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**Abolition of Trial by Ordeal at Eni-Lake, Uzere, Delta State
of Nigeria, 1903: A Reconsideration**

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Abstract

The imposition of British Colonial rule in Isokoland affected the political and social values of the people. One of such area drastically affected was Uzere where trials at Eni-Lake had become popular even before the coming of the British. The British misunderstanding or lack of knowledge of the workings and psychological impact of traditional beliefs seemed to have influenced colonial attitude to the people's cultural practices. Available colonial documents were analyzed relating to the discussion on the trials at the Eni-Lake, Uzerre brought to the area. However, the position of this study is that from the findings got from oral, written and archival sources, it could be suggested that the abolition of the Eni-Lake trials in 1903 was hastingly done. The fear of witchcraft and its related evils is still extant. Its abolition therefore, could be argued to have benefited British economic interest than any other reason(s).

Key words: Abolition, Trial by ordeal, Uzere, and Re-consideration.

Introduction

A lot have been written on how several institutions in pre-colonial Nigeria conferred hegemony on rulers (Osadolor 2001). The Eni-Lake at Uzere, in Isoko South Local Government Area of present day Delta State of Nigeria was one of such institutions. From very early times, one of man's greatest concerns has been security. In realization of such security, institutions were put in place to guarantee or assuage this fear. However, in pre-colonial Nigeria, such security concern did not only emanate from physical crimes such as theft, adultery and murder, it also concerned supernatural and "abstract" crimes that could not be easily identified by human knowledge. Among this class of crime was witchcraft and wizardry. These category of crime were considered difficult to be easily determined by human adjudicators. Unraveling these category of crime, to most Nigerian people, could only be done by the gods. The gods were seen to be infallible and consequently adjudicated matters of these sort. This perhaps, explains why trial by ordeal was rampant in pre-colonial Africa.

Isokoland, like the Urhobo people of the Niger Delta region of Southern Nigeria had divinities that not only functioned as guardians to the people, but also promoted prosperity and fertility, in conjunction with the ancestors, assisted in the preservation of social morality and ensured harmonious living among the people. Where the peace and harmonious living of the people appeared threatened, the praxis of tradition revealed the underlying cause(s). Institutions thus existed that functioned as intermediaries between the gods and the people. In Uzere, detecting witchcraft and wizardry involved a process of trial by ordeal. The commonest method was the drinking of highly poisonous substance, especially concoctions made from sasswood. Other methods of detecting witches and those accused of wizardry included: swimming across a "dangerous" river and dipping one's hand in a boiling cauldron, especially palm oil. It was a kind of "one stop judgment" that did not allow appeal because it was believed that the infallible gods had adjudicated and nothing more could be done to alter it. However, by 1903, this process of trial by ordeal was abolished by British officials.

The question however is: how far has the abolition of the trial by ordeal at the Eni-Lake since 1903 restored normalcy to the community? Has its abolition eliminated the existence of witchcraft and wizardry? Is it not arguable that the abolition of this trial by ordeal no matter its attendant shortcomings, was done in haste to avoid opposition to colonial authorities and thus facilitate

British economic interest? The fact that the fear of witchcraft and its associated acts still persists in most post-colonial Nigerian communities could be argued that the hasty nature of its abolition without corresponding alternative measure, was not to the interest of Nigerians and indeed, a degradation of Nigeria peoples' cultural practice (*Saturday Vanguard*, 2012:53). In modern day Nigeria where adherents of churches, especially Pentecostal churches where people still confess to being witches before pastors, appears to be the same tradition as it was in the pre-colonial times. This paper therefore contends that the abolition of the trial by ordeal at the Eni-Lake, Uzere by the Ordeal, Witchcraft Ordinance of 1903 was an exercise that was done in haste to protect British interest and not sincerely for the indigenes of the area. Change, though is the only thing constant, comes gradually. The Eni-Lake trial remains a vital aspect of the people's culture. This culture, like other cultures of pre-literate societies in Nigeria need to be preserved. This is essential because as Arifalo put it:

Many preliterate Nigerian societies, importance is attached to their history... and still see history as a guide for the present and the future,... and continueto consult history with great regularity for political, social, cultural and economic guidance.(Arifalo, 2002:32)

Methodology

This study is based on information derived from oral interviews with personalities from Uzere town, and archival sources. Where these sources did not provide information needed, I resorted to secondary sources such as books. From these sources, it was discovered that it was most likely that the hasty abolition of the trial at Eni-Lake, Uzere was to pave way for speedy control of that part of Nigeria by British officials. The result is that the abolition of trials at Eni-Lake, Uzere appears not to have eclipsed the fears of the people about witchcraft and its associated evils. In the conclusion, attention is drawn to the fact that Eni-Lake and the Arochukwu's long juju in Eastern Nigeria were victims of British attempt to politically dominate the people as their abolition did not douse the fears of the people even in modern time.

Historical Background of Eni-Lake, Uzere

Eni-Lake is located at Uzere, in present day Isoko South Local Government Area of Delta State. Uzere is within the flood plains of the low land area of

the Niger (Anene, 1966:4). The area is located near Ase creek, the Forcados River, Erowa creek and is surrounded by swamps (Peek, 1966:2). The area experiences annual floods from June till December which affects about seventy percent of the land, leaving just about thirty percent for residential purposes and farming. The geographical nature of the area raises the questions as to why people chose to remain there. Worried about this fact, P.M. Peek, about six decades pondered about it and came to the conclusion that the concept of an “area of refuge” perhaps, was the most plausible explanation.

P.M. Peek’s assertion appears to have been endorsed by some of the traditions of the people. One version of the traditions posits that one Uzee, fled from Benin to found Uzere (Ogueri, Ofeh, 1998). He (Uzee) was said to have flirted with one of the wives of his father, the Oba of Benin. Another version says that Uzee fled Benin in search of a more congenial settlement due to social unrest caused by the destructive activities of a powerful warrior, Oguara (Odede, Ekoko, 1998). Whether these traditions are to be accepted “hook, line and sinker” or not, it is not debatable that there were no migrations from Benin before the fifteenth century. Certainly, there were migrations but the reasons for such migrations appeared to have been exaggerated in most cases. The problem is even made worse by the paucity of written works to authenticate such claims (Odede, Ekoko, 1998). As argued by Ikime, such migrations”... are stereotypical and need not represent the real reason for initial migrations (Ikime, 1977, p.8).

The salient point or question which is part of the concern of this paper is: who was Eni? Why was a lake named or came to be known by that name? The existing traditions have not proffered answers to these questions. Professor A.E. Ekoko, just like other indigenes of the area contends that “Eni” had always lived in the Eni Lake within Uzere town, even long before Uzee’s arrival (Odede, 1998). Yet, the point has also been made that Benin was the original home of “Eni”. This view maintains that Uzee left Benin with Eni and that it used to live in Lake Eni at Benin. But according to G. Odede and R. Ofeh, Eni was a chanced discovery, a relative of Uzee who left Benin with him. He was said to be a professional diviner (*Obueva*) who had magical powers. He was also said to have guided Uzee’s flight from Benin in the course of which they came across several rivers. This version says that when they got to what was then known as “Lake Erede”, the waters refused to part even after several attempts.

The diviner according to this latter version, whose name this account has not mentioned, knew that a more powerful god dwelt in the said lake and then advised Uzee to vacate the place in order to know the god better (Odede, 1998). After a prolonged and well intentioned act of propitiation, the said diviner won Eni's favour and thereafter, Eni revealed his powers to him, which was the power to confirm who was a witch. To prove this, Eni told the man to perform a simple experiment, which was to rub a white (native) chalk on a stone and repeat same on a Calabash with charcoal and drop these items in the middle of the lake. As it turned out, the calabash sank while the stone floated ashore. The tradition adds that the surprisingly "Eni" appeared physically in human form to Uzee without being seen by the diviner. "Eni" then requested Uzee to be his priest (Odede, 1998).

However, for reasons not stated by this tradition, Eni moved from Lake Erede to a new lake that came to be known as "Eni-Lake". This event ordinarily raises doubt, but Hubbard affirms that this movement took place in the mid eighteenth century (Hubbard, 1948). What then could have encouraged such movement? Was it due to climatic change that could have dried up the lake or other factors? It is claimed that as a god of purity and tranquility the increasing population of persons around the lake has been suggested. This point and the attendant noise made the area not conducive for Eni's habitation. It was so much the case that the path Eni took during the said relocation to his new abode is still revered till date.

If the aforesaid tradition is to be believed, does it not sound reasonable to ask: Were there no inhibitions? G. Odede, affirmed this (Odede, 1998). According to him, "Eni" sought the help of other gods, among which was "Aya" and "Ogboru". "Aya" was said to be instrumental to the construction of a new abode for "Eni" and was to be paid through "Ogboru" which never took place. Infuriated by this breach of agreement, according to this informant, a serious fight ensued between "Eni" and "Aya" to the extent that Eni's chief priest was never to step his feet on "Aya's" territory. Even the sacrificial bull meant for Eni, by tradition till date does not stray to Araya (The area named after "Aya") till date and where this was violated death was the penalty (Odede, 1998).

To avoid future desecration of Eni's new abode, new instructions on the use of the lake were made. First, no one was to fish in the lake. Washing of clothes was also prohibited. Third, cutting any wood in and around the lake was outlawed. The water of the lake was not to be taken home and blood was

not to be spilled at the lake. How valid are these accounts? Are there evidences to authenticate these claims? That such a practice as narrated by these traditions existed appear not to be in doubt. In 1746, for instance, a Briton, T. Astley, wrote that water trial existed in Benin and that such trial was done with the permission of the Oba for very grave crimes. He stated that:

... the accused is brought to a certain river, to which is ascribed the strange quality of gentle wafting over every innocent person plunged there in safe to land, though ever so unskilled swimming; and on the other side to, sink the guilty to the bottom, though even such good swimmers; for, on throwing in the guilty person, the water grows turbulent like a whirl pool and never rest till he is at the bottom, when the water return to its former tranquility. (Peek, 1966, p.12)

A critical analysis of the above statement would show that even though reference was to Benin, in practice the trial fits Uzere. Agreed that during the precolonial period in Nigeria trial by Ordeal existed in Benin, no mention was made of any that required a suspect to swim across a river (Igbafe, 1998). It is most probable that poor geographical knowledge could have made what ought to be a clear reference to Uzere to be credited to Benin. Granville and Roth, has also maintained that there was a trial near Warri in which the suspects were made to swim across... a big round hole full with crocodiles and snakes” (Peek, 1966:11-12) A. Omoniyi, three decades ago, has also stated that “In Urhoboland, during the precolonial era, a person accused of witchcraft was made to swim across a lake full of crocodiles” (Omoniyi, 1977:7-8). Perhaps if these writers had visited the site of the trial, the issue of the location of such trial could have been resolved. Thus, in the absence of any concrete evidence to the contrary, it is suggested that the description of Omoruyi, Granville and Roth, most probably referred to Eni-Lake trials.

Judicial Trial at Eni-Lake, Uzere: A Reconsideration

It is instructive to point out that during the precolonial period trial by ordeal was not only done at Eni-Lake, Uzere. In areas of Ukuani, similar thing was practised. For Eni-Lake, Uzere, the origin dates back to the sixteenth century. Whereas P.M. Peek contends that Uzee left Benin around 1500 (Peek, 1966:5). Oral informants are not certain of the period. The differences in the

arrival period of Uzee to Uzere notwithstanding, it does appear that by the Seventeenth century this practice was already rampant in that region of what came to be later known as Nigeria. As narrated by O.L. Opi and B. Onokwapor (Opi and Onokwapor, 1998) liquid extracted from sasswood and piercing of needle (*Oyi eguede*) were common in Urhobo and Itsekiri land.

What however, appears not easily explained was the efficacy of the entire process. It has been suggested that the differences in the immune system of the human body could have aided or worsened the efficacy of sasswood extracted liquid. It was suggested too, that the mystery of the efficacy of the process could not be explained by human knowledge because it could not be subjected to scientific proof (Onunu, 1998). What then encouraged this practice? Was it peculiar to African alone? Certainly not. It was a global phenomenon that varied in states. In central Europe for instance, such practice existed except that it was conducted mainly with torture which was in the form of mob torture. The difference however, was that confession obtained under such torture could be denied because they were made to escape unbearable pains (Palmer and Colton, 1992:288, 303).

The fear associated with the activities of witchcraft was quite understandable in African societies. Apart from the belief that they were thought to feed on human flesh, people's inability to get married, accidents, sterility, barrenness, impotency, and sudden deaths were blamed on witches (Omoyajowo, 1983: 319-320). However, women seemed to have formed a greater proportion of suspects, with a majority being old woman. The emphasis on women appeared biased, but as J. W. Hubbard put it:

People usually accused of witchcraft were old women-ugly, barren and poor people. This was because Nigerians, like other Africans, believed in the supremacy of men over women. Women were seen to be weak prone to lying, have weak memories and gullible and this make them look suspicious (Hubbard, 1948:224).

In Isokoland and Urhoboland of the Niger-Delta part of Nigeria, to be accused of witchcraft was an offence that people dreaded. To be indifferent to such accusation meant the person had accepted guilt, but where the accused was innocent, trials had to be done. The trial that was held at the Eni-Lake, Uzere became famous in Isokoland. An accused person who claimed to be innocent of the charge was expected to pay four shillings as cost of

undergoing the trial (Otobo, 1998). Failure to pay such amount implied that relatives that accompanied the suspect would either be seized after the trials until payment made even where the suspect died in the process, their corpse was not released to their relatives. This development, according to A.E. Ekoko, led to increase in Uzere's population because several families could not pay, and such persons forcefully became citizens of Uzere (Ekoko, 1998). The trials conducted at Eni-Lake Uzere had consequences on the economy of the area. Apart from the fame it brought to the community, it was also an opportunity for landlords to make brisk business by renting their apartments to strangers and also made profit from sale of food to strangers. Sometimes, strangers stayed longer than they had envisaged. The latter used such period to learn the Uzere dialect of the Isoko people and not long, the dialect became the standard and accepted Isoko dialect (Mafeni, 1977: 130-131).

However, by 1903 trials at the Eni-Lake, Uzere was abolished by British officials. Why was this done? Was the abolition informed by sincere desire to obliterate what the British officials regarded as "barbaric" practices by Africans? Or was it an orchestrated device to hasten peaceful annexation of the area in order to achieve their economic goals? An examination of the events that led to the abolition of the trial at Eni-Lake, Uzere would perhaps, help to throw light on this issue.

The Abolition of the Trials at Eni-Lake, Uzere

By the end of the last decade of the nineteenth century, the Royal Niger Company (RNC) had established its presence in the Niger Delta area of modern Nigeria by virtue of the charter granted to it earlier, but lost the charter in 1899 when it was revoked. The administrative re-organization that followed the revocation of the charter of the Royal Niger Company placed Uzere and other parts of Isoko clan under a central Division with headquarters at Warri (Ikime, 1977: 133-137). In January of 1891 Consul Macdonald visited Warri base on the Warri River and observed that trade there promised to be most flourishing in the Protectorate. Consequently, he thought it wise to set up a vice-consulate there and proceeded to sign separate treaties of protection with the chiefs of the Warri area (Ikime, 1968: 69). The Warri area (from which Uzere was administered) became so important to British traders that they worked hard to develop trade there. The consular authorities also saw it as important foothold for furthering the imperialist interests of Great Britain in the Niger Delta hinterland (Ifediora, 2012:190).

The plan to abolish Eni commenced with a detailed arrangement to tour the Isoko area in 1902. This plan was contained in a letter written by Ralph Moor, High Commissioner of the Protectorate of Southern Nigeria, to the colonial office in London. In the letter he had alleged that the area around Ase creek was problematic. He added that even though trial by ordeal had been abolished, it was still practised in the Isoko country. Consequently, he reasoned that “It was time to smash the Eni juju used for the trial of suspected witches” and mooted that “during the dry season he intended to send a military patrol to the area (National Archives, Ibadan). How sincere was Moor in this allegation? It was obvious that trial by ordeal in the area had not been abolished. The enactment only came a year after Eni had been abolished. This was the Ordeal, witchcraft and Juju Ordinance of 1903(Omoniyi, 1977: 207). Besides, it was not documented in any record that the British had attempted to establish formal rule over Isoko land and the people resisted. The paramount ruler, Ovie had not been approached either. The letter written by Moor to the colonial office, thus seemed an attempt to give a “dog” a bad name to justify its being killed.

As could be seen, the real intention of the letter written by Moor was to get approval for a punitive action against Uzere should the Ovie refuse abolition of the Eni trials which had gained popularity in the Niger Delta part of Nigeria (Anene, 1966: 151-161, 188-202, 222-233). Major Copland Crawford, a vice-consul in Warri Division did not agree with Moor’s policy and therefore visited Uzere in 1902. During this visit, Crawford told the Ovie that Eni was a huge fraud and that those who died in the lake were actually killed by the crocodiles in the lake (National Archives, Ibadan). Reacting to this observation, the then Ovie, Eyeyere, insisted that those who died had no injury and that given the enormity of fame which it had brought to his land, in addition to income they derived from it, he could not allow its abolition (National Archives, Ibadan). Unsatisfied, Crawford made a second visit in which he offered the Ovie the vice-presidency of the Native Court to be established in the area and that he would be on an annual salary of fifty pounds. These visits was symbolized with an offer of either carrot or stick. While the carrot was symptomatic of what the Ovie stood to loose if Eni was abolished, the “Stick” implied a punitive expedition should the Ovie refuse the abolition (Ikime, 1977: 48).

As it turned out to be, the Ovie sensed a great danger should he turn down the request. On December 9, 1903 Eni was pronounced abolished. After the abolition, contends Ikime, the British “made the occasion of the formal

‘abolition’ of Eni, a grand affair in which people from other Isoko towns as well as Urhobo, Ukwuani and Ijo ‘chiefs’ were invited to Uzere and made to put their “marks” on an agreement formally abolishing Eni (Ikime, 1977: 50). Those who signed or “appended their marks’ to the resolution were “106 elders from Urhobo and Isoko clans, 15 from various Ijo town, 13 from Itsekiri, 11 from Aber and 20 from Ase” (National Archives, Ibadan). Such was the tragedy that befell Uzere at the time.

However, the question that needs to be answered is: Did the abolition of the Eni destroy the belief and existence of witches/witchcraft? Certainly not. If the abolition was not designed to further the actualization of British economic interests, which was to create a congenial atmosphere for trade, alternative modernized means of transforming the so called “barbaric” aspects of the trials ought to have been put in place. The fear of witchcraft and its associated evil activities is still real in African societies even after attainment of political independence for over five decades. In modern Nigeria where a good proportion of the population has now embraced Christianity, confessions are still made before pastors, which is synonymous with what was practised in the pre-colonial period. The haste, with which the abolition was done therefore, appears to have been in “the logic of the British imperial thrust” (Ikime, 1977: 168). On the other hand, crocodiles could not have killed people without obvious injuries. Crocodiles usually roll right round about dozen times in succession to detach a piece of meat and most times they do not feed inside the water, they come ashore to eat (Hugh, 1960: 217).

Conclusion

From the analysis this paper has attempted, it could be suggested that the abolition of Eni-Lake trials at Uzere, in 1903 like the long Juju in Arochukwu, were victims of the attempts for total domination by the British who saw them as holding informal control over the areas and needed to be expunged. In fact, the establishment of Native Courts meant no other powerful trial centre could have survived. Those trials by ordeal which were not in conformity with Native Courts were bound to fizzle out. This point was poignantly stated by Omoniyi when he stated:

Although trial by ordeal had its uses in the traditionally judicial system, the colonial administration impressed more by its ruinous effect than its merit invoked the powers of the courts to suppress it (Omoniyi, 1977, p. 207).

It is held in this study that trial by ordeal was and still useful to the Isoko people just as it was in the pre-colonial period. For an act that is not easy to be subjected to scientific proof, its total abrogation without regards to the customs of its adherents appear oppressive. What need to be done is a reformation of the system to meet modern trends. For instance, concoctions that are administered on suspects should be scrutinized to ascertain the contents. Second, seizure of persons or relatives for inability to pay stipulated cost of undergoing trial should be discouraged. Culture, by its nature evolves with people over time and an abrupt termination creates problem of adjustment for its practitioners. Even the Israelites in the Old Testament times had resort to divination. (1 Samuel 28:8-25).

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