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# LAND ABUNDANCE AND ECONOMIC INSTITUTIONS: EGBA LAND AND SLAVERY, 1830-1914

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ABSTRACT. The “land abundance” view of African history uses sparse population to explain economic institutions. I use colonial court records to show that the Egba of Nigeria fit this theory’s predictions. Before 1914, the Egba had poorly defined land rights, relied on dependant and forced labor, and used labor to secure loans. These institutions responded to the changing availability of land, labor and capital. An initial period of land scarcity altered land ownership. A market existed for the most valuable land. Slaves were used by those with better opportunities to acquire them, and credit expanded after the introduction of tree crops.

## 1. INTRODUCTION

According to the “land abundance” view of African history, the continent’s economic institutions before colonial rule were decisively shaped by its sparse population (Austin, 2008, 2009b; Hopkins, 1973; Iliffe, 1995). With land freely available, land markets were undeveloped and rights were rarely permanent or individual. Wage labor was absent, since potential farmers could work on their own accounts. Instead, slaves, wives and dependants were the principal sources of labor. Because land had no value as collateral, credit markets were characterized by high interest rates, and human pawns were used to secure loans. In this paper, I support this view by using it to explain both institutions

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and institutional change among the Egba of southwestern Nigeria over the period from 1830 to 1914.

The mainstream view of Africa in economics departments sees institutions as major causes of Africa's failures as well as its success stories (e.g. Acemoglu et al. (2003)). While many recent studies have focused on the importance of colonial institutions and investments (Bolt and Bezemer, 2009; Huillery, 2009), it is clear that pre-colonial institutions limited the choices available to colonial powers. These institutions have endured and evolved, and continue to affect outcomes in the present (Bezemer et al., 2009; Englebert, 2000; Gennaioli and Rainer, 2007). Explaining these institutions, then, helps explain Africa's present situation.

The "land abundance" view of African history relates the continent's geography to its institutions, and so it is connected to a literature in economics that argues geography plays a major role in shaping institutional outcomes. This literature has pointed to biogeographical factors, settler mortality, and other endowments as important predictors of modern institutions (Acemoglu et al., 2001; Easterly and Levine, 2003; Engerman and Sokoloff, 1997; Olsson and Hibbs, 2005). Austin (2008) supports the land abundance view with certain amendments, arguing that that it is important to highlight and critique it because it has often been presented embedded in other arguments, and because it has been influential in several literatures. Using this framework to interpret both the general features and the dynamics of one society is a test of its explanatory power.

The land abundance view of Africa stands against other explanations of the continent's economic institutions. Austin (2008) notes that its opponents charge that it is 'essentially static,' though he replies that, since Hopkins's (1973) *An economic history of West Africa*, new historical material has become available that allows proponents to study changes in institutions in response to shifts in the ratio of land to labor. This is why Austin (2008) uses the term "factor endowments" view to describe what I call the "land abundance" view; while much of Africa was land abundant, temporary or localized changes in the availability of land and labor led to changes in institutions. These explain, for example, why land markets emerged during the nineteenth century in response to scarcity amidst the Krobo of southern Ghana, pastoralists in Masina, and migrants' cultivation of groundnuts in the Gambia (Austin, 2009b). Similarly, Austin (2009a) argues that the spread of cash crops in West Africa during the early colonial period raised the value of land relative to labor, facilitating the replacement of slavery with consensual markets for seasonal or annual labor. While the land abundance view is charged with being "too aggregative," the theory can be amended to allow more defined rights to exist over uncommonly valuable plots of land, or for slaves to be concentrated in the hands of those with a comparative advantage in coercion (Austin, 2008). Study of a single society makes it possible to examine whether institutional responses to changes in factor endowments predicted by Austin's (2008) amendments to the land abundance view took place in the Egba case.

Objections have also been raised to specific parts of the land abundance view. For example, Thornton (1992) believes that legal claims are more effective than population pressure at creating land rights, while Kopytoff and Miers (1977) argue that slaves' political and social functions better explain their use than their value as laborers. One advantage of a theory such as the land abundance view is that it is general. It seeks to explain a wide variety of institutions in a logically consistent manner, explaining each from the same premises. This is the same approach taken by Binswanger and Rosenzweig (1986) in providing an integrated framework for analyzing production relations in land-scarce agriculture in developing countries, Binswanger and McIntire (1987) for land-abundant tropical agriculture, and Binswanger et al. (1989) for semi-arid Africa. I examine whether it possible to explain Egba institutions in a similar, internally consistent manner.

I validate the land abundance perspective by tracing how availability of uncleared forest shaped economic institutions among the Egba of southwestern Nigeria between 1830 and 1914. The Egba resembled in many ways the standard predictions for a land-abundant society. Land markets were thin and rights over land were often only temporary. Slavery was widespread, and small farmers relied on dependents and cooperative work groups to supply labor. Credit was extended for consumption loans at high interest rates. There are, however, two principal exceptions to this pattern. First, the Egba sold land amongst themselves as early as 1870. Second, land disputes existed. Just as Austin (2008) suggests that the land abundance is not a static picture of African societies, but rather a theory that can predict institutional change, I argue that these deviations can be explained as responses to changes in the availability of land and labor. Initially high population densities created by the settlement of the Egba as refugees at Abeokuta and the features of individual parcels allowed land to have uncommon value at certain times and in specific places. Other forces also shaped factor markets in ways consistent with the land abundance view. Slaves were used where the return was high by those whose cost of keeping slaves was low, while the rising value of tree crops increased the availability of collateral and supply of credit.

Detailed study of a single society makes it possible to form a clear understanding of what institutions such as land rights and slavery entailed in practice, rather than as abstract concepts. The interaction between the markets in credit, labor, and reproduction was complex, and can be best understood considering them together. Since longitudinal data on institutions in pre-colonial Africa do not exist, tracing societies through the archival record is the only means available to study the development of African institutions over a long period.

In Section 2, I provide historical background on the Egba. In Section 3, I outline the sources that I use. In Section 4, I describe property rights in land; these were poorly defined, while markets for land were thin. The exceptions to this pattern – land sales and land disputes – are also discussed in this section. In Section 5, I turn to labor, noting

the absence of a market for free labor, the use of slaves, and the importance of wives and dependents. In Section 6, I look at capital, highlighting the difficulty in borrowing without land as collateral. This was eased after 1890 by the arrival of cocoa and kola. In Section 7, I conclude.

## 2. HISTORICAL BACKGROUND

The Egba are a Yoruba-speaking group, currently located in the central portions of Ogun State. Figure 1 shows the location of the colonial Egba division within the Abeokuta Province of southwestern Nigeria. The Egba settled as refugees at the site of Abeokuta in 1830, signed a treaty of protection with Britain in 1893, and remained formally independent from British rule until 1914. Political power before 1914 lay at the more decentralized level of the township,<sup>1</sup> and was divided among the the *olorogun* (war chiefs), *ogboni* (civil chiefs), *ode* (hunters), and *parakoyi* (trade chiefs).

In the mid-nineteenth century, the Egba cultivated maize, cotton, yams, cassava and beans, supplementing these with other crops.<sup>2</sup> These were intercropped and planted in heaps.<sup>3</sup> Palm products were their principal exports, and the Egba were among the first Yoruba groups to become involved in this trade.<sup>4</sup> Cocoa spread from Lagos after 1890 due to the efforts of merchants and demobilized soldiers seeking new opportunities.<sup>5</sup> Many early planters were Christians, supported by evangelists, Lagos businesses, and Agege planters such as J.K. Coker, who had a 2,000 acre farm and employed more than 200 laborers.<sup>6</sup> Kola trees were also introduced during the later nineteenth century through Lagos by repatriated slaves and Lagos Christians, with British encouragement.<sup>7</sup>

Situated close to Lagos, the Egba were important in the nineteenth century trade and politics of the city, and were an early focus of missionary efforts.<sup>8</sup> The representatives of the Egba United Government (EUG)<sup>9</sup> highlighted the peculiar institutional development of the Egba in their testimony to the West African Lands Committee (WALC) in 1913 by giving answers different from the other Yoruba representatives, in particular claiming that sale of land was a long-standing custom.<sup>10</sup> Mabogunje (1961) attributes

<sup>1</sup>The Egba townships correspond roughly to the villages occupied by the Egba before their removal to Abeokuta. Estimates of the number of these townships vary; Burton (1863, p. 170) gives 150; Ajisafe (1924, p. 18) writes “not less than three hundred”; Johnson (1921, p. 93) states 153; Fadipe (1970, p. 48) gives 145, Stone (1900, p. 38) gives 110, and Ward-Price (1939, p. 87) states 70.

<sup>2</sup>See Barber (1857, p. 100), Burton (1863, p. 62) and Delany (1861, p. 33).

<sup>3</sup>Burton (1863), p. 62.

<sup>4</sup>Lynn (1997), p. 41.

<sup>5</sup>Berry (1975), p. 51.

<sup>6</sup>Agiri (1972), p. 164.

<sup>7</sup>Agiri (1977), p. 7-8.

<sup>8</sup>Tucker (1853)

<sup>9</sup>The central government of the independent Egba from 1893 to 1914; the name “Egba United Government” was not adopted until 1898.

<sup>10</sup>Mabogunje (1961), p. 258.

FIGURE 1. The Egba in Nigeria



Source: Willink minorities commission. Downloaded from [www.waado.org](http://www.waado.org).

this to the unusual settlement pattern of the Egba, who began as a densely populated group of refugees and expanded slowly outwards from Abeokuta over the next seventy years. That Egba institutions changed over the course of the nineteenth century makes it possible to test whether the predictions of the economic theory of land abundance were realized.

### 3. SOURCES

The principal source that I use for this study is a collection of 541 Native Court cases involving farmland that took place between 1902 and 1919. I have placed a fuller description of these records in Appendix A, and transcribed an example in Appendix B.

In addition, I use missionary records, travelers' descriptions, official correspondence and private letters; these are taken from published sources, the Church Missionary Society (CMS) Archive, the Rhodes' House Library (RHL), the National Archives of the UK (NAUK), and the National Archives of Nigeria in Ibadan (NAI) and Abeokuta (NAA). Ten elderly Egba men and women also served as informants.<sup>11</sup> Because the time period of this study predates living memory, these capture oral tradition and normative rules more than historical fact. Finally, I have built on the descriptions given by other scholars. I have relied heavily on Oroge (1971) and Agiri (1981) to provide details of Egba slavery, and Byfield (2002) and McIntosh (2009) to outline women's roles in the Egba economy.

I use these court records in two ways. First, I take the qualitative statements made by participants as information on how institutions worked in Egba society. For example, if a woman's first husband tells the court that her children went to live with her new husband after he refunded the bride-price to her first husband, this is evidence that the new husband believed payment of bride-price created claims over a woman's reproductive capacity in addition to any claims made over her labor. Cases from outside the core sample of 541 farmland disputes (such as suits relating to urban land, manumission certificates or divorce) are cited in the text. This use of court records is similar to other writers in African history (Chanock, 1985; Dickerman, 1984; Dickerman et al., 1990; Mann and Roberts, 1991; Moore, 1986). These sources make it possible to go beyond the idealized descriptions of institutions that are recorded by colonial officials and anthropologists, or by African lawyers and nationalist colonial-era historians that dominate other sources. In their recorded testimonies, Africans tell us directly how their institutions worked in practice.

Second, I use the core sample of 541 farmland cases as a source of quantitative data for regression analysis. For each case, I record several variables, such as the amount of damages claimed, the year in which the case occurred, a dummy for whether any participant mentions that cocoa was planted on the plot, and a dummy whether the dispute had been previously taken to the local chiefs. In Section 4, I test whether the observable characteristics of the plots of land disputed in these cases affected the reported value of the land, whether it had ever been involved in a commercial transaction, or the strategies used by participants to defend their claims. This quantitative use of court records is more similar to the work of Ogilvie (2003) or Roberts (2005).

In Figure 2, I present the distribution of court cases in the core sample over time. Although colonial courts were established as early as 1899, the first surviving court records that I am able to use date to 1902. In addition, while this is a study of economic institutions before the end of Egba independence in 1914, I use several cases from the years 1915 through 1919. This is done so that more information and a greater sample size

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<sup>11</sup>These interviews were conducted, recorded and translated from Yoruba by Joseph Ayodukun using questionnaires I prepared in 2007. Transcripts of these interviews are available upon request.

are available. Since participants generally speak about the history of the land in dispute, many of the events they describe happened before 1914, though it is unavoidable that the picture of land tenure contained in these cases will be biased towards the early twentieth century. This is not a full sample of all court cases relating to land that occurred over the period. The cases were transcribed along with other types of civil disputes in judgment books, usually 600 pages in length, many of which have been lost or destroyed.<sup>12</sup> It difficult to tell from these sources what fraction of all civil disputes related to land, since I am not aware of any index to these cases, though this appears to have been a bit under 30%.<sup>13</sup> I do not have data with which to compare this figure to other parts of the world. Mearns (1999) guesses that “the bulk” of all pending court cases in India, including civil cases and cases of assault or public order, concern land disputes.

In Table 1, I present summary statistics for variables I have collected from the core sample of 541 cases. Only two thirds of the case records are complete. This is because cases are often adjourned so that parties can call further witnesses or so that the land can be “inspected.” Available records are frequently incomplete, since a case may be resumed in another judgment book which no longer survives, or may be continued from a similarly non-extant book.

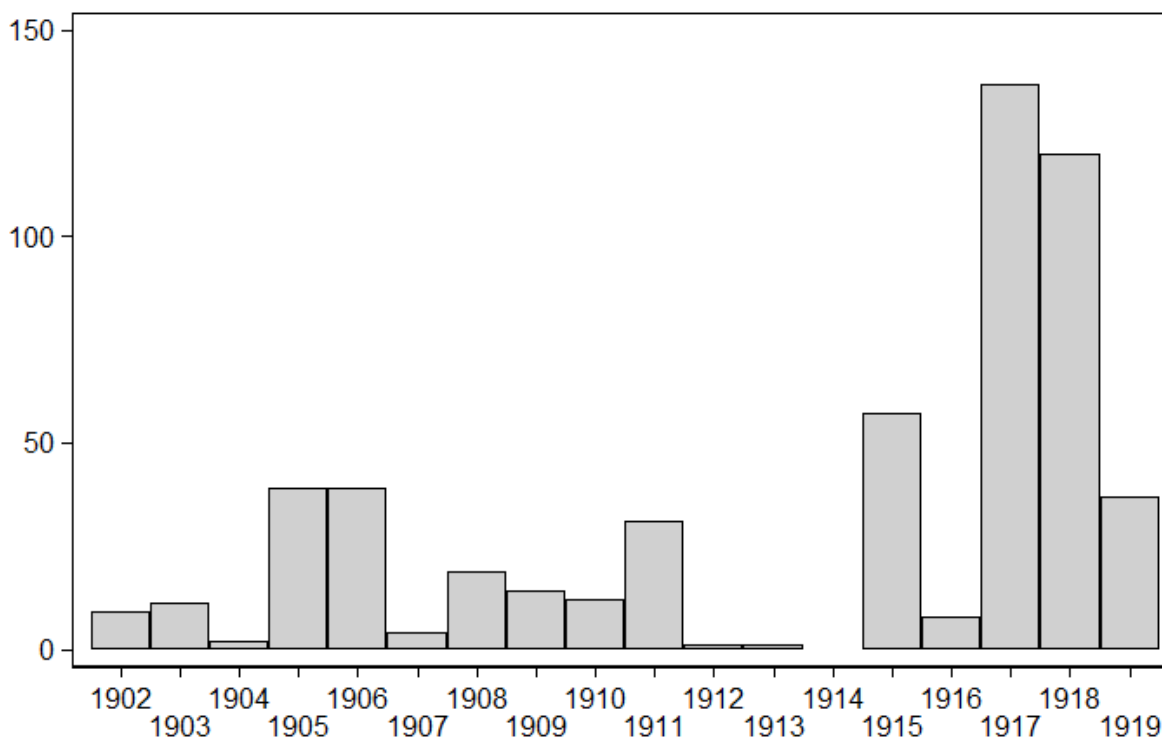
Events in Table 1 will be mis-counted due both to disputants’ selective presentation of facts and to this incompleteness. On average, disputants claimed either the value of land in the other party’s possession (in recovery cases) or the damages done by the other party (in trespass cases) were worth £15. Cocoa had been planted on roughly a

<sup>12</sup>There is no complete inventory of the books that should exist. I used what was stored in the Hezekiah Oluwasanmi Library in chronological order of availability. These were: Ake Central Court 1905, Abeokuta Mixed Court, 1907-09, Abeokuta Civil Vol 4 1908-1909, Abeokuta Mixed Civil 1909-1911, Ake Civil Volume 8 1911, Abeokuta Native Court of Appeal Criminal, 1911-1920, Abeokuta Civil Vol 17 1915, Ake A Civil 1917, Ake A Criminal Volume 16 1916-1918, Ake A Civil Volume 22 1917, Ake A Civil Volume 23 1917, Ake A Civil Volume 25 1918, Ake A Civil Volume 26 1918, Ake A Civil Volume 27 1918-19. While not every judgment book has a volume number, gaps in the volume numbers indicate that several books are not available. In addition, some books had been severely damaged and were missing large sections.

<sup>13</sup>In most cases, I have only made photographic copies of the land cases in each judgment book, so I cannot construct a list of cases for the books in my sample. As a rough estimate, the judgment book for the Ake civil court, volume 8, 1911, is 600 pages long. I made photographic records of 163 pages. This would suggest that land disputes formed 27% percent of all civil cases heard in the period covered by the book, though this will be an overestimate because other cases do not generally begin on new pages. This will be overstated or understated according to whether these cases contain more or less testimony than other types dispute. Similar statistics for the other books are Ake Central Court 1905 (130 photographs that end at page 870), Abeokuta Mixed Court, 1907-09 (7 photographs that end at page 110), Abeokuta Civil Vol 4 1908-1909 (114 of 600), Abeokuta Mixed Civil 1909-1911 (7 photographs that end at page 364), Abeokuta Native Court of Appeal Criminal 1911-1920 (12 photographs that end at page 23), Abeokuta Civil Vol 17 1915 (179 of 600), Ake A Civil 1917 (99 photographs that end at page 212), Ake A Criminal Volume 16 1916-1918 (7 photographs that end at page 83), Ake A Civil Volume 22 1917 (199 of 600), Ake A Civil Volume 23 1917 (221 of 600), Ake A Civil Volume 25 1918 (297 of 600), Ake A Civil Volume 26 1918 (125 of 600), Ake A Civil Volume 27 1918-19 (190 of 600). My impressions was that disputes relating to divorce, repayment of bride price, and debt were the other most prevalent categories of civil disputes.



FIGURE 2. Number of cases by year



*Source:* Egba Council Records (National Archives, Abeokuta) and Hezekiah Oluwasanmi Library at Obafemi Awolowo University, Ile-Ife. The horizontal axis is the year, and the vertical axis is the number of cases in the sample from that year.

quarter of the plots, and kola was planted on little over a tenth. Roughly 7% of the cases concerned land that the disputants claimed abutted a river, marsh or stream. Many plots had been pawned at some point in their history, and more than a tenth had been sold. This last measure is problematic, since “sale” is frequently used in the disputes as an accusation of wrongdoing and as another word for pawning.

Several strategies for defending claims to land are also reported in Table 1. Boundaries were either made by the participants, the township chiefs, or the “villagers.” Many disputes were taken to the chiefs before coming to court. Jujus (objects with supernatural power) such as *aya* or *mariwo* were placed in a farm to prevent other parties from entering; these provided a signal that the land was under dispute, and a fear of supernatural punishment if ignored. An opponent could also be driven from the land.

Are these numbers representative of all Egba farms during the period? Obviously not. This is a selected sample – land had to be the subject of a dispute that came to court for it to appear in this collection. In particular, the parcels of land that are disputed are likely to be those that are most valuable, and the conflicts that actually come to court are likely to be the most difficult fights over the most prized plots. Despite this selection, it is clear that by 1919 the cocoa boom was underway, that pawning of land was common,

TABLE 1. Summary statistics

	Mean	Std. Dev.	Min	Max	N
<i>Case characteristics</i>					
Case is complete	0.66	0.47	0	1	541
Claim is for recovery	0.64	0.48	0	1	541
Claim is for trespassing	0.23	0.42	0	1	541
Year	1914	5.15	1902	1919	541
<i>Land characteristics</i>					
Cocoa	0.27	0.44	0	1	541
Palm trees	0.38	0.48	0	1	541
Water	0.072	0.26	0	1	541
<i>Value and transactions</i>					
Damages claimed or value stated (£)	14.9	29.9	0.50	300	366
Land has ever been pawned	0.25	0.43	0	1	541
Land has ever been sold	0.12	0.33	0	1	541
<i>Strategies</i>					
Boundary ever made	0.15	0.36	0	1	541
Crops or boundaries ever destroyed	0.094	0.29	0	1	541
Dispute previously taken to chiefs	0.26	0.44	0	1	541
Caretaker ever left behind	0.11	0.32	0	1	541
Juju ever placed	0.059	0.24	0	1	541
User ever driven out	0.089	0.28	0	1	541

*Notes:* “Water” indicates a stream, river, marsh or swamp. “Damages claimed or value stated” is a continuous variable; for trespass cases it is the value of the damages claimed, while for recovery cases the plaintiff claims a value for the land under dispute. All variables excepting “Year” and “Damages” are binary. “Cocoa,” “Kola” and “Palm Trees” indicate that these are stated to exist on the land in dispute.

and sale of farm land existed in Egba territory. Further, when these interests were worth defending, Egba farmers used a variety of strategies to pursue their claims.

#### 4. LAND

In 1911, Lugard estimated that the whole of the Egba Division had an area of 1869 square miles (slightly smaller than Delaware) and a population of 265,000 - a density of 142 per square mile.<sup>14</sup> This is less dense than present-day Côte d’Ivoire or Kenya. Though this is not as sparse as, say, the Benin region of colonial Nigeria, what was critical in understanding Egba institutions is that free land was accessible to independent farmers, who cultivated fewer than five acres annually.<sup>15</sup> In 1877, the missionary James

<sup>14</sup>WALC (1916a), p. 24.

<sup>15</sup>The Olofin of Ilogbo estimated that his subjects cultivated three acres each in 1902 (NAUK, CO 147/162, enc in 20 Oct, 1902: Acting Governor to Chamberlain).

Johnson reported that individuals could acquire land for farming freely if they developed it from forest, or in return for token payments.<sup>16</sup>

Although clearing the forest required labor, this did not negate its availability. Forde et al. (1946, p. 92, 113-114) estimate 48 to 92 man-days of clearing work were needed per acre, but that this was spread out over the first three years. Trees were burned after felling, with the roots left in place, and two maize crops could be planted during the first year.<sup>17</sup> The Yoruba proverb that “a farmer’s period of hunger is three months” (the length of time needed for the first maize crop to mature) is evidence that clearing costs were not an insurmountable barrier to taking new land from forest.<sup>18</sup> A man who wished to take forest in his own village, similarly, could call on the help of one of the co-operative work groups described in Section 5.

During the remainder of this section, I discuss evidence that Egba land use and tenure were driven by this abundance of land. Grants of forest were made freely by political authorities. The market for land was thin. Agriculture economized on labor and few investments were made. Property rights were ambiguously defined. Land sales and disputes, however, both existed. I argue that these were responses to changes in the land-labor ratio over time and to heterogeneity in the quality of land.

**4.1. Land abundance.** With land abundance, land will be freely available. Binswanger and McIntire (1987) take this as obvious – the first of their seven canonical assumptions is that “[p]opulation density is low; therefore, cultivable land is abundant and has no sales price.” An additional assumption needed is a lack of economies of scale in agriculture, which would permit a higher productivity on larger parcels, giving them value. Austin (2009b) argues that the consequence of land abundance throughout West Africa was that land was “easily and cheaply accessible in institutional terms”; pre-colonial authorities were eager to attract “more people with whom to subdue nature and, if necessary, their neighbors” so that strangers could generally acquire land indefinitely for token payments. These payments signified that ultimate ownership (though not use) remained with authorities, so that they could claim authority over the residents and charge royalties for exploitation of any valuable resources that were extracted. Citizens and subjects of the local authority were given land almost entirely for free.

The Egba fit this pattern closely; grants of virgin forest were made virtually freely. These gifts were traditionally either *tito*<sup>19</sup> or *fifun*. If the gift was *tito*, the owner of a piece of “virgin” forest received presents from the grantee. When the recipient cleared the forest, he became its absolute owner.<sup>20</sup> A migrant would receive a *fifun* grant of already cleared land known as *igboro* or *irapa*. Under the rules of the *mawoke* (“don’t look

<sup>16</sup>Agiri (1974), p. 467.

<sup>17</sup>Ant (1902), p. 319.

<sup>18</sup>Fadipe (1970), p. 177.

<sup>19</sup>Partridge (1911, p. 429) uses the term *Egan*, meaning “forest”.

<sup>20</sup>Folarin (1939), p. 74.

up”) system, he was not permitted to plant permanent crops, to reap the fruit of trees on the land, or to alienate it.<sup>21</sup> This does not mean that he would be reduced to tenancy. Fadipe (1970, p. 176) states that *fifun* grants were intended to be temporary, enabling the recipient “to have the means of subsistence at his disposal, with the minimum delay, while the forest land that was granted him was being cleared and prepared for cultivation.” The payments given for such grants were typically small, and the descriptions given by Folarin (1939, p. 74-75), Partridge (1911, p. 428-433), or Lloyd (1962, p. 262-267) make them appear more formal than they actually were. Statements in the court records rarely state that any conditions were attached; the grant to Lukosi in Appendix B is an example. Even for planting cocoa or kola, land could be acquired virtually without cost. Early planters obtained their land without payments, before the owners were aware of its value. After 1885, many Lagos Egba often obtained free grants from the landowning families near Agege and Ilu.<sup>22</sup> While Ward-Price (1939, p. 90-93) reported that land for planting cocoa sold at roughly £3 and two bottles of gin per acre during the 1930s, much had already been given away and the chiefs could no longer obtain any revenues from it.<sup>23</sup> Many migrants chose to plant at Otta because an individual could farm a piece of land while serving a master and obtain ownership of a plot if he settled permanently.<sup>24</sup> One interviewee reported that when his grandfather obtained land at Ilogbo all that had been asked for was prayer wine.<sup>25</sup>

If land is abundant, the willingness to pay for any individual plot will be small, and so market transactions over land should be rare and the observed prices should be low. As before, Binswanger and McIntire (1987) take the fact that locals “have access to land-use rights at no cost or in exchange for token payments” as intrinsic to land abundance. Austin (2009b) argues that, in many cases in West Africa, the question of the alienability of land never arose. Thin land markets may, however, be a feature of land-scarce environments as well. Binswanger and Rosenzweig (1986) note that plot-specific skills and the value of land as potential collateral both constrain the supply of land in good years, while low accumulated savings limit the demand for land in bad years. In land-scarce poor countries, then, land markets should be dominated by distress sales.

<sup>21</sup>Folarin (1939), p. 74-75.

<sup>22</sup>NAI, Fowler “A Report on the Lands of the Colony Districts,” p. 30.

<sup>23</sup>All money values are nominal. Following the UK retail price index from EH.net, the retail price index in Britain over the course of this study started at 96.55 in 1830, ended at 102.5 in 1914, bottomed out at 83.81 in 1851, and peaked at 112.95 in 1867. Misstatements of value due to the use of nominal values will be less than 20% in either direction. The notation used is the standard notation that was used for pounds, shillings, and pence before the pound was decimalized in 1971. £1/2/3 denotes one pound, 2 shillings (s), and 3 pence (d). £1/2 denotes one pound, two shillings. 1/2 denotes one shilling, two pence. £1 denotes one pound. 2s denotes two shillings. 3d denotes 3 pence.

<sup>24</sup>Agiri (1972), p. 176.

<sup>25</sup>Chief M. O. Adeyinka, Odofoin of Africa General Totoro, 26 July, 2007. No 1 Totoro Street, Owu Abeokuta.

Because land was cheaply available, markets for it were thin in Egba society.<sup>26</sup> Burton (1863, p. 96), after visiting Abeokuta in 1860, wrote that there were two ideas “incomprehensible to Europeans, but part and parcel of the African mind. The first ... is that a slave-born man is a slave for ever. The second is the non-alienation of land.” In an 1878 schedule of property for the CMS Yoruba Mission,<sup>27</sup> none of the land held in Egba territory was declared to have any value apart from the buildings on it. At Osiele, it was noted that “land property cannot be estimated here as to the value, because the practice of selling land is not customary in this village.” While Egba officials were testifying that land sales were a long-standing custom, many Egba questioned their legitimacy. The defendant in a 1905 suit<sup>28</sup> stated that “we Arawo people refused to see any of our land sold, we agree that any body can till the ground but not to sell it.” Similarly, the inspecting officer in a 1915 case told the court that “Itoko people have objection to their lands being sold.”<sup>29</sup> The terms on which land was leased to the British also reflected its low market value; in 1914, the colonial government held ten plots of land on lease from the Egba Native Authority totalling a little over 26,000 acres and on which annual rents were below £600 – less than a shilling an acre.<sup>30</sup>

Austin (2008) takes raising the productivity of labor in agriculture as one of the three key strategies used by Africans to respond to land abundance. In principle this could be accomplished through applying capital, but both environmental constraints and limited credit markets (see Section 6) limited the extent to which this was possible throughout Africa. Instead, various land-extensive techniques of shifting cultivation and land rotation were predominant in pre-colonial African agriculture.

Unsurprisingly, Egba agriculture economized on labor but not on land. Land was cultivated for five or six years, followed by five to six years of fallow, and then two or three more years of cultivation before a long fallow of up to twenty years.<sup>31</sup> Besides cocoa and kola, there were no fixed investments made and no fertilizers used. Crop rotations in

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<sup>26</sup>The thinness of Egba land markets is most obvious in qualitative statements by Egba and contemporary observers. There is no quantitative threshold below which a market is considered “thin.” Because the sample of plots that makes up the court cases is likely to be the most valuable land, and because sale is sometimes used as an accusation of wrongdoing, using this sample to estimate that 12% of plots had ever been sold is likely to produce an overestimate. It is difficult to find directly comparable statistics for other parts of the world, since farmers in modern surveys are generally asked about how they, and not their predecessors, came to possess a plot of land. Pender and Kerr (1999) report that 13% of plots in their south Indian sample were acquired by their current holders through purchase, despite legal restrictions on land sales. Deininger and Jin (2008), similarly, found that land 7.5% of farmers in their 1998 Vietnam sample had bought land in the past five years, suggesting a 1.5% *annual* turnover. Deininger et al. (2009) report from a nationally representative survey that 9% of land had been purchased and 5% had been sold between 1981 and 1999.

<sup>27</sup>CMS, CA2/O14 Buildings and Property.

<sup>28</sup>Ake Central Suit 209/1905.

<sup>29</sup>Abeokuta Civil Suit 403/1915.

<sup>30</sup>NAUK, CO 583/10, enc. in Feb 16, 1914: Lugard to Harcourt

<sup>31</sup>NAUK, CO 147/162, enc. in 20 Oct, 1902: Acting Governor to Chamberlain.

which maize and yams gave way to water-yams during the end of the cultivation cycle adapted to deteriorating productivity rather than restoring it.<sup>32</sup>

With uncleared land readily available, the cost of maintaining claims over land that had been left fallow was often not worth undertaking. When a plot was exhausted, it was common for farmers to relinquish their claims and rely on the memories of those left behind in order to reassert them years later. In one suit, the defendant Oyedele had been a small child when compelled to leave the farm during the Ado war.<sup>33</sup> He returned around 1909, and came with a case of gin asking to be shown his father's land. On finding it occupied, he, according to the plaintiff, "began to point to any farm he met by the way, all which he called his father's when he was corrected by an old pawn of his father ... who took him to the old site of his father's farm which had long been taken by Itoko chiefs."

This is not to imply that nothing was ever done to maintain rights over land that had previously been under cultivation. One strategy for retaining control of abandoned land was to grant usufruct rights (such as reaping palm nuts) to a "caretaker." This was limited in its effectiveness, however. Over time, the plot could fall into the hands of the caretaker or his children. In a 1915 suit, the plaintiff Lawani had left land with the defendant's father, a half-brother. The defendant's father planted kola trees prior to 1895.<sup>34</sup> Though he had stated he was "prepared to give pltf [plaintiff] out of it," his daughter (the defendant) refused to honor the promise. The court divided the land, ordering the plaintiff to compensate the defendant for the kola trees that ended up in his possession. I present evidence later in this section that caretaking arrangements were more likely on plots of land endowed with palm trees, for which the benefits of retaining rights were more valuable than for land in general, and for which the plot could offer greater returns to the caretaker than a typical piece of land.

With land easily available and extensive cultivation techniques, property rights over land should not be individual, and will be impermanent. The costs of maintaining such rights outweigh the benefits. Central to Boserup's (1965) theory of agrarian change is the assumption that families only become concerned with their specific rights over formerly fallow plots of land when these become valuable with creeping land scarcity. Similarly, Binswanger and McIntire (1987) argue that common property over land can serve as an insurance substitute. Gathering and hunting in forests and on fallow land is a valuable source of income in bad years. In extreme cases, fields may be cultivated in common in order to reduce the monitoring costs that would be needed in order to ensure that crop failures are not due to shirking by individuals on their own plots.

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<sup>32</sup>Dennett (1910), p. 141.

<sup>33</sup>Ake "A" Civil Suit 235/1917. There was more than one Ado war; this was likely c. 1843 or 1853.

<sup>34</sup>Abeokuta Civil Suit 578/1915.

The lack of defined, permanent land rights in Egba society was striking to Europeans. Clarke (1871, p. 259) wrote that land was “held by possession and only so long as cultivated unless it is vacated with a reserved right.”<sup>35</sup> Campbell (1861, p. 35) recorded his impressions in greater detail:

The tenure of property is as it is among civilized people, except as to land, which is deemed common property; every individual enjoys the right of taking unoccupied land, *as much as he can use*, wherever and whenever he pleases. It is deemed his property as long as he keeps it in use; after that, it is again common property.

Boundaries, similarly, were not generally placed until a dispute had already arisen. Otherwise, it was not worthwhile. Clarke (1871, p. 260) described Yoruba farms as having the “unbroken appearances of a single field,” as no fences were used and only a “small path” might exist to show where one farm ended and another began. In actual fact, natural features such as streams and roads were taken as boundaries, and *porogun* trees were planted as markers, but the investment in these demarcations was limited enough to be invisible to outsiders.

The relative absence of clearly defined land rights in Egba society is similarly reflected in the informality of both the norms governing land tenure and the processes of dispute settlement. Johnson (1921, p. 95-97), in his nationalist history, wrote that the “land laws of the Yoruba country are simple and effective, there being no need of any complicated or elaborate laws,” while admitting that these were “to be observed rather in the spirit than in the letter.” Generally, the *bale* (village head) was responsible for disputes arising within his compound.<sup>36</sup> His authority depended on his personality and was exercised in consultation with other household members. If the parties were not satisfied with the *bale's* (village head's) intervention, they could go to the township chiefs, relegating the *bale's* (village head's) role to that of arbitrator.<sup>37</sup> In nearly a quarter of the sample cases, a previous attempt at settlement had been made before the local chiefs. Disputes were not settled decisively, but were instead subject to ongoing renegotiation.

**4.2. Responses.** Although land markets were thin, the existence of land sales was noted before the WALC. Similarly, the records I use are evidence that some land was valuable enough to be disputed in court. In the remainder of this section, I argue that these were responses to heterogeneity in the value of land, in line with the revisions to the land abundance view made by Austin (2008).

Mabogunje (1958, 1959, 1961) links the existence of land sales to the conditions under which Abeokuta was settled in 1830 and the area around it occupied over the next century. During the initial scramble for land, townships were asked to waive their rights

<sup>35</sup>See Stone (1900, p. 21) for a similar observation.

<sup>36</sup>Stone (1900), p. 28.

<sup>37</sup>Blair (1937), p. 32.

so that newcomers could settle, disrupting *ogboni* (civil chiefs') claims in favor of family control.<sup>38</sup> Households located dwellings in the middle of their farms in order to lay claim to them.<sup>39</sup> During the initial settlement, the only land safe for farming was located in a small region bounded on the northeast by Osiele, on the Southeast by Oba, and on the North by Aiyetoro.<sup>40</sup> These are shown in Figure 1. In 1846, farms were still confined to the immediate neighborhood of Abeokuta.<sup>41</sup>

Mabogunje's argument is one in which the initial scramble for land created strategies of village establishment that disrupted *ogboni* (civil chiefs') control of land, but later reaffirmed it during the reoccupation of the *oriles* (deserted villages). An alternative interpretation would view the Egba case as a Boserupian response to an exogenous shock to population density. Boserup (1965, p. 13) argues that exogenous population growth increases the frequency of cultivation; families become more "conscious and jealous about their special right to the old plots" (p. 80), reduce fallow, and exert effort to retain their rights. Austin (2008) notes that instances of intensive cultivation existed in pre-colonial Africa where the environment was particularly favorable, or where insecurity crowded people together (e.g. Widgren and Sutton (2004)). He notes, however, that these "islands" are often poorer than their neighbors, stuck where they are, intensified only temporarily, have been integral parts of regional economies otherwise based on extensive cultivation, and were not centers from which intensive techniques spread.

For a period in the nineteenth century, Egba were one such "island." It is clear that their removal to Abeokuta created a large initial increase in population density. Johnson (1921, p. 17) describes the original home of the Egba as having an area of more than 1,000 square miles,<sup>42</sup> while the area of initial settlement described by Mabogunje (1961) is only about 160 square miles in area.<sup>43</sup> Observers put the population of Abeokuta in mid-century between 60,000 and 150,000.<sup>44</sup> This gives a range of reasonable density estimates ranging from 375 to 938 per square mile. Even accounting for the upward bias that results from using the population after twenty years of growth and in-migration, the ratio of men to land from 1830 to 1860 was much higher than at the end of the century.

<sup>38</sup>Mabogunje (1961), p. 266.

<sup>39</sup>Mabogunje (1958), p. 24.

<sup>40</sup>Mabogunje (1961), p. 260.

<sup>41</sup>Oroge (1971), p. 186.

<sup>42</sup>Specifically, he describes it as a parallelogram with its points at Ijaye, Olokemeji, Ibadan, and the coast.

<sup>43</sup>It is effectively an oval roughly ten miles by twenty.

<sup>44</sup>Barber (1857, p. 19), 80,000 c. 1845; Freeman (1844, p. 227), twice the size of Kumasi in 1842; Bowen (1857, p. 106), 60,000 to 100,000 in 1850; Beecroft estimated the population at 300,000 in 1850, Hockin estimated the population at 70,000 in 1866, Irving estimated it at 100,000 in 1862, and Forbes estimated it at 50,000 in 1848 according to Townsend (1887, p. 106, 154, 160); Campbell (1861, p. 33), more than 100,000 in 1860; Burton (1863, p. 170), 150,000 in 1861 when the soldiers return. Mabogunje (1961, p. 260) gives three examples of missionaries who put their estimates above 100,000 in private correspondence.



FIGURE 3. Punch's Tour of Egba Country, 1902



This period of land scarcity altered Egba farming practices as Boserup's theory predicts. Evidence for this claim comes from Cyril Punch's 1902 tour of the Egba country.<sup>45</sup> Some of the sites he visited are depicted in Figure 3. Three differences were still apparent between the land-scarce region of initial settlement and those areas occupied later on. First, farmers near Abeokuta shortened their periods of fallow. Between Abeokuta and Aberu Agba, Punch reported fallow lengths of 3-4 years, 5-6 years, and 4 years. Between Ijeun and Ashero (northeast of Mokoloki), he reported three times that land was left fallow for 5-6 years. Second, Egba cultivators used intercropping more intensively on the exhausted soils nearer Abeokuta. Third, farmers abandoned the long fallows that allowed the land to return to forest. Punch mentions indefinite or very long fallow periods between Kajola (East of Onibode) and Aberu Agba, Ijeun and Asha, Asha and Ilogbo, Coker's farm and Ashero, and between Okenla and Itori. None of these are in the first stretch from Abeokuta to Onibode, and only one is in the directly southern region where the Egba made their first military expansions. He encountered little forest before Ijeun and between Okenla and Itori.<sup>46</sup> Punch himself believed that the Egba were expanding into "a belt adjoining the forest and this belt is gradually encroaching on the forest and is itself being encroached on by second rate [fallow] land."

<sup>45</sup>NAUK, CO 147/162: 20 Oct, 1902: Acting Governor to Chamberlain.

<sup>46</sup>Fairhead and Leach (1996) demonstrate the problems of attributing deforestation to human causes. Still, the pattern of forest clearing here is consistent with what is known about the Egba removal to Abeokuta and subsequent re-expansion. The alternative narrative of forests created by recent human habitation is not plausible in the Egba case.

As with other intensive islands in Africa, however, the Egba resumed expansive practices once they were able. “Behind the movements of the Egba armies,” Mabogunje (1959, p. 72) argues, “followed their farmers.” By 1861, farms extended twenty or thirty miles from the town walls.<sup>47</sup> By 1878 they had stretched out towards Otta and occupied the territory between Owode and Mokoloki.<sup>48</sup> Much land in the South was still uncultivated in 1877, and expansion to the Northeast was impossible before 1893.<sup>49</sup> After this date, many of the *oriles* (the ruined sites of the original townships) were reoccupied. Critically, during this re-expansion the powers of the *ogboni* (civil chiefs) over land were reasserted. Mabogunje (1958, p. 48-49) reports that the first re-settlers reported to the township chiefs and were made responsible for dividing land among later settlers.

It remains to explain why disputes over land existed in Egba territory. Certainly, some of these were direct results of the period of land scarcity. Grants of land made in areas where virgin forest was no longer available were more contentious than typical gifts. In a 1919 suit,<sup>50</sup> the plaintiff Ajayi claimed that the defendant Rolu had encroached on his land when Ajayi’s father Feyijimi died, extracting two acres and claiming that he had lent the land to Feyijimi. The representative of the township chiefs told the court that Rolu’s father had, in fact, granted the land to Feyijimi as forest, but that Feyijimi had been the first to cultivate it. Rolu denied this, claiming that it had been given as already cleared land during the Ikorodu War (c. 1865). His witness told the court that “there was no forest remaining” at that time. What would have otherwise been a temporary grant with few conditions attached, allowing Feyijimi to plant food crops while he cleared new land, was turned by the scarcity of forest into a holding whose ownership was contested more than fifty years later.

In addition, it is in keeping with Austin’s (2008) revisions to the land abundance view to note that, while land may be abundant in general, specific plots are valuable for their particular characteristics. While uncleared forest was available, individual parcels were worth contesting because of their location, and because of the trees that either existed naturally or had been planted on them. Austin (2008) explains this by conceptualizing trees as “embodied labor,” i.e. capital. More generally, the influential theory of Demsetz (1967) is that integration into the world market will similarly lead property rights to develop in order to internalize externalities. The three principal tree crops in Egba territory, palm trees, cocoa, and kola, were export crops over which claims were made more valuable through contact with external markets. This greater value led to more well-defined rights, and to disputes over these rights.

Location was one characteristic that enhanced the value of land, making contests more likely. Bowen (1857, p. 282) remarked that Egba farms were often ten to twenty miles distant from the towns; many of the cases unsurprisingly involve encroachment

<sup>47</sup>Oroge (1971), p. 189.

<sup>48</sup>Agiri (1974), p. 469.

<sup>49</sup>Mabogunje (1959), p. 74.

<sup>50</sup>Ake A Civil Suit 29/1919, re-hearing of Suit 1125 of 1917.

into a neighboring farm. This did not necessarily result from poorly-defined boundaries; in a 1915 case, the defendant planted cocoa underneath that of the plaintiff while the latter's niece, who had been left in charge, was ill.<sup>51</sup> Similarly, some sites were desirable for the protection that could be offered by the *olorogun* (war chiefs). In a 1907 suit, the son of the late Balogun of Ijemo stated that during a conflagration, the Igbein people had run to his father at Esi Elebo, who granted them land.<sup>52</sup>

The core sample of court cases can be used to show econometrically that some land was more valuable and worth defending. The purpose of this exercise is to support Austin's (2009b) claim that, where rights to land and disputes existed in pre-colonial Africa, they did so because they were in specific locations of exceptional value, such as those endowed with minerals, trees, market access, or suitability for particular crops. Iliffe (1979, p. 16), for example, notes that in pre-colonial Tanganyika, while most land was freely available, the best land (such as banana plots, areas situated between high-land and brush among the Shambaa, and fertile land in volcanic craters among the Nyakyusa) were often subject to more specific rights and even sale.

Specifically, I take the data presented in Table 1, and estimate regressions of the form:

$$(1) \quad y_i = \beta_0 + \sum_c \beta_c C_i + X_i' \gamma + \epsilon_i$$

Here,  $y_i$  denotes an outcome of interest in case  $i$ . The  $X_i$  are other characteristics of the case; dummies for whether it is a recovery case, whether it is a complete record, and the judgment book from which the case is taken. Because there are almost as many books (16) as there are years (17), so these are roughly equivalent to year dummies. These similarly make the use of nominal figures for values and damages claimed less problematic. Because unobserved characteristics of the cases will be relatively stable within a single judgment book (for example, the identity of the court clerk), standard errors are clustered by judgment book. The  $C_i$  are indicators for the crops affixed to the land. It is expected that the estimated  $\beta_c$  coefficients will be significant and positive, indicating that these made plots more valuable, marketable, and worth defending. I intend to show that, fitting with Austin's (2009b) arguments, rights and disputes over land in pre-colonial Africa were primarily over scarce features.

Results are given in Table 2. The general pattern that emerges is that land that was more valuable due to the crops on it was more vigilantly defended and more likely to be involved in a commercial transaction. Plots endowed with palm trees were more likely to be pawned, and more likely to have been defended through the use of a caretaker. Plots with either tree crop were more likely to have been discussed before the township chiefs; either disputes were more common over these or parties expended more effort in pursuing their claims over them.

<sup>51</sup>Abeokuta Civil Suit 906/1915.

<sup>52</sup>Ake "A" Civil Suit 725/07.

TABLE 2. Plot characteristics, transactions, and strategies

	(1)	(2)	(3)	(4)
	<i>Value and transactions</i>			
	<i>Damages claimed or value stated</i>	<i>Land has ever been pawned</i>	<i>Land has ever been sold</i>	
Cocoa	7.40** (3.172)	0.04 (0.037)	0.06* (0.034)	
Palm Trees	-6.26** (2.441)	0.11*** (0.027)	0.01 (0.015)	
Water	-7.89*** (1.446)	-0.13* (0.071)	0.03 (0.056)	
Observations	366	534	532	
Other Controls	Yes	Yes	Yes	
Judgment Book F.E.	Yes	Yes	Yes	
R-squared	0.0795	0.0413	0.0712	
p Value (Cocoa/Palms)	0.04	0.00	0.06	
	<i>Strategies</i>			
	<i>Crops or boundaries ever destroyed</i>	<i>Dispute previously taken to chiefs</i>	<i>Caretaker ever left behind</i>	<i>User ever driven out</i>
Cocoa	0.09** (0.044)	0.10** (0.044)	-0.01 (0.027)	0.07* (0.038)
Palm Trees	0.01 (0.027)	0.15*** (0.033)	0.11*** (0.032)	0.02 (0.026)
Water	0.03 (0.079)	-0.05 (0.049)	0.03 (0.071)	-0.01 (0.030)
Observations	532	535	451	532
Other Controls	Yes	Yes	Yes	Yes
Judgment Book F.E.	Yes	Yes	Yes	Yes
R-squared	0.132	0.0683	0.0505	0.0593
p Value (Cocoa/Palms)	0.07	0.00	0.00	0.16

Notes: \*\*\*Significant at 1%, \*\*Significant at 5%, \*Significant at 10%. Robust standard errors in parentheses. All regressions except with “Damages/Value” are probit, with marginal effects (calculated using dprobit in Stata) reported. “Damages/Value” is OLS. Other controls are a dummy if the claim is for recovery and a dummy if the case is complete. Standard errors are clustered by judgment book. For probit regressions, the “pseudo” R-squared is reported. The p value is for the joint significance of the cocoa and palm tree variables.

Plots on which cocoa stood were, on average, more than £7 more valuable than other plots. Cocoa was suited for well-watered, marshy soil. The direct negative effect of “water” shows that this is what would otherwise have been the worst land, and so the likely endogeneity bias implies that this is an underestimate. Once marshy land acquired value, stale claims were reasserted. In a 1909 suit, the plaintiff’s brother had planted kola on the defendant’s land in 1872 without dispute, but the defendant attempted decades later to reclaim it.<sup>53</sup> The inspector reported that “it is now that people are using marshy soil for cocoa plantations that dftd [defendant] came to claim.” Though the plaintiff was evicted, the defendant was ordered to pay compensation for the kola. The negative estimate for the impact of palm trees on value is surprising. One possible explanation is that disputes over this type of land often centered on more limited claims, where palm fruits had been stolen on one or two occasions; the damages claimed in these cases are more likely to be a flow measure, rather than the total stock of value.

## 5. LABOR

Above, I have supported the land abundance interpretation of the Egba case by arguing that land tenure reflected the availability of uncleared forest in southwestern Nigeria, and that it was responsive to changes in the land-labor ratio over time and to heterogeneity in the quality of land. In this section, I do the same for labor. I argue that, because of the ability of individual Egba to work on their own behalf, a market for wage labor was nearly absent. I discuss three of the mechanisms used by the Egba to cope with labor scarcity – slavery, cooperative work groups, and claims over the labor power of kin and dependents. I then show that these institutions responded to seasonal changes in labor scarcity, changes in the costs of slave-keeping, and to differences in the returns to slavery.

**5.1. Land abundance.** With easy access to land and simple technology, cultivators can produce as much on their own as working for a landowner, who cannot compensate them for the forgone self-cultivation (Binswanger and McIntire, 1987). The result is that there will be non locally resident labor class. This result depends on the existence of monitoring costs and other inefficiencies that prevent a laborer from being paid his marginal product. Simple technology prevents the existence of economies of scale, which would permit sufficiently large farms to pay attractive wages to laborers even in the presence of monitoring costs.

Because land was abundant, labor was scarce in Egba territory. The result was that it was uncommon for men to exchange their labor for cash; for the freeborn, it was “opprobrious.”<sup>54</sup> As land was virtually free, individuals could earn more working for themselves than as hired laborers. Even during the slack season, farmers could gather palm fruits

<sup>53</sup>Abeokuta Civil Suit 91/1909.

<sup>54</sup>Agiri (1974), p. 467.

or forest produce.<sup>55</sup> Further, the considerable distances between Egba farms raised the costs of supervision. Where wage-labor existed, it was provided by foreign visitors with deep pockets and few dependents. The workers employed in printing the missionary newsletter were paid four to five dollars per month.<sup>56</sup> Cultural resistance to working for pay is not, then, needed to explain the absence of an Egba spot market for labor. Even these foreigners, however, had trouble acquiring labor. In 1854, the missionary Henry Townsend wrote that, “to keep down the salaries of the native agents of the society is very difficult more especially so as some of them have had a taste of European life in a style far above their means.”<sup>57</sup> During their free days, slaves preferred to cultivate for themselves rather than work for wage labor for the missionaries, and James Johnson could not find anyone to tend a horse for 15s per month in 1877.<sup>58</sup>

Land abundance is also one of the dominant explanations of slavery. Domar (1970), building on Nieboer (1900), ties the the existence of serfdom in Eastern Europe to labor scarcity; free land, free peasants, and non-working landowners cannot coexist. Because the income of a tenant or hired laborer must be at least what he could earn working on his own farm, no rents will be left over for the landowners. Restricting the peasants’ right to move can make these returns available. This is the theoretical basis for Austin’s (2008) argument that forced labor (along with extensive agriculture and seasonal crafts) was one of the three important strategies used throughout pre-colonial Africa to cope with labor scarcity. Conning (2004) has formalized this reasoning, finding that the return to enslavement rises with the land-labor ratio.

Why, then, was there not widespread slavery in the northern United States and Canada, where the abundance of land is often invoked as a reason for their comparatively high wages and egalitarianism relative to other European colonies? Here, Engerman and Sokoloff (1997) demonstrate the importance of a lack of economies of scale in applying the land abundance view to Africa. In their argument, colonies in the Caribbean and Brazil were environmentally suitable for the production of crops (especially sugar) for which economies of scale could be achieved using slaves. North of the Chesapeake, similar scale economies were not available. These areas were, as a result, priced out of the market for slaves as early as the 1760s (Engerman and Sokoloff, 2005). This is not to say that the regions were not labor-scarce; attempts were made to create large estates worked by tenant farmers or indentured servants, but fell apart because “even men of rather ordinary means” could become independent farmers (*ibid*).

The use of slaves was, as a result, widespread among the Egba. While Oroge (1971) recognized that slavery was a solution to the absence of wage labor, he did not attribute this to the availability of free land. Townsend wrote in 1846 that “the working part of the

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<sup>55</sup>Clarke (1871), p. 262.

<sup>56</sup>Burton (1863), p. 76.

<sup>57</sup>CMS CA2/O85 #23: Aug 5, 1854: Townsend to Straith.

<sup>58</sup>Oroge (1971), p. 244-245.

population” consisted “chiefly” of slaves, while in the 1870s Johnson wrote that slaves were a “very considerable” proportion of the population.<sup>59</sup> Bowen (1857, p. 320) estimated in mid-century that at least four fifths of the population were “free.”<sup>60</sup> James Davies told the 1898 Commission on Trade that a third of the original inhabitants were slaves, and that women were the most valuable of these.<sup>61</sup> Many slave owners could not conceive of alternative sources of labor supply; Christian converts who could be persuaded to give up polygyny often would not abandon their slaves.<sup>62</sup> By contrast, participation in the slave trade is not a major theme in Egba historiography, and slave exports from the Bight of Benin had already peaked in the first half of the seventeenth century (Eltis et al., 1999).

Slaves were used as soldiers, and even commanded armies.<sup>63</sup> They were used for sacrifice.<sup>64</sup> Most, however, were employed in economic pursuits – trade and agriculture – which suggests that an economic interpretation such as the land abundance view will be most powerful in explaining Egba slavery. Male and female slaves were used as porters and canoe pullers, and female slaves were used in palm oil production.<sup>65</sup> In 1872, the Alake (the most powerful of the four Egba kings) and other Egba officials wrote to the Governor of Lagos that slaves were used “in the same way as children of our body begotten, they are to help us in working our farms to obtain the produce needed in the European market, this is the only investment we have here.”<sup>66</sup> James Johnson in 1880 similarly noted that slaves were considered a better investment than cloths and beads.<sup>67</sup>

Europeans similarly believed that, without the institution of slavery, there would be an acute shortage of hired labor. A faction of missionaries led by Samuel Crowther argued for the continuation of domestic slavery, motivated part by their inability to secure labor by other means Agiri (1981). As Townsend wrote in 1856, “we are ourselves not in a position to refuse slave labor. A case in point, a servant hired by Mr Clegg is a slave and a part of the hire goes to his master.”<sup>68</sup> No pressure was brought on the Christian

<sup>59</sup>Oroge (1971), p. 166.

<sup>60</sup>Burton (1863, p. 299) made the same estimate.

<sup>61</sup>NAUK, CO 147/133, enc in 4 June, 1898: Denton to Chamberlain. Evidence for 18th day.

<sup>62</sup>Oroge (1971), p. 222.

<sup>63</sup>Losi (1924), p. 71.

<sup>64</sup>While Barber (1857, p. 129) describes the situation of a female convert whose Ijebu mistress wished to use her for a sacrifice for reasons not given, Stone (1900, p. 245) was direct witness to the sacrifice by “the chiefs and Ogbonee elders” of a slave purchased in the market. This was done in order to gain Ogun’s favor during the Ijaiye war. Oroge (1971, p. 141), defending “domestic” slavery as opposed to the slave trade, argues that slaves used for sacrifice were invariably purchased from markets, and that no master would sacrifice his own slave.

<sup>65</sup>McIntosh (2009), p. 130.

<sup>66</sup>NAUK, CO 147/23 enc in June 15, 1872: Pope Hennessey to Kimberly.

<sup>67</sup>Oroge (1971), p. 179.

<sup>68</sup>Agiri (1981, p. 139) and CMS CA2/O85 #32: Dec 1, 1856: Townsend to Venn.

converts to liberate their slaves after 1881.<sup>69</sup> Fearing that abolition would destroy the labor supply of the elites on whom they depended, British officials after 1893 limited their anti-slavery efforts to slave trading and exceptional cruelty. The intensity of their concerns suggests it was the relative wage that would have to be paid to free labor that led to the use of slaves, and not slavery that made free labor scarce. Otherwise, Egba elites would have been able to become employers relatively easily. Though the colonial office forbade him, Governor McCallum was willing to assist all the Yoruba rulers in recapturing runaway slaves.<sup>70</sup> EUG legislation and efforts were directed against slave-dealing, not slave-holding, and it was only the most abusive masters who risked losing their slaves if they did not try to sell them.<sup>71</sup> Indeed, the EUG set up schemes for slaves to purchase their own freedom, and British run courts offered manumission certificates as late as 1922.<sup>72</sup>

Binswanger and McIntire (1987) suggest that, for the same reason there will not be a non-cultivating labor class under land abundance, there will be no hiring of labor during the peak season. The typical Egba farmer could not afford many slaves to overcome the peak demands of clearing and harvest. One way to resolve this problem was for a client to ask his chief to send men to help him clear his farm.<sup>73</sup> Two types of cooperative work group – the *owe* and *aro* – were the most common solutions. The *owe* was an informal arrangement, whereby a man's sons-in-law, other relatives or neighbors could be commissioned to aid in clearing a land or forest, or in building a house.<sup>74</sup> The *aro*, by contrast, was a contract between members of the same age-grade to take turns in assisting each other in clearing, sowing, and harvesting.<sup>75</sup> In both cases, the beneficiary “feasted his benefactors very lavishly” and was obligated to offer his own labor in return.<sup>76</sup> That these were sustained through repeated interaction suggests that they were needed to overcome the moral hazard problems that hindered the use of wage labor. This was strengthened in the case of the *aro* by its semi-religious nature.<sup>77</sup>

Land abundance has also been linked to family structure. Vertically extended households, whose heads have claims over the labor of their dependents, substitute for insurance and annuities that the thin capital market (see below) cannot provide (Binswanger and McIntire, 1987). Goody (1969) argues that the ability of distant relatives to inherit in Africa relative to Eurasia is due to the lack of class differentiation and low value of land.

<sup>69</sup>Oroge (1971), p. 281.

<sup>70</sup>NAUK, CO 147/121, 20 June, 1897: McCallum to Chamberlain.

<sup>71</sup>Oroge (1971, p. 404) and NAI, Abe Prof 8/3, Report Book on Egba Affairs.

<sup>72</sup>Oroge (1971, p. 403) and NAI, CSO 26 11799, Question of Slavery in British West Africa, 30 Sept 1924: District Officer, Egba to Resident, Abeokuta. In this dispatch, the District Officer provides a list of fourteen cases from the years 1918-1922.

<sup>73</sup>Oroge (1971), p. 151.

<sup>74</sup>Fadipe (1970), p. 256.

<sup>75</sup>Agiri (1974), p. 467.

<sup>76</sup>Agiri (1974), p. 467.

<sup>77</sup>Oroge (1971), p. 154.



Tambiah and Goody (1973, p. 23) suggest that the prevalence of bride-price in Africa arises because men are not distinguished by their holdings of land. The result is that the price of a husband is low, while the labor and reproductive power of a woman remain valuable. In line with this prediction, Egba marriages transferred current payments of cash and labor for future claims on the productive and reproductive labor of the wife. Because of the value of wives, women's vertically extended households were careful to exercise control of their marriages. These were usually arranged.<sup>78</sup> Families manipulated bridewealth to raise money for economic and social projects, and to pay off debt.<sup>79</sup> A woman's relatives might use coercion and even violence to pressure her to become married, and to stay married.<sup>80</sup> Bride price itself encompassed obligations including work, crops, assistance with expenses, and cash payments.<sup>81</sup> A 1910 report argued that it had been common to purchase slaves as wives during the Yoruba wars.<sup>82</sup> In a 1918 case, the defendant claimed a piece of land through his grandmother, a slave wife of the plaintiff's patriarch Afonja.<sup>83</sup> She had been redeemed by her family while pregnant, demonstrating that her productive and reproductive capacities were valuable to both her husband's lineage and her own kin.

Payment of bride-price established claims on a wife's labor and on her children, both for the husband and for his vertically extended household. Junior wives were expected to work for senior wives, and all wives were obligated to help their husbands' other male relatives.<sup>84</sup> Women did the bulk of "domestic" labor – cooking, cleaning and caring for younger children.<sup>85</sup> They prepared food on the farm for men and assisted in the harvest.<sup>86</sup> Processing crops was women's work. Campbell (1861, p. 51-52) described the arduous process of turning palm fruits into oil and kernels. In return for their labor, women would retain the palm kernels, while the revenue they earned selling oil was the property of their husbands.<sup>87</sup>

Bride price created claims over a woman's fertility, and the repayment of bride-price due on divorce lessened with the birth of children.<sup>88</sup> Gollmer (1889, p. 119) described bride-price (which he guessed at £2 to £5) as a sort of pledge used to chastise a wife –

<sup>78</sup>McIntosh (2009), p. 84.

<sup>79</sup>Byfield (1996), p. 34.

<sup>80</sup>Byfield (1996), p. 42-43.

<sup>81</sup>Hopkins (1969, p. 80) and Partridge (1911, p. 425). Folarin (1939, p. 18-20) divides the payments before marriage as follows: first, *Baba gbo* or *Iya gbo*, 22s and two bottles gin; second, *Ijohun*, £3; third, *Idana*, £5/10 to £10/10, *Ipalemo*, £2/10 or more, and; fourth, *Idamolidi Ifa*, £2 to £2/10. Together, these constituted *Owo Ife*, though in some cases a lump sum of "£10 to £15 or more" could be paid.

<sup>82</sup>Hopkins (1969), p. 82.

<sup>83</sup>Ake "A" Civil Suit 419/1918.

<sup>84</sup>McIntosh (2009), p. 81, 88.

<sup>85</sup>McIntosh (2009), p. 111.

<sup>86</sup>Hopkins (1969), p. 82.

<sup>87</sup>Fadipe (1970), p. 151.

<sup>88</sup>Lloyd (1968), p. 70.

“have I not paid so much on your head?” or “if you pay the forty or fifty heads of cowries I paid on your head, you can go home again.” In divorce cases, it was common for men to receive custody of the children, under the traditional belief that children “belonged” to their father.<sup>89</sup> In a 1919 suit,<sup>90</sup> the plaintiff sued because his wife had been “seduced” by another man who had refunded the £5/10 bride-price, but did not return his two children.

The claims established by bride price over a woman’s labor and reproduction were complex, operated together, but were generally understood. In a 1919 suit,<sup>91</sup> the plaintiff Amodu sued the defendant Aridegbe for a £12/10 loan that had been raised by Aridegbe’s husband Ewetade on which Aridegbe had been the pawn and Amodu had been the surety. Ewetade had borrowed £10/10 to pay the bride-price owed to Aridegbe’s previous husband. Amodu had taken Ewetade to his village, but Ewetade then fell ill. After “much begging,” Aridegbe told the court that she had agreed to serve in his place for five months. After a year, she “got tired of it and left to have another husband,” who had since returned the dowry owed to Ewetade through the Itoko chiefs. She had a child for her previous husband, and had left the child with Ewetade. Amodu and Ewetade together pawned the child, when her previous husband intervened and sued successfully for custody. Despite the fact that Aridegbe was able to leave her husband when a better opportunity arose, according to her own account her labor and reproductive powers were manipulated by men.

Polygyny too can be understood as a response to land abundance. Goody (1976) suggests that polygyny exists where allocating land to additional wives is less costly. Iliffe (1995, p. 96), similarly, argues that intense competition for women within and across generations led to “several forms of marriage, ranging from abduction by youthful daring to formal payment of bridewealth by which the husband’s family compensated the brides for the loss of her fertility and labour” throughout Africa. In much of the continent, the social ideal was:

the large complex household headed by a Big Man surrounded by his wives, married and unmarried sons, younger brothers, poor relations, dependents, and swarming children... Competition for wives in polygynous societies made conflict between male generations one of the most dynamic and enduring forces in African history, whereas the ample availability of land minimized other forms of social conflict - the exact reverse of the situation in India (Iliffe, 1995, p. 97).

As theory predicts, Egba marriage was polygynous. Stone (1900, p. 99-100) reported that a “man’s position and importance here are estimated by the number of his wives

<sup>89</sup>McIntosh (2009), p. 103.

<sup>90</sup>Header information is missing; plaintiff’s statement recorded on p. 436 of Ake “A” Civil Judgment Book Vol. 27, 1918-1919.

<sup>91</sup>Ake “A” Civil Suit 177/1919

and the men seem willing to make almost any sacrifice for a little fictitious notoriety.” Partridge (1911, p. 427) estimated that in the past a “man in good position” would have as many as two hundred wives, though at the time he wrote thirty was the most that a man might have. The important chiefs, impoverished by their loss of position and “supply of free labor,” rarely had more than ten.

Just as the scarcity of labor made it desirable to accumulate wives, dependants were valuable before 1893 for both their labor services and the security they provided. Fadipe (1970, p. 147) writes that each man “had the help of the dependent male members of his family in tilling the field, planting crops, as well as reaping.” The EUG Secretary testified to the WALC that “you would almost beg people to come live with you.”<sup>92</sup> Immigrants, he argued, were needed to protect settlements from outside raids, and so they could acquire land for a “return payment, however small.”<sup>93</sup> Accumulation of dependents did not end with the Yoruba wars. In a 1915 suit, the defendant Abogurin had been brought to the plaintiff Akide around 1904 by a mutual acquaintance, and asked for land.<sup>94</sup> Akide told the court that “I agreed as I want good people about me,” and made similar grants to nine other individuals. Elders and the *olorogun* (war chiefs) had an advantage in attracting – or compelling – dependents. Ogundipe, the plaintiff’s witness in a 1919 suit,<sup>95</sup> told the court that their uncle Kute, “being older than us all he insisted that pltf [plaintiff] was to come + live in his village.” In a 1917 case, the defendant claimed that his father was a slave who redeemed himself but chose to remain with his master until his master attempted to sell him to pay off his debts; he then approached the Balogun of Ikereku, who gave him a site on which to build a house.<sup>96</sup>

A variety of institutions existed, then, enabling the Egba to cope with chronic labor scarcity, and so the supply and demand for labor were resolved through competition for rights over persons. While those with only their labor power to offer were compelled to rely on reciprocal work arrangements, individuals with economic and social capital or means of coercion could access the labor power of slaves, pawns, wives, sons, kin, and dependents.

**5.2. Responses.** As with land tenure, Egba labor institutions were not homogenous, but responded to fluctuations in the availability of labor and the costs of various labor arrangements. Austin (2008, p. 597-598) argues that the scarcity of labor in Africa is tempered by the seasonality of labor demand. Bowen (1857, p. 285) noted that during the dry season, it was possible to “hire any number of people to labor for reduced wages.” Similarly, Austin (2008) argues that raising the productivity of labor in the off-season has been one of the main strategies of Africans for coping with labor scarcity.

<sup>92</sup>WALC (1916b), p. 453.

<sup>93</sup>WALC (1916a), p. 187.

<sup>94</sup>Abeokuta Civil Suit 905/1915

<sup>95</sup>Ake “A” Civil Suit 119/1919.

<sup>96</sup>Ake “A” Civil Suit 163/1917.

For the Egba, this was accomplished through a variety of industries including what Burton (1863, p. 160) called the “five great crafts” – blacksmith, carpenter, weaver, dyer and potter. While there is no evidence for or against the possibility that hired labor became more prevalent during the initial period of land scarcity, Ajisafe (1924, p. 64) notes that Egba pawned themselves to Itoko and Ibara farmers to escape famine during the settlement of Abeokuta.

Lagerlöf (2009), in a formalization of the Domar hypothesis, shows that increasing the productivity of land in agriculture for a given population will make slavery more likely; slave owners become more willing to incur the inefficiency cost of slavery (in his model, this is labor wasted on guarding) in order to expropriate a share of the now larger economy. For the Egba, the export market for palm produce encouraged greater use of slave labor. Burton (1863, p. 301) wrote that “the development of commerce naturally increases the necessity for slave labour in a land where hired labour is expensive and uncertain.” When James Johnson attempted in 1879 to enforce the CMS policy of forbidding its members from holding slaves, he was confronted by a group of converts who were also prominent traders – Mary Coker, Lydia Yemowi, Susanah Lawolu, and Blesy Desola<sup>97</sup> – and by “sword-wielding agents of the Egba authorities.”<sup>98</sup> These women demanded roughly £2/10 per year from their trader-slaves, who could keep the surplus above this, while non-Christian owners were said to have charged less.<sup>99</sup> As with slaves, export markets increased the value of wives. Byfield (2002, p. 65) argues that the cocoa boom at the turn of the century increased the demand for labor, creating a “rush to get wives.”

In the same model, Lagerlöf (2009) unsurprisingly finds that lower costs of keeping slaves will promote their use. For the Egba, this was reflected first in the strategies used to lower the cost of slavery, and second in the extensive use of slaves by those who had the lowest costs of keeping them. Slaves were generally strangers,<sup>100</sup> and became slaves as a result of famine, capture, debt, or as punishment for crime.<sup>101</sup> Initially, the Egba raided their southern neighbors for slaves.<sup>102</sup> Over time, slaves were increasingly purchased in markets to the North, in Rabba and Ilorin. By 1870, James Johnson reported that “Hausa” slaves were predominant in Abeokuta.<sup>103</sup> These northerners were far from home and less likely to flee, again lowering the costs of keeping them.

The increased prominence of the *olorogun* (war chiefs) gave them an advantage in slaveholding. First, their costs of keeping slaves were particularly low. These chiefs were

<sup>97</sup>Agiri (1981), p. 140.

<sup>98</sup>Oroge (1975, p. 79). These were all women as produce trading was a largely female occupation, as mentioned above.

<sup>99</sup>Oroge (1971), p. 209.

<sup>100</sup>Interview: Chief F. Anidugbe, 27 July, 2007.

<sup>101</sup>Burton (1863), p. 301.

<sup>102</sup>Agiri (1981), p. 133.

<sup>103</sup>Agiri (1981), p. 137.

often able to evade the law prohibiting kidnapping from friendly and subject towns.<sup>104</sup> Both free and slave soldiers were required to turn over some or all of their captives to their commanders.<sup>105</sup> James Davies stated that, during the early 1880s, the most prominent men in Abeokuta had up to 400 slaves and treated them better than their own children.<sup>106</sup> Second, the *olorogun* (war chiefs) could earn a greater return from slave holding than other Egba. They used their soldier-slaves to collect tolls, to provide armed escorts for travelers, as blacksmiths, and as horse-minders.<sup>107</sup> Some kept their slaves out of the Ijaiye and Aibo wars in order to keep them on their farms, which Oroge (1971, p. 165-166) has called “the economic nerve-centres of Yorubaland.”

When British intervention in the Yoruba interior became more direct after 1893, their actions raised the costs of keeping slaves. Expatriate merchants feared that widespread slave desertions had hurt trade. Rufus Alexander Wright told the Commission on Trade that in Abeokuta and Ijebu “the slaves have felt safe in running away. I don’t think there will ever be a return to the old system.”<sup>108</sup> One observer wrote in 1893 that “the money value of slaves [was] decreasing, and they [were] showing increased freedom in word and act” because their chances of escaping to British territory had increased.<sup>109</sup> The issue of labor scarcity was not short-lived; in 1904 MacGregor reported the complaints of Aina, a “leading farmer,” who argued that there was a “dearth of labor since the cessation of slavery, and [that] paid labour was now both costly and difficult to obtain.”<sup>110</sup> This is further evidence that the absence of a market for wage labor was not caused by the presence of slavery. If it were, such a market would have emerged as more slaves became free.

## 6. CAPITAL

In Egba society, the inability to use land as collateral made borrowing difficult. In this section, I describe the credit institutions existed to resolve this problem. Most important of these was the system of *iwofa*, or human pawning. Next, I discuss the difficulties Europeans faced advancing credit to the Egba. Finally, I show that capital institutions, like land and labor, responded to changes in factor endowments, tracing out the impact of the introduction of kola and cocoa on the credit market. These made it possible to convert labor into a fixed investment, and served as collateral.

<sup>104</sup>Oroge (1971), p. 127.

<sup>105</sup>Agiri (1981), p. 133.

<sup>106</sup>NAUK, CO 147/133, enc in 4 June, 1898: Denton to Chamberlain. Evidence for 18th day. Agiri (1974, p. 468) gives a similar estimate from 1880 that some chiefs had more than 100, and up to 400 slaves.

<sup>107</sup>Oroge (1971), p. 102-105, 130-131.

<sup>108</sup>NAUK, CO 147/133, enc in 4 June, 1898: Denton to Chamberlain.

<sup>109</sup>NAI, CMS/Y/2/2/2, Papers on Abeokuta District, Jan 1893 letter from Oluminde.

<sup>110</sup>NAUK, CO 147/169 30 Jan, 1904: MacGregor to Lyttelton.

6.1. **Land abundance.** Binswanger and McIntire (1987, p. 78) argue that creditors will be wary to lend under land abundance; land that has little value cannot serve as collateral. Livestock, prone to disease and theft, is a poor substitute for land as collateral (Binswanger and Rosenzweig, 1986, p. 517). Without land tenancy, interlinked credit cannot overcome information problems (Binswanger et al., 1989, p. 135). Simple technology and the thin hiring market similarly constrain the credit market from the demand side (Binswanger and McIntire, 1987, p. 78).

In such an environment, we should expect credit markets among the Egba to have been characterized by high interest rates, and geared towards consumption loans. Austin (2009b, p.33-37) argues that credit transactions in pre-colonial West Africa generally did not constitute a market, but instead a “vast range of discrete bargains between parties who would not have had the information to offer or receive competing terms from others.” In these environments, capital markets were not distinguished from consumption loans, interest rates were high, and credit was given through extra-economic relationships. Barber (1857, p. 109) states that Egba farmers’ rotating credit societies prevented idleness, facilitated saving, and served as a form of insurance, but does not suggest that they assisted the Egba to raise capital. Some 300 of these *esusu* clubs operated in Abeokuta in 1861.<sup>111</sup> Oroge (2003) argues that the most common reasons individuals were pawned in Yoruba society were sieges during war, for the welfare of poor children (as the *olowo* was obligated to care for a child pawn), and the heavy expenses incurred in religious obligations, funerals, marriages and court fines – for consumption.

Interest rates on cash loans were indeed very high. Folarin (1939, p. 58) describes an hypothetical loan of 20,000 cowries, on which 200 cowries would be charged as interest every market day, totalling 40,000 over the course of a year.<sup>112</sup> Barber (1857, p. 116) describes one communicant who owed roughly 16s 8d to a creditor, onto which 5d interest was added every 9 days; this would total 62% over the course of the year. A colonial official during the 1920s noted that the rich at Owode had invested in receiving farms on pawn, and received 30-60% interest, with 100% paid in the case of palms.<sup>113</sup> In 1924, another official elsewhere in Yoruba territory cited interest rates of 30-60% as typical.<sup>114</sup>

The methods of collecting debt were so unpleasant that, in comparison, the missionary Samuel Crowther called pawning “a custom of relief.”<sup>115</sup> These were resorted to because land had no value as collateral, and there were few substitutes available. Traders could be seized for the debts of a countryman and sold into slavery.<sup>116</sup> Folarin (1939,

<sup>111</sup>McIntosh (2009), p. 133.

<sup>112</sup>He also gives the example of a loan of 12/6 with 5/6 interest charged after 7 months.

<sup>113</sup>NAI, CSO 26 24873 Assessment Report Owode District

<sup>114</sup>NAI, CSO 26 06827 Vol II “Pawning of Children,” 17 Oct, 1924: Resident Oyo to Secretary, Southern Provinces.

<sup>115</sup>Oroge (2003), p. 337.

<sup>116</sup>Townsend (1845), p. 3.

p. 60-61) lists four methods of recovery – *ogo*, *edan*, *emu*, and sale into slavery.<sup>117</sup> If *ogo* was used, a messenger, possibly a leper, was sent to the debtor's house. He could eat his food, wear his clothes, and “do all in his power to worry or irritate him.” If the *edan*, a ceremonial staff, was sent by the township authorities to the house of the borrower and payment was not immediately forthcoming, the goods or persons in the house could be sold. *Emu* enabled a creditor of long standing to recover his debts by seizing persons or property of the debtor, who was fined for causing the authorities to become involved. The debtor himself could be sold into slavery on application by to the *ogboni* (civil chiefs).

Austin (1993, p.121-122) notes that, because land was not useful as collateral in pre-colonial West Africa, most substantial loans were backed by physical or human pawns, reflecting “the relative scarcity of labour (people) rather than land.” Female pawns could become cheap wives of the lender, with the debt deducted from the bride price. Here, the Egba were no exception. *Iwofa* (pawns) were those whose labor had been pledged for a debt. Labor by the pawn was taken in lieu of interest until the principal was repaid.<sup>118</sup> In 1936, the Egba District Officer estimated that there were five thousand *iwofa* in the division.<sup>119</sup> Richer men could acquire more pawns; one informant claimed that his father had 60 working in his farms.<sup>120</sup>

Describing *iwofa* amongst the Yoruba in general, the Senior Resident at Oyo wrote in 1924 that the most common pawning contract was for a debt of £2/10 to £7/10. Critically, he noted that “no one will lend money to a man under the above system unless the borrower is vouched for and can find a surety who is responsible for the repayment of the loan.”<sup>121</sup> The importance of the guarantor, or *onigbowo*, is stressed by the proverb that “the *iwofa* suffers no inconvenience, it is the guarantor who is inconvenienced.”<sup>122</sup> The *onigbowo* was paid a fee of 6d, but became responsible for repayment of the debt if the pawn died or absconded.<sup>123</sup> The working of the *iwofa* system depended, then, on a third party able to monitor and discipline the pawn. This is again evidence of the monitoring costs that plagued the labor market. Further, it reflects the general pattern identified by Austin (1993, p.102-109) for pre-colonial West Africa. Because collateral could not be easily recovered, and because weak states that were also a consequence of land abundance could do little to enforce contracts (see Herbst (2000)), loans were extended through existing networks, while repayment was enforced through private

<sup>117</sup>These are also discussed in Hopkins (1969, p. 91-92)

<sup>118</sup>Ajisafe (1924), p. 64.

<sup>119</sup>NAI, Abe Prof 2 EDC 30 Iwofa: 12 Nov, 1936: District Officer Egba to Resident

<sup>120</sup>Interview: Chief J. Adeleye, 2 Sept, 2007.

<sup>121</sup>NAI, CSO 26 06827 Vol II “Pawning of Children” 17 Oct, 1924: Resident Oyo to Secretary, Southern Provinces.

<sup>122</sup>Fadipe (1970), p. 191.

<sup>123</sup>Fadipe (1970), p. 191.

pressure, such as panyarring (hostage-taking), secret societies, and the “court of public opinion.”

Although colonial officials viewed *iwofa* as a voluntary act for adult men, with pawning of children as an unacceptable form of disguised slavery,<sup>124</sup> the Egba saw it primarily as one involving children and dependents. The ability to pawn children, then, was another claim established by payment of bride price. The Alake volunteered the example of a son who pawned himself to save the family head from the disgrace of being a debtor.<sup>125</sup> Folarin (1939, p. 8-9) stressed that “[a]ny person male or female may be pawned, whatever his age, by his parents or relations.” One of my informants suggested that:

since am polygamist I was then free to take two of my children one from each wives and then go to the money lender that I needed money and so take these children of mine let them be with you to assist you with your work while you borrow me money I will come for them in two or three season time since I did not sell the children to him and by the that time I will also bring the money.<sup>126</sup>

As further evidence that the institution of *iwofa* served as a resolution to both labor and capital scarcity where alternative forms of collateral were unavailable, it is clear that Egba creditors preferred to receive the labor services of pawns over holding other assets on pawn. There are a handful of cases in the court records in which palms were made part of a debt contract only after an *iwofa* arrangement had broken down.<sup>127</sup> In a 1915 suit, the plaintiff’s brother had pawned himself to the defendant for £5.<sup>128</sup> The defendant claimed that, as no *onigbowo* could be found, he took over the farm and palms as surety when the *iwofa* refused to serve him. Although he received repayment of the principal, he told the court that “the nuts I reaped I took as my interest.”

Egba contact with European merchants did little to ameliorate these conditions, because the problem with the credit market was not the potential creditors, but the lack of collateral. Europeans were reticent to lend because of the risks involved. As early as 1863, Europeans in Lagos complained that Africans could escape to Abeokuta, becoming “refugees for debt.”<sup>129</sup> In 1912, John Deemin wrote to Ayles, another merchant, that he had advanced £3475 at Abeokuta, and after accusing his correspondent of giving loans to risky borrowers, stated that it was “easy enough to give out credit, but a very

<sup>124</sup>Byfield (2003), p. 365.

<sup>125</sup>NAL, CSO 26/1 03063: Enactment of the Slavery Ordinance (1916); Nov 5, 1915: Secretary Egba Native Authority to Commissioner.

<sup>126</sup>Interview: Chief T. Ojewumi.

<sup>127</sup>See Abeokuta Civil Suit 631/1915 and Abeokuta Civil Suit 854/1915, or Ake “A” Civil Suit 196/1919 for additional examples.

<sup>128</sup>Abeokuta Civil Suit 538/1915.

<sup>129</sup>NAUK, CO 147/4, 6 Nov, 1863: Glover to Newcastle.



difficult matter to get it paid.”<sup>130</sup> Together with Egba commercial interests, the European firms in Abeokuta and Lagos led an unsuccessful campaign to make urban land attachable for trading debts. Here, the obstacle was the combined policy of the colonial government and the EUG that foreigners were not to acquire any permanent interests in land.<sup>131</sup> The outcome of this inability to provide collateral on loans was perverse; by the early 1920s, demolition of houses for sale as scrap had become widespread. Folarin (1931, p. 81) wrote in 1930 that “several houses in the town have been demolished and the town bore every appearance of warlike devastation and desolation.” In 1922, a petition signed by *ogboni* (civil chiefs), *olorogun* (war chiefs), *parakoyi* (trade chiefs), Christians, and Muslims was sent to the Alake and Council asking for the ability to attach land for debt.<sup>132</sup> The council was aware that the destruction of houses was “not good” and that the restrictions raised interest rates, but still chose to take no action.<sup>133</sup>

**6.2. Responses.** Tree crops were one potential source of collateral. When palms, cocoa, or kola were pawned, no interest was charged and use of the trees was turned over to the creditor until the loan was repaid. In the sample of court records it is difficult to identify the specific terms on which palms were pawned. The number of trees given over is only reported once – in a 1917 suit, the plaintiff claimed she had pawned twelve trees for one shilling each.<sup>134</sup> Still, seventeen clear examples of pawning of land with palm trees, without any other tree crops mentioned, and in which the amount received is stated yield an average loan of a little over £6/10.<sup>135</sup>

Pawning palms to raise capital was, however, problematic. The estimate cited above that the interest on palm trees at Owode was much higher than that on other loans

<sup>130</sup>RHL, Mss Afr s 1657 John Deemin Papers, Deemin to Ayles, 17 Jan 1908

<sup>131</sup>For an analysis of the reasons for this policy, which appeared in various forms throughout West Africa, see Phillips (1989).

<sup>132</sup>Folarin (1931), p. 115-118.

<sup>133</sup>NAA, ECR 1/1/19 Egba Council Records Vol 1.

<sup>134</sup>Ake “A” Civil Suit 719/1917.

<sup>135</sup>Abeokuta Civil Suit 693/1908, pawned for 40 bags of cowries or £10 to pay medical expenses; Abeokuta Civil Suit 551/1915, pawned at Ilawo for £2/10 some time between 1875 and 1890 while the owner was away; Abeokuta Civil Suit 556/1915 pawned more than seven years prior to the case for £2/10; Abeokuta Civil Suit 561/1915, pawned at Igbo-Oya in 1897 for £10; Abeokuta Civil Suit 631/1915, pawned for £12/10 c. 1914 at Oluwo; Ake Central Suit 548/1905, pawned for £5, Abeokuta Civil Suit 70/1911, pawned less than ten years ago for £2/10 by a man with no right to pawn it, Ake “A” Civil Suit 299/1917, pawned ten years prior for £5; Ake “A” Civil Suit 352/1917, pawned six years earlier for £6 for after plaintiff’s mother died; Ake “A” Civil Suit 590/1917, pawned 12 years earlier for £7/10; Ake “A” Civil Suit 124/1918, pawned for £3/10 a year before at Asaya; Ake “A” Civil Suit 792/1917, pawned for £1/5 17 years and six months before at Olope; Ake “A” Civil Suit 225/1918, pawned at Awowo four years earlier for £7/10; Ake “A” Civil Suit 31/1918, pawned at Agbadu in 1918 for £2/15 to pay damages in a trespass suit; Ake “A” Civil Suit 402/1918, pawned at Ibu four years previously for £3/15; Ake “A” Civil Suit 875/1918, the palm trees alone pawned for £20 at Afojupa 10 years before; Ake “A” Civil Suit 583/1918, pawned for £5 at Igboro 18 years earlier; Ake “A” Civil Suit 143/1919, pawned for the deceased’s outstanding debts of £30/10 after his funeral 20 months earlier. In Ake “A” Civil Suit 130/1918, the defendant claimed the farm at Etepo had been pawned to him for £22/10 a year before, but court was skeptical of the size of the loan and his failure to use the plot for over seven months. This has not been included in the average.

suggests a substantial risk premium. Further, the estimated profit of 26s on 24 bearing trees was similar to the rate of 1s per tree in a pawning contract, which encouraged borrowers to redeem their loans as quickly as possible.<sup>136</sup> Early repayment created risk; in a 1905 suit, the defendant refused to accept sixteen bags of cowries as redemption because he had not had time to do more than clear the land in the two years it had been in his possession.<sup>137</sup> The fundamental difficulty, however, was that palms were, like the land on which they grew wild, not scarce.

Cocoa and kola presented fewer difficulties, though much of the evidence that they were used to raise capital comes from the period after 1914. Ward-Price (1939, p. 92) argued that the pawning of cocoa farms was common. In neighboring Ibadan, Captain Ross reported in 1926 that a loan of £7 could be raised on 100 good cocoa trees – roughly 1/5 per tree.<sup>138</sup> At Owode during the 1920s, trees were typically pawned for 2/6 apiece.<sup>139</sup> Seven cases in the records exist in which land with cocoa and without palms being mentioned was pawned and the amount stated in court; the average sum in these transactions is a little over £5/15.<sup>140</sup> Each interviewee agreed that individuals could use their cocoa farms as a source of credit. Investment of labor in the creation of a cocoa farm established what Besley (1995) has called “Lockean” claims to ownership.<sup>141</sup> This reduced some of the uncertainties involved. Further, as a scarce asset with a higher annual yield, cocoa was simply more valuable than palm trees. Finally, cocoa farms could also be sold.

## 7. CONCLUSION

Over the course of the nineteenth century, Egba institutions governing land, labor and capital were decisively shaped by the availability of uncleared forest. The “price” of land was low, and rights over it were often temporary and ill-defined. Wage labor was absent. Manpower was recruited from slaves, dependents, and the other members of cooperative work groups. Capital markets were thin, relying on human pawns. Further, these institutions responded to changes in their relative returns and population pressure in ways that can be explained by the land abundance view. Pressed into a small region of initial settlement, the Egba intensified their land use, eventually developing the right to sell land. Cultivators defended their rights over especially productive plots. Slaves were employed in export production by those who had the lowest costs of acquiring them.

<sup>136</sup>NAI, CSO 26 24873 Assessment Report Owode District.

<sup>137</sup>Ake Central Suit 174/1905.

<sup>138</sup>NAI, CSO 26 06827 Vol II “Pawning of Children” 30 Aug, 1926: Resident Oyo to Secretary, Southern Provinces.

<sup>139</sup>NAI, CSO 26 24873 Assessment Report Owode District.

<sup>140</sup>Abeokuta Civil Suit 740/1908, £2; Abeokuta Civil Suit 790/1908, two farms for £13/15 total (mean used in calculation); Abeokuta Civil Suit 810/1915, £5; Abeokuta Civil Suit 942/1910, £3/15 for 400 trees; Ake “A” Civil Suit 318/1917: disputed whether pawned for £10/15s or £5 (mean used in calculation); Ake “A” Civil Suit 593/1917, £3/15; Ake “A” Civil Suit 1229/1917, pawned for £12/10, approximately ten years earlier.

<sup>141</sup>Locke believed that property was created by the application of labor.

The greater prominence of the war chiefs allowed them to accumulate large numbers of wives. Tree crops, especially those that embodied labor as physical capital, improved the functioning of credit markets. The Egba, then, underscore the ability of the “land abundance view” to account for the evolution of economic institutions in pre-colonial Africa.

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## APPENDIX A. DESCRIPTION OF THE COURT RECORDS

Two sets of Native Court records are used for this study. The first is taken from the Egba Council Records (ECR) deposited in the National Archives, Abeokuta (NAA), and contains Civil and Criminal Record Books mostly from the period 1899-1904. The second is housed in the Hezekiah Oluwasanmi Library at Obafemi Awolowo University, Ile-Ife. From this collection, I have used Civil Judgment Books from the Ake "A" and "B" Grade Courts, the Ake Central Court, the Abeokuta Mixed Court, and the Abeokuta Native Court of Appeal.

Histories of the Native Courts have been provided by Adewoye (1977) for Southern Nigeria as a whole and Pallinder-Law (1974) for Egbaland. Before 1904, the court records that survive consist of the Alake and council of the EUG exercising their judicial authority. While courts for each of the four Egba sections were established in 1901, the non-Ake courts were abolished in 1904. The Ake court was then moved into a new building, to lessen the Alake's influence over its decisions. Cases used for this study from 1904 and later are primarily from this court. Its judges were literate Egba, appointed by the EUG (by the Egba Native Authority after 1914), and it had both civil and criminal jurisdiction. It is clear from the records that the courts, while empowered to enforce unwritten "native law and custom," followed a judicial process that was "essentially arbitrational, aimed at restoring harmony by negotiating a settlement acceptable to both parties" (Pallinder-Law, 1974, p. 84). If both litigants were closely related, the court might remit the case to be settled amicably "at home." Similarly, while "private" courts were ostensibly illegal, it is clear that the *ogboni* (civil chiefs) continued to hear the majority of cases, and that only those they could not settle were taken to the Ake court in Abeokuta. The Alake was frequently accused of interfering in the court's operation before 1914.

A typical record begins by noting the names of the litigants and either their home villages or township affiliations, as well as the number of the case. The plaintiff's cause of action and claim for damages are also given in the header, alongside the farm's location (e.g. "at Kori Ogude"); the majority of claims are for either recovery of farmland or damages for trespassing and reaping crops. The testimony is recorded in English longhand, though it is likely the participants spoke mostly in Yoruba. The judgments delivered usually range from a sentence to a short paragraph, stating how the land is to be divided and what damages are to be paid. Inspection of the land by a police officer or other representative of the court was common, but enters the court records only as the verbal report of the officer who conducted it. At these public meetings, "villagers," elders and chiefs were called to give evidence and identify boundaries. The court invariably takes the reports of these examinations as declarations of fact.

As a minor note on the sample case included in Appendix B, it is notable that the participants are sworn in on Bibles, Korans, or cutlasses. The Egba were a major center of missionary activity during the nineteenth century, but by the end of the colonial period also had a significant Muslim population. A cutlass is significant within Yoruba religion;

Ogun, the god of iron, is presumed to be able to do harm to those who break their oath to speak truthfully.

APPENDIX B. SAMPLE CASE: ABEOKUTA CIVIL SUIT 137/1909

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In the Native Court of Abeokuta Thursday the 4th day of March 1909 Before A.B. Green and S.J. Peters, Judges.

137/09 Odunusi of Ake vs. Taiwo of Kemta

Recovery of farm land at Olugbo property of the pltff

Odunusi sworn on Bible states: I am of Ake am a Farmer - my father Durojaiye of Ake took this farm at Olugbo in dispute as farm forest – after the Abo war – I accompanied my late father there together, with my brother Fatoki and two pawn men of my father. Lukosi of Kemta father of Deft Taiwo came to this farm 3 years after us, my late father Durojaiye gave portion him Lukosi some portion of his own forest farm to work upon – One Daresu an elder brother of my father Durojaiye had some forest farm Darun in his life time worked some portion of this and died, this Darun's portion both Irapa + forest was taken now by Deft Taiwo as farm belonging to his late father Lukosi – Durojaiye and Darun were brothers of the same parents. Darun had children as my self + Fatoki are sons of Durojaiye. The farms of Durojaiye and Darun are now being claimed by Deft – which has no right to do.

Deft – Taiwo sworn on the Bible States: - I am of Kemta, am a farmer. One Ande of Kemta took my father Lukosi of Kemta to this farm at Olugbo about the Abo war. Durojaiye father of pltff first got to this farm, and first took his portion of forest, then my father took next then Lukosi's boys, about 13 boys then serving my late father in this farm. I never heard of the name of Darun in this farm during the Ibadan warfare against the Egbas bother my father + Durojaiye pltff's father left this farm and never returned to the place till about 12 years ago when my father's people and pltff returned to the farm – but I did not for pltff laid hold of his father's farm and my father's boys laid hold of my father's. There is the Porogun trees planted on the boundary of the farms of Durojaiye and Lukosi till today. It was the plaintiff who trespassed on my father's land. I never knew any farm belonging to Darun in this part.

For pltff Fatoki sworn on cutlass states: - I am of Ake, am an Ifa priest and son of Durojaiye. Ande of Kemta and my father Durojaiye started at the same time for this farm region the same day Ande took his portion and Durojaiye this portion side by side. My father Durojaiye first got to this farm, three years after Lukosi father of Deft came, my father there gave him the forest farm of one Sholoye which my father had taken for him and he never turned up. After the warfare Lukosi people and my father's people had to leave this farm. At the return Lukosi people laid claim on our father's farm . by trespassing over the boundary. I heard at a time the Kemta planted Porogun trees on

the boundary. Darun an elder brother of Durojaiye my father had a farm, which is now being claimed by Deft in conjunction with Durojaiye's.

Aboni sworn on Cutlass States: I am of Kemta. One Faroubi of Kemta took us to this farm. We were there for good length of time before Durojaiye Father of plttf came. Durojaiye came of himself but Ande of Kemta gave him forest. Lukosi father of Deft came two years after Durojaiye, Lukosi took portion of farm Durojaiye had reserved for one of his people but it was forest. The farm in dispute is part of Lukosi's farm. Lukosi's farm is in the middle of Durojaiye's farm and Igbonla – on the other side of Durojaiye is Ogunbiyi's farm. At a time when there was a dispute of boundary between Lukosi and Durojaiye's farm, the Kemta chiefs settled it then by planting porogun trees. These trees are there till today.

For Deft Sanyaolu sworn on cutlass states: I am Kemta am a carver and a hunter. Ande of Kemta was my grandfather who took Durojaiye father of plttf to this farm and allotted to him portion of forest farm land. This Ande took Lukosi father of Deft to this farm Olugbo and gave him forest farm. This was at the Ijaiye war. I was then present. I was as old as I am during the Abo war of 1857.

I say the court after cross examination that I am telling a lie.

Case adjourned till Monday Mar-8-09

A.B. Green Pres.

Saml J. Peters

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In the Native Court of Abeokuta Monday the 8th day of March 1909 Before A.B. Green and S.J. Peters Judges.

137/09 Oduwusi of Ake vs. Taiwo of Kemta

Recovery of farm land at Olugbo property of the plttf

Dagin sworn on cutlass states: I am of Kemta. I know the farm in dispute at Olugbo. The farm was originally taken Lukosi of Kemta during the Abo war. I know that the farm was originally taken by Lukosi because I accompanied them there 17 days after – Ande, Ogunbiyi and Durojaiye father of plttf each took portion of this farm alongside one another. Ogunbiyi was in the middle of these people. Durojaiye being on one side Likosi father of Deft is on the right hand of Durojaiye, Lukosi gave his left to Igbo Inta. The land mark between Durojaiye and Lukosi was made by planting Porogun trees by the Kemta people when there was difference on this land at a time Durojaiye father of plttf had a farm there and Lukosi father of Deft also had a farm.

Aruno sworn on cutlass states: I am of Kemta. I was slave of Lukosi father of Deft. This farm was taken during the Abo war. I did not go with them but afterwards I went there after two years Lukosi got there. Durojaiye was the first to get to this farm then Lukosi my master. When Lukosi came he took the forest next to Durojaiye. Durojaiye never ran away from this farm, but died.

Case adjourned till Wednesday when escort will be sent to this farm to see the porogun trees planted by the Kemta people.

A.B. Green Pres.

Saml J. Peters

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Oseni sworn on the Koran states: I am police no. 29 EUG. I was sent by the court to the farm in question at Olugbo. I summonsed the villagers. I found the two farms of pltff and deft side by side. The boundary was marked by Porogun trees from one end to another, these porogun trees were planted by Chiefs of Kemta, when there was a fight on this subject once. Pltff showed me two porogun trees which one was in the middle of Defts farm, and one in some part of a road which he said was boundary. I found it was no boundary and the villagers said the same that boundary is the straight demarcation in which porogun trees were planted straight from one end to another. It was pltff who trespassed into Defts farm. The porogun trees in the boundary are about 24. The poroguns are about 5 years old. The two poroguns pltf showed me were trees of themselves of no object.

Judgment – Court decides that the boundary as marked by the 24 porogun trees planted by the authorities of Kemta should from now be taken as boundary between the land farms of late Durojaiye of Ake and Lukosi of Kemta. No notice should ever be taken of the two accidental porogun trees pointed out by pltff. Judgment for Deft.

A.B. Green Pres.

Saml J. Peters.