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# **CRISIS AND CONFLICT RESOLUTION IN BRASS PROVINCE BEFORE 1960**

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## **ABSTRACT**

This work is aimed at explaining the origin of Brass people and the villages that made up of the present Ijaw nation. It also attempts to give an overview of conflict resolution in Brass province before independence of 1960. Among other things, it attempts to disclose how judicial system in the area became instrumental to boundary disputes and the approaches taken to resolve them.

This work made effective use of primary and secondary sources of research methodology. Under the primary sources, interviews were conducted with elderly people, academia and civil servants whereas, under secondary sources, literature that related to the topic were liberally used.

In the course of this research, we found out that a lot of administrative blunders took place during the period understudy but were either recorded and lost or deliberately overlooked. Again, reports of some colonial officers which were gotten from the opinions of some prominent Ijaw natives were distorted to favour the colonial government. Also, history of the Brass people was controversial and unclear, thus making research in them more imaginative. Among other problems, we discovered that there was few literature on the judicial practices in the Brass province.

## **INTRODUCTION**

The Brass Province during the period under study was a Colonial territory of the Great Britain located in the coastal region of what is called South-South on Niger-Delta region of modern day Nigeria. *Ab-*

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*initio*, the Portuguese were the first Europeans that had contact with the natives based on commerce. Later on, Britain took over the administration of the area through the Royal Niger Company which obtained the Royal Charter from her Majesty's Government in London. All these were based on trade. However, during this period the area called Brass was predominantly a Nembe-speaking community.

Brass people eked - out their living through fishing because of the topography of the area. Also the land was a landlocked area that was unsuitable for the production of food crops; hence the people had to depend largely for their sustenance on fishing and trading, particularly with their neighbours in the hinterland. They had been on for several years ever before Goldie thought of establishing his company. For sometime, after the establishment of the Company, this peaceful trade with the hinterland people was allowed to continue. During this time the town of Brass became one of the trading centres for the Company, even though the Brass people were all the time skeptical of the company's intention into the area. They also resented the encroachment on their Commerce by this company<sup>1</sup>.

Moreover, it was perhaps because of the attitude of Brass-men that made the company in 1881 to embark upon stringent measures in the land. In that year, the company asked for and received a Royal Charter from the home government, empowering it to establish its monopoly over the trade in the Niger-Delta Basin, and also to deal as it thought fit with any recalcitrant chiefs that refused to cooperate.

Brass town at a time was the main Port of Nembe Kingdom called by one as the Venice of the Niger - Delta. Their dominant trade as at the time was palm oil.

The Royal Niger Company was the first Company in history that came to transact business with the Brass people. The trade relationship became soured when foreigners proved too strong. In about January, 1895 the King of Nembe, William Koko led a siege with more than one thousand warriors on the company's headquarters at Akassa which triggered off a retaliatory raid that destroyed the kingdom's

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inland capital at Nembe. This attack is known in history today as the Akassa Raid.

## **IJAW IN HISTORICAL PERSPECTIVE**

The earliest ethnic groups occupying the Niger Delta were the Ijaw-speaking people. The people inhabited the Niger-Delta South of Aboh further upstream. They consist of four main clans: Brass-Nembe, Kalabari, Bonny and Warri. Collectively, the Ijaw have diverse origin and here it might be unhistorical to generalize because their social and political milieu had been produced under peculiar circumstances. The people had a lot in common which had evolved because of common environmental influence, culture and commercial contact and inter-marriages.

However, of the numerous traditions of the Ijaw origin, it is important to examine four of them.

The first claims a Benin ancestry. According to this, the King of Benin sometime ago sent an expedition to the Niger Delta accompanied by his son who was unfortunately killed at the battle. Consequently, the Benin decided to settle in the Niger - Delta where they founded Nembe.

A second tradition attributed the Ijaw origin to the Yoruba. It however stated that the Ijaw moved into the Itshekiri Area after a brief stay at Ile-Ife, but subsequently settled in the Niger-Delta.

The third historical origin emanated from the Kalabari. According to this tradition, the Andoni- Ijaw groups absorbed waves of migrants from the hinterlands to form new groups around Degema and Ibeno (Bonny).

The fourth tradition of origin akin to the Ijaw from Okrika recalled Igbo infiltration into the already existing Ijaw and Andoni communities at a very early stage in the history of the Atlantic peoples of the Niger-Delta.

Nevertheless, all these traditions point to one thing that Ijaw culture was a melting-pot of civilization which had emerged from varied influences and diverse origins<sup>2</sup>.

Furthermore, the Ijaw settlements soon developed into City-States with the emergence of Brass, Twon, Akassa, Ogbolomabiri, Bassambiri, Buguma, Abonnema, Bakana, Bonny and Opobo.

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This was probably during the 13<sup>th</sup> century. Brass was the Portuguese name given about 1472 to the settlement founded by three men: Obolo, Olodia and Onyo in the locality of the present day town.

### **ORIGIN OF THE NAME, BRASS**

The Portuguese slave traders who traded with the Brass people between 1472 and 1600 called them Brass because the people usually expressed rejection of a trade offer with the term "Barasin" which literally means "hands off, let go". In the course of time however, the English merchants came and shortened the phrase to Brass. (Among the Brass rulers the most widely remembered was Ekule, after who ruled seven others. At the death of the last, Basua, about 1702, dispute arose over succession between his sons, Mingi and Ogbodo. The Civil war that ensued ended in a stalemate and so two lines of kingship started in Brass<sup>3</sup>.

### **CONFLICT RESOLUTION IN BRASS PROVINCE BEFORE 1960**

The adjudication of cases among the Brass communities was the same. The Amanyanabo and Council of Elders presided over all cases brought to them. In disputes between two towns, the Amanyanabo of each sat together and practically everywhere except among the Bassa tribe. The Amanyanabo exercised three functions. These included being the supreme judge; the sole war general; and the spiritual head. Furthermore, the power of life and death of his subjects were in his hands. This means that he would decide who would live or die, and no one had the right to challenge or question his authority. The Amanyanabo had the power to free a convicted criminal or advise him to move for an appeal. Although there were other cases the Council of Elders could handle, but the Amanyanabo still retained the right as the overall leader of his people to meddle into the matter without resistance. The judicial process in Brass made it that the Amanyanabo could adjudicate in all cases within and outside his jurisdiction, provided his community was concerned.

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More so, the Amanyabo, being the commander in war had the right to the disposal of booty. This was supported by the *Brass Assessment Report*, thus, “after the Akassa Raid, King Koko had the greater portion of the plunder, and this is disputed in Bassambiri”<sup>2</sup>. Also, as a High Priest, he made sacrifices for the community selecting juju priests to help him.

This was the judicial situation until 1895 when a society was formed in Nembe consisting of members from every chief’s house. This society was known as SekiapeOgbo; it had the full judicial powers and tried so many cases. But it later became a social problem to the community that in the same year, the Native Council under the supervision of the District Commissioner was also inaugurated consequently turning the SekiapeOgbo into a dancing club, and the Native Council became a recognized authority<sup>4</sup>.

Moreover, there existed what is called House system. Under this system, a chief was the administrator, and had power to settle cases between members of his own House and also between members of two Houses with the consent of the Chiefs of the other.

Furthermore, before the coming of colonialism in the area understudy, there existed a terrorist group known as Minikonbo who were terrorizing the community. Their pattern of crime was to harass women in quiet places. But when some of them were apprehended, a judgment was passed to them which entailed burning till they became ash.

Similarly, discussion with Duke Morrison shows that the last offender brought to book was a man named Gbegbegha in 1893, who being of Royal descent, was merely made to drink poison<sup>5</sup>.

Also in a case that involved witchcraft practices, a culprit was stabbed as a punishment for his offense. This view was clearly held by Tepowa who opined that “witches and wizards in Brass-Nembe were pierced with stakes at a place called Opupogu; persons with bad medicine capable of killing people were burnt in their houses; mothers of twins were evicted from their families; murderers were killed in a

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similar manner to that in which they killed their victims, although the Bassa tribe made them hang themselves<sup>6</sup>.

Nevertheless, the judgment given to a thief in Brass was by tying whatever he stole round his body and marched him round the town. But this kind of punishment varied from time to time. For instance, in the Saka District, a convicted thief was tied with wet cloth until he yelled and could only be released when his family or friends pay an adequate offering that could propitiate the injured party. Where the case involved a poor man who could not make enough compensation to his victim, the prosecutors could release him at nightfall<sup>7</sup>.

### **JUDICIAL DIVISIONS IN THE BRASS PROVINCE BEFORE 1960**

Under the colonial judicial arrangement, Native Courts were created with a view to adjudicating and administering justice in Brass province. These Native Courts were situated in the following towns:

- a) Twon,                      (b) Nembe,                      (c) Emelego
- d) Olobiri,                      (e) Sabagreia                      (f) Amassama
- g) Ekowe

The division consists of seven Native Courts which were argued that were not enough considering the areas they covered. It is also argued that in the past, Amanyanabos had not been attending Native Courts, and owing to that, could not be qualified to be elected into the Native Courts. This appeared to be a system of breaking down the ancient native form of administration which was undesirable. But at present, their duties comprised of supervising town feasts, stating days on which communal fishing would be held and settling local disputes.

Town Native Court was established in 1894. The people of this area were so closely allied to Nembe that it almost seems as if the two places operated in one court. The Native Court at Nembe was established in 1895 and was upgraded as Grade B Court<sup>8</sup>. Sabagreia was given a Native Court in 1904, and it was one of the largest courts in the Division. Proposals had been put forward for the opening of a

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second tribunal in Atissa area. Amassama Native Court also was established in 1904.

Ekowe commenced its own in 1915, as well as Olobiri. These tribunals had jurisdictions over one-third (1/3) of the division. Emelego was opened in 1921. It is undoubtedly situated in the principal town of the area. It is recorded that from April 1, 1928 to March 31, 1929 less than thirty cases out of over seven hundred heard in the court affected people in Bassa area. Also collection of tax at Bassa area was a difficult task<sup>9</sup>. Record has it that the number of civil cases heard in the Native Courts in 1928 were 2,196. Whereas criminal cases were about 1,598<sup>10</sup>. Taken as a whole, the native courts in Brass Division competed favourably with other divisions. At Ekowe however, the weak and old Amanyanabo were encouraged to resign from sitting judgment in the Native court so as to allow the younger and energetic Amanyanabo group to emerge.

### **ASSESSMENT OF TAXATION**

Taxation was exacted by the Amanyanabo of Nembe. It could also be exacted by the House heads mostly in the form of labour, but on some occasions subscriptions might be demanded for any specific purpose. This could be taken mainly in form of women slave, gin, palm oil in the order laid down. But in other parts of the country, tributes were paid to the Amanyanabo of the town.

It is observed that no tax was collected in 1928, therefore, the Amanyanabos of Nembe were ordered by the District Commissioner to collect tax and bring to the Native Court during two or three days set apart for the purpose. However, to support this view, Captain Ashley in his remarks opined that “the larger portion of the adult male population is continually moving about for reasons best known to them. I therefore, maintain that the only effectual way of collecting this tax in this Division is to give the receipts to each Amanyanabo in April and collect what has been paid from him every three months till the end of December. I do not advocate a policy of leaving him with the whole amount and the tax tickets for nine months, hence the

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periodical collection which possibly might take place more frequently. However, in theory a collection being made over the whole country in three months is ideal, but I very much doubt if it will be in any way practicable in this Division at the present time, and the revenue will suffer if this course is insisted on<sup>11</sup>.

More so, there were cases of tax evasion. Most traders evaded taxation because they did not find it necessary to pay part of their proceeds to a Native Court controlled by white man. In this development, the native authority made it compulsorily payable to the Amanyanabo, who in turn remitted to the Native Court at the directive of the District Commissioner. Samuel Bonnie, one of the British residents who lived in Brass Division captured the above when he opined that “some of the heads of the larger Houses in Nembe own several shops for which they pay a keeper and make money themselves outside trading in oil. It therefore appears likely that if a thorough assessment were made on an income tax basis, the revenue would be more than considerably increased, not to mention the large number of persons who so far have evaded tax on the flat rate<sup>12</sup>. Furthermore, in every town within Brass Division, an Amanyanabo was elected by the elders and town people, and ruled with his council of Elders. In every case his word was law and his power so great that he could over rule the council. Where disputes arose between two contiguous towns, a neighbouring Amanyanabo was invited to act as an arbitrator. Nevertheless, a small town that needed protection from the stronger town paid tributes to the Amanyanabo of the strong town or risked invasion. In this manner certain groups of towns were formed, the largest being the Nembe group. In many occasions new towns were developed as a result of civil war or for trade purposes thereby existing independently with its own Amanyanabo, and no more making tributes to the parent town. The only thing linking the new and the old towns was the worship of the same juju. But this was quite different among the Bassa people who in one time or the other paid tributes to Nembe.

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The Amanyanabo according to Ockiya was guided by his Council of Elders and minor cases he left entirely to them. But when disputes arose in Nembe between two parties living respectively in Bassambiri and Ogbolomabiri, the matter was settled by the two Amanyanabos sitting together<sup>13</sup>. Furthermore, in accordance with section 34 (1) of the Native Authority Ordinance, No. 17 of 1943, the following rules are established for the conduct of business by the ‘Eastern Ijo Native Authority’, hereinafter called the ‘Eastern Ijo Central Council’ and the ‘Subordinate Native Authorities’, hereinafter called the ‘Subordinate Councils’:

- i) “A meeting of twenty or more representatives, being duly appointed to be members of the Western Ijaw Central Council by their subordinate councils, shall be deemed to constitute a meeting of the Native Authority, provided that not less than nine of the subordinate councils are thereby represented at the meeting.
- ii) The Central Council shall meet every quarter.
- iii) The Treasurer of the Native Authority shall be the Secretary to the Central Council and shall keep minutes of every meeting of that council.
- iv) Meetings of the Central Council shall be presided over by a member who shall be selected by the other members present. On assembly, the Secretary will first record the names of the members attending and shall request them to choose a president. In the event of a number of nominations, the candidate obtaining the highest number of votes shall be deemed to have been chosen. The secretary shall record the name of the President chosen. Provided that, when the Administrative officer in charge of the District shall be present at a meeting, he will preside.”<sup>14</sup>

Notably, these few quotations obtained from the Native Authority Ordinance, No. 17 of 1943 show how judicial process was applied in the Brass Division before 1960. Another typical example was the Administrative Order of 1944.

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## **ADMINISTRATIVE ORDER OF 1944**

Owing to the irrepressible land dispute between the Nembe of Brass Division and Kalabari of the Degema Division, the British Colonial administration acquiesced to draw an Administrative Boundary for the two divisions. In doing this however, the Assistant District Officers of the two Divisions met at Kuroghakiri (in the present Nembe Local Government Area of Bayelsa state) in June, 1944. The Order never conferred title to land.

However, during their (the two Assistant District Officers) meeting, a resolution was reached to make the Santa Barbara River the administrative boundary between the Brass Division and that of the Degema. The Order further provided that:

- a) Nembe people shall occupy the territory west of the Santa Barbara River, while the territory in the eastern bank of the River goes to the Kalabari;
- b) Nembe shall also collect rent from strangers fishing on the western bank of the River. While the Kalabari collects from the eastern bank of the Barbara River;
- c) Both the Nembe and Kalabari people are free to live in either bank of the River without paying rent, but could not collect rent other than from the bank of the River allotted to them;
- d) Every party can go to court to establish its right or title<sup>15</sup>.

## **CONCLUSION**

From all that have been said, we observed that even before colonialism was officially introduced in Nigeria, the Brass province had started operating a well-organized judicial system, based on House system of administration led by the Chiefs. Also, these Chiefs later assumed the title of Amanyanabo. The Amanyanabo was a military commander, an administrative head, a judge and a spiritual leader. Also it is on record that his words were laws, as he had the powers to give a death sentence or to pardon an offender.

Again, the Amanyanabo could decide to give tax holiday to anyone he chooses. Under him was Council of Elders who also had judicial

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powers but to the dictate or directive of the Amanyabo. Criminal cases could be handled by the Amanyabo, while civil ones fell under the jurisdiction of the Council of Elders, unless the case proved tough then the Amanyabo could adjudicate.

More so, when the British came, they introduced Native Courts where the Amanyabo sat for the administration of justice. These courts were presided over by the Assistant District Officer, who was responsible to the District Commissioner.

Finally, the Amanyabos were turned into mere tax collectors, thereby reducing their traditional powers. There were cases of boundary disputes between communities living in different divisions. These disputes were settled by the Assistant District Officers, through Administrative Orders like those of 1944 and 1954.

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## Endnotes

1. E.G. Abiola, *A Textbook of West African History: AD1000 to the Present Day(Revised and Enlarged)*, (Ado- Ekiti: Omolayo Standard "Press and Book shops, 1984), P.157.
2. *Brass Assessment Report, Degema District Office*
3. Interview with Pere Amangala, at his resident in Brass, on Wednesday, 12<sup>th</sup> November, 2014, aged, 66.
4. Interview with Duke Morrison, at his office in Yenagoa, on 5<sup>th</sup> November, 2014, aged 47.
5. Donald Tepowa, "*Understanding the Ancient Days of the Ijaw People*", a seminar presented in Niger-Delta University, Bayelsa State, 2012.
6. Donald Tepowa, 2012.
7. Philemon Jackson, "*Why Ijaw Nation Must Grow*", a Paper delivered at the 10<sup>th</sup> session of Ijaw Youth Movement held in Federal University Otuoke, Bayelsa State, on 7<sup>th</sup> of June, 2014.
8. Interview conducted with Isaiah Dokubo, a retired History teacher at his resident in Nembe, on Tuesday, 16<sup>th</sup> of September, 2014, aged, 72.
9. *Report on Reorganization of the Ijaws of the Brass Area, 1995, 20.*
10. Ashley, "*The Necessity of Tax Payment*", quoted in *Degema District Office: Brass Assessment Report, 7<sup>th</sup> June, 1929, 37.*
11. S. Bonnie, "*The House Chiefs Evade Taxation*", quoted in *Degema District Office: Brass Assessment Report, 7<sup>th</sup> June, 1929, 38.*
12. Interview with Maxwell Ockiya, a traditional Chief, at his Residence in Brass, on Monday, 3<sup>rd</sup> November, 2014, aged, 68.
13. *Report on Reorganization of the Ijaws of the Brass Area, 1995, 38.*
14. *Memorandum submitted by Nembe (Bassambiri) Council of Chiefs to His Excellency, The Executive Governor of Bayelsa State on the Boundary Dispute between Bayelsa State and Rivers State on January 21, 2013, 1-2.*
15. Interview session conducted with Konbowei Mathew, a retired teacher in his home in Brass, on Monday, 3<sup>rd</sup> November, 2014, aged, 71.