 and #7, 13 Jan 1882.
65 See PP, 1863, 38 (117), Freeman to Newcastle, ‘Papers relating to the destruction of Epe’, 26 Feb 1863.
type were prone to factual manipulations and severe implications for group relations. On hearing about the case, Governor Ussher ordered Bona of Igbobini (and Takobe’s overlord) to release the traders and also check the excesses of his subjects “his trade should be blocked.” This approach had a psychology to it. The colonial authorities in Lagos refused to negotiate with those involved in panyarring, denying them official recognition. In Ussher’s words, to deal directly with Takobe “a mutinous and piratical subject…would…give [him] what he most desires—increased importance, and a foothold as a robber-chief along the Lagos–Benin waters.” With no arrangement about payments Takobe refused to release the captives.

Seizures on the eastern lagoon periodically degenerated into ethnic conflicts, with adverse effects on lagoon trade. The Colonial Office, through the Secretary of State, Earl Kimberley feeling slighted that Takobe rebuffed its orders, and Bona too weak to act, instructed Governor Rowe to seize Takobe’s base at Igbobini. With this permission, Rowe captured not only Igbobini but also the nearby town of Aboto and burnt the market at Atijere which had served as the entrepot for the lagoon-inland and Yoruba-Delta trade. The occupation of Aboto was justified because it served the strategic and commercial purposes for which Rowe’s predecessor, William Griffith, had wanted a base on the eastern lagoon. With Aboto, Britain secured a post on the Lagos waterways which enabled it to protect/reserve trade exclusively for British merchants, and ‘federate’ its holdings in the Bights of Benin and Biafra. Over the next decades, anti-panyarring efforts continued and convicts were liable to punishments ranging from forfeiture of money, to imprisonment, flogging and fines of not less than £5 10s. By 1890, with tough punishments and access to the courts, British officers believed seizure had ended.

Credit reforms, especially the parallel yet overlapping jurisdiction of local and British courts compromised the power of local chiefs. Commoners were encouraged by the colonial state to institute legal action against their chiefs with the ultimate objective of not only checking their excesses but also humiliate them. For instance, in a criminal case filed by one Awansu Ako against Famolu, the chief of Iworo, in 1878, the chief was sentenced to a fine of £4 or 15 days’ jail term with hard labor. Awansu had accused the chief of ‘sorcery’: practicing a dangerous charm with the intention of killing him. The significance of this case is that British legal code removed the relative immunity African chiefs enjoyed under the old system. So it was not unexpected that some chiefs ignored the colonial courts. Famolu, for example after paying the fine continued to try cases under local laws. When an Ajindo man was accused of stealing palm kernels at Iworo market, Famolu seized and detained the man’s wife until the goods were returned. On another occasion, he arrested a woman accused of theft and put her in shackles for six days. Even when both women appealed to the British court, and got £10 each as...

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66 NNAI, CSO 1/1/7, #158, Ussher to Kimberley, 25 June 1880.
67 NNAI, CSO 1/1/7, #158, Ussher to Kimberley, 25 June 1880; NNAI, CSO 1/1/8, #119, Charles Phillips and Phillippe Meffre to Griffith, encl. in Griffith to Ussher, 24 Dec 1880; Kimberley to Rowe 7 May 1880 in Rowe to Kimberley, 9 Dec 1881 and NNAI, CSO 1/1/9, #19, Knapp Barrow to Young, 21 Jan 1885.
68 NNAI, CSO 1/1/12, #345, Alfred Moloney to Henry Hollard Bart, 4 October 1887; NNAI, CSO 1/1/14, Gilbert Carter to Ripon, 27 Sept 1894 and NNAI, Ondo Div 8/1, Harowo of Idipe vs. Obe, 2 June 1898 and Lomofe of Ilesha vs. Agbe of Igbobini, 5 June 1898.
69 NNAI, BadaDiv 2/1, vol. 1, Criminal Case Record, 3 Sept 1878.
70 NNAI, BadaDiv 5/3, vol. 2, Gardiner to Acting Colonial Secretary, 6 Oct 1879.
compensation for illegal detention,\(^\text{72}\) this did not deter other chiefs from implementing local laws. They were determined to stop the new court from superseding their own. In late 1879, the chief of Koga-Zebbe near Badagry imprisoned one Pegutan, having found him guilty of theft. Pegutan escaped from prison and fled to Lagos and sought governor’s protection. The governor ruled the trial unauthorized and conviction illegal. Angry that convict escaped from jail, the chief seized Pegutan's people and properties and detained them pending his repatriation. Tension arose between Lagos administration and Koga chiefs over this case and the detainees were released only after an armed force was sent to intimidate Koga residents.\(^\text{73}\)

Despite its handicap, the British court, was, by the 1870s, an important avenue to settle trade disputes, and for commoners to redress chiefly oppression. For instance, the man whose house was vandalized in 1898 by Remo agents instituted an action at the Lagos Supreme Court seeking damages from the authorities. The case involved the Akarigbo (king) in huge expense and trouble. Contrary to the tradition that Yoruba kings must not travel beyond their domain, the Akarigbo was basically dragged to Lagos several times to testify in court. On each occasion, he gave his testimony standing in the dock, next to the complainant, with whom he had to argue over a range of facts. In May of the same year, another Ijebu chief was accused of expelling a man from the town after which his house was destroyed and properties seized. His crime was that his daughter had refused to marry the chief. Like the Akarigbo, the Lagos court imposed a heavy fine on the chief in addition to allowing the exile to return and adequately compensated for his losses.\(^\text{74}\) These and other punishments undermined the aura of the royal institution.

**Human Pawning and Its Critics: When Children Work for their Parents**

Contemporaneously, other events contributed to the collapse of panyarring. In 1886, a treaty to end the century-long Yoruba war was signed, ringing relative peace to the region. Thereafter, refugees and ex-slaves returned to their old homes or sought new opportunities in trade and agriculture. On one hand, new population drifts, as in earlier days increased trade default as debtors rather than pay ran away. Similarly, it dawned on creditors that confinement or threat of it was insufficient to enforce payment. Indeed they had become illegal. These necessitated new adjustments such as attaching tougher conditions to credit transactions including exorbitant interest on loans, property transfer, and outside Lagos, human (especially child) pawning.

The operations of human pawning and its final extinction in the 1940s have received considerable attention.\(^\text{75}\) Although the cessation of pawnship represented a major shift in credit transaction, to the degree that existing literature is focused on the post-1900 period, this paper suggests that the end of human pawning was more tortuous and longer than it has been recognized. Pawnship reform had pre-colonial antecedents and that is the subject of this section. Local elites and some writers distinguish between pawns and slaves but the differences existed largely in the realm of theory. Slaveholders had the largest number of pawns and slaves and pawns worked in similar tasks. Long

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\(^{72}\) NNAL, BadaDiv 5/3, vol. 2, Governor to Assistant Colonial Secretary, 20 Oct 1879

\(^{73}\) NNAL, BadaDiv 5/3, vol. 2, Tickel to Assistant Colonial Secretary, 1 Dec 1879 and 1 and 14 Jan 1880.


\(^{75}\) Oroge, “Iwofa,” Byfield, “Pawns and politics,” and Falola, “Pawnship in colonial Southwestern Nigeria’.
serving pawns could be sold into slavery, or slaves pawned for debts.76 The slave, not pawn, was a property, yet the labor of the pawn ‘belonged’ to the ‘olowo’ (creditor, owner). Most pawns worked and lived close to their families, allowing them to call on familial help when in trouble, but not a few pawns lived far from their families. A pawn is closer to a slave the farther and longer he lived away from his relatives. The overlap of both institutions created a paradox. Supporters of pawnship described it as ‘benign,’ ‘familial’ and ‘natural’ but opponents categorized it as slavery.77

One of the strongest attacks on pawnship came from the Church Missionary Society, which also confronted slavery. In March 1880, CMS priests met in Lagos to ratify the Society’s policy on slavery, and decide if Christianity and pawnning were compatible. After tough exchanges, the meeting generally agreed that slavery was bad and should be abolished, and rules were set to enable Christians assist slaves regain their freedom. No such consensus existed on pawnship.78 Oroge’s analysis of the CMS records is significant, but his findings on pawnship require modification. For instance, he thinks, based on the instruction of the CMS headquarters in 1879 “all…in the pay of the CMS, except William Allen of Ibadan, had liberated their…pawns by…January 1880.”79 This is a misreading of source materials. As of March 1880, none of the 24 pawns, mostly children, declared by the Clergy in 1879 had been freed, just as the conference revealed some pastors only made partial declarations.

At the conference pawnship advocates disputed if ‘peonage’ in Europe, which the CMS headquarter knew so well, was the same as ‘iwofa’. To them, the iwofa was the equivalent of a pupil or ‘domestic’ in English boarding schools and houses, with their rights and privileges. Charles Phillips, Daniel Olubi and William Allen speaking for agents from the hinterland believed pawns were needed for evangelical works. They differentiated between house labor (where pawns worked privately for priests) and missionary labor (use of pawns to further evangelism). The scarcity of wage labor, Phillips told the meeting, sometimes forced him “to…carry his wife’s hammock” during missionary travels. Because most workers were slaves, he had to hire slaves from their owners to carry out church duties. This was an expensive deal because the hirer must pay the owner and the slave else the task would be poorly done.80 In 1858, slave canoe operators charged 20 cowries extra on every passenger ferried across the River Niger.81 In the 1870s, non-Saro and Saro Egba slavers charged their slaves 10 and 15 strings of cowries (2-3½d) daily for permission to work independently.82 This meant slaves charged high wages and worked hard to pay their owners and for their own subsistence. Not a few agents agreed that pawnship should continue. In fact, because it was cheaper to engage unfree labor, several priests implored the conference allow the manumission of slaves for the purpose of engaging as laborers. Such slaves would occupy the status of ‘pawns’ working off their debts.

Persuaded by the problems faced by its agents, and the belief that slaves and pawns were prime converts, the CMS formulated a policy whereby the labor of a pawn was

77 CMS, CA2/056, James Johnson to H., Wright, Annual Report for 1879, January 1880.
78 NNAl, CMS (Y) 2/2/3, Minutes of the CMS Conference on Domestic Slavery, 16-23 March 1880.
80 NNAl, CMS (Y) 2/2/3, Phillips, ‘Report from Ondo, 5 September 1879’ and testimony at the conference.
82 CMS, CA2/056, James Johnson to H. Wright, 8 Feb 1879.
monetized and calculated towards paying off the original loan and interest. This departed from the old practice where the pawn only paid the interest. On a £5 loan, the daily labor of an adult pawn was fixed at a shilling or £15 a year. To recuperate the principal and interest the creditor was allowed to charge half of the pawn's wage. This departed from the old practice where the pawn only paid the interest. On a £5 loan, the daily labor of an adult pawn was fixed at a shilling or £15 a year. To recuperate the principal and interest the creditor was allowed to charge half of the pawn's wage, described, by the conference, as “an adequate profit for the lender, and any Christian who thought otherwise is unworthy both of the office or the name.” In a year, the pawn would have paid off his debt and yield an interest of £2 10s to the lender while the remaining £7 10s was to be paid to the pawn. So if an adult male or female and a child worked at the rate of 1s, 9d and 6d daily respectively, their debts would have been fully paid in 12, 18 and 24 months respectively.

This agreement, introduced by the Conference chair, Bishop Crowther, built upon entrenched local culture of allowing entrepreneurs to trade and profit from their investments without questioning their faith. At the same time, it helped pawns to work, save money and pay debts. This is evident in the story of Henry George, an ex-Yoruba trader who suffered losses and huge debts to pay. As a result he joined the Nupe army with the hope of profiting from warlordism, and there he was when Crowther met him in 1857. Crowther convinced him to leave the army and worked under him for wages.

In the 1890s, British officers joined the pawnship debate. Afraid of dislocating the socio-economic system, the officers decided not to put a sudden end to forced labor. Nevertheless, they frequently applied similar legislations to both institutions. In 1899, for example, Francis Fuller, the British Officer for the Yoruba interior described slave dealing as “all complaints in any way connected with the question such as redemption cases, seizures or rumoured seizures of people, the pawnning...for debts and in fact all charges of interfering with the liberty of the individuals.” In mid-1898, Fuller’s predecessor, Albert Erhardt had ordered Ibadan chiefs to “abolish pawning in their quarters” else he would “release anyone in pawnship.” Puzzled by the ineffectiveness of official anti-pawnship laws, Erhardt restated the ban in October 1898 with a vow to subject offenders to fines and/or jail terms. Some months later, Fuller recommended stiffer penalties such as the forfeiture of a creditor’s money and double the amount as fines on the contracting parties to end pawnning. Thus 1898, not 1899 as Oroge suggests, marked the promulgation of the first colonial ban on iwofa in the Yoruba hinterland. During the year, Officer Alfred Scott in Ekiti freed a woman, Aleke, who had been pawned for her deceased husband’s debt of 32 bags of cowries, and advised the creditor to recover his money by other means.

Due to official condemnation, pawnbrokers devised ways which enabled them to draw in people who would attract no publicity, and easy to assimilate—women and children. Pawnship was disguised as a marriage, welfare and training facility to the degree that Fuller showed some frustrations in June 1898: “...discussed with Ibadan council...the working off of pawns—a very delicate subject.” We have data on the age

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83 NNAI, CMS (Y) 2/2/3, Rev. Faulkner’s memo to CMS Finance Committee, 22 July 1879.
85 Crowther and Taylor, Gospel on...the Niger, 126-27 and Stone, Afric’s Forest, 215.
86 NNAI, Iba Prof 3/6, Fuller, journal, June 1899 and Lagos Annual Report, 1899, Appendix F, 83.
87 NNAI, Iba Prof 3/6, Erhardt, journal, 6 June 1898.
88 NNAI, Iba Prof 3/6, Erhardt, journal, 27 Oct 1898.
89 NNAI, Iba Prof 3/6, Fuller, journal, 2 Feb 1899.
90 Oroge, “Iwofa”, 347.
92 NNAI, Iba Prof 3/6, Fuller, journal, 5 June 1899.
and gender of slaves/pawns liberated in Ondo between 1876 and 1918. From 1876-1899, 29 records of seven male and eight female adults, four boys, and ten girls were found. The distribution shifted radically after 1900 towards more children with the population of boys and girls rising to 13 and 11 respectively as against three men and a woman between 1904 and 1918. The trend persisted over the next two decades. We do have information on the demography of slaves (i.e. pawns) in Ondo, Oyo and Abeokuta provinces freed between 1921 and 1931 and their modes of redemption. Out of 329 cases identified, 153 slaves were freed by the courts, 41 by intending husbands, 87 by relatives, and 48 self-manumitted. Of the 182 identifiable by age and sex there were 47 adult males, 93 adult female, 17 boys and 25 girls. 93 That the courts—a popular outlet for women after 1890—freed many pawns showed the reluctance to end coerced labor. Thus, female pawning constituted a major means of debt settlements and marriage. One effect of credit reform, therefore was that it substituted the child pawning, especially girls for the seizure of adult males. This strategy lasted until the 1940s.

Like slavery, the ‘state’ manipulated the economy to justify unfree labor. Land and housing were denied to many tenants unless they agreed to ‘dependent’ obligations. Those who refused must make expensive payments (taxes, tributes, high bride wealth, and tolls) such as to make ‘unfree’ labor attractive. Loan brokers refused to give credit unless under pawnship contracts or excessive interest rates. The colonial state adopted similar methods. 94 After 1890, colonial officers spoke mostly about the ‘contractual’ and ‘voluntary’ nature of pawnship, which they desired not to disrupt. Afterwards, official emphasis shifted, quite reluctantly, towards releasing only pawns that were maltreated. Otherwise colonial officers largely looked away unless it was too embarrassing to do so. Not until the 1920s when international pressures for abolition began to mount did the government take another look at forced labor.

Conclusion

Credit relations have historically underpinned Yoruba trade. Trade goods and money moved in different directions linking the Atlantic coast with its hinterland and Africa with Europe and America trade in a complex web of creditors and debtors. While credit was good for commerce, unregulated credit transactions created tensions between debtors and creditors, leading to harassments and debt bondage. When not quickly settled debt disputes had the capacity to result in seizures, counter-seizures and trade blockades. These in turn had negative effect on trade and intergroup relations. Thus the abolition of panyarring marked the end of a long era of political and socio-economic adjustments in Yorubaland. Rather than witness the return of peace and a discontinuation of militarism, legitimate trade merely facilitated socio-economic changes that enabled powerful individuals to adapt the mechanisms of the slave trade era for their new operations. Debtors and/or their relations and kinsmen and kinswomen were seized in an economy that witnessed rising commercial disputes. These seizures were not targeted at driving away trade rivals but to ensure debt payments. Victims of panyarring fought against their status by responding to local initiatives and incentives from traders and the

93 Cf. Annual Reports, 1899-1931. Many cases were resolved beyond official purview.
Lagos government. The Lagos authorities regarded panyarring as detrimental to free trade. Panyarring restricted the freedom of traders to travel unmolested as well as the capacity to ruin generous credit givers. It also generated group tensions such that panyarring became another form of inter-state conflicts.

The seemingly persistence of commercial instability encouraged Britain to change its policy from appeasement to confrontation. Apart from trade crises, the shift in policy was closely connected with changing imperial policies in West Africa. Therefore, British officials, relying on reports of trade blockades, high tariffs, and panyarring took the opportunity to effect colonial conquest. Since debts could no longer be collected without recourse to the courts, creditors resorted once again to pawnship—in children, which provided both interests on loans (free labor) and assurance that debts would be paid, but also the quietness which protected pawn brokers from prosecution. Largely credit reform was undertaken to end violent means of debt collection and modify less-violent options. The main goal of reform was to protect colonial ‘citizens’ and safeguard investments.