Key Stage 2 History

Learning objectives

1. to understand the methods of historical enquiry, including how evidence is used rigorously to make historical claims
2. to understand how and why contrasting arguments and interpretations of the past have been constructed

Benin Civilisation

Trial of Officer Jack Smith

Employer: British Royal Marines

Officer Jack Smith is indicted with crimes against The Benin Empire. In that in February 1897 he did wilfully participated in, authorised and oversaw looting and theft of thousands of priceless Benin Bronze plaques.

This mock trial can be used with a class of up to 30 children. Numbers can be adapted up or down by increasing or decreasing number of witnesses.

Duration: about 20 minutes

Cast

Judge x1

Prosecution barrister x1

Defence barrister x1

Officer Jack Smith – Accused

10 – 12 witnesses on both sides

**Witness list**

|  |  |
| --- | --- |
| Prosecution | Defence |
| Witness 1 (Portuguese) | Captain x2 |
| Witness 2 (Portuguese) | Officer |
| Witness 3 (Portuguese) | Industrial Colonist |
| Witness 4 (Portuguese) | News reporter |
| King | West Indies Company |
| chief | Dutch |
| Blacksmith | Swedish |
| Child | German |
| Woman x2 |  |
| Missionary |  |

I promise to tell the truth, the whole truth and nothing but the truth. So help me god.

Case number 001/1897

The people of Benin Kingdom V Officer Jack Smith of the British Royal Marines

Trial transcript

Judge:

Is everyone present?

Have we got the Prosecution?

Have we got the Defence?

Have we got bundles of evidence available?

Are we ready to begin? Who is starting?

*Defence: We are. I call Officer Jack Smith.*

Defence calls witness Officer Jack Smith.

***Defence barrister:***

*Please read the oath.*

*What is your name?*

*What is your date of birth?*

*What is your residence?*

*That is all for now Your Honour.*

Judge: Thank you.

[Turning to Jack Smith] Do you understand the charges against you?

*Accuse replies: Yes*

Judge: You are charged with crimes against Benin Kingdom:

In that, in February 1897, you Jack Smith did participate in, lead and allow officers of the British Royal Marine to:

1. Slaughter most of the skilled Benin soldiers.
2. Take over the king's palace without permission.
3. loot the palace and houses of high ranking Benin chiefs.
4. Unlawfully remove thousands of precious Benin Bronzes.
5. Allow officers to steal and keep in their personal possession the aforesaid.
6. Burn down the city and neighbouring countryside.
7. Wilfully destroyed evidence of Benin Kingdom civilisation.

How do you plead?

On charge 1 guilty or not guilty?

On charge 2 guilty or not guilty?

On charge 3 guilty or not guilty?

On charge 4 guilty or not guilty?

On charge 5 guilty or not guilty?

On charge 6 guilty or not guilty?

On charge 7 guilty or not guilty?

Judge: Thank you. You can go back to your seat.

Judge: Learned men are your witness statements ready?

Barristers: Yes they are.

Judge: There will be no cross examination except for the accused- Officer Smith.

Judge: Who is going first?

*Prosecution Barrister: We are first. [Calls witness or reads the statement himself. People of Benin Statement.]*

Judge: Please read the oath.

*People of Benin Kingdom: Reads out the oath.*

*That is all Your Honour.*

Judge: Thank you.

Defence your turn.

*Defence Barrister [Calls witness -Jack Smith.]*

Judge to the witness: Please remember that you are still under oath.

*Officer Jack Smith: Yes your honour.*

Judge: Please read your statement.

*Jack Smith reads his statement.*

People of Benin Statement

The people of Benin Kingdom will say as follows:

Kingdom of Benin has existed from the beginning of time and had traded successfully with nations across Africa and the rest of the world.

Captain Alan Boisragon ( A British) confirms this fact in his book - The Benin Massacre written in 1898. He also confirmed that since the Portuguese discovered Benin at the end of the fourteenth century they benefited from trade with West Africa. Other Europeans countries like the Dutch and Swedes also benefited from trading with us. In his book Captain Alan confirmed that when the first British Captain Pinteado and others visited Benin in 1553, they visited the King’s Court and were accorded a most friendly welcome by the king, who spoke in Portuguese to them offering them favourable trading terms.

However, things changed in the early 1800s, when the British began to have designs on Benin. They wanted to colonise it. This led to a series of events which eventually led to the sacking and exile of our reigning king. The British in what they called ‘the Benin Punitive Expedition’ burnt down Benin City and removed thousands of priceless bronze plaques.

We the people of Benin are grieved about the actions of Britain and the British marines and soldiers who assaulted us from October 1896 and ending in February 1897. We seek justice against Officer Jack Smith the main leader of the Expedition. We seek redress from the British Government.

I make this statement knowing the contents to be correct and true.

Prosecuting Barrister, reading on behalf of the people of Benin Kingdom.

Signed on this day of our Lord: 4th January 1905

Officer Jack Smith Statement

I Jack Smith of Number 6 Kensington, London England will say as follows:

It is accepted by everyone that the king of Benin stopped all trade and closed the trade routes right across the West African coast. No one could trade. All appeals to open the routes fell on deaf ears and something needed to be done. In order to settle this, Counsel Philip was brave enough to try a peaceful visit to the King in his palace, however this ended with him and 267 other officials slaughtered on this peaceful mission. The British government was not going to take this lightly and ordered an attack on Benin. Our instruction was to destroy the city and kill the king. We however refrained from killing the king. I therefore deny that I am guilty of any of the charges being brought against me. I led and behaved impeccably during the expedition.

Whatever I did I was following instructions from England.

We had to protect our reputation as formidable British marines and army. So some Benin soldiers were lost during the engagement, wars always have causalities on both sides. We lost soldiers too.

I deny that we took over the king's palace without permission. After a hard fight, we needed a base to operate from and since the king and his chiefs had run away, it was vacant and there was no one to ask or take permission from.

I deny that we looted the palace and houses of high ranking Benin chiefs. The expedition was very expensive and we needed to offset some of the cost. We also needed supplies. The money had to come from somewhere.

I deny that we unlawfully removed thousands of precious Benin Bronzes. The Benin people had abandoned the city and it was empty. We stayed for 2 months and did not see anyone. We thought the artefacts were priceless and wanted to keep them safe. So we took them back to our country for the museums for people to see them.

I deny that I allowed officers to steal and keep in their personal possession the aforesaid. I did not have control over what individual officer did once we got there. There were 1, 200 of them.

I admit that we did burn down the city and neighbouring countryside. We needed to get rid of all the dead bodies, blood and the smell we found when we got to Benin. The only way to do this was to burn the city down to refresh it.

I deny that we wilfully destroyed evidence of Benin Kingdom civilisation. That was not our intention as explained above.

I have made this statement knowing the contents to be correct and true.

Jack Smith

Signed on this day of our Lord: 4th January 1905.

End of Officer Smith’s statement.

Judge: Thank you.

Prosecution please call your witness.

*Prosecution barrister: I swear the oath for each of my witness.*

Prosecution questions to witnesses:

**Portuguese witnesses**

What is your name?

How do you feel about what happened to Benin Kingdom?

Have you any message for the British people?

Thank you.

[Turning to judge] That is all Your Honour. I have no more questions

**Benin witnesses**

What is your name?

What job do you do?

Can you tell us what happened to Benin in February 1897?

How has that affected you?

Have you any message for the British people?

Thank you.

*[Turning to judge] That is all Your Honour. I have no more questions*

Judge: Defence please call your witnesses.

*Defence barrister: I call …*

**Barristers’ questions to witnesses**

Defence questions to witnesses:

What is your name?

What country do you come from?

What part did you play in the Benin Punitive Expedition?

Have you any message for the Benin people?

*[Turning to judge] That is all Your Honour. I have no more questions*

Judge: [To defence barrister] Please call your main witness.

*Defence calls Jack Smith.*

Judge: [To Jack Smith] You are reminded that you are still on oath.

*Defence: I have no questions for the witness.*

Judge: Prosecution, the witness is all yours.

*Prosecution Barrister: Thank you, Your Honour.*

**Questions for Officer Jack Smith – Prosecution**

You and your officers called the great rainforest bush. This shows your lack of knowledge of Benin terrain and of the respect the people had for it. Does it not?

Look at paragraph 1 of your statement. Is it not true that the main reason for the assault on Benin was to open the trade route?

Who gave you the instruction to destroy Benin and kill the king?

You say you were following instructions from Britain, did the instructions sound right to you?

Can you give us a number on causality on your side? Benin lost more soldiers than you, didn’t they?

You deny taking over the king’s palace without permission? This is what happens when you occupy someone’s house without them allowing you. This is correct isn’t it?

You sold off the Benin artefacts to pay for the war, did you not?

It is unfair to expect the Benin people to pay for a war that you started. Is it not?

You did not have the Benin people’s permission to put their artefacts in your museums, did you?

Your British officers who stole Benin artefacts for their personal use are no better than common thieves, are they not?

You burnt down the city and the neighbouring countryside to cover your evidence of looting. Did you not?

There were no dead bodies littering the streets, were there?

I put it to you that the story of dead bodies, blood covering everywhere was fabrication on your part to cover your gruesome acts on the Benin people. Is this not so?

Your soldiers were shameless thieves who lied throughout to cover their crimes. Were they not?

**I have no more questions Your Honour.**

**Questions for Officer Jack Smith – Prosecution with answers**

You and your officers called the great rainforest bush. This shows your lack of knowledge of Benin terrain and of the respect the people had for it. Does it not? I suppose so.

Look at paragraph 1 of your statement. Is it not true that the main reason for the assault on Benin was to open the trade route? I suppose so.

Who gave you the instruction to destroy Benin and kill the king? The British government.

You say you were following instructions from Britain, did the instructions sound right to you? At the time they did.

Can you give us a number on causality on your side? No. Benin lost more soldiers than you, didn’t they? I suppose so.

You deny taking over the king’s palace without permission? This is what happens when you occupy someone’s house without them allowing you. This is correct isn’t it? I suppose so

You sold off the Benin artefacts to pay for the war, did you not? That is correct.

It is unfair to expect the Benin people to pay for a war that you started. Is it not? That is your opinion.

You did not have the Benin people’s permission to put their artefacts in your museums, did you? I suppose so.

Your British officers who stole Benin artefacts for their personal use are no better than common thieves, are they not? I suppose so.

You burnt down the city and the neighbouring countryside to cover your evidence of looting. Did you not?

There were no dead bodies littering the streets, were there? There were.

I put it to you that the story of dead bodies, blood covering everywhere was fabrication on your part to cover your gruesome acts on the Benin people. Is this not so? That is your opinion.

Your soldiers were shameless thieves who lied throughout to cover their crimes. Were they not? That is your opinion.

Judge: Thank you. Go back to your seat.

Judge: Barristers please sum up your evidence.

Summation by defence barrister

Strong evidence has been presented today for both sides. My Lord/ Lady if one or more of the points is found not to be proven my client must be found not guilty.

Summation by Prosecution barrister

Strong evidence has been presented today for both sides. My Lord/ Lady if one or more of the points is found to be proven the accused must be found guilty.

Judge: Thank you.

I will now give this court’s findings and rulings. Please bear in mind that one side has to win and the other loses. Both sides cannot win and both sides lose. My job is to apply the law to the evidence that we have heard here today. If you lose you can appeal the decisions of this court should you wish.

Summation by Judge

Strong evidence has been presented today which support both sides, however, I am guided by the law of natural justice.

**Judge’s Summation and ruling**

Judge: After considering all the evidence, I make the following findings:

**On charge 1:** Evidence for this is: Officer Smith gave evidence in his own words - *Our instruction was to destroy the city and kill the king.* **Guilty.**

**On charge 2**: Evidence for this in his own words: *we needed a base to operate from and since the king and his chiefs had run away, it was vacant and there was no one to ask or take permission from.* **Guilty.**

**On charge 3:** . Evidence for this in his own words. *I did not have control over what individual officer did once we got there. There were 1,200 of them.* **Guilty.**

**On charge 4:** Evidence for this is Officer Smith admits that without permission from the Benin people they did in his own words, ‘We *thought the artefacts were priceless and wanted to keep them safe. So we took them back to our country for the museums for people to see them.’* **Guilty.**

**On charge 5:** Evidence for this is see evidence for charge 2. **Guilty.**

**On charge 6:** Evidence for this is in his statement, Officer Smith admitted to burning down the city and the neighbouring countryside. **Guilty.**

**On charge 7:** Evidence for this in his own words: Officer Smith claimed,’ We needed to get rid of all the dead bodies, blood and the smell we found when we got to Benin. The only way to do this was to burn the city down to refresh it.’ in saying this he admits to a wilful act of destruction. **Guilty.**

**Findings and Rulings**

It is this court’s finding that the accused is guilty of all charges. The court urges the British Government to pay reparation to the Benin people for the wrong done to them by its officers. Further, the artefacts should be left where they are on the grounds that they have been there a long time and people in whose possession they are in have paid for them. These are the rulings of this court.

**Court dismissed. [All rise.]**