

THE  
HISTORY  
OF  
ENGLAND  
FROM  
THE  
DEATH  
OF  
EDWARD  
THE  
FIRST  
TO  
THE  
DEATH  
OF  
EDWARD  
THE  
THIRD

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NATIVE  
ADMINISTRATION  
IN NIGERIA

BY

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## INTRODUCTION TO THE SECOND IMPRESSION

**N**IGERIA became independent within the Commonwealth at midnight on October 1st, 1960. As a guest of the new government I saw the Union Jack hauled down and, having studied British administration in Nigeria for many years, I had a vivid picture of what it was that was being brought to an end at that moment. But if, as a student of history, I was for the moment dominated by the thought of the past, I realized that the greatest significance of the occasion lay in its being the birthday of the most populous state in Africa, faced no doubt with great difficulties in creating nationhood out of its three main component parts, but with immense possibilities, if it should succeed in this, both of internal development and of external influence.

As, through the coming decades and centuries, Nigerians add more and more chapters to the story of their part of Africa, the importance of the period of British rule must tend somewhat to shrink. Yet nothing can alter the fact that it was the British piecemeal annexations inland from the Bight of Biafra which decided the size and the shape of Nigeria, and British administration which went far to settle the political character of the new state. The British colonial period must therefore continue to attract something of the same interest as it does in American history. My publishers, at least, were sufficiently convinced of this to believe that there was still sufficient demand for a study of British administration in Nigeria to necessitate the reprint of this book.

Confronted by this proposal I decided neither to revise the book nor to attempt to bring it up to date. The reason for this first decision is that the worth of the book lies largely in its being a period-piece. It is a cross-section, not indeed of the whole of Nigeria's 'native administration', a term which even now seems to cause little offence in Nigeria, but of its most important and representative parts in a given period, the middle 'thirties. To try to revise the picture now from memory or to insert matter and ideas of later provenance would destroy its main value. The case against attempting to bring the record up-to-date hardly

needs to be put. So much has happened in this large region during the quarter of a century since the publication of this study, and the volume of primary and secondary sources has increased so immensely, that another volume of the same size could not begin to cover the ground. And it is now too late to take another cross-section of British administration as a comparison. I have, however, during the last ten years, endeavoured to add to the knowledge of Nigerian history by a full biography of Lord Lugard. In the second volume of this there is a much fuller description of his formative influence upon Nigerian government than was possible in the introductory sections of the present study, with some attempt at a retrospective survey of Lugard's work.

This book, therefore, appears as it was first printed. Those who read or re-read it will do so with new questions in their minds, looking for evidence, in the light of Nigeria's subsequent development, of the strength and suitability of the foundations upon which this large new edifice has been built. Two major questions must present themselves. Nigeria was the home of the classic system of indirect rule by which Lugard stamped upon the societies under his rule an administrative pattern which no subsequent governor did very much to change. How does this system of the first half of this century appear in the first light of the experience of the second half? The second question is the complement of the first. Did the system of rule make sufficient allowance for the growth in experience and influence of the urban western-educated élite who were to play the chief part in creating the nationalist movement which was to take over the reins of government from Britain?

The verdict of this élite is, on the whole, not surprisingly, unfavourable to the British record, but it is far less bitter and sweeping than most of the anti-imperial criticism of our day. And British readers of this book will probably agree that on both the above charges their former agents in Nigeria suffered from some political myopia. Such success as lay within the reach of colonial rule lay chiefly in timing. But Lugard and his immediate successors were largely dominated by their knowledge of the immediate African past which he, at least, had seen at very close and dangerous quarters. As for the present, they were struggling, for most of the time, to co-ordinate and reform

the hundreds of societies of widely different size and kind and to build up the unity of the region, its security, its economy, and its social services with wholly inadequate staff and revenue. They did not, therefore, feel themselves called upon to think much about the remote future, and especially the political future. It is, indeed, difficult for us to-day, and especially for the under-forties, to re-create in our minds the tempo of the first three decades of the century. Even when I was working in Nigeria, with the First World War and the great slump behind, and the shadow of the coming Second World War hardly perceptible, there was an atmosphere of almost unlimited time in which to carry on the task, regarded then as hardly begun, of building a new Nigeria from the bottom up. I have confessed in my first Introduction that, drawing my information and impressions largely from the administrative staff, I may have been unduly appreciative of their achievement. Yet I think—and this was no great merit in a young academic critic from Britain and a friend of the liberal-minded Sir Donald Cameron whose work in Tanganyika I had just been studying—that I was in advance of most of the officials in declaring in my concluding section that it was 'both our duty and our interest to assist the Nigerians to build up a sound united state', which was, of course, something quite different from building it up ourselves *for* the Nigerians. But I also wrote that the day of unity and parliamentary government 'will be very distant'. And though I urged that we should democratize the Native Administrations since 'It will not be possible to work towards democracy for Nigeria as a whole while autocracy reigns in the parts'—a warning still not wholly inapplicable—I must confess that I proposed that unity should be built up gradually from below by federating the Native Administrations. I never imagined that it would come as shock treatment imposed from above by the new party organizations. Any possibility of the gradualism imagined in the 'thirties was destroyed by the successive blows which after 1939 undermined the power and confidence of the colonial rulers and made a breach for the entry after the war of a flood of new ideas and influences which broke down the passivity of their subjects.

The need for a revaluation of the colonial era is, therefore, more than a historical stock-taking, still less a defensive operation by the former ruling peoples: it is a necessary exercise for the peoples

of the new states if they are to understand the exceptional experience out of which their nationhood has been born. At present, for obvious reasons, criticism of the colonial régime tends to be almost wholly condemnatory. But as the emotions of rejection relax, both they and we might ask ourselves at least the following three questions. How else, considering the Africa of the 'nineties, could large blocks of the continent have been brought so quickly and relatively peacefully under one state government and economy, except by foreign occupation? Secondly, did not the recognition of existing African societies and their use as the basis for local government play an essential part in softening the shock of foreign annexation, in facilitating co-operation, and in preserving the self-respect of the new subjects? Thirdly, can it be argued that the construction of the Nigerian state and the transfer of its control to a parliamentary government of western-educated political leaders could have been achieved in much less than the sixty years it occupied?

There are already Nigerian students who, seeing beyond the mistakes, delays, and psychological errors of British administration that now fill the foreground of most African thought, can take a larger view of the historical background and can begin to build up a reasoned answer to the three questions I have posed.

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*August 1961*

## INTRODUCTION

**W**HEN I began this study of Nigerian Native Administration, I intended it to be the first section of a comparative survey of those parts of Africa which I had visited. I had not proceeded very far before I realized that I could not, within the compass of this plan, convey the realities of our African administration to those who had not already considerable knowledge of the continent. I should, I saw, be obliged to stride across the obscurities and varieties of Africa not in the seven, but the seven hundred, league boots of generalization. I should be in danger of giving one of two misleading impressions, either that the problems of Africa can be interpreted in purely English terms, or that they are so peculiar that none of our political experience can apply to them. The truth about Africans, how far they resemble and how far they differ from us, the great variety of their cultures and their present conditions, are still imperfectly known. Nor can this knowledge, such as it is, be conveyed by any brief or easy means to the general reader, who is, after all, ultimately responsible for policy over a great part of Africa. We shall not, for example, obtain much understanding of Nigeria when we have merely studied its statistics and annual reports, and have learned to call the Emirates feudal, the pagans primitive, and the coastal natives politically self-conscious. The Yoruba are perhaps the most immediately important people in the territory, yet we can hardly understand their position until we know something of the circumstances in which we penetrated their country and of the legends which, however remote from history, reflect their character and support their pride.

This is the kind of information that must be left out of any survey. Yet almost the only alternative is supplied by anthropological works. The anthropologist alone has the time, the detachment, and the technique to penetrate below the surface which African society presents and reveal some at least of its underlying truth. At this stage of his investigations, however, his most valuable contributions are detailed and comprehensive studies of the culture of a single tribe or section of a tribe. Of these, little more than a dozen have yet appeared, and except for

a small and serious circle they do not offer a reasonable alternative to a survey.

A practical need, therefore, decided the form of this study. I have endeavoured, for one territory, to clothe the skeleton of the administrative system with flesh and blood. I have tried to set it within the historical circumstances which governed its establishment. I have attempted to show, if only in selected parts of the country, what sort of people these are whose destinies we have undertaken to guide and what administrative problems arise in the process of guidance. I chose Nigeria for my first study not so much because it is the most populous of our African territories as because it was here that the system of indirect rule, which has such a wide influence in and beyond Africa, was first developed.

In this attempt I know that I have risked losing the best of both worlds and offending their inhabitants. Too detailed and localized for a survey, the book, in so far as it deals with anthropology, is very far from being adequate. Yet, before I am rent by the anthropologists, who in their still primitive and disunited stage of development are peculiarly savage, I can at least attempt to frustrate their attack. For it is they who are to blame for the poverty of the material which I have had to use. Some valuable preliminary work has been done by Dr. Meek, Dr. Talbot, and others, but by the standards of modern, and especially of functional, anthropology, the greater part of this rich country has hardly yet been prospected. One or two promising claims have been pegged out, notably in Ibo and Nupe country, but, as I write, the production stage has not yet been reached. Apart, therefore, from a few recognized authorities, I have been obliged to pick up my anthropological information when and where I could, and I have had to rely mostly upon official reports produced under the inevitable handicaps which beset the administrative investigator. It will be impossible to qualify every sentence which deals with anthropological matter, and, lest I should give my readers a false impression of confidence in this sphere, I should like them to bear in mind this passage of my introduction.

To my potential critics upon the official side I would say that they cannot be more conscious than I am myself of the limitations of time and equipment within which I have made this study of their work. I have no excuse for this intrusion into their field except my intense interest in a task which no one else seemed

inclined to attempt upon these lines. If I have ventured here and there upon criticisms of their administration, these have not been directed from some detached eminence which I suppose myself to inhabit. They have generally been developed from suggestions made by their own more thoughtful members or have been the agreed conclusions of long discussions on trek or at the office desk. I am perhaps more open to the opposite condemnation, that I have viewed my subject too much from the official angle. It may be so. My excuse must be that not only in anthropological but in all other aspects, I have been obliged to rely mainly upon official sources of information.

Some of this information appears in published documents of which a list is appended to this book. The greater part, however, was derived from sources which are technically confidential and which, thanks to the recommendation of the Colonial Office and the courtesy of the Nigerian Government, I was allowed to consult. These documents, even though some of them are the results of lengthy investigations by individual officers, are all, by official convention, anonymous, and, deeply though I am indebted to them, I cannot give them any further reference or acknowledgement than this.

For the convenience of readers I would state here that, almost without exception, the footnotes are confined to references to authorities, and can therefore be ignored by those who do not wish to verify these.

#### ACKNOWLEDGEMENTS

This book is based mainly upon studies made during a visit of nine months to Nigeria. This visit was part of much more extended travel for which I have to thank the generosity of the Rhodes Trustees. To my gratitude I must add my appreciation of the complete freedom they allowed me both in arranging my journeys and in producing my results.

I have also to thank the International Institute of African Languages and Cultures for making it possible for me to work for a short time under Dr. Malinowski. Under his brilliant guidance I was able, if not to enter the territory of anthropology which lies next to my own, at least to spy out its boundaries. I must also take this opportunity of thanking the Committee of the African Research Survey for their help and for the stimulus I have gained from my association with their enterprise.

On the official side I have had the support of the Colonial Office, without which this work could not have been undertaken. The late Governor of Nigeria, Sir Donald Cameron, gave me not only the very considerable help it was in his power to give, but also his appreciation of what I was trying to achieve. It would obviously be impossible to name the many officials and unofficials who have helped me in my work and given me hospitality. I must, however, speak of Mr. W. E. Hunt, Chief Commissioner of the Southern Provinces, for his exceptionally valuable help and interest. There are many Africans, of all degrees of civilization, who have helped me if only by their cheerful endurance of my curiosity.

In England I have had the great privilege of discussing some of the questions in this book with Lord Lugard, and of drawing upon his large collection of Nigerian documents.

Finally, I have to thank Dr. C. K. Meek, lately Government Anthropologist in Nigeria, for supplying me with unpublished papers and for the generous service of reading through this book both in typescript and in proof.

It is not, perhaps, altogether irrelevant to the subject of this book to state that its preparation has been interrupted by ill health for which Nigeria is responsible. Indulgence is asked for any minor errors as I have been obliged to correct the proofs while travelling in East Africa, away from all my Nigerian material.

MARGERY PERHAM

*Entebbe, January 1937*

## CHAPTER I

### THE COUNTRY AND ITS INHABITANTS

WHEN Nigeria was still largely unknown its boundaries were arbitrarily plotted out on the West African map by international negotiation. As in the Gold Coast, lines were traced back from the strip of coastland occupied by British trading-stations until they met the Sahara zone claimed by the French, who were penetrating from Senegal. The result is a squarish block of the continent, trisected by the Niger and its great tributary, the Benue, and covering, with the mandated addition of the Cameroons, 373,674 square miles. It is thus, with the exception of the Sudan, the largest territory in Africa under British government.

At the census of 1931 the population of this area was given as just under twenty millions, and the Government statistician suggested that this estimate might be short by as much as two millions.<sup>1</sup> This is a large population for an African territory; it is as much as that of all the other Crown colonies and protectorates in the continent put together, and the density is comparatively high, being 53 to the square mile against 47 in the Gold Coast and 13 in Tanganyika, a territory of almost equal size.

No confident generalization about the ethnology of these twenty million people is possible. In the classification of peoples, language is the least satisfactory criterion, but it is the easiest and so the first to be formed. Sociology and physical anthropology are studies which lag behind, and in Nigeria they have gone only a very short distance, though Government anthropologists, missionaries, and others have made some valuable preliminary surveys. In distinguishing the groups of this area we are therefore obliged to rely very largely upon linguistic classifications and to treat them as provisional and approximate indications of ethnographic grouping. Thus the majority of the inhabitants of Southern Nigeria are classed as Sudanic, while the important lingua franca of the north, Hausa, is Hamitic. Some of the eastern and central tribes speak Bantu or semi-Bantu, a term applied to Sudanic languages which show certain Bantu features.

The Sudanic-speaking negro of the coast appears to be the truest

<sup>1</sup> S. M. Jacob, *Census of Nigeria 1931* (6 vols., London, 1933), vol. i, p. 23.

type of his race. The traveller from Eastern and Southern Africa realizes as he lands at a western port that the most negroid of the Bantu tribes whom he can recollect are only approximations towards the broad-nosed, thick-lipped, and prognathous types he finds here. Yet, even in the forest belt, which holds many of these negroes, numerous aberrant types strike even the most superficial observer and suggest, with their finer noses, thinner lips, higher foreheads, and lighter colour, a non-negro strain.<sup>1</sup> There is nothing surprising in this. Along the broad line where the negroes, east or west of Africa, are meeting the Hamitic peoples the fusion of the two races can be observed occurring to-day and can in parts be traced back in tribal history for several centuries. This process may have been going on for thousands of years. In Nigeria anthropology and tradition sketch out a long history of successive waves of migration, not always that of solid masses displacing those they found, but sometimes of ruling peoples imposing themselves above the earlier groups. With the development of civilization round the eastern Mediterranean these peoples must have brought with them, probably in increasingly fragmentary and degraded forms as they moved south-westwards, cultural traits drawn ultimately from one of the early fountain-heads. This may have been found in Egypt or in some earlier common source. In historic times the Western Sudan has never been quite cut off from contact with the Near East and Northern Africa.

These ethnological and cultural movements from the north-east into the longitudinal physical zones of this region help to explain the political map of Nigeria. The decisive physical feature is rainfall. This runs from 100-150 inches in the Niger delta, where, south of 6 degrees, the coast turns to form the Bight of Benin, to a mere 20 or 30 inches along the northern frontier. The vegetation changes in proportion to the rainfall from mangrove and swamp forest through rain-forest, deciduous forest, and savannah to thorn-scrub and semi-desert. But the population is not distributed simply according to the attraction of the well-watered areas, for we find that the two most heavily weighted zones, carrying over 100 to the square mile, are in the central south, the region of high, though not the highest, rainfall, and the central north, in almost the driest part. The strategy of migration and the effects of slave-

<sup>1</sup> For pictures of Nigerian physical types see Dr. C. K. Meek, *Northern Nigeria* (2 vols., 1925), and P. A. Talbot, *Southern Nigeria* (4 vols., 1926).

raiding and sleeping-sickness, as well as rainfall and contour, must be called in to explain the distribution of the population and its social character. We can, very roughly, mark off three main types of culture and so of political organization.

The peoples of the forest-lands of the coast or the hills of the centre and east were able to maintain a primitive culture. We found them socially fragmented, all but self-contained economically, nearly naked, and with a very limited range of material possessions. The deciduous forest country of central Nigeria, which in the south-west comes down to meet the northward turn of the coast, though not very easily accessible to the people moving down from the north-east, nor very healthy for their stock or their horses, was yet somewhat more open than the hills and forests. So here, as a second type of political unit, we have the Yoruba groups and those of the Igala, Igbirra, and Jukun, pagan kingdoms which have escaped not only the Mohammedan influences which from the Middle Ages gradually penetrated the pagan groups in the north, but that sudden extension of Mohammedan power early last century which overlaid so many pagan populations of central Nigeria. The third group, according to this rough political classification, is composed of the Moslem kingdoms of the north, of which the greatest are Kano, Sokoto, Katsina, and Zaria, while Bornu with its different race and history covers a huge area in the north-east. Of these kingdoms individually more will be said when we come to look into their present administration. They lay on the edge of the historical world, a little south of the line along which rose that series of Sudanese empires, Ghana, Timbuktu, Mali, and Songhai, which were bred, it seems, from the contact between virile northern pastoralist and industrious negro peasantry, and of which Arab historians give us intermittent glimpses.<sup>1</sup> Northern Nigeria lay open to their marginal influences, and also to the raids and migrations of the mobile desert peoples to the north. There were constant wars between the fluid kingdoms which formed and dissolved upon plains which offered few natural boundaries. To-day the people on these plains are called Hausa from the language they speak, which is Hamitic though it has certain Semitic and Sudanic elements.<sup>2</sup> Whatever the nucleus of

<sup>1</sup> For a recent history of the Western Sudan see E. W. Bovill, *Caravans of the Old Sahara* (1933). Also Lady Lugard, *A Tropical Dependency* (1906).

<sup>2</sup> A. Werner, *The Language Families of Africa* (1915), pp. 83-4.

the original Hausa-speaking people may have been, they have developed by their great powers of absorption into a composite cultural and linguistic group, and in spite of their language and the amount of non-negro blood they must contain, are predominantly negro in appearance.

In this process of fusion Islam has played the latest and perhaps the chief part. We hear of a Mohammedan mission to Kano in the fifteenth century, but it is very probable, considering the many economic and cultural links between the Western Sudan and the Islamic world in North Africa and Spain, that long before this date this religion had been filtering into the larger centres. Penetration outwards from these centres must have been slow, and even to-day among the country people there is a solid pagan stratum below the surface of Islam, while some groups even in the northernmost kingdoms are still unconverted.

In the early nineteenth century occurred the Fulani Jihad, or Holy War, an event of cardinal importance in the study of existing political grouping. The Fulani are a non-negro people whose origins and ethnic character are still under debate. It is believed that their language may represent a very early form of Hamitic, and that they travelled upon an African journey which took them, through the course of many centuries, from east to west and back again.<sup>1</sup> They were known in Nigeria in medieval times. They are to-day scattered from Senegal to the east and south of Lake Chad, and have enriched, and, indeed, are still enriching, many tribes of the negro borderland with their blood. In their natural state they are purely pastoralists, living an isolated and austere life comparable with that of the Somali and Masai, and only under these conditions do they retain the purity of their racial stock with its fine features, silky hair, thin lips, and light-brown or reddish skin. Their existence is centred upon their cattle, and the elaboration of their ornaments and head-dress and the richness of their carved and painted milk-bowls are in sharp contrast with the little shelters of grain stalks or branches in which they live. In Nigeria they are semi-nomadic, generally following a defined course within a recognized area. They are largely pagan, though they may profess Islam and seek its stamp upon their marriages. We hear of twelve Fulani tribes already established in Kano territory by the fifteenth century.

<sup>1</sup> A. Werner, *op. cit.*, pp. 86, 101-9.

Their relation with the negroid rulers was a curious mixture of dependence and detachment: they moved through their territories, acknowledging their suzerainty, and even paying tribute (including, it is said, in parts, that of the *jus primae noctis*), apparently causing little trouble and being welcomed by the people for the manure and other products of their flocks.<sup>1</sup> There is, however, and probably always was, a tendency for the cow-Fulani, as the nomads are called, to turn into town-Fulani, and even before the Jihad many of these held high positions in the Habe, i.e. the pre-Fulani, kingdoms. From the moment that the Nigerian Fulani turns away from following after cattle to a more settled way of life he sets his family on the road towards absorbing the Hausa culture, language, and blood. When Barth visited Kano he was still able readily to distinguish the Fulani, whom he estimated at 4,000 in a city of nearly 60,000,<sup>2</sup> while a Fulani grandee, like a Hima chief on the other side of Africa, could still reveal his pastoral antecedents by having a courtyard like a farm.<sup>3</sup> The very ability of the Fulani may have made absorption all the quicker, for to be powerful was to be rich, and to be rich was to have many wives and concubines. Yet a man remembers to call himself Fulani long after light skin has turned black, straight hair become fuzzy, and little remains, perhaps, but a longer and thinner nose to distinguish him from the negroid Hausa. The claim is worth making as the Jihad established the political supremacy of the Fulani and their title to superior religious orthodoxy. The last census gave such approximate picture as an African census can of their present position. Pastoral Fulani are elusive quarry for a census officer, but even if we double or treble the 25,000 given in the occupational list as pastoralists they make small showing beside the total figure of over two million of those who claim to be Fulani.<sup>4</sup>

It has been necessary to say so much of the Fulani since it is they who have for a century provided the ruling class of most of Northern Nigeria. How they came to this position must be told in a few words.<sup>5</sup> As so often happened in Islam, a religious revival

<sup>1</sup> *Gazetteer of Yola Province* (Lagos, 1927), p. 10.

<sup>2</sup> Barth, *Travels in North and Central Africa* (Ward, Lock & Co., 1890), p. 300.

<sup>3</sup> *Ibid.*, p. 290.

<sup>4</sup> *Nigerian Census*, vol. i, pp. 14 and 18. Also an article upon the census by the author in *Africa*, Oct. 1933.

<sup>5</sup> The story of the Jihad has been put together by several writers. A recent account is that by Bovill, *op. cit.*, chap. xx. The *Gazetteers* of the Northern

passed into a political war. A Fulani divine of Gobir, to the north of Sokoto, one Usuman dan Fodio, tried at the end of the eighteenth century to revive the slackening religious ardour of the Hausa. The King of Gobir, though his former pupil, turned against him and in 1804 drove him to flight. A party rallied to the teacher, defeated the King, and proclaimed their leader, Sarkin Musulmi, Commander of the Faithful, a title which is still held by his successor, the Sultan of Sokoto. A general movement broke out all over the area which became Northern Nigeria. The line of cleavage did not run clear between the Fulani and Hausa peoples, but it was the Fulani who provided energy and ambition to the religious cause. Everywhere followers of Usuman, appointed or self-appointed, received flags from his hands; called upon the faithful to drive out the old Hausa, or, as they were called, Habe, dynasties, and then set themselves up in their turn as rulers subject to Sokoto, which had become the seat of Fulani authority in 1810. Not only was this change accomplished in the old Hausa kingdoms, but in the impetus of the movement Fulani leaders pushed the boundaries of Islam south, incorporating many pagan tribes. In six years the conquest was almost complete and the suzerainty of Sokoto acknowledged throughout most of Northern Nigeria. It is a mistake, however, which more than one writer has made recently, to exaggerate the meaning of the change. In the old Hausa kingdoms of the north, which had been at any rate nominally Moslem for centuries, the existing machinery of government seems to have been taken over very much as it was, the spoils going to the victors.

Usuman himself seems to have been wholly the zealot. His son Bello recounts how, on his way out to preach, 'he would stop and stand a little while in the open space of his compound, and he would say a few words which I did not hear. After that he would go out to the people. I asked him about this and he told me he was reviving his enthusiasm, he was making a promise to God that he would purify religion.'<sup>1</sup> This same son Bello, who succeeded his father, was more interested in the military and political results of the revival. He is the chronicler of the Jihad, and its

Provinces give some account of the event in its local aspects. For an early, though partisan, account see Mohammed Bello, *The Rise of the Sokoto Fulani*, trans. E. C. Arnett (Kano, 1929). S. J. Hogben has collected much of the available information in *The Muhammedan Emirates of Northern Nigeria* (1930).

<sup>1</sup> Mohammed Bello, *op. cit.*, pp. 23-4.

apologist. He justifies it firstly on the grounds of self-defence and secondly on those of proselytism.

'And the second reason for our Jihad was that they were heathens, the people of Hausa. . . . A further reason for our war is that we sought to aid truth against falsehood and to strengthen Islam. For to make war on the heathen from the beginning, if one has the power, is declared a duty. So also is it a duty to make war on those heathen who have been converted to Islam and later have reverted to heathenism, if one has the power. In truth we stated at the beginning of this book that the Hausa chiefs, their people and their mallams were evildoers. Though they called themselves Moslem and made the confession of faith and prayed and fasted, yet with these acts they joined that which none but heathen do, such as sacrifices to stones and trees.'

And he goes on to argue the civil, as well as the religious, benefits that have resulted from the rule of Sokoto.<sup>1</sup>

There were, however, exceptions to the record of success, and these are interesting. Strongest of all was the defiance of Argungu, which, though only fifty miles from Sokoto, remained independent until our occupation. The ancient Kanuri kingdom of Bornu, with its capital near Lake Chad and itself Moslem, threw back the invaders. Its holy man, El Kanemi, taunted dan Fodio with having turned a war of religion into one of conquest, and with attacking his co-religionists. He frankly admitted that some of his chiefs had relapsed into heathendom, that the Alkalis, or Moslem judges, sometimes took bribes, and that women went unveiled, but argued that this was not sufficient excuse for war. Bello made somewhat unconvincing replies which seem to reveal an uneasy conscience.<sup>2</sup> Many of the pagans of the hills also continued to resist all encroachment from the plains. Others, less well placed, maintained a more precarious independence, raiding and being raided in turn.

In the south-east the advance, already spent, was held up by a line of forest, in which sickness waited for horses and cattle. In the Yoruba, as in the Kanuri, people the Fulani met their match, but there the prolonged conflict merges into the history of the British advance which will be described later.

This brief description of the peoples of Nigeria enables us to distinguish three main types of society which present somewhat different administrative tasks to the Government. There are,

<sup>1</sup> Mohammed Bello, *op. cit.*, pp. 123-4.

<sup>2</sup> *Ibid.*, pp. 102 ff.

firstly, the almost entirely unorganized groups of the forest and hill country; secondly, the pagan kingdoms of the Yoruba, Jukun, and others; thirdly, the Moslem emirates, which range from the highly organized and ancient kingdoms of the north to those intermediate regions in the central zone where Fulani rulers established their sway a century ago over pagan tribes, many of which they have not yet succeeded in assimilating. Nigeria under British rule has fallen into two well-marked divisions, Northern and Southern. The northern, covering about three-quarters of the territory, holds eleven and a half millions of the population: the southern, a quarter of the total area, holds over eight millions. The division is by no means arbitrary since it leaves all the Moslem groups to the north, though among them, as we have seen, are many pagan peoples with their special problems. As the history of our contact with the two parts began at different times and followed different courses, which did not wholly converge even with the amalgamation of 1914, I propose to study their administration separately.

PART I  
THE DEVELOPMENT OF NATIVE  
ADMINISTRATION

CHAPTER II  
THE SOUTH-WEST

*The Slave Trade*

IT was by no single reasoned decision that England undertook the responsibility of governing Nigeria at the end of the last century. This extension of our rule over the hinterland was the result of our position on the coast, and into that position we had drifted by a series of events which began with our first excursions into the slave trade in the sixteenth century. It is impossible here to work through the history of this long and, at first, mutually demoralizing contact. An adventurous, if somewhat sombre, story when told in detail, it reduces itself in summary into a chronology of voyages of trade and exploration.

Until the beginning of this century it was slavery that dictated our relations with this part of Africa. First we built up the slave trade, until, in the eighteenth century the triangular voyage from England to the coast, thence to the West Indies, and so back, sugar-laden, to the home ports, became England's most profitable branch of commerce. After going to the coast in pursuit of this slave trade, we stayed there after 1807 in the endeavour to stop it. Our naval ships were sent to the Gulf of Guinea in order to prevent other nations from continuing the traffic. In both cases tropical Africa remained what it had always been to the civilized world, a line—a somewhat inhospitable surf-beaten line—of coast. It had not been necessary for our merchants to penetrate this dangerous and unhealthy slave-preserve, still less to cultivate it. So, also, our campaign against the slave trade was for a long time conceived in terms of a maritime blockade.

It is indeed strange how long the great, populous land-block of West Africa remained closed to a world which had for some centuries frequented its ports to the south, and for very many more reached across the Sahara to its northern kingdoms. Disease

helped to guard it against those who had the courage of their curiosity. Mungo Park, ragged, bruised, and half-starving, struggled through alone in 1796 to kneel and drink upon the banks of the 'longsought for majestic Niger glittering in the morning sun',<sup>1</sup> but when he returned to try to solve the mystery of its course he and his thirty-four companions perished one after the other. Not until 1831 was the mystery cleared up by Landor, the brave servant who, having buried his master Clapperton in Sokoto, came back to complete the task, and sailed from Busa to the sea.

About this time the limitations of naval and diplomatic action against the slave trade were becoming more clear. Buxton, the massive brewer, 'as powerful,' said Wilberforce, who cast his mantle upon him, 'as sleek and slow as one of his own dray-horses', advocated a new approach to the problem. At his desk and upon his knees he hammered his way towards the conclusion that the slave trade could only be stifled at the source by legitimate trade and by the occupation and cultivation of Africa (Philanthropy was still in almost undisputed power. In 1839 he published his pamphlet *The Slave Trade and its Remedy*; in 1840, at a great meeting at Exeter Hall with the Prince Consort in the chair, he launched a new Society for the Civilization of Africa; in 1841 the Government was persuaded to send an expedition of three ships up the Niger. The disastrous fate of this expedition, in which forty-eight out of one hundred and forty-five white men died in sixty-two days, hastened Buxton's death and set back his policy.<sup>2</sup>

The Government co-operated also with private commercial enterprise, represented mainly by the merchant, Macgregor Laird, in expeditions both before and after that of 1841. Although the record of health slowly improved, Macgregor Laird's experiences of Niger trade were not very encouraging. In 1855 he wrote as follows to Lord Clarendon: 'Whatever ultimately may be the commercial value of the trade with Central Africa, the results of all trading expeditions hitherto have proved its present amount to be not equal to the expense of getting at it.'<sup>3</sup> Trade at the river mouths, however, slowly increased in the middle years of the

<sup>1</sup> Mungo Park, *Travels in the Interior Districts of Africa . . . 1795-7* (London, 1799), p. 194.

<sup>2</sup> Charles Buxton, *Memoirs of Sir Fowell Buxton* (1866), chaps. 26, 27, 30, and 31.

<sup>3</sup> Rev. Samuel Crowther, *Journal of an Expedition up the Niger and Tshadda Rivers* (1855), p. x.

century, and the Government was faced with the double task of checking the slave trade and regulating a 'legitimate' trade, mainly in palm-oil, which certainly called for regulation. Naval officers could hardly be expected to fulfil this function unaided. The Government therefore in 1849 appointed an English trader, Beecroft, as Consul for the Bights of Benin and Biafra, with headquarters on the island of Fernando Po.

One of his first duties was with Lagos. As the Yoruba, the people living in the neighbourhood of this port, were the first to come under British jurisdiction, they demand some slight introduction. It will be necessary to make a closer acquaintance with them later.

#### *The Annexation of Lagos*

The Yoruba offer a great contrast with the fragmentation of the tribes farther east, as they are divided into several large elaborately organized kingdoms and possess a considerably higher civilization. It is possible that the main reason is to be found in the rainfall. The lighter precipitation and sparser vegetation of central Nigeria take a southward sweep towards the indentation of the Bight of Biafra, thus allowing the more civilized peoples and cultures of the north easier access towards the coast. Lagos lies with its companion island, Iddo, in a lagoon the creeks of which give communications with the country east and west. It thus forms a natural trading centre. Here the legendary first Yoruba settler established his many sons as headmen over parts of the island, and their direct descendants were distinguished by the permission to wear white caps. In the fifteenth century a new line was established from Benin, the important chieftainship to the east with which Lagos has communications by water. In accordance, however, with the common African respect for the first possessors of the land, the descendants of the White Cap Chiefs retained their position under the new dynasty.

Lagos was much frequented by Portuguese slavers, and when, about the middle of the nineteenth century, a long series of civil wars broke out between the Yoruba states in the hinterland, a flood of prisoners poured into the Lagos slave-market. The Consul was instructed to induce the King of Lagos to discountenance this trade. The King refused; whereupon a small naval expedition, after heavy fighting, restored his exiled uncle, Akitoye, who

proved more amenable. He agreed to sign a treaty by which the slave trade and human sacrifice were to be prohibited, and freedom of trade and protection for missionaries were promised. In 1853 Lagos was made into a separate consulship, which left the Consul at Fernando Po to deal with the Bight of Biafra.

Looking back, we can see that the establishment of the consulate at Lagos was the first step in an almost inevitable series. It led to an increase in trade and in the number of European merchants and missionaries. These in turn created problems of administration which crowded upon the Consul and obliged him, in the words of one of them, to exercise a 'feeble, irregular, and irresponsible jurisdiction' based upon an authority that went up and down according to the proximity of the naval ships. Docemo, Akitoye's successor, for this and other reasons, found it difficult to co-operate effectively. Suppression of the slave trade was almost impossible under these conditions, and in 1861, therefore, Lord John Russell, the Foreign Secretary, authorized the annexation of the port. In the opinion of a merchant who was Consul in 1861 this step did 'no more than give a formal authority to a government that had been already for ten years in the hands of the British Government'.<sup>1</sup> In return for his recognition as titular king, the right to decide disputes between his former subjects with their consent, and the grant of a pension equal to his existing revenue, Docemo ceded full sovereignty to the British Government. Six months later in an additional agreement he accepted £1,200 as the equivalent of his revenue, though in fact this seems to have been a bad bargain upon his side.<sup>2</sup> The cession was opposed by some of his chiefs and by the Sierra Leone community of freed slaves who profited by the disorder. Docemo petitioned against it on the grounds that the treaty had been exacted under duress, 'might being right', that his chiefs had been left penniless, and that his own inadequate pension was at the mercy of local officials who treated him in such a way that he only approached them with dread and 'who think that Lagos is too good to be governed by a black man'.<sup>3</sup> These facts are of more than purely historical interest. As we shall see when we consider the position of Lagos to-day, the fortunes of the house of Docemo have remained a

<sup>1</sup> *Report of the Select Committee on Africa (Western Coast)*, 412 (1865), p. 67, para. 1450.

<sup>2</sup> *Ibid.*, p. 421.

<sup>3</sup> *Ibid.*, pp. 376-7.

burning political question among the Lagosians and have caused the Government considerable embarrassment.

It was in this way that the first few square miles of Nigeria came under British rule. By 1863 two or three other small neighbouring positions, of importance to trade, were occupied. Two Yoruba towns lying to the north, Addo and Okeodun, asked and received a promise of protection. The anti-expansionists at home struggled against a process which the situation, coupled with the character of the British agents, here as elsewhere in the Empire, made inevitable. Their struggle finds expression in the minutes of the Select Committee of 1865 from which quotations have already been made. The annexation of Lagos a few years before was condemned as 'a strong measure of which not only the wisdom may be questioned but the alleged justification also . . .'.<sup>1</sup> Some of the members, in their determination to cut down the responsibilities of their country, did all they could to induce the traders, naval officers, and Consuls to agree that, even if we could not immediately abandon our settlement at Lagos, it would be unnecessary and injurious to increase it. 'But does not the holding of territory', asked the chairman, 'implicate us in quarrels with the tribes, and also inflict upon us the inconvenience of a real jurisdiction over the natives?'<sup>2</sup> The Committee endeavoured to bind the future by passing their famous resolution:

'That all further extension of territory or assumption of Government, or new treaties offering any protection to native tribes, would be inexpedient; and that the object of our policy should be to encourage the natives in the exercise of those qualities which may render it possible for us more and more to transfer to them the administration of all the Governments with a view to our ultimate withdrawal from all, except, probably, Sierra Leone.'

They also recommended that the domestic slavery existing in Lagos — it was reported that the greater part of the population were slaves — was opposed to British law and should be terminated as soon as possible.

#### *The Extension of British Authority*

It was impossible for any British representative of spirit and humanity to avoid all concern with the disordered hinterland. The Lagos merchant had his trade with the peoples there and this was

<sup>1</sup> Ibid., p. xiv of Report.

<sup>2</sup> Ibid., p. 69, para. 1486.

interrupted by their wars; runaway slaves found a refuge on British soil, while with the British lay the responsibility of deciding to which tribes, if any, arms should pass through Lagos to prolong the conflict. The natural jealousy of tribal neighbours was reinforced by competition over trade routes; the Egba and the Ijebu, Yoruba groups north and north-east of Lagos, lay across the routes and interrupted trade at their will. The Egba not only admitted to the Governor in 1863 that robbery and destruction were the natural results of war but 'that it was their custom under such circumstances to destroy trade and prosperity in order to recruit the army and to drive the people to war and that if they allowed trading there would be no soldiers!'<sup>1</sup> The Egba at this time were frequently at war with the large Yoruba town of Ibadan, which owed a nominal allegiance to the Alafin of Oyo, a potentate established still farther north. The Alafin himself was at odds with the Fulani at Ilorin; he had already lost part of his kingdom to them and was wholly dependent upon the soldiery of Ibadan and the other northern towns which acknowledged his sovereignty. South-west was the King of Dahomey, who raided all his neighbours impartially in pursuit of slaves for export or for sacrifice.

At first the Governors, and notably Captain Glover, who was in charge of Lagos from 1863 to 1873, did what they could to pacify the situation by moral suasion. Glover, by his studies of native customs and the patience and justice with which he exercised an unofficial jurisdiction over all who crowded the stairs of his house (that house described by Burton as 'a corrugated iron coffin or plank-lined morgue, containing a dead consul once a year')<sup>2</sup> and by his efforts to negotiate peace between the warring tribes, established a high personal ascendancy. An attractive picture remains of the man who spent his private resources in the interests of his work, and was not put out even when a chief turned up at his house one evening with fifty of his followers, indicating an invitation which requested the 'pleasure of your company at dinner'.<sup>3</sup> When he went, the natives petitioned that their 'Golobar' might return.<sup>4</sup> 'Here in the blackman's country your wise proceedings and plans make your influence great and all of us feel it; therefore we consider you the Head, the power made to stop

<sup>1</sup> *Report cit.*, p. 360.    <sup>2</sup> Quoted by Dr. P. A. Talbot, *op. cit.*, vol. i, p. 119.

<sup>3</sup> Lady Glover, *Life of Sir John Glover* (1897), p. 109.

<sup>4</sup> *Ibid.*, p. 122.

further troubles and regulate our affairs.<sup>1</sup> Like so many Englishmen before him, he had only achieved this result by straining his powers. In a dispatch to the Duke of Newcastle, having reported what he had accomplished in the miserable situation in the hinterland, he added that 'had I hesitated until I obtained the sanction of His Majesty's Government I could have obtained none of these ends'.<sup>2</sup>

In 1886 Lagos, which had been put first under Sierra Leone and then under the Gold Coast, was made once more into a separate administration. About this time the attitude towards expansion was changing, and here, as in other parts of the world, the threat of the French, coming into the hinterland from the west, helped to make up our minds for us. The control of the Yoruba country passed into our hands by almost imperceptible stages: missions of intervention between the combatants; the posting of small garrisons to protect trade; treaties of protection made to ward off French encroachment, such as those with Oyo in 1886 and Egbado in 1891; occasional displays of force, such as the reduction and annexation of Ijebu Ode in punishment for closing the trade routes; and, finally, the posting of Residents at one centre after another. Abeokuta showed its spirit by stipulating that the Treaty of 1893, which contained provisions for freedom of trade, toleration for missionaries, and the prohibition of human sacrifice, should also guarantee its independence. All this extension of authority was accomplished, as far as physical force was concerned, with the aid of a constabulary force of 250 Hausa, raised in 1891 to 500, and with little expense to the British taxpayer, as, after the first few years, thanks largely to the duty on spirits, the colony became self-supporting.

#### *Economics and Administration*

Some idea of the rapidity of material progress will be given by the revenue figures, which rose from £115,000 in 1893 to £314,000 in 1902. Before the century was out a railway reached from the mainland near Lagos to Ibadan, while in Lagos itself bridges connected the islands to each other and to the mainland; huge swamp reclamation works were in progress, a launch service ran on the lagoon, while public works included hospitals, a prison proudly proclaimed the best in West Africa, a built-up waterside esplanade, a racecourse, a grandstand, and a public hall in memory of Sir John

<sup>1</sup> *Ibid.*, pp. 96, 127-8.

<sup>2</sup> *Ibid.*, p. 96.

Glover. Forty-one schools, mainly in the hands of various missions, were under inspection by the Government, and a since-familiar note is struck by the complaint that some of their barely literate products were already unemployed, as they found manual work degrading.<sup>1</sup>

Below this striking material progress the constitutional position of the hinterland Government was uncertain. It rested not, as in Lagos, upon annexation but upon an indefinite Protectorate established mainly by consent, obtained by written agreements. There can be no doubt that these severely limited the jurisdiction of the Government. Yet it found itself in practice unable to recognize this limitation, which seemed incompatible with its international pledges to protect foreigners and to suppress the slave trade. The extension of the railway northwards brought with it problems of land tenure and of foreign and native trade with which the native authorities were not trained to deal. It also brought what the Ibadan chiefs called 'trousered folk with plenty learning but little wisdom'.<sup>2</sup>

Sir William Macgregor, who was Governor from 1893 to 1904, followed a somewhat zigzag course between incompatible obligations. In 1901, for example, the Order in Council, which defined the Protectorate boundaries, empowered the Lagos Legislative Council to give effect there to Her Majesty's jurisdiction. In the same year, therefore, the Governor introduced an ordinance to regulate the Native Councils. It instituted a Central Native Council with others for Provinces or Districts. The African members of the Legislative Council criticized this ordinance as an unconstitutional interference with the native rights of internal government which had been guaranteed in the agreements. The Aborigines Protection Society in England approached the Colonial Office with the same charge. It was, however, passed with amendments suggested by a special committee composed partly of Africans.<sup>3</sup>

Another embarrassing question, that of the tolls levied by the

<sup>1</sup> See *Annual Reports for Lagos*.

<sup>2</sup> C. H. Elgee, *Evolution of Ibadan* (Lagos, 1914), p. 11.

<sup>3</sup> An account of this incident is contained in E. Baillaud's *La Politique indigène de l'Angleterre en Afrique occidentale* (Paris, 1912), pp. 177-86. I am glad to make my acknowledgements here to this book which does not appear to have had due recognition in England. The author knew West Africa well, visited Nigeria, and makes full use of British official papers though, unfortunately, with inadequate references.

Yoruba chiefs upon goods in transit, had a different issue. In 1903 the European merchants protested against these tolls. Most of the chiefs were persuaded to give way, but those of Ibadan refused to compromise, and the merchants therefore appealed to the Secretary of State, who ordered the tolls to be suspended. The Ibadan chiefs met in indignation. The Bale declared that through loyalty to the King they had suffered much under the new régime. They had lost their slaves and their wives, while their children had left them to earn more money in strange country. If now the merchants refused to pay their small dues they were at liberty to leave the town.<sup>1</sup> The Colonial Office, advised by the Governor, who evidently feared disorder, gave way before these tenacious Yoruba chiefs.<sup>2</sup> An agreement was made that the toll should be collected by Europeans at a published rate and a regulating order was made in the *Government Gazette* of 11 January 1904. A few years later the tolls were commuted by the Government.<sup>3</sup>

The uncertain constitutional position was also reflected in judicial organization. At first, outside Lagos, all jurisdiction remained in the hands of the chiefs. In 1890, for instance, it is recorded that the Bale and Council of Ibadan condemned a murderer to death and had him executed.<sup>4</sup> Just before the amalgamation with Southern Nigeria agreements were concluded with the various Yoruba chiefs of Ibadan, Oyo, and Ife for the extension of the Lagos Supreme Court to their main centres, though it was not until 1908 that the Awijale of Ijebu Ode signed this agreement.<sup>5</sup> Under the terms of these agreements all murder and manslaughter cases and all those in which a non-Yoruba was concerned passed to the Supreme Court, sitting with native assessors. The agreement with Abeokuta was made for twenty years and provided for a mixed court of British and Egba judges.<sup>6</sup> Six years later this system was described as 'the most perfect compromise between British and Native law in all Southern Nigeria'.<sup>7</sup>

An optimistic report upon the political situation in Yorubaland was issued before the end of Sir William Macgregor's governorship.

'There is no reason to believe', it ran, 'that there is a single disloyal chief, or even a chief of doubtful loyalty. The position and authority of

<sup>1</sup> *Ibid.*, pp. 223-4.

<sup>2</sup> Elgee, *op. cit.*, p. 19.

<sup>3</sup> *Ann. Rep. S. Nigeria*, 1908, p. 35.

<sup>4</sup> Baillaud, *op. cit.*, pp. 234 ff.

<sup>5</sup> *Ibid.*, p. 230.

<sup>6</sup> Elgee, *op. cit.*, p. 7.

<sup>7</sup> *Ann. Rep. S. Nigeria*, 1910, p. 35.

the hereditary and elected chiefs has as far as possible been maintained, but development has been proceeding so rapidly that many chiefs have been placed in a somewhat difficult position between the older and more conservative elements on one side and the younger men that wish to go faster on the other side. There is, however, on all sides an intense desire that they, the natives, should continue to manage their own domestic concerns. This desire is largely met by the regularly established Native Councils . . . which are generally conducted with great decorum, order and regularity. Councils of this kind are indeed very ancient institutions in the land and now, when regulated and officially recognised, they are of the greatest use in preventing oppression and in improving native administration generally.<sup>1</sup>

Clearly the early Lagos Government endeavoured to administer along what were afterwards called indirect lines.

In 1900 the Niger Company territories and Southern Nigeria, the Protectorate to the east of Lagos, both of which we shall shortly consider, were joined. In 1904 Sir Walter Egerton was sent out to administer both this region and Lagos with a view to their amalgamation. In his report he stated that the system of administration in Lagos was so different from that in Southern Nigeria that it would be more difficult to amalgamate them than to join south and north, and suggested a partial form of amalgamation.<sup>2</sup> This was rejected in favour of complete fusion. The different laws in the two parts were, however, to remain in force, and the Lagos hinterland was to form a separate Western Province. Its administration was continued upon much the same lines as before, which diverged quite widely from those followed farther east. The old Southern Nigeria was divided into Central and Eastern Provinces west, and east, of the Niger. The head-quarters of the provinces were at Lagos, Warri, and Calabar, and for each there was a Provincial Commissioner, a Provincial Secretary, and a number of Political Officers and representatives of the various departments. The Central Secretariat was at Lagos, where the Governor was assisted by an Executive Council and a Legislative Council consisting of officials and a small number of nominated African and European unofficials.

No striking developments can be observed in the native administration of Yorubaland between the amalgamation of 1906

<sup>1</sup> *Ann. Rep. Lagos*, 1903, p. 49.

<sup>2</sup> *Lagos Council Paper No. 5* of 1906: correspondence on the subject of the amalgamation of the two administrations of Lagos and S. Nigeria.

with Southern Nigeria and that with the north in 1914. This is partly because the reports are somewhat grudging in their information upon this subject, though they have much to say of material and financial progress and the extension of Government services. There was, however, a quickening of the Government's encroachment upon the powers of the chiefs and their councils. Each Western innovation meant the addition of functions or of policies which the Government must handle, as they were beyond the grasp of the chiefs. This was true of schools, medicine, railways, roads, bridges, motor-cars, survey, and of the new methods required for police, agriculture, and forestry. The constitutional process was thus not only one of reducing the powers of the chiefs but of raising alongside them a new and dominating structure resting upon European control. The process is clearly described by Captain Elgee in a passage which also contains an interesting definition of the policy hitherto followed:

'From the first days of the British advent the policy had been steadily pursued of endeavouring to rule the country through the native authorities and officers appointed by them. But it now became apparent that there were certain duties to be performed for which the chiefs were unable to find suitable men. Therefore it was proposed that European officials should be seconded in order to take charge of the Police Force and Public Works Departments. The chiefs approved these appointments with some reluctance as they not unnaturally thought that their own influence would be undermined.'

It appears that Sir Walter Egerton not only took new powers for his officials but treated the existing privileges of the chiefs less tenderly than his predecessor. He struck the new note in his first speech as Governor of the amalgamated territories. The African leader of the unofficial members of the Legislative Council, as if fearing that the more direct methods of the old Southern Nigeria might now be extended to the west, treated him, during the ceremony in Lagos at which the new régime was inaugurated, to an exhortation upon his duties, warning him against punitive expeditions and interference with the incontestable rights of the chiefs to govern their people. Sir Walter replied regretting that such expeditions were occasionally unavoidable and that, as African, like European, rulers sometimes neglected their peoples' interests, it might be necessary to punish or even depose them.

<sup>1</sup> Elgee, *op. cit.*, p. 22.

A year later he had deported the Owa of Ilesha to Benin. Next, in spite of the indignant criticism of the Lagos native press, he intervened decisively in some internal conflicts between the Ibadan chiefs.<sup>1</sup>

Abeokuta, with the Treaty of 1893 guaranteeing its independence, was able to resist Government control more effectively. The Egba were a progressive and vigorous people. Close to Lagos and evangelized and educated by missionaries from an early date, they soon attained a measure of sophistication. Intensely proud of their statehood, the Alake (the head chief) and his advisers modelled their administration as far as they could upon the British pattern. An educated African, Mr. Edun, organized for the illiterate chiefs a secretariat, with the whole paraphernalia of colonial government—orders in council, regulations, estimates, files, and minute papers. A fiscal frontier was maintained and, out of the revenue, Europeans were employed in various capacities by the State.<sup>2</sup> Yet even the independence of Egbaland had not been perfectly maintained. The arrangement with regard to the Supreme Court has been mentioned, and from time to time other interventions were made in such matters as health, police, land-leases, and the railway. A Railway Commissioner was appointed to reside at Abeokuta. Sir Walter Egerton arranged a grant of £2,000 for public works and ensured that this Commissioner should supervise its expenditure. He also paid the ruler, the Alake, a stipend of £300. The tendency of this ruler to centralize power in his own hands against former custom led to complaints by the other chiefs in which British influence had to be further exercised.<sup>3</sup>

The uncertain constitutional position into which Yorubaland was drifting in the years just before the Great War will be more conveniently considered when we come to deal with the amalgamation with the north in 1914, at which Sir Frederick Lugard reviewed its position and proposed his reforms. It is necessary now to move farther east along the coast and bring the history of our administration there up to the same date as in the west.

<sup>1</sup> Baillaud, *op. cit.*, pp. 266-92.

<sup>2</sup> *Report on the Amalgamation of Northern and Southern Nigeria and Administration*, Cmd. 468, 1920 (hereafter cited as *Amalgamation Report*), p. 13.

<sup>3</sup> *S. Nigeria Council Papers, 1908-9: Report on Egba Disturbances, 1906.*

CHAPTER III  
THE SOUTH-EAST

*The People of the Oil Rivers*

SOUTH-EASTERN NIGERIA presents a very different political picture from the west. Except for Benin and its surrounding chieftainships, the cultural conditions of which approximate to those of the Yoruba country, and for some slight infiltration along the borders of influences from the west and north, the territory is composed of a mass of peoples among whom the institution of chieftainship, in any of its usual African forms, hardly exists, and which, by European standards, and for the purpose of easy administration, are entirely unorganized. However, as we shall see, time and research were to reveal an elaborate organization within the small units into which these six or seven million people are divided.

These people struck Europeans from the first as being not only unorganized but particularly barbarous and intractable. Reports are almost uniformly unfavourable, not only from traders but also from administrators and missionaries. In the sixteenth century one of our sea captains reported them 'a people of beastly living, without a god, laws, religion or commonwealth', while in the following century, another declared them 'born and bred villains. A man of integrity is as rare among them as a white falcon.'<sup>1</sup> We should hardly have expected the natives to show themselves at their best to the slave traders, but the Political Officers long continued to sound the same depreciatory note. The early reports continually complain about the 'very low type of native' inhabiting these parts and draw disparaging contrasts between them and the Yoruba. So late as 1910 the official Annual Report could state that the Ibibio and the fishing folk of the Niger creeks 'lead lives but little above the existence of animals'.<sup>2</sup> Even the missionaries find it difficult to be optimistic. In the life of Mary Slessor, the magnificent Scottish mill-girl who struggled as a lonely evangelist among the natives of the Cross River, we get a dark picture of the people,

<sup>1</sup> Quoted by A. C. Burns, *History of Nigeria* (1929), p. 67.

<sup>2</sup> *Ibid.*, p. 35.

even when seen through such kindly eyes as hers. Her great influence with the people was recognized by the Government in the grant of magisterial powers. One day at the end of her work in court she exclaims: 'What a crowd of people I have had to-day and how debased! They are just like brutes in regard to women. I have had a murder, an *eseree* (poison ordeal) case, a suicide, a man for branding his slave wife all over her face and body, a man with a gun who has shot four persons—it is all horrible.'<sup>1</sup>

Sir Richard Burton, one of the earliest anthropologists to come upon the Nigerian scene, though he possessed a strong constitution in these matters, was impressed in the same way. After visiting the sacrifice house at Bonny, he decided: 'There is apparently in these people a physical delight in cruelty to beast as well as man . . . the sight of suffering seems to bring them an enjoyment without which the world is tame.'<sup>2</sup> Cannibalism, twin murder, the poison ordeal by which numerous people perished, human sacrifice, the confinement of girls in 'fattening houses' before marriage—all these were customs calculated to revolt Europeans. Anthropology can explain the part played by these institutions in the whole life of the people, and interpret the social or religious motives which underlie them. But the anthropologist has come late into the field, and the sense of revulsion from the natives felt by Europeans has probably been more extreme here than in any other part of British Africa, and is a fact very relevant to the history of administration. To its depressing effects must be added those of working in a country with an extremely bad record of health, and over the greater part of which the natural conditions—heat, constant rain, mangrove creeks, flat, viewless forest—were an aggravation. With time the effects of these factors, so powerful at first, have diminished, but they are still not to be neglected in assessing the psychology of administration in this part of Nigeria.

Upon these peoples, already retarded by their physical environment, fell the full effects of the European slave trade. For some four centuries they exported large numbers of their population obtained at fourfold cost or more by inter-tribal war, raiding and kidnapping, or by the sale of 'criminals', while the bulk of the imports consisted of fire-arms and spirits. This trade, in spite of the efforts of the Navy, increased in volume after its renunciation

<sup>1</sup> W. P. Livingstone, *Life of Mary Slessor* (1923), p. 232.

<sup>2</sup> T. Wright, *Life of Sir R. Burton* (1906), vol. i, p. 179.

by the British. Nor did the slow substitution of legitimate trade, upon which Buxton and his friends had placed such hopes, do much at first either to elevate the natives or improve their relations with us. The groups around the ports of call in the creeks and river-mouths had themselves long based their organization and wealth upon their position as middlemen in the slave trade and resented its stoppage. And when palm-oil had largely taken the place of slaves, they opposed any attempt to turn their position by opening up trade with the interior by way of the rivers. The hostile treatment of ships attempting to pass up the Niger increased from the middle of the century, and provoked reprisals from traders who, on that dreaded West Coast, were not always the best of men nor in the best of tempers. On the surf-beaten Gold Coast trade meant stations on land from which there radiated a little civilizing influence, but as the river-mouths and creeks of Nigeria offered safe harbourage, the first trading-stations there were formed of hulks moored near the native centres with which relations were comparatively detached and strictly economic. The native traders and the petty chiefs of the riverain groups grew rich and powerful with little, if any, accompanying refinement. Late in the century cannibalistic feasts and human sacrifice took place within a stone's throw of the trading-hulks, and as late as 1895, when the native traders of Brass, enraged at the high-handed interference of the Niger Company with their old freedom of trade, seized the Company station at Akassa, they made a feast of forty-five of the prisoners.

Into this somewhat grim chronicle the traders introduced a note of buffoonery by playing upon the vanity and imitativeness of the so-called 'Kings' with whom they traded. Some of the chiefs accepted proudly the comic names accorded them. Others crowned their nakedness with gold-laced footmen's hats, while one chief, reproved for coming naked to meet the Consul, reappeared in pink tights, a cabman's many-caped coat, a red chimney-pot hat, and blue spectacles.<sup>1</sup>

#### *The Development of British Control*

We have seen that in 1849, in response to the needs of the traders, Mr. Beecroft was made Consul for the Bights of Benin and Biafra,

<sup>1</sup> *Report from the Select Committee on the West Coast of Africa*, 1842, p. 577. Quoted in footnote by Burns, *op. cit.*, p. 119.

with head-quarters at Fernando Po. His authority was weak and ill-defined. One of his first tasks was to assist the expeditions that were being made up the Niger, in which the Government co-operated first with the philanthropists and then with the traders. The Government, however, was receiving a decreasing amount of pressure from the philanthropists, and refused to do more than dispatch occasional warships which gave the Consul intermittent opportunities to patrol the rivers, inflict somewhat belated and haphazard punishments upon offending villages, and even, upon two occasions, depose unruly chiefs. In the absence of regular support the Consul had to rely upon prestige and his own personality, and it was fortunate that so many able men were found to undertake this unhealthy and thankless work. The list of Consuls and Vice-Consuls contains the names of Beecroft, Sir Richard Burton, Sir Claude Macdonald, Roger Casement, Sir Harry Johnston, and other less well-known but strong and efficient men such as D. Hopkins and E. A. Hewitt. Perhaps none of these men showed more courage than Baikie, a remarkable doctor who, having accompanied an expedition up the Niger, settled in 1860 at Lokoja, where the Benue enters the Niger, and remained there almost entirely cut off, in the anomalous position of being 'in command of the Niger Expedition'. Here, under his 'protection', a market developed; from here he visited Zaria and Kano; when he ran out of all resources he was dependent upon the charity of the neighbouring Emir of Nupe. He died in 1864 on the way home, leaving behind him for his successor a code of sixteen rules, of which the first was: 'Always strictly keep faith and promise', and the last: 'As far as possible keep your temper and study patience', while others dealt with the proper attitude to native rulers and the necessity of studying native custom and language.<sup>1</sup>

In the absence of any effective control, the traders, at odds with each other, alternately flattered and bullied the Native Authorities. At Bonny, however, in 1854, the leading black and white traders agreed to bring their disputes to a court of arbitration, and these courts spread by degrees to the other trading centres. The Consul gave his moral support to them until 1872, when an Order in Council defined his judicial and administrative powers.

The gap between the 1865 policy of withdrawal and the develop-

<sup>1</sup> Quoted in full in Sir William Geary's *Nigeria Under British Rule* (1927), pp. 159 ff.

ment of the new imperialism in the eighties was filled by an Englishman of genius, Sir George Goldie. Financial interests first drew him to the Niger, and he realized as no one else did the commanding significance of the river, and the new and growing danger that it might fall under the control of foreign Powers. In 1879 he managed to amalgamate all the rival companies, and in 1884 he bought out some French competitors. He attended the Berlin Conference in 1885 to support our diplomats in asserting British interests on the Niger and beyond, and the following year he obtained a charter for his company.

By this time, however, the policy of the Government was already changing. The Consul made a series of treaties with the riverain chiefs, and in 1885 declared a Protectorate over the coastal territories from Lagos to the Cameroons border. The Oil Rivers Protectorate, as it was called, represented a claim rather than an administrative reality. 'It is very greatly to the credit of all concerned', as one of the consuls wrote of his predecessors, 'that an administration of any kind was maintained under the dispiriting influence of a deadly climate and a feeling fostered at home that the West Coast of Africa was the land of the lost and had better be left severely alone.'<sup>1</sup> The writer, Sir Claude Macdonald, was sent out in 1889 to reorganize the government of the sixteen rivers, and the 250 miles of coast which, bisected by the territory of the Niger Company, formed the Oil Rivers Protectorate. In 1891 the reorganization was marked by renaming the territory the Niger Coast Protectorate. When Macdonald went out there was practically no administration at all. He had his head-quarters in a barn-like building at Calabar with a depressing and mouldy interior.<sup>2</sup> He worked up an administration of six river districts, each under a Vice-Consul, a Consular Agent, and an officer qualified judicially to hold a Consular Court. With the agreement of the chiefs he levied a customs revenue which rose in 1893 to £136,000. He also organized eight departments, including one for botanical research and one for medicine. Sir Claude was a sound and careful administrator.

'The nature of the natives, the climate, everything is against hasty and

<sup>1</sup> *Report on the Administration of the Niger Coast Protectorate, 1891-4, C. 7596, 1895, p. 2.*

<sup>2</sup> *Report of a dinner given to Sir C. Macdonald by the African Trade Section of the Incorporated Chamber of Commerce, 1892, p. 7.*

precipitate action. To advance slowly, leaving no unfinished work behind—to gain the respect and the liking of the natives by a fair and judicious conduct of affairs and only to use force when compelled as a last resource—to do so are the means which, in my humble opinion, lead to success in Africa.<sup>1</sup>

### *The Occupation of the Interior*

How little was known of the forests away from the river banks and stations may be gathered from the reports of Roger Casement. This officer, who was called the Black Man's Friend and was famous for his fearlessness and humanity, courageously penetrated into the 'bush' with a few native followers, almost fleeing from one village to another, and left on record, in his own vivid and amusing style, some of the earliest official anthropology of tropical Africa.<sup>2</sup> His report is of dense numbers and close cultivation, of cannibalism, funeral sacrifices of slaves and women, of a people warring clan with clan but so well-armed and virile that he believes their subjection by force—which he deprecates—would be a costly matter to both sides.<sup>3</sup> So, indeed, it proved. The Administration found it impossible to advance peacefully, and the next few years, while they saw the development of Native Courts and Councils in the old centres, are a record of patrols and punitive expeditions in the interior.

Outstanding among these was the Benin incident of 1897. Mr. Phillips, acting Consul-General, went up to this ancient town which the Portuguese, centuries before, had tried to Christianize. Carrying his reliance upon peaceful methods too far, and against the urgent advice of a friendly chief, he pushed on with a small escort to visit the King. They were ambushed, and seven out of nine of the Europeans, including the leader, were killed.<sup>4</sup> A strong punitive expedition went up and took Benin after heavy fighting. They found the place strewn with corpses, which were crowded in hundreds near the palace, hanging from the trees, lying across the altars, or sacrificed before the King's house. It may be said in explanation, if not in extenuation, that the expedition seems to have arrived upon an occasion when an accumulation of criminals, prisoners of war, and slaves were sacrificed.<sup>5</sup>

<sup>1</sup> *Report cit.*

<sup>2</sup> A. C. Douglas, *Niger Memories*, pp. 19–20.

<sup>3</sup> *Report on Niger Coast Protectorate, 1891–4*, pp. 33–43.

<sup>4</sup> Capt. A. Boisragon, *The Benin Massacre (1897)*, for an account by a survivor.

<sup>5</sup> R. H. Bacon, *Benin, The City of Blood (1897)*, pp. 88–93.

With the close of the century came the constitutional reorganization of the whole of Nigeria. The Charter of the Niger Company was cancelled, as it was realized that the Government alone could extend British jurisdiction to the treaty frontiers. The issues raised by the Company's history cannot be followed here. From the expansionist point of view, the Company, and above all its masterful leader, deserved well of the Empire. While Goldie's title, the 'Founder of Nigeria', perhaps represents too exclusive a claim, yet his achievement enabled Britain to play a strong hand in the international game known as 'The Scramble for Africa', and but for the virtual monopoly he established upon its great river, Nigeria might have been of sadly different size and shape. Of its shareholders the company certainly deserved well: in contrast to its contemporaries in other parts of Africa it paid a steady 6 or 7 per cent. and parted with its charter on favourable terms. Upon Native Administration Goldie had some wide views which will be more appropriately quoted in connexion with Northern Nigeria. He had, however, very limited territorial scope in Southern Nigeria in which to apply them. The Company controlled little more than a strip along the river banks. Moreover, its activity was mainly devoted to trade, and administrative responsibilities away from the river were not likely to be very productive. The Company had many enemies, especially among traders, British, foreign, and native, who resented its monopolistic policy. It had also its strong defenders, chief among them Mary Kingsley. It is not easy now to pronounce between the two sides, especially as Goldie enforced strict secrecy upon all members of the Company and destroyed all his records. But even if certain charges could be proved against the Company, the responsibility would rest with a Government which left its political functions to private individuals because it was too cautious or too thrifty to undertake them itself. Other aspects of the history of the Niger Company will be more properly dealt with in relation to Northern Nigeria.<sup>1</sup>

The year 1900, then, saw the administration of the somewhat indefinite area that had been under the Niger Company joined to that of the Niger Coast Protectorate, and the whole named the

<sup>1</sup> For a sketch of the history of the Company see the series of articles by Sir W. M. Geary, *West Africa*, Oct. and Nov. 1920. An intimate picture of Goldie will be found in Lady Dorothy Wellesley's *Sir George Goldie* (1934). Also *Reports of the Directors of the Niger Company, 1883-1915*.

Protectorate of Southern Nigeria. At the same time it was transferred from the control of the Foreign Office to the Colonial Office, which department was now responsible for the whole of Nigeria.

The history of Southern Nigeria in the six years which still had to run before its amalgamation with Lagos is one of the gradual opening up of the interior, with a parallel increase of trade and revenue. The reduction of this country was a struggle with a hydra. Almost every small group of this large population, sheltered by forest and river, had to be subjected individually. The operations are listed as a matter of course in the reports, and a significant note was struck at the very first when it was remarked under the military heading that, owing to the work in connexion with the taking over of the Niger Company's territories, 'very little expeditionary work could be undertaken during the dry season'.<sup>1</sup> In 1902 we read of military expeditions in eight separate districts. In 1903 there are six expeditions; one of these entailed 'a month of severe fighting'; in another an entire company, fully equipped, had to swim a lagoon four hundred yards wide. In 1904 there were seven expeditions, including one in which it took two months to persuade some of the Ibibio people to desist from closing the trade routes. Numerous garrison were posted as the country was opened up.

'If it is required', the 1904 report explains, 'to establish a foothold, say in an outer portion of a large district, it is necessary to deal with each and every "town" therein. . . . There are thousands of these so-called towns. . . . One unfriendly town can bar a trade route. . . . "Diplomacy" may win a point here and there, but in the person of the administrative officer it is often sent, unless supported by a strong escort, flying out of the town somewhat quicker than it entered it.'<sup>2</sup>

The most important and interesting of these expeditions was that undertaken in 1901, with considerable deliberation, against the Aro. The last word has yet to be written about these dominant people. They established a combined religious, judicial, and economic supremacy over a very large area round the Cross River. It was a supremacy of intellect, not of numbers. They sometimes used tribes under their influence to fight and raid in order to procure slaves in whose trading they were masters. But they had a more original method of obtaining supplies through the notorious

<sup>1</sup> *Ann. Rep. S. Nigeria*, 1899-1900. p. 22.

<sup>2</sup> *Ibid.*, 1903, pp. 39-40.

oracle known as the 'Long Juju'. The multitudinous units into which the surrounding peoples were divided looked to the Aro centre as to a court of appeal, and in cases of serious dispute, especially between different groups, a journey, assisted by Aro 'agents' in the villages on the way, would be made to Aro-Chuku. Here the parties, after traversing some dense forest, reached the shaded stream with an island round which, according to one account, swam a shoal of sacred fish glutted with the offal of sacrifice. There was an altar built up with muskets and topped with skulls. The oracle declared the verdict, the guilty disappeared, and presently a red stain on the water suggested their fate. But it seems likely that the stain was a fraud, and that in fact the victims were reserved for sale as slaves. Some officers who have studied the past of the Aro and observed their intelligence, which even now does not always express itself in legitimate activities, have regretted that an attempt was not made by the Government to utilize their dominant position in administration, since their influence alone extended across the numberless groupings of the neighbouring peoples. Under different forms, this problem has frequently occurred in Africa. The Europeans, in penetrating a country, come into collision with a native institution which has certain obviously barbarian features. It is only after it is destroyed or driven underground that it is realized, in the task of reconstruction, that it supplied a social nexus which the anthropologists, appearing late upon the scene, are sometimes able to define.

The Aro represented a problem of the interior. The coastal trading groups, with their prolonged contact with the West, offered an interesting problem of their own. Here, partly no doubt as a direct result of commerce with Europe, a curious institution had been evolved. What were probably at first the more important kinship groups with whom the traders made contact, had increased in numbers, wealth, and activity by virtue of their position as middlemen. It was they who collected first the slaves and then the palm products; and it was their agents who went up into the hinterland as far as they dared to collect merchandise from the shy peoples of the interior. Large numbers of slaves became attached to the House, as the group was called by the Europeans, and were employed to man the large canoes which went trading up the rivers, or worked on the farm lands to supply food for the community. These slaves might obtain their freedom and thus

swell the numbers of the free members: forty years ago a 'good proportion' of the Oil Rivers chiefs were ex-slaves.<sup>1</sup> The Head of the House had obligations as well as rights. He had to see that provision was made for funeral expenses, for the marriage of members, and for their support in old age.

The British were pledged to abolish the slave trade and slavery, but, no more than in Northern Nigeria, could this be done with a stroke of the pen. The Houses especially offered a puzzling problem. If they were dissolved, not only might the whole social structure of the coastal peoples collapse, but with it the elaborate system of trade, with which the interests of the merchants and the revenue of the Government were at this time largely bound up. It seemed necessary to support them. With this object, therefore, the Government issued in 1901 a drastic ordinance.<sup>2</sup> Under this the courts could arrest and punish any member of a House who refused to submit himself in accordance with native law and custom to the authority of the Head and any European who knowingly employed such a member. It is interesting to follow up the history of this measure. There seems to have been a tendency to confuse the House with an indigenous patriarchal system common to the whole area. The ordinance was indeed applied to the hinterland where House Rule did not exist. Here it offers an interesting example of the way in which a policy calculated to support native customs can be corrupted into a convenience of foreign rulers, for under its terms officials were sometimes able to demand labour for portage and other purposes through the local headmen, using the prescribed penalties under the ordinance for sanction. Meanwhile, in spite of the support of the ordinance, with the opportunities of working for money for the Government, and the asylum for runaways offered by Lagos and its hinterland, where the ordinance did not apply, House Rule tended to decay, thus showing the impossibility of preserving social institutions unchanged in a changing economic environment. As a further indication of the difficulty of legislating for the social needs of natives, the system of apprenticeship, which in the Masters and Servants Ordinance was offered to the chiefs as a progressive substitute for House Rule, remained a dead letter. When Lord Lugard

<sup>1</sup> A. A. Cowan, 'Early Trading Conditions in the Bight of Biafra', *African Society Journal*, Oct. 1935.

<sup>2</sup> *Laws of Southern Nigeria*, No. 26 of 1901.

returned to Nigeria in 1911, he criticized the continuance of House Rule as a connivance at slavery, believing that what was essential in the social structure of the people would be better preserved by a general improvement in the system of native administration. Accordingly, after due warning and in spite of the protests of the chiefs, he repealed the ordinance in 1915.<sup>1</sup>

### *The Amalgamation with Lagos*

In 1906 Sir Walter Egerton carried through his amalgamation of the Colony and Protectorate of Lagos with the Protectorate of Southern Nigeria. The latter was divided into the Central and Eastern Provinces, with Commissioners and departmental staffs at Warri and Calabar respectively. The new administration found that much still remained to be done in the opening up of the interior of the two eastern Provinces. In 1906 a patrol went into the Ibo country to avenge the murder of a Government doctor: another went to Abakaliki, and a military post was stationed in Owerri to pacify this densely populated and restless forest district. Further progress was made in 1907, but even in 1908, after the Northern Hinterland Expedition had patrolled almost to the northern frontier, it was estimated that about eleven thousand square miles were still unexplored. In the two years before amalgamation the Government could do no more than congratulate itself that military activities were few and unimportant. This aspect of our occupation has been emphasized because it shows the unique difficulties we found in penetrating this part of Africa, and because, for the same causes, the administrative task which followed was also to prove unique in its difficulty.

No obvious change of policy followed the amalgamation of 1906. The methods followed in the two parts could not easily have been assimilated. The Government of Southern Nigeria, to judge by the paucity of information given upon this point in their reports, do not seem to have been proud of their native administration in the two eastern provinces. A note of gloom, to be often repeated in the succeeding years, is struck by the Attorney-General when accused in Legislative Council of wishing to extend eastern methods of native administration to the west. 'We do not hold that our success in this particular direction has been so great in those

<sup>1</sup> *Amalgamation Report*, p. 14, para. 23.

provinces that we should be eager to make a similar move in the western province.<sup>1</sup>

Nothing of significance therefore remains to be recorded of native administration in this part of Nigeria between the amalgamations of 1906 and 1914 except with reference to the judicial system, and this will be discussed more suitably in connexion with its reformation at the hands of Sir Frederick Lugard.

<sup>1</sup> *S. Nigeria, Leg. Co. Minutes*, 31 Jan. 1911, p. 9.

CHAPTER IV  
THE NORTH: THE OCCUPATION

*The Royal Niger Company*

ON 1 January 1900 at Lokoja, where the Benue River joins the Niger, the flag of the Royal Niger Company was run down and the Union Jack hoisted in its place. The British flag had already flown for fifteen years in Southern Nigeria, and for forty in Lagos, while our unofficial contact with the south stretched back to the Age of Discovery. But the occupation of the north was no mere extension of an existing government; it was a new enterprise in the hands of a new man, and the fourteen years of Northern Nigeria's separate existence as a Government were destined to be of significance far outside its own boundaries.

The Government was the legatee of the Royal Niger Company, and the Company laid claim to a vast tract of the western Sudan, which less than a dozen explorers had traversed since Mungo Park perished in the Busa rapids in 1805. Over this territory the Company, by virtue of its charter, possessed administrative powers. This is our point of interest in the history of the Company, which, for the rest, lies outside this study. Did the Government inherit an administrative system from the Company?

The answer seems to be negative. It has already been remarked that, whatever were the wider interests of its chief promoter, the Company was primarily a mercantile enterprise. Trade flowed along the river, and by policing its waters and establishing trading-stations upon its banks, that trade could be more or less assured. As in the south, effective occupation away from the river-side would be an expensive and dangerous undertaking without any commensurate return. For the most part in what became Northern Nigeria, the Company did not attempt to push its authority far away from the rivers, and even on the banks it never reduced to order the Munshi (or Tiv) tribe along the Benue or came to terms with the Emir of Yola. A shrewd contemporary observer, who was in Nigeria when the British Government took over the country, remarked that unless the Company meant to give up it was impossible to see how they could have expected to carry on their duties as an administrative as well as a trading concern with the



very small numbers of soldiers and European officials they employed.<sup>1</sup> The Emir of Kontagora's experience of the Company was such that he assured his people that the British were a species of fish and would die if they left the Niger.<sup>2</sup> On the Niger itself the Company's ships could not pass beyond the rapids at Jebba. It made numerous treaties with riverain chiefs but was able to enforce little of the jurisdiction these potentates so lightly ceded. In 1896 Goldie himself described his administration as consisting of 'a mere handful of European officers, supported by a very small armed force and scattered over vast regions amongst millions of Africans'.<sup>3</sup>

In 1897, however, the Company abandoned its tentative policy and attacked the two Emirs of Bida and Ilorin who held positions, the first round the Niger, north-west of Lokoja, the other across the trade routes to the south, from which they were able to injure the Company's interests. Goldie himself accompanied the expedition which, from a military point of view, was a brilliant success against forces the strength of which was then unknown. Vandeleur, an officer who fought in this campaign, has left some record of Goldie's administrative ideas. After the Emir of Bida had been driven out, Goldie recognized a successor who was to rule part of the former emirate, 'conforming to such directions as the Company should give him'. 'The Company, following the example of the East India Company and the Government of India, desired as far as practicable to rule indirectly through native feudatory princes.'<sup>4</sup> In the long run the Indian analogy was not to prove very exact, but the term he used was to acquire a very special meaning. This expedition was one of the last activities of the Company under the impending transference to the Government of its political functions, and, as it was not followed up by effective administration even of the two conquered emirates, Goldie's ideas in this sphere remained largely theoretical. Yet the theories of a man of his character and experience, whose visions ran far outside the confines of a commercial company, are well worth consideration, especially as they come from a period when there was little recognition of the administrative problems set by Africa. One of

<sup>1</sup> Sir James Willcocks, *From Kabul to Kumasi* (1904), p. 222.

<sup>2</sup> Burns, *op. cit.*, p. 188 footnote.

<sup>3</sup> Report of Royal Niger Company, *The Times*, 17 July 1896.

<sup>4</sup> S. Vandeleur, *Campaigning on the Upper Nile and Niger* (1898), p. 239.

the very few documents in which he expressed himself at large is his introduction to Vandeleur's book, and here his remarks upon the administrative problem are penetrating.

'Central African races and tribes', he wrote, 'have, broadly speaking, no sentiment of patriotism, as understood in Europe. There is therefore little difficulty in inducing them to accept what German jurists term "Ober-Hoheit", which corresponds with one interpretation of our vague term "Protectorate". But when complete sovereignty, or "Landes-Hoheit", is conceded, they invariably stipulate that their local customs and system of government shall be respected. On this point they are, perhaps, more tenacious than most subject races with whom the British Empire has had to deal; while their views and ideals of life are extremely difficult for an Englishman to understand. It is therefore certain that even an imperfect and tyrannical native African administration, if its extreme excesses were controlled by European supervision, would be, in the early stages, productive of far less discomfort to its subjects than well-intentioned but ill-directed efforts of European magistrates, often young and headstrong, and not invariably gifted with sympathy and introspective powers. If the welfare of the native races is to be considered, if dangerous revolts are to be obviated, the general policy of ruling on African principles through native rulers must be followed for the present. Yet it is desirable that considerable districts in suitable localities should be administered on European principles by European officials, partly to serve as types to which the native governments may gradually approximate, but principally as cities of refuge in which individuals of more advanced views may find a living, if native government presses unduly upon them; just as, in Europe of the Middle Ages, men whose love of freedom found the iron-bound system of feudalism intolerable, sought eagerly the comparative liberty of cities.'

It may be interesting in this connexion to turn to the views, published a year later, of another African expert, Mary Kingsley, that fearless woman in whom wisdom and humour seemed to fuse into a single quality. She was a great admirer of Goldie. She was also highly critical, almost in the tradition of Charles Buller and the 'Theorists of 1830', of the Colonial Office and the Crown Colony system. On the constructive side, if her alternative was rather unrealistic so far as head-quarters' machinery was concerned, her principles of native administration were upon those lines we are struggling to follow to-day.

'If', she wrote, 'you will try Science all the evils of the clash between the two culture periods could be avoided. . . . There is absolutely no

perceivable sound reason why you should not do it if you will try Science and master the knowledge of the native and his country. The knowledge of native laws, religion, institutions and state-form would give you the knowledge of what is good in these things, so that you might develop and encourage them; and the West African, having reached a thirteenth-century state, has institutions and laws which with a strengthening from the European hand would, by their operation now, stamp out the evil that exists under the native state.<sup>1</sup>

The main reason why the Company relinquished its administrative powers was its incapacity either to ward off French encroachments to the east, with the possibilities they contained of grave international complications, or to deal with the great Fulani rulers in the north. The new High Commissioner, Colonel, now Lord, Lugard, had already considerable experience of Africa to which he had come after military service in India and Burma. He had fought against Arab slavers near Lake Nyasa: he had put down religious war in Uganda, and had played a large part in securing that country for the Empire. He had already been sent to north-western Nigeria to check the French advance, and had lately been recalled by Chamberlain from a mission to the Kalahari in order to organize the West African Frontier Force.

Many years before in East Africa Colonel Lugard had begun to work out his views upon native administration and had outlined them in a book published in 1893. Here he advocated for Uganda the principle which he was afterwards to develop in the Nigerian system. 'With regard to internal control in Uganda, in my opinion the object to be aimed at in the administration of this country is to rule through its own executive government. The people are singularly intelligent and have a wonderful appreciation of justice and of legal procedure and our aim should be to educate and develop the sense of justice.'<sup>2</sup> And again, 'An arbitrary and despotic rule, which takes no account of native customs, traditions, and prejudices, is not suited to the successful development of an infant civilization, nor, in my view, is it in accordance with the spirit of British colonial rule. The King has been proved incompetent and useless, but the Resident should rule through and by the chiefs.'<sup>3</sup>

<sup>1</sup> Mary Kingsley, *West African Studies* (1899), pp. 382-3.

<sup>2</sup> Captain F. D. Lugard, *The Rise of our East African Empire* (1893), vol. ii, p. 649.

<sup>3</sup> *Ibid.*, p. 651.

*The Situation in 1900*

The new High Commissioner had been sent to a territory where for the most part the British position existed only upon the international map, as against the other European Powers, and in some scores of the usual dubious treaties with native chiefs. More than half of it still awaited occupation, much more administration. Even in the southern area, where he was able to go so far as to sketch out some provincial boundaries, occupation was very far from being effective. The pagan Bassa were wholly unadministered; the Emir of Nassarawa was slave raiding; the large Munshi tribe on the Benue formed an almost impenetrable hostile mass. The notorious Emir of Kontagora, N'Gwamachi, the Destroyer, was spreading ruin over wide stretches in the west. Informed that his slave raiding must cease, he asked if a cat could be stopped from mousing and declared that he would die with a slave in his mouth. A force was sent which drove him from his Emirate. In Bida the ex-Emir, who had defied the Company and returned to oust the successor they had installed, had to be driven out again. Colonel Lugard had only a handful of native troops and of these the larger part had to be sent in April to the Gold Coast for the Ashanti Campaign, where they remained until the end of the year. The *Gazette* for 1900 shows about a dozen Political Officers appointed by the end of the year, but these were certainly not all in the country and at work at any one moment. Moreover, the occupation began while the home country was preoccupied with the Boer War. Even apart from this, the sudden assumption of government over so large a native country as Nigeria was such a new experience to the Colonial Office that a peculiarly heavy burden of responsibility had to be shouldered by the High Commissioner. All the more impressive, therefore, is the comprehensive and definite character of the first report, which lays down from the beginning the principles which were to distinguish so notably the administration of this region.

'The Government', wrote the High Commissioner, 'utilizes and works through the native chiefs and avails itself of the intelligence and powers of governing of the Fulani caste in particular, but insists upon their observance of the fundamental laws of humanity and justice.'<sup>1</sup> Among the wholly uncivilized pagan tribes, who

<sup>1</sup> See *Collected Annual Reports of Northern Nigeria, 1900-1911* (hereafter referred to as *Collected Reports*), p. 26.

owe no allegiance to a paramount chief, it is often difficult to apply these principles of rule, and the political officers have to undertake a more direct responsibility. . . .<sup>1</sup> When the Emir of Bida was installed, the High Commissioner proclaimed him in front of the royal house to the assembled people. 'Following the custom in British India, I gave him a letter of appointment containing the conditions on which he held the Emirate.'<sup>2</sup> He even recognized the primacy of the Sultan of Sokoto, who had made no sign from his vantage point far to the north of the occupied area, by writing to inform him of the deposition of the Emir of Kontagora and to ask him to nominate a successor. On questions of justice, slavery, communications, and economics, a clear line for the future is laid down.

It is, perhaps, especially noteworthy, in view of the obvious difficulties that lay ahead in extending our Protectorate over the great northern Emirates and the uncivilized pagan groups, that the High Commissioner already placed more confidence in political than in military measures. 'Capable officers can do much more by getting into touch with the people than can be effected by punitive expeditions and bloodshed. The land is already sufficiently depopulated by years of slave raiding, and the good of the country demands the preservation of life and the increase of the population. . . . The district officer, with tact and patience, aided by a few police, can achieve the pacification of the country effectively.'<sup>3</sup> This preference for peaceful rather than military penetration, a course suggested both by economy and humanity, has been very characteristic of the British in tropical Africa and remarkably few names or signs of fortifications remain to mark our advance into the interior. Looking back, with wisdom after the event, we may regret that this policy was not carried even farther, and certain collisions arising from misunderstanding and impatience avoided. In Northern Nigeria, however, once the policy of annexation is accepted, it does not seem that it could have been achieved without a brush with the over-confident Emirs whose hostility was inflamed by their religion. The High Commissioner was a good enough soldier to see that the conflict was sharp, and too good an administrator to let it be anything but short.

The keynote of these early reports is struck at the opening of the first, where the High Commissioner in taking over this huge,

<sup>1</sup> *Collected Reports*, p. 27.

<sup>2</sup> *Ibid.*, p. 12.

<sup>3</sup> *Ibid.*, p. 17.

unsettled country apologizes for being unable to send accurate statistics of liquor smuggling.<sup>1</sup> In 1901 the area of occupation was pushed up the Benue to include Yola. Here, at the time of the Jihad, a Fulani Emir had established himself in the heart of large pagan populations upon which he levied continuous toll for the northern slave-markets. He had been very intractable in his dealings with the Company: he now refused to parley with the Government representative, who thereupon seized his house, putting him to flight, to perish the following year at the hands of the pagans he had despoiled. His acknowledged heir accepted his position according to the conditions laid down in the letter of appointment.

#### *The Occupation of Bauchi and Bornu*

The following year saw a great extension of the control of the Government. An expedition, about 500 strong, set out for the north-west. It first took Bauchi, the centre of a very important slave-market, the clearing-house for the large supplies coming from the pagan areas to the west and south. There was no fighting here, nor even disorder in the capital town, where the notables chose a new Emir upon the usual conditions. The expedition went on to Bornu, accounting for an intrepid old *Mallam* (teacher) who attacked them on the way. The Kanuri kingdom of Bornu had been saved from the Fulani Jihad by a seer from Kanem, and his dynasty had acted as mayors of the palace for the feeble rulers until it finally ousted them. The Shehu (as, like his rival in Sokoto, this especially sacred ruler was called) had been driven out only a few years previously by an astonishing incursion from the eastern Sudan by one Rabeh, a foster-son of the notorious raider Zubeir Pasha, enemy and subsequently ally of General Gordon. This man with a comparatively disciplined and well-armed force as the nucleus of his army, mastered and devastated the old kingdom from his headquarters at Dikwa, where his fortress still stands, to bear witness in its large plan and strong building to the quality of its maker. But in the French, coming in from the east, Rabeh met his match and was defeated and killed at Kusseri in 1900.<sup>2</sup> (This conquest

<sup>1</sup> I remember seeing in the files a letter from the newly arrived Resident of Bornu, urgently reporting the desperate condition of the country with its armies of brigands, slave raiding, and the like. In the course of his reply the High Commissioner warned him to expect a consignment of rain-gauges.

<sup>2</sup> H. R. Palmer, *Gazetteer of Bornu Province* (Lagos, 1929), pp. 23 ff.; also

the French afterwards handed over to the Germans to become the German part of Bornu, part of which is now mandated to Britain.) When, therefore, the British expedition arrived from Bauchi in 1902 they found a ravaged and headless country, and the new Resident, appearing in the light of a saviour rather than a conqueror, at once recognized the rightful Shehu. The following year the High Commissioner went up to present the staff of office and administer the oath of allegiance, and the Shehu, holding up the Koran before the assembled people, declared that nothing in the oath was contrary to their religion. The ancient hierarchy of the Bornu kingdom was restored. Then began the long task of reconstructing a working administration, of restoring peace and order, and studying the rights and needs of the various groups, Kanuri, Shuwa-Arab, independent and semi-independent pagans, and nomad Fulani, of which the population was made up. The lesser emirates, offshoots of Bornu or Kanem, were also given official recognition.

### *The Kano-Sokoto Expedition*

Farther west the extension of our occupation was less peaceful. The Emir of Zaria was deposed for slave raiding and oppression, and the Emir of Nassarawa murdered his Resident and fled to be honoured by the still independent Emir of Kano. 'If', the latter is reported to have said, 'a little town like Keffi could do so much, what could not Kano do?'<sup>1</sup> Communications from the High Commissioner to the Sultan of Sokoto were answered in the following strain: 'I do not consent that any one from you should ever dwell with us. . . . Between us and you there are no dealings except as between Mussulmans and Unbelievers. War, as God Almighty has enjoined on us. There is no power or strength save in God on high.'<sup>2</sup>

This amounted to a threat of war. The High Commissioner decided that the situation was critical, and, having decided that force was required, he struck with a suddenness that spread consternation not only among the Fulani but among the authorities at home.<sup>3</sup> Believing that the conflict was inevitable and that delay

Dr. A. Schultze, *The Sultanate of Bornu* (translated by P. A. Benton, 1913), pp. 28-39.

<sup>1</sup> *Collected Reports*, p. 75.

<sup>2</sup> *Ibid.*, p. 159.

<sup>3</sup> See *Correspondence relating to Kano*, Cd. 1433, 1903.

would make it more serious, and comforting himself, perhaps, that he had to account to Salisbury and Chamberlain, instead of to Gladstone, he took upon himself the responsibility of action. An expedition of about 800 native soldiers and 36 white men, still weary from the Ashanti campaign, marched upon Kano. While the Fulani officials fled in to Kano, the Hausa people assisted rather than opposed the troops. Kano, a city of flat-topped, red-earth houses, lay within a crenellated wall about 40 feet in width and height, its 11 miles circumference pierced by 13 gates. The relations between the people and their rulers were strikingly illustrated now; the soldiers resisted; a gateway had to be stormed and the defenders routed with great loss upon their side, but the civilians were mainly interested spectators whose daily life was hardly disturbed by the event. Three days after the capture the great market was in full swing and caravans were on the move, north and south. The expedition hurried on to Sokoto which they occupied after some sharp fighting.

Light may be thrown upon the comparative ease with which the Fulani ruling class surrendered before the small British forces by a letter written to the Sarkin Musulmi by his relation Muhammedu Marafa just before the fall of Sokoto. His 'great brother' was evidently contemplating flight, for Marafa writes:

'Further, I earnestly beseech you, in God's name, let no one hear a suggestion of our departure from your mouth in this affair as this would mean ruin for our affairs. Our subjects and people who are within the boundaries of our land would almost certainly throw off their allegiance to us on hearing such news. We should get no assistance from them of what they have promised to us. To sum up let us sit and wait the issue of the matter. Help lies with Allah alone, and if he makes easy for us this matter, He is all powerful. If we remain in our kingdom, all will be ordered for us by the Great Ordainer.'<sup>1</sup>

Clearly Marafa, between doubt of his own people and hope of the moderation of the British, had no interest in extreme courses. His shrewdness had its reward, as he became Sultan of Sokoto himself shortly afterwards.

In Kano the High Commissioner recognized the defeated ruler's brother as Emir. To him and his six leading chiefs he laid down the same conditions for their government as he had already defined

<sup>1</sup> H. F. Backwell, *The Occupation of Hausaland 1903-4*, a translation of some Arabic letters (Lagos, 1927), No. 128, p. 74.

for the other Emirs in the letters of appointment. While there would, as a rule, be no interference with the accepted rights of succession, the new suzerain retained the power of veto and deposition. The existing courts and Moslem Law would be recognized, though cruel punishments were now forbidden and death sentences would require confirmation. The Government alone would direct armed forces. Slave raiding and trading were forbidden, but domestic slavery was for the time being to be tolerated under certain restrictions. 'When I added that liquor was prohibited there was a motion of appreciative assent, and to my announcement that they were absolutely free in the exercise of their religion there was a quite remarkable expression of joy and relief.'<sup>1</sup> At Sokoto, so well did the city of the old suzerain understand the meaning of suzerainty, that the leaders themselves pointed out to the High Commissioner that the installation would be incomplete unless, following the ceremony hitherto marking the recognition of subordinate Emirs by the Sultan, the latter now received a gown and a turban at the hands of the British.<sup>2</sup> Katsina, the Hausa seat of learning in the extreme north, and several other lesser emirates, accepted the advent of the British peaceably and agreed to the new conditions of their rule.

It has been necessary to recount so much of the history of our occupation in order to give some picture of the situation we found and of the early circumstances under which our administration took shape. We can now analyse the most important aspects of the administrative problem as they were presented and settled during the first phase of Colonel—or, as he had now become, Sir Frederick—Lugard's governorship.

<sup>1</sup> *Collected Reports*, p. 93.

<sup>2</sup> *Ibid.*, p. 98.

## CHAPTER V

### THE NORTH: THE FOUNDATION OF INDIRECT RULE

#### *The Political Settlement*

THE occupation of Northern Nigeria was carried out in a very different manner from that of the south. In place of the reluctant, uncertain, and rather haphazard penetration from the coast, we have the confident and rapid action which in three years put the whole country into British hands. It also happened that the High Commissioner was well qualified to take advantage of this situation and to plan out almost from the first the main lines of the administrative structure. We have seen that in much of Northern Nigeria our title was founded upon conquest. Sir Frederick Lugard made this very clear from the first both to the Fulani rulers and to his own Government. 'The Fulani', he reported in 1902, 'hold their suzerainty by right of recent conquest . . . and I can myself see no injustice in the transfer of the suzerainty thus acquired to the British Government by the same right of conquest. This suzerainty involves the ultimate title to all land, the right to appoint Emirs and all officers of State, the right of legislation and of taxation.'<sup>1</sup> In the administrative settlement, therefore, the Government, free from treaties, claimed for itself very full powers except for certain promises, and was theoretically, therefore, in a much stronger position than it has been in some other Protectorates.

In fact, however, the High Commissioner was not in a position to take over the direct administration of this immense area. He had neither the money, the staff, the communications, nor that knowledge of the character and customs of the people without which an effective administrative grasp is impossible. Yet it is a superficial view that the decision to rule through the native authorities was dictated by no more than the necessity of the moment. We have already quoted the views of two important West African experts with regard to 'indirect' methods and those expressed still earlier by Colonel Lugard himself with regard to the government of Uganda. The High Commissioner and many of his officers had had experience of India, and we notice that the title Resident

<sup>1</sup> Ibid., p. 83.

rather than Commissioner was deliberately chosen for political officers. In an early instruction to his staff Colonel Lugard informed them that 'A Resident, as the name implies, is an Officer charged rather with Political than with strictly Administrative functions, and the degree to which he may be called upon to act in the latter capacity will depend upon the influence and ability of the Native Chiefs of the Province.'<sup>1</sup> The 'Residents' Proclamation' of January 1900 refers to diplomatic as well as to administrative duties. The early reports and instructions exhibit the indirect method not merely as a temporary expedient but as a considered and essential principle of government.

### *The Character of the Ruling Classes*

The experiment owed much of its success to the ability and complaisance of the Fulani ruling class. It is noticeable that the British in Nigeria at first remarked chiefly the degeneration and cruelty of these people but were increasingly impressed by their capacity for rule. It is difficult for those who do not know the country to visualize the contrast not only between the primitive pagans and their half-civilized Moslem neighbours but also between the savagery and refinement, the disorder and order, found among the Moslems themselves. In the pages of Barth, who made the round of the Emirates in the fifties of the last century, we get a good picture of the Sudanese kingdoms on the eve of European intrusion. Huge markets—that in Kano, attended daily, according to an eyewitness in 1896, by twenty-five to thirty thousand people<sup>2</sup>—with busy caravan routes linking them to the kola forests and mines of the Gold Coast, to the salt-pans of the Sahara, and the ports of the Atlantic and Mediterranean seaboard, through which they drew upon European manufactures; merchants in Agades owning farm-lands near Kano; local industry and agriculture of high development; centres for savants and holy men—all this demands as a basis no slight administrative structure.<sup>2</sup> Yet the rulers relied for their wealth largely upon slaves torn by the most destructive raids from pagan areas which might have become prosperous provinces. Nor was this vice peculiar to the Fulani.

<sup>1</sup> *Instructions to Political and other Officers on Subjects chiefly Political and Administrative* (hereafter called *Instructions*) (1906), p. 1.

<sup>2</sup> See article on 'Hausaland' by the Reverend G. Robinson, *Geog. Journal*, Sept. 1896; also chapters upon Kano in *Hausaland* by the same author (1897). Also Barth, *op. cit.*, pp. 286-309.

The songs of praise handed down through several hundreds of years in the kingdom of Bornu are full of references to the destruction and enslavement of the pagans. The Sultan Ume Gilmi, for example, who reigned in the eleventh century, was lauded as follows:

You put to flight a warrior . . .  
 Chief of the land of Mobber, in the freshness of the rainy season . . .  
 And captured from his following a thousand slaves,  
 And took them and scattered them in the open places of Bagirmi.  
 The best you took and sent home as the first fruits of battle,  
 The children crying on their mothers you snatched away from their  
 mothers.  
 You took the slave wife from a slave  
 And set them in lands far removed from one another.<sup>1</sup>

Some eight hundred years later Barth found the Bornu rulers still engaged in this same business of raiding pagan villages. He accompanied an expedition and, observing the senseless destruction of human life and prosperous villages and crops which accompanied the seizure of a few thousand captives, asked the commander: 'Why not let these people cultivate in tranquillity and levy tribute on them?' The man's answer might serve to measure the limitation of the culture of the western Sudan. He assured Barth 'that only by the most violent means were they able to crush these pagans, who cherished their independence and liberty above everything, and that this was the reason why he burnt all the granaries, in order to subdue them by famine; and that even of famine they were less sensible than he could wish, as the water in this region afforded them an unlimited supply of fish'.<sup>2</sup>

We must remember that, as the history of Bornu stretched back far beyond the coming of the Fulani, so did that of the Hausa kingdoms. The Fulani of the early nineteenth-century Jihad had taken them over with very little more disturbance than had accompanied our own occupation: they had adopted the system of government much as it was and their virile administration had played upon societies, the nucleus of which had political traditions already centuries old. As long ago as the fifteenth century a king of Kano had requested a visiting Moroccan scholar to write him a treatise upon government and had drawn upon himself counsels of

<sup>1</sup> *Kanuri Songs*, translated by J. R. Patterson (Lagos, 1925), pp. 2-3.

<sup>2</sup> Barth, *op. cit.*, p. 594.

perfection that few Christian princes have achieved.<sup>1</sup> But with the collapse of the Moorish power in Spain and its decay in Northern Africa the Sudan had ceased to draw any direct stimulus from the civilized world, and lay almost isolated and stagnant between the forest and the desert. The Fulani themselves had begun to repeat the old African story of the ascetic pastoralist who, conquering the negro, is himself conquered again by the infiltration of their blood and the comparative ease of their sedentary life. The British administrators had thus to reckon at once with the ability of the Fulani and with their oppressiveness; with their vigour and with their decadence.

### *The Satiru Revolt*

The most surprising part of the settlement was the ease with which the Fulani accepted their new masters. Their natural hostility was enhanced by their religious recoil from the infidel. It was common in early days for the Moslem to spit after passing a white man, and there is little doubt that the drinking of the English, their type of dancing, and the position accorded to their women still offend the older and stricter Fulani. Yet a year or two after their defiance and subjection they were going far beyond the demands of oriental etiquette in offering allegiance to their new ruler.

In 1905, as a result of an isolated outbreak of Mahdism at Satiru, a Sokoto village, a small British force was destroyed and, with it, both the Political Officers in the province.<sup>2</sup> It must have seemed to the Fulani rulers the ideal moment for revolt. There was a serious shortage of Political Officers at the time and the only available troops were dealing with an outbreak in the Munshi country at the farthest possible point away from the scene of action. Yet there was no general outbreak. The Sultan of Sokoto at once sent out forces against the rebels; the Emir of Bauchi arrested and executed a local Mahdi; the Emir of Zaria made a public declaration of loyalty to his oath; the Emir of Kano sent assurances, and Nupe offered troops. Yet, if encouragement was all the larger Emirs needed, they had it from two of the smaller. The Emir of Gando promised to help the Mahdists should they succeed, while the Emir of Hadeija, already recalcitrant, now openly defied the

<sup>1</sup> Mohammed Al-Maghili, *The Obligations of Princes*, translated by T. H. Baldwin (Beyrouth, 2 vols., 1932).

<sup>2</sup> *Collected Reports*, pp. 365 ff.; also *Correspondence relating to Sokoto, Hadeija and the Munshi Country*, Cd. 3620, 1907, pp. 7-10 and 13-27.

British; struck our messenger in the face, and was only defeated after severe street fighting.<sup>1</sup>

We have to look for reasons to explain the reaction to this opportunity of rulers whose states had been annexed only three or four years before. The Secretary of State, for his part, gave the credit to the policy of the High Commissioner and to the loyal and intelligent way in which it had been interpreted by his officers.<sup>2</sup> The Fulani must certainly have been impressed by the restraint and sympathy of our policy, especially towards their religion. But only a short-sighted complacency would assume the growth in a few years of any active loyalty on their part towards their new white masters. The explanation both of this and of their general readiness to co-operate with our administration must be due partly to the effect of the success of our troops and especially to the fall of the far-famed city of Kano. It must also be due very largely to that insecurity of their own position in relation to their subjects to which Muhammedu Marafa's letter, already quoted, bears witness. It is interesting that it was this same Marafa who, as Sultan of Sokoto, on this occasion also, used his great influence for moderation.<sup>3</sup> Even in Moslem Hausaland the much-conquered peasantry had shown how little loyalty they had for their rulers; in many pagan areas a more active hostility existed. Once the British had broken the spell of their supremacy, our support was needed for their authority. There were, indeed, some among the Political Officers who doubted the wisdom of continuing this support. The High Commissioner himself, repelled by the terrible cruelty of the Fulani, shown in their methods of torture and execution, had moments of misgiving. Yet, as he showed, in discussing the question in his Memoranda, there was no practicable alternative. Apart from the way in which the Fulani were justifying themselves under guidance, the attempt at this time to unearth the old Habe ruling families might have led to a general break-down of administration. And it must be remembered that with every year the real, as distinct from the pretended, cleavage between the Fulani and the Hausa was tending to diminish.

#### *Policy towards the Emirs*

In the treatment of the Emirs the High Commissioner laid down certain rules which have been followed ever since. He believed

<sup>1</sup> *Ibid.*, pp. 26-55.

<sup>2</sup> *Ibid.*, p. 37.

<sup>3</sup> Backwell, *op. cit.*, p. 78.

that it was of the utmost importance to allow them to retain the pomp and ceremony of their past rule, while pruning it by degrees of extravagances based on extortion. Realizing the high value placed by Mohammedan rulers upon dignity and etiquette, and the many possibilities of social offence lurking in their contact with Europeans, he prescribed a somewhat ceremonious form for the relations between them and their Political Officers. In 1904 he went on tour in order to discuss these matters with the chiefs. 'I hoped,' he says in the 1904 report, 'by personal intercourse with the Chiefs, to promote a thorough understanding and good feeling between them and Government, and above all to disabuse their minds of the idea that the powers and authority reposed in them were given grudgingly or of necessity, or that there were two separate systems of rule, viz. that of the native chiefs and that of the British Government, which might work harmoniously or might tend to friction.' He declared 'that the system of rule was essentially one, and one only, in which each of us, as subjects of His Majesty, bore our respective parts and carried out that portion of the work which might be assigned to us'.<sup>1</sup> Nor was the psychological side forgotten. The High Commissioner realized that the 'calm of the Pax Britannica' might 'induce a spirit of ennui. . . . Our object should be to give them an interest and an object beyond the routine performance of their duties, to interest them in the scheme of government, to teach them to recognize the new order of things, to show them common interests, to engage their sympathies in our efforts for secular education and to promote a legitimate rivalry in civilized progress and even in sports.'<sup>2</sup> Other instructions laid down that the varying rules of succession were to be carefully followed. The chiefs were not to be fitted into any rigid system: rather was the system to be moulded upon the existing situation. The five grades of chiefs were formed according to the importance of the rulers, each receiving different insignia from the Government, while specially designed staffs marked the peculiar dignity of the Sultan of Sokoto and the Shehu of Bornu.

One of the first tasks of the Political Officers, though it was undertaken in no hasty manner, was to install more system and efficiency into the head-quarters organization of the Emirates. It is impossible to generalize about so many different groups, but the

<sup>1</sup> *Collected Reports*, 1904, p. 230.

<sup>2</sup> *Instructions* (1906), p. 202.

tendency among Fulani rulers was towards extravagance and favouritism. Within the spreading walls of their 'palaces' the Emirs lived surrounded by their wives, concubines, eunuchs and other slaves, their favourites, their men-at-arms, and their much-prized horses. At the time of their domination and since, they had parcelled out the country in fiefs which they had given to their supporters. But, like many rulers before them, they preferred to keep these men under observation at Court while their estates were managed by agents, and communication was kept up by the *jekhad*as, or messengers. There were thus at least three pairs of hands through-which the tribute from the fiefs must pass before the Emir received his portion. A further complication lay in the scattered distribution of the lands held by individual chiefs.

The Residents endeavoured by degrees to establish the principle that the privileges of District Heads, as they were now termed, were attached to responsibilities and that they must go out and live in their districts as working administrators. This was a very unpalatable reform to many of the Emirs, especially Kano, and it was thought necessary to make some concession by allowing him for the time to keep some of his head slaves in what may be called the home districts.

### *Slavery*

This problem does not demand full treatment here. It ceased remarkably soon to be an important question, though it would be rash to assume that even now there are no cases of slavery, or even of slave trading, in Northern Nigeria, for both occasionally come to light. There are still those who find it honourable and profitable to remain the slaves of rulers, and with these the law can hardly deal. Yet in the first few years of our occupation the treatment of the slavery question was a vital part of the whole political settlement. In no part of British Africa, except, perhaps, in the Sudan, did this issue seem so formidable. In the advanced parts in the north the whole social system was based upon slavery, and slaves were wealth, trade, and currency. The population might have been divided into three; free Moslems, their slaves, and the potential slaves of the pagan areas. At the time of the Jihad slavery had received the most respectable confirmation. Mohammed Bello laid down three categories of people. 'First there are the pure Moslems, but these were very few at the Shehu's coming. The

second are those that have mingled heathen and moslem practices.' After discussing whether these, if unrepentant, should be killed or enslaved, he seems to find the weight of authority on the side of enslavement. 'The third are those of heathen origin who have never entered Islam. . . . Let their children and women be taken and their property divided. The mallams are in entire agreement upon this point.'<sup>1</sup>

It was quite out of the question for the Government to abolish slavery: as an immediate measure it was neither possible nor desirable, as the bottom would have dropped out of society and the country would have been flooded with masterless and homeless people. Slave raiding, the main curse of the country, disappeared with the advance of our power. Slave trading was prohibited as soon as the northern emirates, with their large markets, were brought under control. For the institution of slavery itself the following measures were taken under the Slavery Proclamation of 1900: (1) all children born after 1 April 1901 were declared free; (2) the legal status was abolished; (3) emancipation was facilitated and could be claimed in case of ill usage. This meant in practice that the courts could give no support to masters in such cases as the recovery of runaways, while on the other hand any slaves who wished to obtain their freedom from the courts could do so by simple assertion. Thus the slaves were given a 'permissive freedom . . . the initiative lying with the slave, and not with the law'.<sup>2</sup>

The system was by these means slowly undermined, the Residents lending all their activity and influence to its decline. There can be no doubt that our policy must have appeared in the light of serious injury to the slave-owning classes (they compared us unfavourably with the Germans over the border in this respect), and it is yet another tribute to the Administration that so far-reaching a change should have been carried through with so little friction. The unkindest cut was that some of the pagans themselves protested against our measures. In time of famine they were accustomed to sell their children—they were found to be doing so on a considerable scale in the French Cameroons recently—and, as they themselves asked, what were they to do now with their bad characters?

<sup>1</sup> *Mohammed Bello, op. cit.*, p. 125.

<sup>2</sup> *Lord Lugard, The Dual Mandate* (1922), p. 369. See the two chapters in this book analysing slavery and its treatment.

*Taxation*

No branch of administration demands a more realistic relationship between the Government on the one side and the people upon the other than the collection of revenue, while the process of studying and tapping the national wealth has a number of indirect results upon other branches of administration. The British Government's unwillingness to take over Northern Nigeria was partly due to fear of a financial burden, and this, as it turned out, had to be carried in the form of yearly grants-in-aid until, at the time of the amalgamation with its rich neighbour to the south in 1914, these totalled about four million pounds. A reduced grant was made to the united Nigeria until 1918. The expenditure in the first ten years rose from a quarter to half a million pounds; the local revenue from four thousand odd to a quarter of a million. In addition, there was a contribution from Southern Nigeria on account of customs which rose from thirty to seventy thousand pounds. The budgets would have looked more healthy but for the largest single item of expenditure, ranging from one hundred and twenty to two hundred thousand pounds, for the West African Frontier Force, which was something more than a purely Northern Nigerian service.<sup>1</sup>

The High Commissioner knew that he could not hope for much addition to what was little more than a skeleton staff until he could produce a larger contribution towards the revenue. Yet, as he pointed out, revenue could not be raised without Political Officers. He was, however, fortunate in the Moslem areas in taking over a developed, if somewhat complex, revenue system.

A number of taxes were recognized. There was the *zakka*, a tithe on certain agricultural products which the Koran authorized for charitable purposes. There was a plantation tax upon the remaining products. The *jangali* was paid on cattle. All craftsmen paid special taxes, and dues might be levied upon professions such as those of craftsmen, butchers, dyers, prostitutes, and dancing girls. These, and also taxes on what might be called luxury crops, tobacco, onions, and sugar-cane, were sometimes farmed out for the whole emirate. There were tolls on the caravan routes and fees in the markets. It was the custom for all men visiting their superiors to bring a *gaisua*, or present. In Bornu death duties were

<sup>1</sup> See annual figures in *Collected Reports*.

an especially important source of revenue, and payments on accession to office. All chiefs who acknowledged the Sultan of Sokoto as their suzerain sent him tribute in slaves and goods. The pagans were taxed according to their degree of subjection; where possible by a tax on produce or per head, elsewhere by irregular dues exacted by force, or, again, by a tribute of slaves enforced by raids. There were, as we have seen, pagan tribes which acknowledged neither external master nor internal chief, and to these taxation, in any-thing like our meaning of the term, was a hated innovation.<sup>1</sup>

The problem of taxation was therefore complex. On the one hand, there was not only the imperative need of revenue, but the belief of the High Commissioner that the payment of tax was a symbol of allegiance and a moral and material stimulus alike to the ex-slaves and those who had lived by capturing and exploiting them. He saw, too, that to cleanse and regularize the methods of taxation would be to infuse reform into the whole administration. Again, while it seemed necessary to assist the rulers to enforce their customary dues, it was distasteful to lend our authority where we were unable to guard against extortion and abuse. On the other hand, there was hesitation to interfere at this early stage with the revenues of the rulers, especially in view of the heavy losses imposed upon them by the prohibition of slave raiding. There was also the magnitude of the administrative effort required. The Land Revenue Ordinance of 1904 was a compromise. Chiefs were to pay over one-quarter of their revenue to the Government. Meanwhile Political Officers were to begin an assessment of the value of the production taxed by the chiefs, and also to inquire into the methods of collection. It was through this inquiry that the haphazard distribution of the land among title-holders was discovered, which, combined with their absenteeism, and with the practice of farming taxes, led to a multiplication of tax-collectors.

In 1906 a further step was taken. The Proclamation of that year authorized the Residents to assess the taxability of the people, to appoint the Village Headmen and District Chiefs who were to collect; and to punish evasion and extortion. When the various taxes were paid at the same time to the same collector they amounted

<sup>1</sup> For taxation see: *Instructions*, Nos. 5 and 21; *Political Memoranda* (revised edition of *Instructions*, 1928), No. 51; C. W. Orr, *The Making of Northern Nigeria* (1911), pp. 155 ff.; and C. L. Temple, *Native Races and their Rulers* (1918), chap. xl.

in fact, and without producing any great breach with the past, to a rough-and-ready income-tax. In Moslem areas our administration developed a system, unique in Africa, known as the lump-sum assessment. The Resident, or, more usually, one of his junior officers, studied the productivity of a certain community, taking into consideration every factor, such as the quality of the soil, the accessibility to a market, the amount of industry, the agriculture and stock. From this he estimated the general income. He then assessed the amount due from them according to the percentage of the tax and announced this sum to the Village Head and his council in the presence of the District Head. It was left to the Village Head to divide this sum again among the counsellors who represented groups or hamlets, and these again divided it among the family heads, who made a final computation as between the members of the family. It may appear at first sight as if this system provided the more powerful and wealthy with a means of extortion from the weaker. There were, however, three checks upon this. The first, and perhaps the least effective, was that complaints of over-assessment could be made to the travelling Political Officer. The second, as our Norman kings calculated when they made use of the jury of assessment, was that the village group was a close-knit community, in which there could be no secrets, while within the large family groups the distribution was fairly certain to be equitable. Thirdly, discontented individuals or families could always leave a corrupt or inefficient headman and attach themselves to another, which meant a loss to the headman not only in prestige, a much-cherished possession, but, since he was paid a percentage of the tax, in pocket.

Mr. Temple, one of Sir Frederick Lugard's ablest officers, extols this system, as against the capitation-tax, not only on the obvious ground that it allows a fairer incidence, but because, unlike the uniform capitation-tax, it provides a most important task for the village council; exercises the intelligence and character of the people, and acts as a binding rather than a dissolving force upon the community and its constituent families.

There are many parts of Africa to-day where the unequal distribution of wealth seems to have outrun the equity and efficiency of the uniform hut and poll-tax. The Northern Nigerian method is worth studying as a possible stage between the poll-tax and a more scientific assessment. But it must be remembered that

the Moslem tithes on produce and the taxes on professions had introduced the people to the idea of taxation according to capacity, and, also, that inequality of fortune was a characteristic of pre-European days, whereas in southern and eastern Africa it is more often the result of new influences which have at the same time weakened the village or group organization through which the assessment would have to be performed. Even in Northern Nigeria, in the more primitive pagan areas, a low poll-tax was, and still is, the only practicable method.

The assessment by the small political staff in a country so large and so little explored was a formidable piece of work. In the course of two or three years they visited and reported upon almost every town and village except those of the pagans in the hills or outlying regions. Assessment reports soon became something more than their name implied. They took on the character of general investigations which went far beyond questions of taxability into those of history and ethnology, and gave an opportunity to young officers to show their ability and their understanding of the people.<sup>1</sup> Yet the ideal both of accurate assessment and just collection was seldom reached. Whereas a good assessment could be very good, a less good one was probably produced by making a rough calculation of a suitable average tax per head, with an addition for the richer part of the community, and from this, by a reversal of the proper process, the taxable, and so the total, wealth of the community was estimated. Yet in spite of inevitable shortcomings, this system of taxation has probably been one of the soundest in Africa. It has had one great advantage for Political Officers in that it has brought them into intimate contact with the villagers less in the guise of tax-collectors than as protectors against the old extortion, and harbingers of a régime of greater order and prosperity.

### *Justice*

One of the first proclamations issued in the Protectorate dealt with the courts. A Supreme Court was set up with original and appellate jurisdiction over all non-natives and in all areas specified as cantonments and later known as townships. In each province the Resident, in virtue of his office, was the Judge of the Provincial

<sup>1</sup> Much of the information in these reports was collected by Mrs. C. L. Temple and published under the title of *Notes on the Tribes, Provinces, Emirates and States of Northern Nigeria* (Lagos, 1922).

Court with jurisdiction over Government native employees and natives not subject to the jurisdiction of the local Native Court. He dealt also with certain cases, such as slavery and offences against British ordinances, which the Native Courts were not empowered to try. His monthly cause-lists acted automatically as appeals, and these went to the High Commissioner who, with the counsel of his legal adviser, dealt with them himself or referred them to the Supreme Court. Native Courts were recognized according to the powers specified in their warrants, with jurisdiction over natives only. The members of the court were to be 'appointed by the Head Chief or Emir with the approval of the Resident'. The Resident was to have access to these courts with power to order a rehearing, modify the sentence, or transfer it to his own court. Native law and custom were to be administered with this provision, 'no punishment involving mutilation, torture, or grievous bodily harm, or repugnant to natural justice and humanity may be inflicted'.<sup>1</sup> Records were to be kept by scribes and no lawyers were to appear.

In his first report the High Commissioner thus describes the system.

'In practice, where it is possible to set up a Native Court, that tribunal would deal with most cases of ordinary crime by natives, and with native civil actions, but crimes against specific laws of the Protectorate such as those triable under the "Slavery", "Liquor", "Firearms", and "Personation" Proclamations, being foreign to native law and custom, would usually be dealt with by the Provincial Courts. The Supreme Court administers strict law; Provincial Courts administer English law modified by native law and custom. The administration of justice by Residents is frequently intimately associated with their political and executive functions and their cause lists, therefore, are submitted to the Head of the Executive, the High Commissioner, advised by his legal adviser. In practice I am convinced that this system produces better results than would be obtained by making the Provincial Courts more directly subordinate to the Supreme Court and it enables the High Commissioner to keep in closer touch with the work of the district officer.'<sup>2</sup>

It will be seen from this how early were drawn the main lines of a system which was to remain substantially the same in Nigeria for thirty-three years, and which has served as a model for much of the

<sup>1</sup> No. 4 of 1900, *Gazette No. 1*, vol. i.

<sup>2</sup> *Collected Reports*, p. 14.

rest of British tropical Africa. The quotation itself, representing a point of view which its author has defended ever since, raises important general issues which will be discussed in a later chapter.

In the Moslem provinces this system left the great bulk of the judicial work in the hands of the native judiciary acting through recognized and supervised courts, while in pagan areas the Political Officers took over as great a share of the work as was possible and for the rest were obliged to leave the obscure functioning of primitive law in the hands of the people.

In the Moslem areas there proved little difficulty in recognizing and regularizing the Native Courts. Some of the judges, or Alkalis,<sup>1</sup> were men of learning, dignity, and impartiality and the law, according to the Maliki school, had the same supreme authority as the religion of which it was a part. Corruption and injustice, widely though they existed, were yet a falling-off from the highest native standards, and under the encouragement of peace and wise administration it was hoped that these standards would assert themselves again. The Emir of Bida, for example, was reported to have said to his people that if he broke the law he would appear before the Alkali in his court. It was thus a fortunate necessity which made it impossible for the Government to abolish or curtail these courts or even to put European presidents over them. By the time such measures were becoming practicable, the courts had been able to prove their worth. Residents were instructed to encourage the Alkalis to improve their procedure, to keep records, to standardize their punishments, and to build proper prisons. Mutilation was forbidden as a punishment, but flogging was allowed. Its severity for women was mitigated by the old custom of making the flogger retain cowries under his arm-pits, while it was possible for the convict to 'buy' his lashes at recognized rates.

There seemed to be some doubt at first as to the relation between the Emir as head of the State and the Chief Alkali. The supreme judicial power had belonged to the Emir, and his Council, an executive body, was accustomed to undertake judicial or quasi-judicial work, and was therefore gazetted as a court. The Emirs especially valued the right of pronouncing capital punishment. When, later, in 1918, the revised Memoranda were issued, a posi-

<sup>1</sup> The Hausa plural would be *alkalai*, but in this and in all subsequent use of native terms I have thought it better to use English inflexions.

tion that had perhaps never been very strict or uniform was further defined. The Emir's Council might undertake homicide, pagan cases, political offences (such as cases in which native officials were involved), boundary and succession disputes, and cases involving the authority of the Alkali. It bore, indeed, some analogy to the Star Chamber of the Tudors, the Star Chamber, be it said, as recently cleared to some extent by our constitutional historians of its old sinister reputation. It was a bold decision to leave capital powers in native hands. Under the proclamation of 1906 the courts, of which 109 had been gazetted, were graded A, B, C, and D, according to their powers, and capital powers were granted to nine courts, among them those of Sokoto, Kano, Bornu, and Zaria. The death sentence was carried out by the Native Authorities, but not before the Resident had sent the record of the case to the Governor for confirmation. In their relations with the courts Political Officers had to be alert to the chances of injustice to pagans or to slaves, but were cautioned against interfering in such a way as to destroy the sense of responsibility of the judges.

The organization of justice in the advanced Moslem areas represented the type towards which the courts in less-advanced Emirates and in pagan districts were as far as possible approximated. In those primitive areas which were effectively occupied a 'chief', where such could be found, together with his elders, would be invested with petty jurisdiction and subjected to the utmost practicable degree of supervision and instruction. But the advice of the High Commissioner in this matter was consistent with the rest of his policy. In one of his earliest reports he wrote that

'in a matter of such vital and grave importance I have felt that no action should be taken until we are in possession of the full information as to existing systems, the theory and basis of the codes employed, the scale of punishments inflicted and the directions in which improvements can be judiciously introduced without sapping the vitality or destroying the groundwork of such institutions as may exist. For in this as in all other matters affecting subordinate races, I hold strongly that the hasty introduction of revolutionary "improvements" is to be deprecated and I have impressed upon Residents that systems eminently suitable for Europeans, or for Asiatics are often opposed to the prejudices and root ideas of Africans.'<sup>1</sup>

For officers, who in many parts of Northern Nigeria are only now

<sup>1</sup> *Collected Reports*, p. 133.

beginning to learn the constitution of the scores of small pagan groups that may be found within a single district, these instructions have not yet become obsolete.

### *Significance of Sir Frederick Lugard's Work*

In 1906 Sir Frederick Lugard completed his term of office. His success had arisen from a fortunate combination of very different qualities: the capacity for action leading to a rapid and decisive occupation of the country, the power to formulate general principles of government, and the industry to work them out to the smallest administrative detail. Industry alone was half the secret of his success. During these years the High Commissioner not infrequently almost worked the clock round, and he devoted his leaves in England to his duties. Referring to himself and his colleagues, an ex-Resident, Sir Charles Orr, writes that they had 'caught the enthusiasm which their indefatigable Chief inspired and they knew that if they worked hard, he worked harder still. For six o'clock saw the High Commissioner daily at work in his office and he rarely left it except for meals until six o'clock in the evening, often spending the time after dinner in discussing important affairs of State with his headquarters officials.'<sup>1</sup> 'Of all men I ever met,' wrote Sir James Willcocks who went out to Nigeria in 1899, 'I never knew one who equalled Lugard as a persistent hard worker.'<sup>2</sup> Yet it would be neither convincing nor truly complimentary to claim that the Northern Nigerian system was the work of one man. A great system of administration is built up out of the experience which its members have accumulated by prolonged trial and error. There seems something so inevitable about its development that it is easy to forget that it is only possible when the head of such an administration, having obtained the right subordinates, gives them the proper degree both of responsibility and of direction, and embodies the best of their work into a co-ordinated system.

'Indirect Rule . . .' wrote another of the early Residents, 'as a conscious policy in modern times did originate from the lessons often dearly bought—which the Residents, whose task it was to administer these large Emirates, learned under Lord Lugard's watchful eye and inspiring leadership.' Above all, 'he saw to it in his Political Memoranda, which have been revised again and again and form the well-tempered base of

<sup>1</sup> Orr, *op. cit.*, p. 144.

<sup>2</sup> Willcocks, *op. cit.*, p. 162.

his "Dual Mandate" that the accumulated experience of all those years should not be lost. . . . When Sir Percy Girouard arrived in Northern Nigeria in 1907 he declared that he found there "a spirit of devotion to duty and an esprit de corps which obtained in no other British Colony". That was wholly due to Sir Frederick Lugard, and his realization that the Northern Emirates with their long history could not be successfully managed by rule of thumb or the decrees of a distant High Commissioner about administrative detail. The Residents thus rose to their responsibilities and themselves at different times suggested most of the Procedure in detail which now forms the corpus of Lord Lugard's Principles of Indirect Rule. Some suggestions were approved by him, some were not.<sup>1</sup>

Even this does not altogether cover the reasons why Lord Lugard was able not only to build a system but to found a school of Native Administration. For success in this most difficult art a certain spirit compounded of many elements is needed. There is patience and tolerance towards the natives, with a resolution to win their co-operation. There is a determination to know the facts of native life in all their variety and to act upon that knowledge at whatever cost to administrative convenience. At head-quarters there is an honesty which refrains from expecting from the provinces quick results on paper which can be built up into impressive reports. It was in this spirit, which is diffused through all Lord Lugard's early instructions and reports, that the foundations of British rule in Northern Nigeria were constructed.

Lord Lugard left behind him such a clear formulation of his principles, and so much enthusiasm for them among his officers, that it would have been difficult for his successor to reverse his policy. Yet it would in time have been possible and there were some members of the staff who had never believed in the recognition of the Fulani authorities and who advocated a more direct system of administration. Sir Percy Girouard, however, who came to Nigeria in 1907, not only accepted but confirmed and ably developed what he found. In his first report he restated his predecessor's principles.

'It was felt', he wrote (and it is sad indeed that this could not be said of some other parts of Africa), 'that there was need of increased knowledge on our part of methods of rule and native law and customs before any dislocation of institutions should take place—institutions which, however faulty, had the traditional sanction of the people. In so far as

<sup>1</sup> Sir Richmond Palmer, *African Society Journal*, Jan. 1934, p. 47.

the Residents were concerned they were to be administrators in the true sense of the word, not direct rulers. By their sympathy, patience, and knowledge of language and customs, it was hoped not only to utilize existing machinery but, gradually to improve it and thereby better the condition of the people. This general policy is being continued as initiated. It is not from the present generation of rulers that we must look for much advancement, and what is required on our part in our dealings with them is great and enduring patience.<sup>1</sup>

Sir Hesketh Bell, who succeeded in 1909, showed the same positive appreciation of the system, though he was fully alive to some of its difficulties. The first Governor was therefore happy in his successors.

It is no reflection upon the work of these two men, by which the system of administration was confirmed and developed, that the six years of their governorships are here passed over. Some of the results of their work will appear in retrospect. It is not the aim of this section to present Nigerian history in conscientious chronological sequence, but to bring into relief the periods and influences which have been formative in the development of native administration. This administration will therefore be viewed next from the vantage-point of another constructive period.

<sup>1</sup> *Collected Reports*, p. 582.

## CHAPTER VI

### THE AMALGAMATION OF NIGERIA

IN 1912 Sir Frederick Lugard came back to Nigeria with the title of Governor-General under instructions to amalgamate the parts into which it was divided. The effects of this amalgamation in the sphere of native administration were much greater in the south than in the north. The amalgamation is indeed to some extent the extension to the south of the northern system, which itself remained almost unchanged.

Sir Frederick Lugard, upon his arrival, subjected the south to a searching examination by the standards of northern administration. He would have been more than human if he had not felt some partiality for the administration of his own making, but it is probable that the defects of Southern Nigeria could have been demonstrated by any standards of good government. The preceding chapters should, however, have shown that these defects were due not only to the shortcomings of our administration but also to the great difficulties made by history and native social conditions.

#### *The Economic Situation*

In his report on the Amalgamation of Northern and Southern Nigeria the Governor-General remarks: 'It is a truism to observe that in a country possessing a population of upwards of sixteen millions, the policy of the Government and its methods of administration of the native races stands first in importance.'<sup>1</sup> It is doubtful whether, in the years preceding amalgamation, this truism had been understood in Southern Nigeria. We have seen some of the special difficulties which distracted its government. It is possible that it was equally hampered by its most apparent advantage, that of economic prosperity. The records, especially after the union of 1906, give the impression of Administrations that were too much taken up with the raising, increasing, and spending of their large revenues to concentrate sufficiently upon the political problem as such. This was in contrast with Northern Nigeria, where the political task had been given priority over the

<sup>1</sup> *Amalgamation Report*, p. 12.

economic. One result of amalgamation was that each part was able to offer the other a share in its own peculiar advantages. The political experience of the north was put at the service of the south, while the north benefited from fusion with its prosperous neighbour. Of this prosperity something must now be said.

Southern Nigeria must be one of the very few primitive agricultural countries which paid its way almost from the start, and which even stood the cost of its own prolonged and expensive occupation. The revenue rose from just over £1,000,000 in 1906 to £2,668,000 in 1913; while, during the same period, imports rose from three to nearly six millions and exports from three to seven. A railway from Lagos to the northern frontier was built at the cost of four and a half millions, and immense sums were spent upon building, reclamation, communications, and harbour works in Lagos. Road and telegraph construction were pushed forward; an important forestry department was set up to study and safeguard the vital forest products; a system of produce-inspection was worked out, while a department of agriculture carried on research and established model farms. Development of this kind does not take place in a backward country without throwing a great deal of work, not only upon the departments and the imported experts, but upon the administrative officers, who are thus distracted from their proper duties.

There are certain features of this material development that are worth remarking. The first is that with the decline of rubber, and with the failure to develop successful secondary products such as coffee and cotton, the range of production was narrow. The danger of this had been recognized by some of the earliest administrators. The main crop was that of palm-products. The value exported rose from just over two million pounds in 1906 to five millions in 1913. This was about five-sevenths of the total exports, a proportion that went near to making Southern Nigeria a one-crop country.<sup>1</sup> There was another aspect to this form of production. These five millions mostly found their way into the pockets, or more accurately the loin-cloths, of the native producers. While it is not true to say that the work required by the crop was negligible, it certainly required little initiative, since the trees grew wild in the forests and the traditional and somewhat rough-and-ready methods of expressing the oil were, for the moment, sufficient. We need not share

<sup>1</sup> Geary, *op. cit.*, p. 129.

the view that Africans are ordained to remain poor, or, at least, should only advance their well-being at the maximum cost of labour, in order to question whether such an easy and sudden access of comparative wealth, with its penetrating social effects, is wholly beneficial to a primitive people. Every attempt should at least be made to see that it does not outrun too far those other factors of civilization which, in a normal course of development, accompany economic progress..

There are two other points of interest about the economic situation. The revenue was almost entirely derived from customs, in contrast with the north where it was raised almost wholly by direct taxation. Opinions still differ as to the economic, political, and moral advantages of direct over indirect taxation. In Africa the head of even the smallest kinship unit gets material recognition from the community for his social services, and in larger organizations tribute is the mark of overlordship. It may therefore be a wise policy on the part of the foreign Power to demand direct taxation, however small in amount, as a symbol of sovereignty. The southern Nigerians, it is true, paid for their government, but the vast majority did not know that they paid. How little they felt it is shown by an examination of the incidence of the customs, which fell almost entirely upon what, under Nigerian conditions, were luxuries, and mainly upon spirits.

The dependence of West African revenue upon the import of spirits is an old and burning question which has imprinted itself upon vast areas of official paper. The moral side of the question is large and difficult; we may notice in passing that those who have defended this important source of revenue have asserted that there are no signs of widespread drunkenness in the country, and that intoxicating liquor is no novelty in primitive Africa. It must also be remembered that alcoholic beverages, like fire-arms, have from long usage come to have a ceremonial as well as a practical value and that, denied the imported article after acquiring a taste for it, the people might learn to make a more harmful substitute for themselves. But it is with the economic and political rather than with the moral aspect that we are concerned. Railway takings excluded, over 90 per cent. of the total revenue was produced by the Customs, and of these Customs over 70 per cent. were derived from spirits.<sup>1</sup> In 1912 and 1913 the sum obtained from this source

<sup>1</sup> These and other statistics quoted are to be found in the Annual Reports

was well over a million pounds, and this in spite of a continually rising duty—to 3s. per gallon in 1901, then to 3s. 6d., and 5s. 6d. in 1912. Sir Frederick Lugard strongly disapproved of this trade and congratulated the country upon the loss of it during the War. After the War—to look ahead in this matter—trade spirits (that is the low-priced article imported specially for native use) were prohibited, and the total imports of spirits were consequently much smaller. To-day the natives have furnished the Government with a difficult police problem by taking to private distillation.

The reverse side of this material development was to be found in certain weaknesses of administration. Sir Frederick reported that the three Provincial Commissioners, who were in control of all departments, and even ordered their own Government stores direct from England, were overwhelmed with routine work and unable to tour their provinces. The District Officers were therefore far too independent, and yet were given little or no guidance as to the principles of their administration, since the Governor, under this system, was too ill-informed adequately to fulfil his proper function. The heads of departments were out of touch with their representatives at provincial head-quarters.<sup>1</sup> There were other, more local defects which will be discussed a little later in this chapter. It was with these weaknesses in mind that Sir Frederick constructed his united administration, which must now be described in outline.

### *The Form of Amalgamation*

The united Nigeria was subdivided into two parts called the Northern and Southern Provinces. The boundary, except for a few minor rectifications in the interest of divided tribes, remained the same as that between the old Northern and Southern Nigeria. This was a frank recognition of differences, some inherent, some due to divergences in our administration, between the two parts. Over each was set a Lieutenant-Governor 'charged with the direct administration of the area to which he is appointed, submitting to the Governor-General any question which affects Nigeria as a whole . . . or is otherwise of sufficient important for reference.'<sup>2</sup>

and Blue Books. Some of the figures are summarized by Geary, *op. cit.*, pp. 256-61. See also *Amalgamation Report*, p. 38, for a chart showing relation of revenue collected from spirits and from other imports.

<sup>1</sup> *Amalgamation Report*, para. 15.

<sup>2</sup> *Ibid.*, para. 13.

He was to produce an annual budget for incorporation in the General Budget. He was provided with a Secretariat and the various necessary departments—Political, Medical, Public Works, Forestry, Agriculture, Education, Police, Prison, and Mines. Marine and Customs were regarded as belonging to the south. Certain departments common to both—Railway and Colliery, Military, Audit, Treasury, Post and Telegraphs, Judicial and Legal, and Survey—were centralized under the Governor. General Directors, in addition to the local directors, of Medical Services and Forests were also appointed to advise the Governor. Without following up in detail the history of these departments, we may notice now that since 1914 there has been a steady development towards centralization with a great increase in the central secretariat at Lagos. Sir Frederick Lugard's arrangements were not always approved by his successor, Sir Hugh Clifford, who was especially critical of the organization at head-quarters.<sup>1</sup> Having inherited a central staff of only seven, Sir Hugh built up a large central secretariat which by 1924 numbered twenty-four. He also created the offices of Secretary and Assistant Secretary for Native Affairs, which were discontinued in 1929. The differences in the traditions of the north and south, which have retained until to-day almost entirely separate Administrative personnel, as well as the existence of the Lieutenant-Governors, made the position of the Secretary of Native Affairs somewhat difficult. In branches other than the Administrative, the process of centralization was continued and there is now a Director and central department for all branches of administration common to the whole of Nigeria.<sup>2</sup> The exception to this is the prison administration.

To return to 1914, one object of the allocation of duties was to leave the Governor—the title of Governor-General was personal to Sir Frederick—free to concentrate upon general questions of policy, especially those concerned with native administration, and to initiate legislation. Sir Frederick's devotion to his task and the high value he placed upon continuity were such that he actually arranged with the Colonial Office that he should remain continuously in charge of Nigeria. He took up quarters at the Colonial Office during his leaves. He thus remained in control of general policy, and was able to work out principles of administration, and

<sup>1</sup> Sir Hugh Clifford, *Address to Nigerian Council*, 1 Jan. 1921, pp. 1-7.

<sup>2</sup> See Staff Lists in the Blue Books.

to rewrite his *Political Memoranda* with a concentration he found impossible when he was in charge of the routine of government. It is not, perhaps, surprising that this interesting experiment, which only a man of outstanding enthusiasm for his work and great powers of application could have attempted, lapsed after his time.<sup>1</sup>

The provincial system in the north was now extended to the south, which was divided into nine provinces. The title Resident was also extended. There have been various alterations in the arrangement of provinces since that time, the most interesting being the addition in 1916 of the Cameroons Province to the Southern group,<sup>2</sup> with additions of ex-German territory to the Northern Provinces of Adamawa and Bornu.

The Colony of Lagos was recognized as a unit separate from the Southern Provinces and put under an Administrator. As a temporary measure, the Lieutenant-Governor of the Southern Provinces held this post.

Sir Frederick planned for the Governor to leave Lagos, which he regarded as physically and politically unsuitable for a capital, and to move to Kaduna, the new capital of the Northern Provinces. He would also reside at times at Yaba, a position on the mainland near Lagos to which he wished to remove the Southern Provinces capital from the crowded islands in the lagoon. These projects did not mature.

At the centre the Governor was assisted by an Executive Council comprising the senior officials of the country. The nominated Legislative Council was still confined to the colony; the Governor legislated for the protectorate. A new and purely advisory body, 'The Nigerian Council', was set up for the whole country. It consisted of nominated representatives, European and African, representing different communities and interests. It met once a year, mainly to hear and discuss the Governor's speech. It was abolished in 1922 when the Legislative Council, which had hitherto been confined to the colony, was enlarged and made more representative and given the power of legislating for the Southern, though not for

<sup>1</sup> See his own account of the experiment in *The Dual Mandate in British Tropical Africa*, pp. 106-10.

<sup>2</sup> The Mandated Territory hardly appears in this study. The reason is that though an interesting and attractive area in itself, its part in native administration has been recent and passive. A further reason is that owing to the full reports required by the Mandates Commission, it can be far more easily studied than the rest of Nigeria.

the Northern, Provinces.<sup>1</sup> This was done by Sir Hugh Clifford in order to bring Nigeria into line with other British territories, and to provide 'the politically-minded sections of the public with a legitimate outlet for their energies and aspirations'.<sup>2</sup> The Government, of course, kept its official majority, but three members were to be elected for Lagos and one for Calabar; the Chambers of Commerce in Lagos, Port Harcourt and Kano, the Banking and Shipping interests, and the Chamber of Mines were each to choose a representative. It will be more convenient, if not constitutionally accurate, to say something of the work of this body in relation to native administration when we come to consider the affairs of the colony and the capital city.<sup>3</sup> Since this constitutional change all legislation is enacted 'by the Governor of the Colony and Protectorate of Nigeria, with the advice and consent of the Legislative Council so far as the provisions hereof relate to the Colony and to the Southern Provinces of the Protectorate'.

### *The Judicature*

The unification of the judicial machinery led to very important changes in the system of the south which can only be understood in the light of the situation as it existed in 1913. This situation was not identical in the west and the east. In the west the position of the Supreme Court outside the railway strip was extremely uncertain, but this was only part of a general constitutional uncertainty which will be discussed later. In the east the old Courts of Equity had become the Consular Courts, and these had been replaced by the Supreme Court with jurisdiction throughout the region. As the judicial staff was very small, communications inadequate, and the country still hardly opened up, the Supreme Court could not function very effectively. The gap was partially filled by appointing District Officers as Commissioners of the Supreme Court and by giving the Native Courts powers which were very full for a primitive country.<sup>4</sup> In criminal matters they had powers up to two years, fifteen strokes, and £100 fine, and in civil matters concerning land and property up to £200 in value. Minor courts had lesser powers except when the District Officer presided, when their powers were the same as those of the major

<sup>1</sup> *Ann. Rep.* for 1923, pp. 5-6.

<sup>2</sup> Sir Hugh Clifford, *Address to Nigerian Council*, 26 Feb. 1923, pp. 7-14; also *The Nigeria (Legislative Council) Order in Council*, 21 Nov. 1922.

<sup>3</sup> See below, pp. 260-2.

<sup>4</sup> *S. Nigeria Proclamation 7 of 1906.*

courts. Indeed, the District Officers who sat as Presidents of these courts sometimes had fuller powers in that capacity than as Commissioners of the Supreme Court. The Native Courts were under the control of the Supreme Court which heard their appeals. Lawyers had access to all courts. These courts were alternatively councils with powers to make by-laws in matters of trade, native law, and public order with penalties up to the limit of their judicial powers.

This system was utterly opposed to the principles upon which Sir Frederick Lugard had constructed his northern judiciary. There, it will be remembered, he had restricted the functions of the Supreme Court within the narrowest limits, and had set up the Provincial Court, which was staffed with Administrative Officers, and was under the supervision of the executive. With the full agreement of his Chief Justice, Sir Edwin Speed, who was equally critical of the Supreme Court as it functioned under the conditions in Southern Nigeria, the Governor-General extended the Provincial Court to the Southern Provinces. Thus only the Colony, and the few centres where there was a large mixed population, remained under the original jurisdiction of the Supreme Court. This court had, however, a concurrent jurisdiction with the Provincial Court over non-natives throughout Nigeria. In the Provincial Court Residents had full powers, while other Administrative Officers exercised powers graded according to their qualifications. There were certain safeguards: sentences in excess of six months, twelve strokes, or £50 fine had to be confirmed by the Governor, though he delegated this power to the Lieutenant-Governors who were assisted by Legal Advisers. Capital sentences were reviewed by the Chief Justice, and in cases of over £50 there was an appeal to the Supreme Court. All Administrative Officers had to pass an examination in law as well as in a native language.<sup>1</sup> Some of the educated Africans protested vigorously against these changes, and the native lawyers were naturally indignant at the considerable limitation of their field of operations. Petitions were sent to England denouncing the change as a retrogression and a denial to the people of the benefits of British law.

Native Courts were also brought into closer conformity with northern practice. The District Officer was no longer to preside, but had the duty of supervising the courts in his executive capacity.

<sup>1</sup> *Amalgamation Report*, pp. 20 ff.; also Appendix III, p. 75.

As in the north, courts were graded according to the powers in their warrants and were confined to matters of native law and custom. It was hoped to simplify their procedure which had developed into a crude imitation of that of the Supreme Court. (Some of the court clerks even kept *Stephen's Digest* beside them.) Those persons 'not ordinarily subject to the jurisdiction of Native Courts' were amenable only with their own consent, and under certain other conditions. The Governor also had power to exempt any person, or class of persons, from the jurisdiction of any Native Court.

The system has been described only in its barest outlines. The subject will reappear when we return to the more detailed study of the two parts of the south since amalgamation. The important principles which underlie the controversy between what has been called 'administrative justice' and 'professional justice' will be more appropriately discussed when the latest phase of Nigerian development is reviewed. For in the last few years the principles laid down in 1900 for the north and extended in 1914 to the south have been questioned and partially reversed.

#### *Revision of the Political Memoranda*

From an administrative point of view one of the most important developments of these years was the revision by Lord Lugard of his *Political Memoranda*. They were not greatly extended, except in so far as they were now made to cover the Southern Provinces: still less were they modified in any matters of principle: and they embody large quotations from the earlier instructions. But certain proved innovations were worked into them and their reissue, after more than ten years of further experience of their working, was the firmest possible confirmation of the validity of the system. They remain one of the most important and illuminating documents in the history of British Native Administration.

One principle inherent in the system of indirect rule, that of the concentration of responsibility, was now made more explicit. There was to be a single chain of responsibility from the Emir through his councillors and the District Heads to the Village Heads. At no point in their natural eagerness to achieve immediate reforms was the chain to be broken by the Political Officers. For this reason the officers in Emirates were to be concentrated at headquarters: when on tour they were to be accompanied by the Emir's representative and to act with and through him. They were not to

interview a subordinate chief except in the presence of his superior. Departmental subordinates should not give direct orders to Village Heads or to Chiefs. Thus the prestige and the sense of responsibility of the Emirs would be increased and reforms, suggested from outside, even if they did not show immediate superficial results, would permeate the whole system, strengthening rather than weakening it.<sup>1</sup>

The Ordinance under which the Native Authorities of Northern Nigeria had functioned was now re-enacted for the whole of the Protectorate.<sup>2</sup>

### *The Native Treasury System*

A comparison between these *Memoranda* and those issued in 1908 show that Sir Frederick Lugard's task in the north was little more than the confirmation and development of his earlier policy. There was, however, one institution which had been developed in the interval and which he now built into his structure.<sup>3</sup> This institution was the Native Treasury, and it is so important that it deserves a retrospective glance at its origin.

The reformed system of taxation has already been described, and how the Government had begun to regularize the methods of assessment and collection. It took a share for the general revenue, at first of a quarter and later, in most cases, of a half, but it did little at first to control the way in which the native rulers spent incomes which were regarded as peculiarly their own and which were collected in their names as the *kurdin sarki* (moneys of the chief). There is no official record of how the third pillar of indirect rule was built up, and the following account may therefore have the defects of hearsay evidence.

At the time of the Satiru revolt, when for a moment the situation was regarded as grave, a Resident in one of the northern Emirates was ordered to build a fort as rapidly as possible. He called the Emir and his leading men and asked them to arrange for the work to be done. One by one they began to make excuse until the turn came to a certain District Head, who at once volunteered to produce so many thousand men and complete the work in so many days. Within

<sup>1</sup> *Political Memoranda*, Memo. IX, especially para. 43.

<sup>2</sup> For N. Nigeria Native Authorities Ordinance see Laws of 1910, pp. 611 ff. For the new Ordinance see No. 14 of 1916, pp. 141-7, *Nigeria Ordinances*, 1916. This, with subsequent amendments, appears as cap. 73 of 1923.

<sup>3</sup> *Political Memoranda*, pp. 203 ff. and 319-37.

the period he fulfilled his promise. Asked to name his reward he asked not half, but the whole of the kingdom, and when, not long afterwards, the Emir was deposed for general incompetence, he received it. This must have been one of very few instances, in Nigeria, when a man reached this position mainly as a result of his services to the British. Although he came of an important family, it was not one of those from which Emirs were customarily selected: he was therefore quite exceptionally dependent upon British support. It also happened that he was a very able and progressive man. The first result of this was that he was persuaded, reluctantly, to forgo the 'spoils system' by which an incoming Emir turned all the relatives and supporters of his predecessor out of office and replaced them with his own. But his Resident, who was largely responsible for his succession, felt that under the exceptional circumstances it was necessary for the Emir to give his own people as well as British head-quarters a further demonstration of public spirit. Together they worked out an allocation of the Emir's revenue which, after putting aside about £3,000 out of £14,000 for his personal income, divided the rest into fixed salaries attached to the various posts, leaving a residue for public purposes. There was at first some doubt at head-quarters about this drastic interference with the Emir's control over his income which represented an arrangement which it had taken England some centuries to develop. But the Resident and the Emir were allowed to continue an experiment which proved so successful that it received the endorsement of the two Governors who succeeded Sir Frederick Lugard, and was gradually extended to the other Emirates.

The system was introduced gradually and unofficially, but in 1911 the existence of Native Treasuries in each 'native state' was officially reported. The reform, highly advantageous to all responsible native officials who were now assured of a regular salary, and free from dependence upon 'the sporadic generosity of the Emirs or less reputable sources of profit',<sup>1</sup> cannot have been very congenial to most of the Emirs and still less to those crowds of relations and palace favourites who thronged their quarters. We may remark as a recognition by the Government of the strength and dignity of the Emirs' office, the large personal salaries, running into several thousands of pounds in the larger units, which were set aside for them. The money saved was well spent. Already, in 1911, in the larger

<sup>1</sup> *Collected Reports*, p. 708.

Emirates, small surpluses were being paid out for minor public works, education and medical activities. The division of the revenue varied. The highest proportion was retained by the Sultan of Sokoto; most of the Emirates kept a half; a quarter went to the smaller units, while in the pagan areas, where no foundation for treasuries existed, the Government took the not very considerable whole and paid small subsidies to the chiefs. The delegation of responsibility in administering the Treasury varied from Kano, where accounting was already understood, down to the small central Emirates where it was hard to find literate officials. Sir Frederick Lugard insisted that the external control and audit of the Native Treasuries should be entirely in the hands of the Governor and his Administrative Officers and not in those of the Colonial Treasurer and the Audit Department, whose methods would be too technical.<sup>1</sup>

In 1910-11 the Native Administration share of an internal revenue of £545,000 was £196,925. In 1915 the Governor-General could remark that since he had left Nigeria (in 1906) the Native Administration share of the tax had risen from about £70,000 to £324,000. That a Government so restricted financially should have permanently diverted a large and growing amount of taxation into these local exchequers is a more convincing token of the reality of indirect rule than any verbal declarations. Recognition should also be given to the home Government, which endorsed the policy, though it was granting yearly between £300,000 and £400,000.

### *The Great War*

It must be remembered that the amalgamation was almost immediately succeeded by the Great War. In Sir Hugh Clifford's characteristic words, 'Barely seven months earlier Northern and Southern Nigeria had been amalgamated, and the component parts of the vast machine had been too recently assembled for the ship to have had time to find herself ere she was wallowing in the trough.'<sup>2</sup> The half-understood news of this great conflict undoubtedly accounted for some of the restlessness in the south. Shortage of staff meant the closing down of certain administrative stations, and some of the northern pagan tribes, assuming that this meant the final disappearance of the white man, behaved accordingly. The Kano Administration, inadequately supervised, warped a

<sup>1</sup> *Political Memoranda*, p. 332, para. 76.

<sup>2</sup> Sir Hugh Clifford, *Address to Nigerian Council*, 8 Dec. 1920, p. 59.

little. But the signs of retrogression were surprisingly few. This was true even after the European War had been extended to West Africa.

Nigerian troops, among whom the Hausa predominated, fought in the Cameroons' campaign which resulted in a long narrow strip of German territory, broadening at the base, being added to the eastern frontier. Some of these soldiers went on to earn a good reputation for West Africans in the Tanganyika campaign. As with the event of the Satiru revolt, it is difficult not to marvel at the steadiness of the Moslem princes and people while their foreign rulers were engaged in a life-and-death struggle against nations which included the leading Moslem Power. They remained proof against the temptation from their more fiery co-religionists of the desert, the Senoussi, and endorsed their allegiance not only by word, but by deed, in the shape of contributions to war funds. While it would be easy to exaggerate the positive loyalty of an attitude of this kind, it indicates at the least a lack of serious latent discontent.

#### *The Effects of Amalgamation upon the South-west*

I have said that the effects of amalgamation were greater in the south than the north. This is especially true of the south-west, which was more ready for the extension of indirect rule than the south-east. Moreover, the review of the situation in the Lagos hinterland which preceded amalgamation for the first time showed up the weakness of its administration.

This weakness arose in part from that concentration upon material development to which reference has been made, and in part from the uncertain constitutional foundation upon which our administration in this region rested. The vagueness of the word 'Protectorate' may have had its uses in that it could be made to cover a multitude of forms and degrees of annexation, varying according to the policy of the Home Government at the moment or the character and situation of the man on the spot, but there is a time when vagueness may become the enemy of sound administration.

Lagos and the territory immediately round it was held in absolute sovereignty and formed the colony. When, however, Sir Frederick Lugard, upon his return, inquired into the constitutional position of the Yoruba hinterland he was confronted with a list of eighty different treaties, agreements, and proclamations of protection

mostly dealing with individual 'towns', as agglomerations of Yoruba population were called, of all dates from 1861 to 1912.<sup>1</sup> The piecemeal encroachments made upon the original agreements have been described, and the constitutional uncertainty seems to have confused and greatly weakened the administration of Yorubaland. Methods of administration varied from place to place and from year to year. While the Oyo authorities were left largely to themselves, intervention in the great dependent town of Ibadan had produced the utmost confusion; corruption and land speculation flourished, and the native authorities had largely lost their initiative without its having been assumed by the Resident.<sup>2</sup> The Commissioner for the Western Province was lost in an office in the Central Secretariat in Lagos: the District Commissioners were in want of clear instructions, and seemed to have been uncertain whether they were meant to be building up independent states or extending the control of the Central Government: they were hardly supervised and did little reporting. 'I found that no one,' wrote Sir Frederick, 'neither the Colonial Office nor the Chief Justice had any clear idea as to what jurisdiction could legally be exercised by the Crown. ...'<sup>3</sup> Bribery and extortion were rampant, and in some districts transport and food were refused to Government Officers. The Forestry Ordinance was in many parts resisted even by force.<sup>4</sup> Aliens were acquiring an unlegalized hold on the land, especially in the important town of Ibadan. As for the Native Courts, the Native Councils Ordinance was 'practically a dead letter', and the Chief Justice reported that 'It is difficult to describe a system where in fact no system existed'.<sup>5</sup> There was no general rule as to the destination of court fees and fines. The position of Egbaland was regarded as especially anomalous. From all points of view the position of the quasi-independent little state, with its customs frontier lying across the main trade route of the protectorate, was an embarrassment to the Government.

It is difficult to know whether to sympathize more with the chiefs or with the Governor-General upon the situation. It may be that Sir Frederick Lugard, with his orderly and constructive mind and his familiarity with the clear-cut settlement he had done

<sup>1</sup> *Amalgamation Report*, para. 17.

<sup>2</sup> E. Morel, *Nigeria. Its Peoples and Problems* (1912), pp. 78-80.

<sup>3</sup> *Amalgamation Report*, para. 17.

<sup>4</sup> *Ibid.*, paras. 17 and 18.

<sup>5</sup> *Ibid.*, para. 45.

so much to make in the north, was a little too hard upon the nebulous situation of Yorubaland. The Government that seemed to him absurdly weak had become too strong for the chiefs. Like so many other native rulers in our Empire, they had secured the recognition of their status and powers of internal government and then, by mysterious processes going on above their heads, they had found that all the reality of their authority had been drained away from them. What should they know of the Foreign Jurisdiction Act of 1890, that Act, of questionable equity, by which the new rulers could extend their power in almost any conceivable way with a good legal conscience? Beside the confusion of Yorubaland the course followed in Northern Nigeria by Sir Frederick Lugard, that of uncompromising and unconditional assertion of sovereignty followed by generous decentralization, appears at once more honest and more efficient. But it had been prevented in the south-west by the circumstances of our occupation, as well as by the independent character of the people. 'Pride of race', as official opinion stated, 'is one of the factors that have pushed the Yoruba.' He was 'keen, wide-awake and comparatively energetic'.<sup>1</sup> His tentative handling by the Government had been a tribute to his character. It is therefore difficult to regret that in these early, important years his initiative had not been even further subjected to the demands of foreign efficiency and uniformity. We have hardly yet found a technique by which this valuable initiative can be given sufficient room in which to operate under our Government, and it would be an anachronism to look for it in these earlier experimental years.

Sir Frederick Lugard decided from the first to introduce the northern system as far as it was applicable. This meant salaried authorities with powers defined and supervised and Native Courts properly constituted and inspected. He regarded direct taxation as the foundation of the system. Changes of such importance, he believed, could be neither introduced nor maintained without a clear understanding upon the constitutional position. He went into the subject exhaustively and concluded upon all grounds, and especially that of usage since the agreements, that Great Britain possessed sovereign jurisdiction. Egbaland was in a special case, but when, in 1914, local disturbances having broken out, not for the first time, the Resident telegraphed for Government troops, on the ground

<sup>1</sup> *Ann. Rep. S. Nigeria, 1910, p. 35.*

that the Alake could not maintain his position, the Governor-General pointed out that he could not continue to support with his troops and authority an administration he could not control and persuaded the Alake to renounce the Treaty of 1893. In a new treaty the Alake and his chiefs put themselves 'unreservedly under British sovereignty'. Oyo and Ibadan, whose status was most doubtful after Egbaland, were all persuaded to accept a definition of their status in relation to the Government.<sup>1</sup>

The constitutional way to reform was now clear. The distraction and economic dislocation caused by the outbreak of the Great War, however, made the task much more difficult. Direct taxation was a *sine qua non* of northern administration, but the Secretary of State, apprehensive of unrest at such a moment, refused to sanction any taxation in the south that went beyond a regularization of existing tribute.

Research revealed that tribute was extensively exacted in the Yoruba states. It was paid in cash or kind at certain important festivals, while there were also labour dues. The head of a household, or what the anthropologists call an extended family, would collect the tribute from his dependants and, after deducting his share, hand it to the Bale or Head of his village. The latter, having kept some for himself and shared some with the village chiefs, would send it by a representative to Ibadan. The latter would compensate himself *en route* and upon arrival seek out the proper minor chief or head slave through whom to approach the Bale, who probably received about a quarter of the original amount paid. It may be possible to explain and even to justify methods which were by no means peculiar to Africa in terms of native social life. But to the British administrator they represented corruption, waste, inefficiency, and extortion, and it was impossible for him to co-operate with Africans except on terms of their prohibition. The leading chiefs, even though some of them must have been persuaded that under a regular system of taxation, treasuries, and salary lists, their income would be more certain, were too much afraid of their people to support the change with their own authority. The Yoruba had already shown in 1909, by boycotting the sale of spirits when an attempt was made to impose licences upon retailers, their 'inborn loathing of any form of direct taxation'.<sup>2</sup> Yet the

<sup>1</sup> *Amalgamation Report*, paras. 21 and 22; *Ann. Rep.* for 1914, pp. 44-5.

<sup>2</sup> Elgee, *op. cit.*, p. 23.

innovation was carried through with much explanation and by slow degrees during the War. It involved the consolidation of all dues into a single payment, based as far as possible on income, given in return for a receipt and paid into the Native Treasury. All forced labour was to be abolished, and salaries were paid, but only to those rendering definite service as Native Authorities, judges, or employees. Native Court fees and fines were audited and paid into the Native Treasuries.

A change of this kind meant loss of wealth and position to the large numbers who had tapped the tribute at various points, and to the chiefs who had judged cases in their own houses, or used forced labour dues for work on their own compounds or farms. It is not surprising, especially in the uneasy atmosphere of war and with the shortage of staff that war imposed, that there should have been resistance, active and passive. In Oyo Province, in 1916, the Native Court at Okeho was burnt and the chief and those who had supported the new system murdered. At Iseyin, close to Oyo, the people not only burned their court but fired upon the troops, and it was some months before the movement was suppressed. Troops had to be sent to Ibadan and Ijebu Ode in order to overawe opposition. It was believed by the Government that some of this restlessness was due to political agitation from Lagos.

It was, however, in Abeokuta that the reactions were most serious. Here, after the abrogation of the 1893 Treaty, the Alake had been encouraged to introduce a system of administration on northern lines. Mr. Edun, who had been Secretary to the independent Egba Government, travelled in the north to study the system there. Abeokuta was to be divided into seven districts under resident District Heads with Native Courts. A consolidated tax was to be levied in place of tribute and forced labour. The Alake toured his country, and it was believed that the scheme was understood and approved by the people. In June 1918, however, a serious rising broke out in the western district. The telegraph was destroyed, a section of the railway was torn up, a train carrying specie was derailed and its escort besieged in a station. A European trader was murdered and the Alake himself was in danger for a time. The situation might have been more serious had not the troops which had been sent to East Africa returned just at this time. Even so there was serious fighting with a heavy loss of life among the insurgents of which no official figures were

published but which were said to have run into some hundreds. An inquiry was held by Dr., afterwards Sir, John Maxwell, but as it was never published we are left to deal in terms of probabilities. It is all the more important to do so since the large changes made by Europeans in the lives of Africans have generally been received with great docility, and an inquiry into one of these rare bursts of resistance may throw a sudden light upon the African point of view.<sup>1</sup>

It is very seldom that there is one cause of a rebellion. In Abeokuta, although its much-cherished independence had been taken away four years earlier, it is probable that until the execution of the reforms the full meaning of the change had not been brought home to the people. Nor does it seem that the changes were well planned. The tendency even before 1914 was for the Alake to centralize at the expense of the various grades of chiefs among whom, under the indigenous system, power was diffused. The reforms further undermined their position. The town of Abeokuta was peopled by families who had come into it from various parts of the surrounding country but who still kept in close touch with their land and farms. The different parts of the town were administered by township-heads in whose hands were also the affairs of their people in the country, the link being a personal rather than a strictly territorial one. The new system cut across this situation by the appointment of the resident District Heads (a title, and to some extent a conception, imported from the north), some of whom had no traditional authority. It was also said that the promise to exact no more forced labour was not strictly enforced. It certainly seems that the Political Officers were not in sufficiently close touch with the people, which may partly be explained by the depletion of staff and the long hours and long tours worked by those remaining. The result of the rising was the readjustment of the reforms in closer conformity with the traditional social structure of the Egba group.

In other parts of the Yoruba country, and notably in the religious centre of Ife, the reforms had been put through peacefully by 1921. Farther west and south the institution of chieftainship, with the exception of Benin, is expressed in continually diminishing terms until it practically disappears in the Niger forests, where the political influences from Yorubaland ceased to penetrate. In the inter-

<sup>1</sup> See A. C. Burns, *op. cit.*, pp. 241-2; *Ann. Rep.* for 1918, p. 24.

mediate zone attempts to encourage the appearance of Paramount Chiefs or even District Heads as the nuclei of Native Administration were not altogether successful. The ancient kingdom of Benin, however, presented a different picture. Whether through the natural intelligence of chiefs and people, or from their long association with Europeans, or because they had learnt to respect the power of the Government after their punishment in 1897, administration here seems to have been rather more easy and effective. It was said as early as 1906 that while the Ibibio people hid their children from the white man as from a baleful sight, those of Benin brought them out to see him as their benefactor.<sup>1</sup> Even before the 1914 amalgamation the chiefs to whom, with the exile of the Oba, responsibility had passed had co-operated vigorously with Political and Agricultural Officers. In 1914, with the death of the old Oba, his son was reinstated and the system of administration organized on the new model.

#### *The Task Reviewed*

Sir Frederick Lugard retired in 1918. In the amalgamation of the two Nigerias he had achieved an immense administrative task. He had confirmed and revised his system of indirect rule in the north and had begun its introduction into the south. He had rewritten the whole of the *Political Memoranda*, which he had originally devised for Northern Nigeria, in order to serve the needs of the south as well. Most arduous of all, in his own view, he had worked through the whole body of the laws in each territory in order to bring them together as far as possible into one code. He had guided the territory safely through the period of the Great War with its local campaign in the Cameroons, its distracting anxiety, and its economic difficulties. His dangerously depleted staff had been obliged to overwork and overstay their leaves, while about one hundred officers had perished as a result of enemy action. Though the amalgamation had seemed above all one of constitutional technique, Sir Frederick had always seen it as something more than that. 'Amalgamation in my view was "not a mere political, geographical, or more especially a financial expression". I regarded it rather as a means whereby each part of Nigeria should be raised to the level of the highest plane attained by any particular part.'<sup>2</sup> If, as time showed, he left some unsolved problems,

<sup>1</sup> *Ann. Rep. S. Nigeria*, 1906, p. 93.

<sup>2</sup> *Amalgamation Report*, para. 8.

especially in the Southern Provinces, the great difficulties under which he had worked must be borne in mind.

The general structure set up at the time of the amalgamation has remained largely unchanged. This brief description is no more than a reminder of the general setting of Nigerian native administration which, in the limited, technical sense in which it is being interpreted in this study, represents only one form of contact between the British Government and the people. With some historical and constitutional background in our minds, we can now begin our main task, the examination of Nigerian administration as it works to-day. We shall find that, not only the north and south, but also the south-west and the south-east retain, in spite of amalgamation, a dualism which still makes it convenient to continue dealing with them under separate headings.<sup>1</sup>

<sup>1</sup> By the south-west is meant Yorubaland, which is now covered by the Provinces of Oyo, Abeokuta, Ondo, Ijebu Ode, and part of Benin. The remaining provinces, with the exception of the Cameroons, form the south-east in this division of our subject.

PART II  
NATIVE ADMINISTRATION TO-DAY  
*THE NORTHERN PROVINCES*

CHAPTER VII  
A MOSLEM EMIRATE—KANO

*The Country and the City*

AN examination of the Native Administration of Nigeria to-day must begin with the Moslem Emirates, as their system became the model for the whole of united Nigeria and has influenced administration throughout British tropical Africa if not, indeed, even more widely. Before discussing in general terms the more important features and problems of this system, I shall attempt to describe its working in some detail within a single Emirate. Where uniformity is not made a fetish it is difficult to select any one unit as typical, but my choice has fallen upon Kano because it is the most important in numbers and wealth. It could not be called the model Emirate, because each of the others has its peculiar circumstances and traditions which the British Government has no desire to iron out of them in the interests of uniformity, but it sets a standard in modern development and has been the scene of certain experiments which have been adopted elsewhere. The city has also a primacy in the eyes of the people. Men are proud to claim its citizenship and Hausa travellers may fabricate the claim to gain prestige. Even Barth, that sober German observer, was infected by the excitement of his native companions as he neared its walls. 'Kano, indeed, is a name which excites enthusiasm in every traveller in these regions, from whatever quarter he may come. . . .'<sup>1</sup>

The Kano Emirate, which is one division of Kano Province, covers 13,000 square miles, or a little more than Belgium, and contains two million people. It is a kingdom without natural boundaries or striking features. The roads to it run through flat or slightly rolling country in which the eye of the traveller is caught only by the work of man. The traveller calls to mind the best

<sup>1</sup> Barth, *op. cit.*, p. 284.

agriculture he has seen in other parts of tribal Africa, the work perhaps of the Baganda, Wakikuyu, or Wachagga, but he must give the palm to these Hausa peasants. Increasingly as Kano is approached the country becomes an almost unbroken chequer of farm-lands, divided into large fields of an acre or more and often bounded with straight-running fences. Near the river beds are onion or sugar-cane plantations irrigated by bucket wells, similar to those found in Egypt. To the inexperienced eye the highly cultivated lands round Kano offer a happy and impressive picture. But a shadow lies upon them only too aptly represented by the *Harmattan*, the mist of fine blown desert sand which the Sahara, a hundred miles to the north, sends down before it. 'The people', says the expert, 'are living on the edge not of a volcano but of a desert whose silent and invisible approach must be difficult to estimate.'<sup>1</sup>

Within a radius of thirty miles of the city lives half of the population, and the density figure of 153 for the emirate rises here to 400, and in one district to 580, to the square mile. The continuous cultivation of this soil is only made possible by its fertilization with the ashes and sweepings of the city. Scattered about the country are the outlying towns, but their walls are in ruins and the fields are dotted with little groups of huts belonging to those who have taken advantage of the new security to leave their shelter. An inevitable land problem lies before Kano. The congestion and the development of economic crops increase the value of land round the city, which is sold as well as inherited and leased. Thus the problem of land-tenure, perhaps the greatest that confronts African Governments in the near future, is already developing in this area. This problem must be discussed in general terms later.<sup>2</sup> Here it need only be said that the local Administrative Officers<sup>3</sup> have long deprecated any measures that might interfere with the powers of the chief over the land. It is probable that only an expert inquiry could unravel the details of the existing situation and reveal what measures, if any, are required. The Hausa have, perhaps, been taken a little too much for granted by the Administration, and a cross-section of the Kano peasantry might very usefully be put under the sociological microscope.

Kano City itself, entered by one of the gates which are kept up

<sup>1</sup> Professor Stebbing quoted in the *Ann. Rep. Forestry*, 1934, p. 6.

<sup>2</sup> See below, chap. xix.

<sup>3</sup> This term has now replaced the older one of 'Political Officers'.

while the surrounding wall crumbles into the red earth of which it is made, is best viewed from one of the two abrupt hills which rise within it, and which may have decided the original site. It will then be seen how much farm-land the wall still encloses and which doubtless enabled it to withstand some, though not all, of its many sieges and to embrace the refugees fleeing from invading armies. Seen from above the houses themselves make a continuous mass which resembles a honeycomb, with red, rectangular cells. The Administration has recently achieved the feat of numbering each one of these cells and so endowing it with a postal address.

Surveyed thus, the question naturally arises as to the racial origins of the 80,000 or more people who fill this city and the two millions who regard it as their capital.<sup>1</sup> There can be no certain answer. The story runs that the first people were workers of iron called the Abagayawa and there are still hereditary families of blacksmiths using this name. There are legends that these people worshipped snakes, and sacrificed black animals by the black water in the grove of Jakara. About the tenth century came immigrants from the east, even, it is now claimed, from Baghdad, bringing horses with them. It has been suggested that they were Berbers impelled, however indirectly, by the disturbances caused by the rise of the Fatamid Power in North Africa. Their leader is said to have killed the serpent at Daura, married the Queen, and fathered seven sons to found the first Hausa States. The Kano Chronicle, a document which, though not very old, seems to have been compiled from ancient sources, gives a list of forty-eight kings descended from the grandson of the founder.<sup>2</sup> It also describes in some detail the great difficulty the new rulers found in penetrating the mysteries of the indigenous snake-worship. The great wall was built early, and the kings busied themselves subjugating the surrounding peoples. Islam seems to have penetrated by degrees from about the fourteenth century. But the Chronicle speaks of a special mission in the reign of Mohammed Rumfa in the late fifteenth century, which led to a mosque being built on the site of the old sacred tree.<sup>3</sup> It is to be hoped that the incident recorded of this king that he collected first-born virgins until he had a

<sup>1</sup> For what is known of the history of Kano see Barth, *op. cit.*, chap. 25; W. F. Gowers, *The Kano Gazetteer*, 1921; H. R. Palmer, *Sudanese Memoirs*, 3 vols. (Lagos, 1928), vol. iii, pp. 92-132; S. J. Hogben, *op. cit.*, and Mrs. C. L. Temple, *op. cit.*

<sup>2</sup> H. R. Palmer, *op. cit.*, vol. iii, pp. 92-3.

<sup>3</sup> H. R. Palmer, *op. cit.*, vol. iii, pp. 111-12.

thousand wives occurred before his conversion to Islam. The height of Kano's power seems to have been reached in the reign of this same Mohammed Rumfa, who extended the walls and laid out the palace in its present position. It is said that his south gate, opened only once in a reign to allow the entry of a new king, is still standing.

Kano, for all its fame and prosperity, cannot boast an altogether glorious history. It fell under the power of Songhay, the last of the great empires in the western Sudan, in the sixteenth century; it weakened itself by unsuccessful wars with Katsina to the north; then the pagan Kwararafa, the disparate fragments of whose power still linger along the Benue, seized the city and established a century-long supremacy. Bornu was the next overlord until the troops of the Emir with all his armoured warriors on their quilted horses went down before the arrows of the Fulani in the Jihad of 1807. The heads of the victorious Fulani clans went to Sokoto to ask for a flag for one of them. But—and the story illustrates the spirit of the Jihad—their suzerain asked them to tell him who was the most learned man in Kano; and when they named a certain *wali* or saint he appointed him as ruler. Since then the succession has been in the direct line of this one family, though this is not the invariable rule in Northern Nigeria. The Jihad actually improved the commercial position of Kano because her rival Katsina maintained opposition so long that the merchants, including the Arabs, moved down to Kano and it became the greatest market of the western Sudan. Its citizens appear to have shown much the same detachment towards the conflicts of their rulers with the Fulani as they did in 1903 when the British entered the city, and both British and Fulani have retained the general form of government much as they found it.

The city itself must have changed little for many centuries, except for the wide roads that have been driven through where before only horse and camel could pass, and for the large new public buildings, though these are harmonized to some extent with their setting. It is still possible to forget these changes by threading on horseback the alleys which pierce the apparently solid mass of low, square, and flat-roofed houses and peering over into the small and not very sanitary yards. Every here and there, full of slimy water, are the pits from which the earth for building has been scooped. The city Administration is beginning to tackle this and

other sanitary problems and has a staff of inspectors at work. Faced with the difficulty of entry into houses where some of the women were 'purdah', it appointed female inspectors. In 1932 a special school for the training of sanitation staff was opened.

The huge crowds surging about the market in their flowing white or indigo gowns and turbans can have changed little, at least in appearance, since the days when the Moslem culture came from the north and east. Barth's description of their market in 1851 would almost hold good to-day. Nor can the articles they trade have altered much, for even then English calico was displayed beside the sturdy home-spun, Kano's staple product, and other European manufactures were carried down the northern caravan routes from the Mediterranean ports. To-day 1,800 stalls are grouped according to commodities. The tanners are the gayest, for Kano leather is dyed into brilliant colours, scarlet, blue, and yellow, and is made into shoes, cushions, and saddlery with much plaiting, tasselling, and embroidery. In the jewellers' stalls a few cheap European goods compete with the local carnelians and the heavy ornaments of the native goldsmiths and silversmiths. Kolanuts, imported from farther south or from the Gold Coast, are in universal demand. There is a rich display of home-grown crops, leeks, onions, flaming chillies, the leaves of the baobab and other trees, tobacco in the leaf or in twists. There are lumps of indigo for dyeing, powdered antimony for the eyes, natron brought from the north on camels, beautiful owls and other living creatures destined to be compounded into some 'medicine', cakes, and sweetmeats of many kinds. A warden of the market and a group of *dogarai*, or police, in brilliant red and blue cloaks, keep order and drive away the itinerant pedlars who try to undercut the licensed stall-holders. A special court deals out summary justice for offences in the market. As in Barth's day there are other markets, a little removed, for stock, horses, firewood, and grain. Not long ago, when a shortage of food was threatened, the Native Administration bought up large stocks of grain and released them at normal rates to steady the market whenever the dealers tried to make scarcity prices. The people of Kano are still in the position of being more interested in the local rainfall than in the European trade cycles. The bottom may fall out of the ground-nut market and money may be scarce, but with good harvests the people are still prosperous with a large internal trade which radiates some

hundreds of miles from this market. The frontiers imposed by France and England have to some extent cut across the huge spread of the ancient trade north, west, and south, but the railway from the south, handling the new exports of ground-nuts and cotton, offers substantial compensation.

It is difficult to estimate the population of Kano. Its permanent numbers, with those of the neighbouring Township, are given as 89,162, but in the dry season the people from the surrounding country and strangers and traders from much farther, even beyond British territory, flock in and swell the figure to 100,000. It is difficult also to draw a distinction between farmer and craftsman as so many of the population are both.

Assessment reports for the city's taxation which are carried out from time to time by Administrative Officers—who may for the purpose live in the one house owned by the Government within the walls—throw interesting light upon the composition of this population. In the 1931 census 11 per cent. claimed to be Fulani, and 77 per cent. Hausa, though the line between them is now hard to draw. The rest were Kanuri from Bornu, Tuareg from the farther north, Arabs who live as in Barth's day in two-storied houses in their own quarter, the dark Shuwa Arabs from Chad, and some hundreds of the always enterprising Yoruba. In the foreign quarter, Fage, just outside the city walls, an interesting hour can be spent in the little square watching the varied types come and go, some of them buying scones from the women cooking in little clay ovens, or strips of meat grilled on skewers stuck in the sand round a fire; others patronizing the snake-charmer. Most striking of all are the Tuareg who, sword at thigh, looking proudly above the blue veils which hide the lower part of their faces, lead in their strings of camels.

The city is divided into wards under ward-heads and these assess the tax due from each household. But there are rich men in Kano and these are assessed by a jury of their fellow townsmen. The richest are the sellers of kola-nuts and those who may by courtesy be called the lodging-house keepers. Some years ago it was estimated that one of these made £15,000 a year. In Kano even the beggars who keep up a monotonous chant from their stations against the wall are assessed for income-tax, for beggars, as in medieval Europe, are almost necessary to a proper exercise of religion.

*The Emir and His Council*

Kano Emirate is governed, under the British, by the Emir and his Council. While every effort is made to encourage the Emir to delegate functions to his councillors, and to make use of their advice, they remain advisers, and the Emir, under our guidance, retains his personal responsibility. The executive Council composed of the Emir with his four chief officials meets daily at the palace. The executive officers then generally return to their work, and the Emir with the Waziri and certain legal *mallams* sit as the Judicial Council. There may be a further short executive meeting in the afternoon. There is a weekly meeting of the Council at the Resident's house and the Resident visits the Emir at his palace.

In form there has been no fundamental breach with the past Government. Kano was not independent even before the coming of the British, though the latter have introduced a suzerainty of a more powerful, intimate, and exacting kind than that of Sokoto. Before describing the working of the Kano Administration, it may be of interest to take a backward glance at the position as it was before the days of British rule.

Barth tells us that the Governor (as, mindful of Sokoto, he is careful to call him) could raise an army of 7,000 horsemen and 20,000 footmen. He levied taxes on every family head, on every dye-pit (and there were more than two thousand in the city alone), on every slave sold in the market, and upon every palm tree.

'The authority of the governor is not absolute, even without considering the appeal that lies to his liege lord in Sokoto . . . a sort of ministerial council is formed to act in conjunction with the governor, which in important cases he cannot well avoid consulting. At the head of the council stands the *Ghaladima*, whose office originated, as we shall see, in Bornu, and who very often exercises, as is the case in Kano, the highest influence, surpassing that of the governor himself.'

Other members of the Council were the Master of the Horse, the Commander-in-Chief, the Chief Alkali, the Chiroma (generally the Governor's eldest son), the *Sarkin Bai*, Chief of the Slaves (still an important title), and the Lord of the Treasury.

'With regard to the government in general, I think, in this province, where there is so much lively intercourse, and where publicity is given very soon to every incident, it is not oppressive, though the behaviour

<sup>1</sup> Barth, *op. cit.*, pp. 309-10.

of the ruling class is certainly haughty, and there is no doubt a great deal of injustice inflicted in small matters. 'The etiquette of the Court, which is far stricter than in Sokoto, must prevent any poor man from entering the presence of the governor.'

Barth's chief criticism of the Kano rulers was the slackness and cowardice with which they left the province open to raids from the north.

The position of the Emir to-day is no sinecure, and it would be extremely difficult to carry on the Government at all successfully unless the position were held by a man of character and industry. He is selected from the royal house by the Waziri, the Madaki (whose office will be described presently), and two or three of the leading hereditary District Heads including the Sarkin Bai. Abbas, brother of the Emir who was deposed after the capture of Kano in 1903, ruled ably until 1919, when he was succeeded by his elder brother Usuman. This Emir was infirm and indecisive. At the same time there was, just after the War, not only a shortage of experienced British officers but considerable lack of continuity, which reached a climax with eight changes of officers in charge of the emirate in twenty months. As a result a significant retrogression occurred. There was an outbreak of embezzlement, tax defaulting, and general crime: hangers-on and slaves to the number of two or three thousand gathered about the Emir: favourites usurped official duties and became, as in the past, the *kofa* or gateway to the Emir, while the recognized officials sat back and drew their salaries. The Emir's Judicial Council was affected: cases occurred in which it gave sentence first and only began to collect evidence when there was an appeal. Administrative Officers were divided as to the best means of reform; some believed that the abuses were so great that only a period of more direct government could remedy them: others feared that such intervention would undermine the whole system.

In 1926 the present Emir, the son of Abbas, succeeded and advantage was taken of this to draw up a scheme of reform. No slaves were to hold office and the crowds of parasites were to be drastically reduced: the duties of the leading officials were to be defined and delegation to them enforced: the police were to be reorganized and the Emir and Council were to meet the Resident at least once a week. The new Emir, who had served his apprenticeship as District Head of Bichi, demurred somewhat at the wholesale

purging of the palace, but accepted the conditions, and his reign has seen the development of a reformed and progressive Government. In 1934, the first of his house, he made a visit to England, taking with him his eldest son. He was received by the King and was reported to have been much impressed by the sanitary conditions of the towns and by English food. In the same year he was awarded the Honorary C.B.E.<sup>1</sup>

Once a week the Emir and his executive councillors meet the District Officer and the Resident (when he is in Kano), generally at the latter's house. A description of such a meeting may give some actuality to the relationship between the Native Authorities and their British advisers.

The Africans, having left their shoes at the door, enter with ceremonious dignity. The Emir takes the Resident's hand in both of his, inclines his body, and seats himself upon a chair. The other three Councillors prostrate themselves and sit behind him cross-legged upon the floor in front of the Resident and the District Officer. Relations between these people of another race and religion and their British advisers are never one of easy familiarity; they are markedly ceremonious and restrained. It must be accepted as a factor in the administrative situation that full mutual comprehension and, still more, friendly intimacy, can very rarely exist; the relationship rests upon respect and a growing degree of understanding and confidence. Questions of etiquette have always been a serious consideration, as the official files bear witness. Should an Emir be seen alone? Should he interview Departmental Officers or unofficial Europeans except in the presence of an Administrative Officer? Should he be offered a chair, or should a special bed be brought with him on which he can recline? Should he be offered tea? Should he be confronted by an unveiled European woman? (My presence at the Council is a large concession to change if not to progress.) The Emir is dressed voluminously in embroidered robes of white cotton covered by a dove-grey cloak lined with scarlet. His indigo turban, gleaming with hammered indigo, is swathed in thick folds round his head and throat and tied in a rabbit's-ear knot, the prerogative of his blood. His brother, the Galadima, a slighter edition of himself, also indulges in this flourish. He is in charge of the affairs of the city. The Waziri is a little wizened old man with brilliant eyes. His position approximates to that of

<sup>1</sup> *Ann. Rep. Northern Provinces, 1934, p. 31.*

Prime Minister, as he is general adviser, especially in legal matters. He has the freest manner, and is the only one to smile or laugh, yet he is the pillar of conservatism in Kano. The Madaki is an extremely handsome and benevolent-looking old man, who looks after the affairs of the Districts. The Maaji, or Treasurer, is distinguished from the others by his broad, light face, his father having been a Tripolitan Arab. He has the humblest demeanour, having only recently been put upon the Council, though tradition gave the Treasurer this status. He has been in the Treasury for nearly thirty years, and Treasurer since 1919, but shortly after my visit he was dismissed as a result of certain financial irregularities.

The first question discussed is the local effect of England's abandonment of the gold standard, and the traders' manipulation to their own advantage of the fluctuation of prices. From this discussion turns to the price of ground-nuts and the grain harvest. The Emir, who speaks little and keeps his eyes mostly upon his beringed hands, volunteers a remonstrance against the Government schools being kept open during Ramadan, when the boys cannot eat or drink during the day. The Resident promises to discuss the matter with the Education Officers, but does not hold out much hope of concession. An Agricultural Officer is called upon to explain the economic possibilities of tapping gum in the forests. Finally, the proposed pilgrimage of the Waziri to Mecca is discussed. The Resident's warning that he would not meet only saints in Arabia does not seem to shake his confidence in his ability to hold his own. (As it turned out the old man crossed the desert in a Ford lorry and came back successfully, none the worse, and perhaps a little more broad-minded, for his experience.) Now, in the same grave and ceremonious manner as they came, the Councillors rise and take their leave of the officers.

The Emir has also judicial and legislative power. The former will be discussed in the next section. As regards legislation, under the Native Authority Ordinance the Emir may, with the approval of the Governor, make rules. These are published in the *Nigeria Gazette* over the name of the Native Authority. A list of such rules shows many of a routine nature, such as those dealing with the burning of cotton plants, the proper flaying of hides, and the closing of certain roads in the rainy season. Lorries are not to exceed fifteen miles an hour, and passengers are not to ride on the top, on the wings, or on the driver's right. The first rule on the list

forbids any introduction of imported liquor into the emirate. The second forbids the brewing of any native beer without a licence, except for pagan groups, the Maguzawa and others, who still cling to the convivial ways of pagan Africa in spite of the prolonged influence of Islam. The penalty for these offences is a fine not exceeding £50 or six months' imprisonment or both. It would not appear from a study of these regulations in Kano and in the other emirates that the rulers yet show much initiative in the legislative sphere.

### *The Judicial Organization*

The actual administration of the government is divided, under the Emir, between the four leading ministers. The senior of these, the Waziri, is in charge of all judicial matters, and advises the Emir on legal questions. There is in each of the districts an Alkali's Court with B grade powers. The records, complaints, and appeals from these go to the Waziri's office, and he advises the Emir as to what action should be taken and whether cases should be transferred to the A court of the Chief Alkali in Kano or to the Emir's Judicial Council of similar grade, which is also, under the recent judicial reforms which will be discussed later, a Final Native Court of Appeal.<sup>1</sup> This Council in which the Emir is assisted by the Waziri and four or five of the mufti class deals with cases of homicide, lands, and houses, and those concerning officials and taxation. It is the prerogative of the Emir to pronounce judgement. Administrative Officers have some difficulty in teaching the Native Authorities the distinction between their executive and judicial work and in preventing the Emir in Kano and the District Heads outside from influencing, in the Alkali's Courts, the conduct of cases in which they are interested. It is probable that the work of the courts is the aspect of government which is least open to the supervision and influence of the British Administration. The tradition against an interference which may sap responsibility is strengthened here by the pledge not to interfere with religion, of which the law is part. Certainly, very recently

<sup>1</sup> Under Ordinance No. 44 of 1933 Grade A powers are defined in the Schedule as full criminal powers, except that sentence of death must be confirmed by the Governor, and full civil powers except in cases of Christian marriage. Grade B—full civil powers, as in Grade A, in matrimonial and testamentary cases, and in debts, &c., up to £100. Criminal causes punishable by imprisonment up to one year, twelve strokes, or £50 fine. See Appendix, pp. 365-82, for full text of this Ordinance.

the keeping of records and the systems of supervision compared unfavourably with, for example, Tanganyika. Part of the price to be paid for an advanced system of indirect rule is that it does not encourage complainants. And the Hausa are recognized, in comparison with the more sophisticated southerners, as being slow to complain. The character of the Alkalis, and the general knowledge of and respect for the law, must be the main safeguards of the people. The standard of justice must not be considered in isolation and by uncompromising European standards but in relation to the general objectives of our Administration in Northern Nigeria.

During the last few years an increasing interest has been shown in judicial matters. In 1933, in addition to the usual inspections by touring officers, one of these, accompanied by a learned *mallam*, was sent round the Kano districts to inspect and report upon the administration of justice. Another step is the recent establishment in Kano of a legal school staffed by three teachers from the Sudan.

In matters of religion and law Kano is proud to be called conservative. The Waziri and the Chief Alkali therefore demurred on the occasion of my visit against the novelty accepted in other parts of the north of a woman entering the court. (Women litigants as a rule speak from behind a grill.) As frequently happens with African Chiefs, where an unpopular suggestion is concerned, they said that if the Resident would take the responsibility by making it an order, they would accept it. This the Resident naturally declined to do. But I was enabled to be present at the weekly interview between the District Officer and the Alkali, who looked the grim Puritan he was, and to put some questions to the latter. The following extract from a record of the discussion in which the participants are indicated by the letters A, D.O., and M.P. illustrates to some extent the difficulties of the Kano Court, and the legal conceptions of a Nigerian Alkali.

M.P. What hours do you sit?

A. Every day from 10 until 2, and I come back again in the afternoon. But I should like to have Friday completely clear.

D.O. You must go and consult the Emir about that.

A. My work is less at the moment. I think the people are beginning to give up their evil ways, especially with regard to using professional false witnesses. I imprisoned one the other day and that has discouraged them.

D.O. I think the economic slump also has something to do with the decrease of litigation.

A. I have one difficult case to raise with you this week. A Syrian trader has prosecuted his agent for default in a District Court and the case has been sent up to me. It is suspected that the bad debts reported by the agent are his own thefts.

M.P. I understand you have changed the procedure with regard to juvenile crime.

A. Yes, I now take their cases at my own house. There is a regular type of juvenile criminal in the city. Formerly I could only admonish and whip them. Now I can send them to the new reformatory, where they will not meet any other criminals.

M.P. How do you deal with the question of interest on a loan?

A. I do not recognize it. If a man claims principal and interest I award him only the principal. Usury is actually an offence under the law, but in practice I only admonish offenders. Only, if a well-known usurer comes to my court, I see to it that he waits all day.

M.P. But if the usurer were a Christian?

A. I should tell him that his custom is null in my court.

M.P. How do you handle cases of adultery?

A. According to the law both are to be stoned to death.

M.P. But not now?

A. Now I sentence the man to two years' imprisonment and a beating.

D.O. But I have lately persuaded you to reduce it to one year and a beating.

M.P. Were you stoning people to death just before the British came?

A. I do not remember a case, nor does my father, nor did my grandfather, but it is the law.

D.O. Why did you put up such strong opposition to recognizing the lesser penalty?

A. Because the other was the law.

D.O. Then why was it not carried out?

A. Because it was so difficult to obtain the necessary two witnesses to the act.

M.P. How do you swear pagans in your court?

A. They swear according to their own custom. The Maguzawa (a neighbouring pagan tribe) are rapidly becoming converted to the true religion, but the other day one refused to swear upon the Koran and said he could swear by his own gods. I accepted his oath as of equal value.

D.O. You know that the Emir has just been persuaded to issue a rule that there must be no differentiation in the courts on religious grounds?

A. I do not see how that can be.

D.O. It should be clear. For one thing it means that just as I swear

Mohammedans on the Koran so you should swear Christians on the Bible instead of sending them, as you do, to me to be sworn.

A. I can swear all non-Moslems on the sword.

D.O. That is no use to a Christian.

A. Then they must swear on the Koran.

D.O. That is useless, too.

A. But I have no Bible.

D.O. I will give you one.

A. I should not know how to administer the oath.

D.O. I will teach you.

A. But the pagan who swears must go back to his own village and swear on his own *tsafi* (sacred object).

D.O. All Bibles, like all Korans, are equally sacred.

[The Alkali was cornered, but his prejudice against Bibles was obviously unshaken.]

Though I was unable to visit the Alkali's Court at Kano I was allowed to do so in the more liberal atmosphere of Katsina. I think it would be legitimate to include in this section a description of the same type of court at Katsina which is, after all, a near neighbour of Kano.

The court house is made of red mud and is of the same proportions as a tennis court, though covering a somewhat larger area. Its lofty roof, supported upon six arches, is a good example of the standard reached by the traditional architecture. Light comes in through high, arched window-openings. A log fire burns in the centre of the court: upon a small raised platform at one end the Alkali sits upon a carpet, with two or three scribes just off the platform at his side. His three assistant *mallams*, and the Liman from the mosque, squat on the floor against one of the side walls. Near the door, at the end of the court opposite the platform, are the police in their brilliant parti-coloured uniforms of red and blue, and court messengers. The few officials seem lost in the big hall in which there are no members of the public.

The first case concerns a horse. The complainant bought it from the defendant for £3 down, the rest to be paid if the horse were approved. The complainant condemns the horse but has not been able to get his deposit back from the defendant. The horse is led into court, worrying at the cruel bit which is used in this part of Africa. The Alkali announces that this evening he will himself have the horse tried out against some horses that *can* gallop.

The next case is one of debt, and is interesting in that the Alkali

sends the litigants into the mosque with the Liman, and, as the defendant refuses to take the oath there in support of his evidence, while the complainant agrees to do so, the verdict is given in favour of the latter. So long as this simple test retains its validity, the Hausa Alkalis are not likely to develop an effective procedure for the sifting of evidence. This applies equally to the non-Moslem courts, where, though the old dangerous forms of ordeal have been abolished, oaths are sworn upon fetish objects or unofficial recourse is had to a diviner.

A small shutter in the wall near the platform is now opened and a woman's voice comes complainingly through the grille. For three years her husband has given her neither food nor drink. The woman does not seem to be handicapped by her invisibility and, indeed, slightly lowers the decorum of the court by talking down the protests of her husband. The Alkali, who has, it seems, endeavoured for three days to bring about a reconciliation, grants the woman her divorce.

The next case is one of witchcraft. A father accuses an old man of having cast a spell upon his son in order to give him a cough. He wants the defendant to produce an antidote, while the latter protests he does not know of one and also denies the charge. The Alkali tells them to return again with their respective witnesses.

In its speed and quietness the conduct of the court contrasts with that of nearly all the many others I have attended in different parts of non-Moslem Africa. Each case occupies only a few minutes. The still posture of the officials and their quiet voices, which are lost in the high, smoke-wreathed arches, give the impression of a religious service rather than of litigation.

In looking through the judicial records afterwards, I came across one very interesting document. It contained a series of agreements drawn up between the Emir and various persistent thieves on the occasion of the latter's discharge from prison. Here is an example, the entry following the date:

'The Emir had Bala of Shantali brought before him, a thief convicted three times and who has undergone a total of three years imprisonment. For this reason he entered into an agreement with the Emir that if he stole anything again, even a woman's headcloth, he should be imprisoned for three years. The Emir agreed to this and Bala put his mark to it.' There followed the thief's thumb-prints. Other agreements, in slightly varying terms, stipulated for five and ten years' imprison-

ment. This seems a novel, and presumably effective, way of reinforcing the deterrent effect of punishment.

### *The Treasury*

The Treasury, or Beit-al-Mal, is one of the most attractive buildings in the city; its low crenellated walls are covered by an arabesque traced on the plastic red mud. The cavern-like offices with their red-arched roofs and the flowing robes of the clerks produce, like the Court, an ecclesiastical atmosphere in which the ticking of the typewriters sounds almost irreverent. The Maaji, or Treasurer, who draws a salary of £720, has fifteen assistants.<sup>1</sup> The Treasurer is responsible for the receipt and disbursement of the revenue of the emirate. All requisitions to incur expenditure pass through his hands: he prepares the estimates and the financial statement for the year. For 1932-3 this revenue, composed mainly of the general, and the cattle, tax, amounted to £233,000; in 1933-4, when the Government increased its own share from 30 to 40 per cent. it fell to just under £200,000. The Treasury is divided into three sections, under the Accountant, the Cashier, and the General Duties Scribe. The account is kept at the local branch of the Bank of British West Africa.

### *Native Administration Activities*

It is not necessary to walk far in the city without coming upon striking signs of the intrusion of the modern world. Here and there can be seen the stand-pipes of a water-supply, while at night the barbaric gateways and the red walls of houses and courtyards are lit by electric street-lamps. To understand how this is achieved it is necessary to go eighteen miles from the city to where five intake towers have been sunk to the rock in the bed of the Challawa River. These can tap the flow of water at all times of year, even when it retreats underground. Here, too, is the electric light and power station. The whole of these works were built by Binnie Son & Deacon for the Native Administration at a cost of £309,000, all but £20,000 of which was paid by the Native Treasury. A staff of eleven European engineers, who cost the Native Administration over £11,000 a year, was, until recently, required for its working. A link, if a somewhat tenuous one, between these formidable

<sup>1</sup> For this and other financial figures quoted for Kano see the *Native Treasury Estimates* for the Northern Provinces, printed every year at Lagos.

mechanical works and the Native Administration is maintained by putting Africans upon the Board of Management. They early expressed their regret that most of the African staff was recruited in the south. A few years ago, upon a visit to the engine-room, only one among the blue-overalled mechanics showed his local origin by prostrating himself before the chief engineer. But since then great efforts have been made to train local men for the work. In 1934 it was decided to bring the electricity- and water-supply under the direct control of the Public Works Department and to reduce the European staff.

In the city other large enterprises of the Native Administration advertise themselves in the form of buildings rising above the squat housing of old Kano. There is the hospital, built a few years ago at an initial cost of over £30,000 and already extended more than once. The Native Administration pays for maintenance costs, including the salaries of sixty African men and women. The hospital extends its activities outside the city in the form of a number of village dispensaries. There are the Middle and Craft Schools, which cost £30,000, and where the boys, in contrast with those in the south, seem calm and dignified almost to listlessness. In a simple mud court and house, with a native policeman on guard at the door, is the most daring of recent activities, the girls' school, or rather kindergarten. They were at first mostly children coaxed from the somewhat reluctant families of the ruling class, and their schooling largely consists of simple lessons in the three R's and in hygiene and sewing. Some of the pupils have gone on to work in the female side of the hospital. As a portent the school is significant beyond its achievements: visits to the local harems suggest one reason for the arrested development of Sudanese culture. In the precincts of the palace at Katsina, the special care of the progressive Emir, is another girls' school, and Sokoto and Gwandu recently asked for these innovations, even proffering the buildings and money in advance.

We now pass on to the prison, an enormous new building, holding about a thousand prisoners, and conducted entirely by the Native Authorities. An Administrative Officer, however, visits it once a week and interviews all new entrants to inquire into their sentences. It has its own well-equipped hospital. It is interesting to learn that for some time the health of the prisoners was not so good under these elaborate hygienic conditions as in the older

prison. It is possible that its very size, requiring unusually rigid discipline, had a depressing psychological effect upon the prisoners. Young offenders are now committed to a reformatory school, where, among other instructions, they are taught to work in the Emir's gardens and to play football.

The Survey and Printing Department has been developed by a long-established and devoted European officer in the employ of the Native Administration who has trained these northern boys, reported conservative and unprogressive, to become highly skilled in both branches. Working on lines similar to the Torrens system, they have surveyed for revenue and legal purposes all the small farm-lands in 300,000 acres round the city and made a topographical survey of over 5,000 square miles. The printing department, which undertakes work for all the administrations of Northern Nigeria, has an annual turnover of about £2,000 and is now so advanced that its staff can continue both the executive and the business management when the European director is away on leave. These activities, which have always been conducted in the closest co-operation with the Emir and his ministers, must have greatly strengthened the self-confidence of the Kano intelligentsia, suddenly faced with the science and mechanics of the Western world.

A somewhat later development has aided in this adjustment. It became necessary, as the Administration, with its increasing revenues, took over more and more of the functions of the Public Works Department, to fit these activities into a proper organization. The Administration developed a department of its own and it has built fine workshops for this purpose. These shops are of educational as well as of practical value and a successful attempt has been made to substitute a local for a southern staff. The highest proficiency is shown in the smithy, and here may be seen men belonging to the old hereditary guild of smiths. (Their European instructors remark, however, that it is rare to find a man who can recognize the true vertical or horizontal.) The Native Treasury bears part of the salary of a European superintendent and the whole of the salaries of an engineer and three inspectors of works. The African staff, which includes the instructors and the masons, mechanics, carpenters, and smiths under their charge, the draughtsmen, and the drivers of a fleet of Morris lorries, number very nearly a hundred. It is a feature of the Nigerian system that a Wakilin

Sana'a, or Chief of Works, is personally appointed by the Emir as his representative, lest such a modern development should escape his interest and control. The main tasks of this department are the construction and maintenance of the many large public buildings in Kano and of the greater part of the road system of the Emirate.

A glance down the lengthy estimates of the Kano Treasury reveal other undertakings which there is not space to describe. There is the model farm with its experiment in mixed farming, which is an important plan of the Agricultural Department directed to bringing together what are now virtually separate activities, agriculture and animal husbandry. With the recent financial stringency, the Native Administration has been contributing towards such schemes. There is the Forestry Department; the judicial class for the better training of prospective judges, shared with the rest of the Moslem North and staffed with three Arabic instructors from the Sudan; the elementary schools in Kano and the districts; the Sanitary branch of the Medical Department; the Leper Colony, with its European doctor; the Infectious Diseases Hospital; the Veterinary Department, with its hospital and its *mallams* who go about teaching proper methods of flaying and drying hides; the animal clinic, and the municipal abattoir.

In January 1934 the Native Administration organized a great show at Kano in which, more than anything else, its own achievements were on exhibition. For an entrance ticket costing one-fifth of a penny, the public were offered a vast amount of interest and instruction. Animals of every kind from camels to rabbits were on show or competed for prizes. All the Native Administration schools, not forgetting the Reformatory, sent in exhibits. The local Works Department, which bore the main burden of the show, displayed its products, among them the most admirable furniture. Its members, with remarkable versatility, had made an amusement park out of derelict machinery and scrap-iron, including a switchback and a merry-go-round worked on the rear axle of a Morris lorry. The Survey Department exhibited its printing; the Veterinary Department taught the correct treatment of hides; agriculture was represented by demonstrations of ploughs, churns, and ox-drawn irrigators; the electricity- and water-supply showed a native hut lit by electricity and decorated the fair-ground with coloured lights. There was a vast attendance, including the six neighbouring Emirs. Its chief value, in the view of the Resident,

was that it attracted the surrounding peasantry and gave them for the first time a comprehensive idea of what their Administration, under British guidance, was endeavouring to achieve.<sup>1</sup>

### *The City Government*

The Galadima, who is at present the Emir's younger brother, is in charge of the city. For this he draws a salary of £1,000. There is an official responsible to him for each of the following activities—Prisons, Sanitation, Police, Buildings, Public Works, Markets, Education, Medical, Veterinary, Surveying, Printing, Water, and Electric Light. The heads of the City Wards are responsible to him for their areas, and he keeps in touch with the alien settlement, the Sabon Gari, outside the walls.

The rapidly increasing development of Kano and the multiplicity of the Galadima's duties were beginning to wear him out until a remedy was found in 1932 by dividing the city into four areas, each under a Galadima's deputy, who shoulders many of the routine duties. There is one department under the Galadima which deserves more than a mere mention. The Emir was served by retainers called *dogarai*, and, although the control of armed forces was taken over by the Government, he retained these with his other servants and followers. They were gradually formed into something approaching a police force, and in recent years have been greatly improved and put upon a more professional basis. A few years ago the force was divided. A picked section under the name of Yan Gadi was specially trained for the more difficult work of the city, including traffic control and criminal investigation. A high standard of efficiency and smartness in drill and in appearance has been obtained, thanks to the work of police officers who have given time, or have been specially seconded, to the work. The latest innovation in Kano has been a system of night-beats which was plotted out with the Emir, who was at first rather sceptical, on a large-scale plan of the city. The ordinary police are mostly used in the districts and upon messenger and escort work.

It will be realized from what has been said of the size and character of the city population that the collection of the city taxes is an exacting task, and this too is part of the Galadima's duties.

<sup>1</sup> *Ann Rep. Northern Provinces, 1934, pp. 31-2.*

*The Township*

Outside the gates of Kano lies the Township, an area of five square miles which has been excised from the jurisdiction of the Emir. It is under the general control of a Station Magistrate, subordinate to the High Court, and employs Protectorate police. The function of this enclave is obvious: it expresses the idea of extra-territoriality in a backward country. Sir Frederick Lugard, who issued a Cantonments Proclamation in 1900, stated in his *Political Memoranda* that their establishment allowed for the special jurisdiction necessary for Europeans and alien natives and relieved Political Officers of a great deal of police-court work which naturally occurs in such a community and which has little to do with native affairs.

As the political staff and the Kano Native Authorities moved together towards more efficient and confident administration they began to regard the Township, which was itself increasing in size and wealth, as either an anomaly or an affront. With the arrival of the railway in 1912, and the almost frenzied development of the ground-nut trade, there was an influx of bankers, storekeepers, traders, and money-lenders, European, Syrian, Arab, and Yoruba. Native trade was increasingly concentrated in the township. More and more the steps of the little donkeys which bring loads from beyond the borders of Kano or even of Nigeria were directed past the city to the stores and warehouses of the alien traders in the township. The big native traders, the important class of the *atajirai*, who might have acted as a balance to the royal and official class, were slowly squeezed almost out of existence. As an appendage to the rich alien community, the Sabon Gari, or native part of the township, swelled in size and attracted to its different, and perhaps freer, form of administration criminals and malcontents and even ordinary subjects of the Emir.

The issue between the Administrative Staff and the Supreme Court as to jurisdiction in the Township was defined during the War and frequently discussed during the ten years following. A few years ago the Emir wrote a letter in which he asked 'how men could come and reside at the gates of the city and have dealings with the men of the city and yet not be subject to the rules of the city'. He also pointed out that men who left the city and went to live here could say that they had removed themselves from his authority.

They might become arrogant and weaken the power and prestige of his government.

This is the local aspect of a question which has an interest outside Kano and outside Nigeria. In addition to the arguments mentioned above there is one of fundamental importance on the side of the Native Authorities and their political advisers. If the Native Administration must always make a retreat before the agents of Western economic forces, whether Europeans, Syrians, Indians, or more civilized Africans, two results will follow. One is that the natives, and especially the rulers, will view such advances with resentment, and feelings of mutual suspicion, if no worse, will develop between the two communities. The other result will be that the Native Authorities will be prejudged incapable of co-operating with the new communities and all the influences they represent and will be left outside in a static condition, regarded as being backward and incapable and feeling themselves to be such.

Yet in Northern Nigeria there is another side to the case. It is that by originally setting up the Township system the Government offered conditions without which the alien settlers would never have ventured up to Kano. As it is unlikely that Europeans would be put under native jurisdiction—though even this has been suggested—it is the Syrians and southern natives who would be chiefly affected. The southern natives, even if they are not inhabitants of one of the West African Colonies, as distinct from the Protectorates, and so British subjects under British law, are mostly Europeanized to a high degree in comparison with the Kano people, and are often Christians in a Mohammedan country where the courts adjudicate mainly by the law of Islam. The southerners, with their European clothes and furniture, their churches, clubs, and close political affiliation with the south, remain an exotic and unloved colony. Southern natives in the Legislative Council have always protested strongly against any change in their status. Moreover, there is an economic as well as a social side to the question. Money has been invested by southern natives and by other races employing southern natives in building up this trading centre, and it is argued that trade might suffer if conditions were made difficult or distasteful to the southerner.

Between such sharply opposed views the British Administration has worked towards a gradual and practical compromise. The general issues will appear again, but it will be all the clearer for

some reference to the steps that have been taken in Kano to bridge the gap. The Sabon Gari, the purely native area of the Township, from which Mohammedan cases had already been taken by special arrangement to the Alkali of Kano, has recently been given an African ward-head and a native court approved by the Emir and in touch with his Council, if not officially subordinate to him. An old Sierra Leone trader, who has not been averse from putting a *riga* (gown) over his European suit in order to pay his respects to the Emir, was the first holder of this office. He was assisted, in his judicial capacity, by representatives of the most important tribal groups in the Sabon Gari, Christian and Moslem. When questioned, somewhat unfairly, perhaps, by myself as to what law he intended to apply, he replied that he hoped the Administration would supply him with some books on law. This dangerous hope unfulfilled, he set to work and was said to be adjudicating with fair success, if not with great dispatch. He worked by common sense qualified by the Maliki code and the various tribal customs of the litigants. He has since been succeeded by another ward-head. Meanwhile the appeals that go from this court to the Alkali of Kano are said to be having the desired effect of broadening that judge's legal experience.

#### *The Department for District Administration*

The next department to be described is that of the Madaki. He is the minister in charge of the Districts. His office is a long, low building in the native style. It opens upon the wide space in front of the Emir's palace, the roofs of which, showing among the trees of a walled enclosure, are framed in the doorways of the office. Inside, the walls shine with powdered mica, the ceiling is washed white, and the deep embrasures of the doorways are cobalt blue. Telephones, with their Arabic lists of numbers beside them, hang upon the red earth walls. An atmosphere in which the calm and dignity of the East have joined with the efficiency of the West pervades the building and concentrates in the person of the Madaki. An elderly man, he sits on the floor against the wall, his turban, glittering with copper-coloured powder, is dyed with indigo which has also tinted his short white beard; his beautiful hands appear from the folds of a pale blue *riga*. He is dark, but there is nothing negroid about his face, though his features are blunter than the pure Fulani type. He carries a long staff. This

still and reverend figure is a vigorous administrator and can be seen any day towards the end of the tax season hurrying all over the Emirate in an old Ford car, and effectively stimulating the flow of revenue. The work of his office is divided into two parts; one for the general control of the administration of the Districts, and the other for the collection of revenue. The second is perhaps the more arduous task.

It is not easy to describe the working of the system as methods have not been static, but have been developing from year to year, while different systems have obtained in the districts round Kano from those in the outlying parts. At one time, as the Kano Survey Department progressively covered the farm-lands around the city, something approaching a land-tax was levied in these parts at between 1s. 6d. and 4s. an acre according to the distance from Kano. Later it was realized that another important factor was the quality of the land, and an interesting attempt was made to classify it in five grades according to its productivity, as follows:

Fako—hard, dry soil . . . . .	2s. per acre
Ganga Gari—light, red loam . . . . .	3s. „
Jigawa—light, sandy loam . . . . .	4s. „
Dabaro—a kind of cotton soil, which is flooded for part of the year . . . . .	7s. „
Rafi—irrigated market garden . . . . .	8s. „

This method also has been abandoned owing to certain difficulties, among them the varying use of the terms in different parts. It has, however, to some degree been incorporated with the former system into an especially accurate form of the lump-sum assessment in which not only the acreage of land and its quality are considered, but also the amount of crops produced, as well as any other economic activities of the farmer.

It may be of interest to describe in detail, as it was explained to me by the Madaki and his head clerks, the local application in Kano of the method of lump-sum assessment to which reference has already been made.<sup>1</sup> First, I was shown a list—printed in the Emirate printing department—bearing the names of the thirty Districts and their District Heads. Against these was typed in the first column the estimate for the year, and, in the second, the amount actually received. I selected at random a name which turned out to be that of a small, outlying District. The clerk pro-

<sup>1</sup> See above, pp. 53-4.

duced a record showing that the District had been the subject of an assessment report by an Administrative Officer five years before, when a census had been made of the population, with an inquiry into the economic resources of the area. The lump sum assessed represented  $2\frac{1}{2}$  per cent. of the estimated income. The district contained thirty-seven villages, and its last taxation yields had been £7,291 from farming and £636 from industry. A check is provided by working out the average incidence per adult male. The District Head sends to the office a list of all taxpayers, revised to date, and the incidence per village and, if necessary, per hamlet, is worked out in the office. The District Head, accompanied if possible by an Administrative Officer, tours round and calls up the village and hamlet heads and elders and informs them publicly of the amount due from each unit, handing them a paper, initialled by the Administrative Officer, in which the sum is written. The hamlet elders go back and in general conclave decide how the sum is to be apportioned among its members. They return to the Village Head, and if he agrees with their decision his scribe takes it down in writing. These discussions may take from three to five days. The Village Head then goes to the District Head, and if he agrees, and there are no complaints, he gives the Village Head printed forms upon which the names of the District, Village, and hamlet are entered, with four columns provided for the name of the taxpayer, that of his father, the amount due, and the tick to show payment. Hamlet heads do not themselves take the money, but bring their taxpayers to the Village Head, who issues individual receipts. During the tax-collecting season three or four officers will probably be on tour for a fortnight making surprise inspections and hearing complaints. There seemed to be remarkably few of the latter. The system obviously allows of wide variations in the tax paid both from man to man and from district to district, but the average incidence can be found in different districts and it would be interesting to compare this with rates obtaining elsewhere in Africa. In 1929-30 the incidence per adult male in Kano Emirate ran from 13s. 6d. in the most prosperous district to 5s. 1d. in the lowest. This is considerably lower than the tax paid in many parts of eastern and southern Africa by natives in a comparable economic position, and there is no tax, as in some parts of Africa, on extra wives. The cattle tax of 1s. or 1s. 6d. per beast, called the Jangali, is generally the sole payment of the Fulani pastoralists, and as these are semi-nomadic

and pastmasters at concealing or dispersing their herds in the tax season, its collection demands the greatest alertness on the part of the Madaki and the District Heads.

On the general administrative side the Madaki is the liaison between the District Heads, with all their own multifarious local government activities, of which some part will be described later, and the Emir. He is also responsible for the ever-extending system of roads and bridges maintained by the Native Administration.

### *District and Village*

Something has already been said of the difficulties presented to the Administration by the existence of absentee fief-holders. It was a protracted and delicate operation to induce the Emir firstly to appoint men for public rather than private reasons, and secondly, to allow these men to live in their districts as working officials. An elaborate redistribution had also to be made in order to consolidate the large number of fiefs, some of them a mere handful of villages which had been presented to a favourite slave in Kano, into a convenient number of Districts. One or two of these Districts were in the hands of hereditary territorial chieftains, and these were not reorganized; the District Heads here have a special standing both in their districts and in relation to the Emir. The others are as far as possible put under men of loyalty and merit who may be promoted from a smaller to a larger district. Salaries range from £180 to £1,000. Depositions occur from time to time; in 1932 there were no less than five. It is still thought necessary to indulge the Emir's desire to establish the members of his own house; two headships are held by his sons, one by a nephew, one by an uncle, while three districts in which the heads were deposed in 1932 were thrown into one under the Emir's brother.

The reasons why District Heads fall from grace are best indicated in the Emir's instructions to these officials. They may neither hear cases nor commit prisoners; they must not accept bribes for allocating farm-land, or for giving exemption from public works. Many positive injunctions are also laid upon them, among these the submission of a monthly report about rain, crops, number of prisoners, cattle deaths, and vital statistics.

It has been realized in the last few years that there has probably been a double tendency to spend too much upon the capital city as against the Districts, and to over-centralize the Administration at

head-quarters. In the last year or two an attempt has been made to redress the balance. District head-quarters have begun to receive attention and money is being spent upon them, one after another, to improve their general lay-out, their sanitation, wells, court-houses, and schools, and to build dispensaries. The District Heads have been made sub-accountants under the Treasury and are being provided with offices and equipment. 'It is now possible', writes the Resident, 'to send say £100 out to a District Chief to build a Market on an estimate duly passed, and to know that it will be properly accounted for. It will also be found, and can be verified, as I have personally done, that the labour is voluntary and duly paid according to the standard and accepted rate of 6*d.* per day.'<sup>1</sup> It is even hoped that the more intelligent District Heads may soon be able to carry out their own taxation assessments.<sup>2</sup>

A visit to Bichi, the head-quarters of one of the wealthiest districts, will illustrate the work in such a centre, and the kind of supervision exercised by a District Officer in a highly organized Emirate. Bichi is a small town in a district of 585 square miles and 144,653 people. The way to this small town lies through a rich agricultural area to which rows of donkeys are carrying the refuse from the city, passing on their way the Tuareg caravans coming down from the north.

We arrive to find improvements well in hand; the central square is being enlarged and cleaned, and a medical dispenser is beginning his work upon some rather hesitant villagers in the completed half of his building. A large house stands upon the square; the decorations on its walls include symbols of the ruling dynasty, for the District Head is the Chiroma, which is the title of the Emir's eldest son. We find him squatting inside, receiving instruction in English from a teacher from Katsina College, the most advanced institution in the north. He looks a pleasant, not unintelligent man, closely resembling his father. Under impressive outer robes, a cloak of black velvet lined with rosebud muslin, and a coat of gold and silver tissue, his undergown is, as so often happens, very far from clean. The house is arched and between the cobalt-washed columns hang coloured prints of Mecca of the crudest conceivable execution. On the floor homespun mats look distinguished beside the garish rugs from Marseilles: in

<sup>1</sup> *Ann. Rep. Northern Provinces*, 1933, p. 37.

<sup>2</sup> *Ibid.* for 1934, p. 32.

the same way the native earthenware and decorated calabashes show up the cheap European bric-à-brac.

In answer to questions about taxation the Chiroma shows us his tax-receipt ledger with its record of ninety-six villages—written in Hausa but in Roman instead of Arabic characters—and gives us the following information:

‘I collect a tax of £19,000. This year I have had some 50 complaints about the incidence, and most of them were justified. The excess was shifted on to richer neighbours. Only 10 complaints reached the Assistant District Officer who toured my district. Last year I had 200 complaints. If a man fails to pay he is brought to me and I investigate the case with some of his respectable neighbours, and, if necessary, distrain upon him. By what authority do I do this? Here is a book containing the Emir’s rules and instructions, and here is the instruction in question. If he has no goods, I send him to the Emir. I suppose the ultimate sanction is imprisonment, but I have never come across a case. The men I ordered to be sold up last year had been so disgusted with the price for ground-nuts that they did not grow any, and grew corn only. This they could not bring themselves to sell.’

He shows us also his time-sheets for workers upon Native Administration works and the vital statistics he is beginning to collect from Village Headmen. After conducting us round the labyrinth of passages and inner courtyards in his house he takes us out to see the District Alkali at work.

The court-house is a single room, too small to admit the public, though a few people, witnesses and others, are waiting about the doorway under the charge of a somewhat overbearing usher armed with a whip. The Alkali, a benign old man in flowing grey robes, sits, gently rocking, on the floor at one end of the room, with a mufti on his right and a scribe upon his left.

The first case is a complicated business deal between two of the small traders who abound in this country. It has to do with a loan made for the purchase of ground-nuts. The agent, following a practice not unknown in the civilized world, tried to make the loan do duty twice over, firstly for a venture of his own and secondly for that of his principal. There was no hope, however, of following up all the tangled ramifications of the case at this sitting and it is adjourned until further witnesses can be called.

In the second case a woman, speaking unseen from behind a grill, asks for a divorce from her husband because she has not had

a child by him. On hearing that the woman comes from a village eighteen miles away the Alkali asks the mufti to find out what is the summons fee for that distance. It is 2s. 6*d.*; the woman produces the sum; a messenger is at once dispatched to bring in the husband, and the woman told to lodge in the town for the night and to return to-morrow.

A father asks if his son cannot be let out of jail. He was riding a bicycle and knocked down a small boy of seven, severely injuring his head. The Alkali ordered him to be detained until the fate of the patient should be decided. The parents of the boy produced a message from the dispenser to say that he is not yet out of danger, so the Alkali refuses to release the cyclist. The District Officer points out that the man has not committed a felony and might be let out on bail. The institution of bail is a new idea to the Alkali, and he is keenly interested in it and questions the District Officer as to its working. The District Officer then points out that in the report of the case only two lines have been left in which to finish it. The Alkali replies quite decisively that this case is not going to take more than two lines. He has already decided that the cyclist was culpable: if the boy dies the case will of course go to Kano.

When the court closes the District Officer examines its records. The Alkali has two court centres in the district, and for the preceding month had dealt with eighty-five cases, of which there were three criminal cases, two serious assaults, and one theft, the rest being civil, divorce accounting for no less than thirty-seven. This is a small allowance by African standards for a population of 144,000. Does it only mean that these people are less litigious and more law-abiding than others, or that a certain amount of arbitration still goes on under the village tree? The Alkali shows us the forms on which he writes out minutes of cases, and others for an analysis of cases and judgements. These are sent up monthly to the Waziri's office. There is also a somewhat dishevelled complaint book. The Alkali tells us he has been there sixteen and a half years and cannot remember a single query from Kano about his work, except once when he first began. He seems quite unperturbed by the sudden visitation of the District Officer and answers the latter's questions with assurance and spirit.

As the Chief Alkali's Court at Katsina has been included in this description, so we might widen our acquaintance with Hausa District Courts by going on a few miles over the border and looking

at one of the Katsina Courts. It is a somewhat less dignified institution than that of Bichi. The building is so small that it can hardly hold the litigants, the officials, and our party which consists, besides myself, of an Assistant District Officer, the District Head, and the Emir's representative who, according to custom, is on tour with us. Five vultures, perched on five decorative bosses above the doorway, provide an heraldic decoration.

The cases are interesting, and also throw some light upon rural life in Hausaland. A wife brings a case against her fellow wife for assaulting her in jealous rage and biting off her little finger. The complainant, A., is young and comely as she crouches—actually touching her rival—and tries with a whisk of leaves, to beat the flies off her wound and her sleeping baby. The defendant is old and ugly. Both are bare to the waist, and the clerk, asked by me why they are admitted into the court, makes a contemptuous gesture and says that these are not purdah women. One of the Emir's men, trying, perhaps, to be correct in front of a stranger, says that he never saw such a thing before. The husband, a seller of sweetmeats, is away trading in the Southern Provinces. The complainant's father, an old man in filthy rags, is present, also the hamlet head whom the Emir's representative censures because he failed to report the case three months ago when it happened. The old wife says it was simply a fight in which she, too, was hurt, but as the marks she shows are almost invisible the Alkali decides against her. The Emir's man conjectures that the hand is poisoned, but the Alkali says he will not assess the exact damages until the wound is completely healed. The court clerk tells me, in a whisper, that the compensation will amount to between three and five pounds; that the old woman's family will have to produce it and that the young woman will probably buy herself sheep with the money.

The next case is brought against an aged man, dressed in indigo-dyed cotton so threadbare that it is almost transparent, containing far more darns and patches than original cloth. He is accused of burning a valuable tree of a kind the Emir, in a by-law, has ordered to be preserved. In a high quavering croon, the obviously frightened rustic says that he asked his hamlet head's permission to burn on his farm; that his fence caught fire and ignited some swamp grass and so destroyed the tree. The hamlet head denies that he asked permission and says that it is not the first

time he has burned down a tree. The Alkali, however, decides that the fault was accidental and, dismissed with a caution, the old man goes out, murmuring his gratitude.

Below the district organization lies that of the villages. These smaller units, which in less organized groups play a part which demands careful study, have been rather taken for granted in the Emirates where, except for tax collection, our attention was attracted mainly to the centre. An interesting anthropological inquiry might be made into a group of Kano villages to discover their tribal composition in so far as it could still be traced, the family relationships, and the degree to which Islam has permeated the pagan substratum. But here we are concerned only with the organization of the villages under British rule which has been carried out on the assumption that they were largely artificial units. Thus in 1916 it was decided that villages were too small to support Heads of sufficient substance, so the 4,000 existing units were reduced to 450. These units proved too large, and many of the dispossessed Headmen retained an influence which was disruptive of the new system. The number was therefore increased by degrees, until to-day there are 1,200 villages with an average of 12 square miles and 1,000 people each. The salaries of the Village Heads were computed at 10 per cent. of the tax collected, but in 1929 a regular appropriation of £25,000 was made for this purpose. The salaries are now paid each quarter directly from the Treasury instead of through the District Head, as this practice led to frequent complaints. It is laid down that Village Heads, who have long been regarded as the weakest link in the chain of administration, should be the real choice of the village and not, as sometimes occurred, the nominee—at a price—of the District Head. Touring officers are instructed to inquire on the spot into the appointments of Village Heads.

Two years ago a deliberate attempt was begun to develop the Village into something more than a tax-paying unit. The Hausa word for elders, 'men who have given up playing the fool' but have not yet passed into the ranks of the *tsofo*—or very old—is *dotiben gari*. These are to be encouraged to form an unofficial council around the Village Head, or hamlet heads. These groups are to be encouraged to take an interest in the development of their district, and to hold meetings with the District Head and the touring officer. It may be that we have here the germ of a council system which may result by slow degrees in a true decentralization of an

organization which tends to be a little top-heavy, and the development of an active citizenship among large populations accustomed for centuries to slack but extortionate autocracy. There is a danger of devitalizing the Emirates by excessive bureaucratic efficiency at head-quarters, and we may ask whether the bigger and richer Emirates would not be all the better for some measure of decentralization by which the Village Heads, the natural representatives of the people, might be brought into more active partnership with their Fulani overlords, especially as regards the local expenditure of some part of the revenues they raise. There is still sufficient sense of superiority on the part of the Fulani authorities towards the Hausa peasantry to make full co-operation between them difficult, but the double processes of racial fusion and of education are working, however slowly, to make Kano and the neighbouring Emirates into more united and enlightened societies.

CHAPTER VIII  
THE EMIRATES IN GENERAL

*Population and Revenue*

A SINGLE Emirate has been described as a working organization. In the course of this description a number of characteristics and problems which Kano shares in some degree with other groups in the north have emerged. A rapid glance at the organization of some of the other Emirates will bring out points of similarity or contrast with Kano and so provide, if only in outline, a more general picture of the administration of Moslem Nigeria.

There are thirty-eight Emirates in Nigeria to-day. The organization of all of them consists of Villages, Districts and, at the centre, Emirs with Councils, and Treasuries. The following are the seven largest Emirates with their populations according to the 1931 census and their revenue for 1932-3, i.e. prior to the reduction from 70 to 60 per cent. of their proportion of the direct taxation.

<i>Emirate</i>	<i>Population</i>	<i>Area in square miles</i>	<i>Revenue 1932-3</i>
Kano . . .	1,992,263	12,217	£233,114
Sokoto . . .	1,323,531	25,608	£121,679
Katsina . . .	925,360	8,490	£86,845
Bornu . . .	714,325	33,159	£70,174
Adamawa . . .	433,121	19,944	£32,820
Ilorin . . .	403,110	4,164	£47,786
Zaria . . .	399,868	15,788	£39,150

The list, which also serves to illustrate the variety in the prosperity and, therefore, in the rates of taxation in the Emirates, would, if carried down to the smaller units, show several which contain only 20,000 to 30,000 people, and would finally reach Jemaari, organized as a single District, with 17,000 people and a revenue of £2,145. Although all these units have in the main the same institutions they vary widely in character. This is partly due to size. It is obvious that when the smaller ones have made out their salary list there is little surplus for those welfare activities and public works which in the big groups demand such elaborate organization and such a large transfer of responsibility. They vary, too,

according to their history, ethnology, and physical conditions. But perhaps the most important division is between the mainly Mohammedan groups in the extreme north and those which lie in the centre, where the large, and even predominant, numbers of pagans raise problems which must be considered later.<sup>1</sup>

### *Districts and Villages*

The district organization of the Mohammedan areas presents much the same features as in Kano. There are, however, local variations. In the Emirate of Sokoto, for example, we find that the village organization is somewhat artificial, with defects which lead to numerous depositions of Village Heads. The Districts, on the contrary, are mostly traditional with the Headship running in certain outstanding families. In Bornu Emirate, on the other hand, while the disasters which the rulers suffered prior to our arrival broke down the District organization, the Villages, at their lower level, and formed mostly of homogeneous Kanuri stock, have preserved their vitality, some of the heads treasuring the high title of 'Mai' bestowed directly upon them by their ruler. In Zaria Emirate out of twenty-eight Headships only three were held by hereditary families, the rest being filled by officers of the court or royal cadets who were promoted like civil servants from smaller to larger posts. Most Administrative Officers seem inclined to foster the development of hereditary connexions as giving District Heads a more intimate and enduring relationship with their districts, but even if they are right it may not be possible at this stage, and by our agency, to cultivate a quasi-feudal bond. The defects of the institution of District Head might be better corrected by giving greater scope to the Village Heads, who stand closest to the people. They might even be consulted about the appointment of the District Head, though at present this would be a revolutionary proposal to most of the Fulani ruling classes. The importance of the Village has always been recognized on paper; but the small British staff has generally found it impossible to establish any vital and continuous contact with the present groups which are at once numerous, scattered, docile, and parochial. It will be interesting,

<sup>1</sup> For an interesting study of one of the central Emirates see the article upon 'Nupe State and Community', by Dr. S. F. Nadel, *Africa*, July 1935. Dr. Nadel's researches should throw new light upon many of the problems raised in this study.

though we cannot expect any quick results in such a sphere, to watch how Kano works out its newly declared policy of decentralization. Success there, however small in its beginnings, would commend the system to the other Emirates.

### *The Emirs' Councils*

The organization of the Council into a working executive and consultative body, with a distribution of functions to individual members, has been attempted in all the larger Emirates. But the British Administration has been pressing constitutional principles upon the native rulers rather than a detailed plan, and these have been applied variously in accordance with the desires and traditions of each group. In Bornu, for example, which because of historical differences has always followed a very independent line, the ancient council has been revitalized rather than reorganized. Its chief member is the Waziri. This office rests with the descendants of a Shuhu Arab who came to Bornu from Kanem with that Shehu El Kanemi who saved the country from the Fulani and founded the present dynasty. Barth, who visited Bornu in 1856, gives a vivid account of the then Waziri, the grandfather of the one at present in office, describing his wide powers, his leniency, and hospitality.<sup>1</sup> Unlike the Waziri of Kano he is chief executive officer in general charge of all the departments, though he delegates the administration of the Prison, Public Works, and the Medical and Sanitary Departments to subordinates who are members of an outer group called Iyalema. The Talba might be described as the Registrar and Senior Judicial Member; he is an outstanding Kadi and member of a famous legal family. The position of the Shettima Kanuri throws interesting light upon Sudanese as opposed to European dynastic methods in that he is the hereditary representative of the ancient line which was finally deposed by that of the present Shehu in 1846. His former duties were those of chief marshal at all mounted gatherings and of the formal investiture of all officials appointed by the Shehu. He has recently been added to the Council in order to assist the Waziri in the affairs of the districts. The fourth member also holds an hereditary position, that of Ligari Mainin Kinendin. He is the second legal member, and the registrar in all slave cases. Peculiar also to Bornu is the group of salaried retainers, known as Iyalema, who perform various tasks for the

<sup>1</sup> Barth, *op. cit.*, pp. 373 ff.

Shehu and his Council and form a reservoir of trained recruits for official appointments.

Sokoto presents a different picture. Bello, dan Fodio's successor, chose his brother-in-law for his Waziri, and the office has remained in the same family. (We may notice, in passing, that these high posts often tend to be hereditary. In 1934 the Madaki and the Wambai of Bauchi and the Waziri of Katagum were all succeeded by their sons.) Apart from the Waziri the Sultan of Sokoto used to rely either upon the important District Heads, who have now been sent out of the town to work in their districts, or upon slaves and favourites whose participation in public affairs is now discouraged. The Waziri has therefore been left in some isolation, but two other members have been appointed, one as a general adviser, and the other mainly as a supervisor of Treasuries. But the Council is regarded as one of the less developed and successful. In Zaria and in Katsina, both important education centres, a member of the Council devotes special attention to this branch.

All the Emirs' Councils sit as judicial courts, on much the same lines as originally recognized in Lord Lugard's *Political Memoranda*. The membership is not always uniform, some adding the Alkali for this purpose, while some, as in Kano, rely upon other legal experts.

### *The Emirs*

The office of Emir maintains much of the old pomp and prestige which mean so much in the western Sudan, even if shorn of its former independence. At the great annual Moslem festivals the Emirs and all their brilliantly appointed horsemen ride out before their people with as much dignity as in the old days and are received with great acclamation. The Resident, a colourless figure by contrast, always keeps in the background and, with all his officers, works through the Emir and the native officials.

The principle that the Emirs should be freely appointed in the traditional way is no fiction. The occasions when the Government has tried discreetly to tip the scale in favour of what seemed by our standards the most likely ruler have not always been so successful as to encourage the practice. Eligibility for the office varies; it may lie between members of one royal family, as in Kano and Bornu, or two or three families in rotation, as in Bida and Zaria. It never goes by strict primogeniture. The selection is generally made by the Councillors, assisted perhaps by holders of certain titles. In

Sokoto the Waziri has the decisive voice. It would be too much to hope that wealth plays no part in these 'elections' or that candidates are chosen mainly for administrative talents of the kind approved by the Government. In some cases the choice falls upon an elderly nonentity who is expected to assure his supporters of a quiet life.

If the Emirs were mere puppets it might be possible to generalize about their quality; but opportunity is given for the display of character and initiative, and like any other group of men they make a varying response to it. The Emir of Katsina, for example, is known far beyond Nigeria as an alert and progressive ruler. He desires to turn Western knowledge to the service of his people, and is keenly interested in all the activities of his Administration, in the schools which maintain his city's ancient tradition for learning and in experiments in agriculture and stock-production, well-boring, forest preservation, and the like. He has been on pilgrimage and has visited England more than once: he has flown in an aeroplane, and he runs an excellent polo team in which his own sons are the star performers. Without in any way abandoning the tenets of his religion—though his fellow Emirs may turn critical eyes upon him at times—he has a temperament which new things attract rather than repel. The Shehu of Bornu is progressive in a very different sense. An aged man—he is over ninety—of great austerity, every Administrative Officer who has to do with him calls him a real ruler and a great man. He is prepared to be convinced of the value of the new things the British have brought with them and, once convinced, he knows how to ensure their adoption. On the rare occasions when his wishes are overridden, he loyally accepts the decision, and acts upon it as energetically as if it were his own. He is famous for his courtesy and tolerance, and his advisers remark his religious life and rigorous fasting.

But these and one or two others who could be mentioned are long-established and outstanding rulers. It is not always very easy to learn much from the outside about the capacity of a Nigerian Emir. The officials have thoroughly learned the lesson laid down in the *Political Memoranda* that the deposition of a head chief is not to be lightly undertaken. They know that unless his failings are of a very serious nature there will be little hope of replacing him by any one very much his superior. So long as the chief is in power, it is necessary to give him public support even if it is

combined with private criticism. It is therefore axiomatic that although a ruling chief may not be very good, he is never very bad. His faults remain decently buried between the covers of a confidential file. Yet on the discreet level of generalization it is possible to distinguish the points where Nigerian Emirs most frequently fail to reach our standards, and so cause most anxiety to their foreign advisers.

One of the most difficult lessons to teach has been that of decentralization, whether to responsible ministers at head-quarters or to District Heads. The Nigerian Emir shrinks from delegating his powers except to those members of his family whom he feels he can trust or to creatures of his own, such as freed slaves, who owe everything to him. There is also the problem of personal extravagance. It has already been said that salaries, large by African standards, especially in comparison with the practice in territories more directly ruled, are paid to the Emirs. Taking the seven leading Emirates named above and turning again to the 1935 figures in the Native Administration Estimates we find that the Emir of Kano draws £6,000, with an allowance called an 'Establishment Charge' of £2,500: the rulers of Sokoto and Bornu draw little less. Then come Yola, Ilorin, and Zaria with between £2,000 and £2,500 each. Even the unit at the bottom of the list, the minute Emirate of Jemaari, provides its ruler with £400, which is about a fifth of the total revenue. It must also be remembered that many of their retainers, messengers, &c., are paid by the Treasury. Yet most Emirs are in debt, or running close to it, either to Arab, Syrian, or Fezzani traders or money-lenders. Personal luxuries may partly account for this, but there is a limit to the scope in these for Mohammedans who still live according to a conservative social pattern in simple earthen buildings. Very few of them as yet are much interested in motor-cars, and drink is forbidden them. The explanation lies more in the Eastern tendency for relations and clients to throng about the man of substance and most of all about the house of the ruler, and in the tradition which makes him admit their claims in a gesture at once of charity and magnificence. At best (by our standards) he may be flinging largesse to the city beggars or at worst (by the same standards) accumulating crowds of concubines in the inner court-yards of his palace. Whatever the reason for them, it is these financial difficulties which may tempt him to accept presents, to

sell offices, to maintain his relations and many sons in salaried posts on the estimates, or to over-indulge in private trade.

There are also special occasions which call for spectacular expenditure. The desire to marry into the family of the Sultan of Sokoto brought one small Emir to the verge of deposition. On a salary of £800 he put up about £6,000 for the wedding expenses. Regarding the occasion, as did the English kings, as one for an 'aid' from his subjects, he ordered a levy upon Village Headmen. From one district he ordered every man with a horse to present himself on pain of a fine of five shillings. He sent a large procession led by his son and accompanied by crowds of servants and conveying a cow and a calf, perfume, and tobacco-flowers as well as many valuable presents, to fetch the twelve-year-old bride. Police were given the hint to keep informers away from the District Officer and one complainant who reached the Resident was imprisoned for a year on a frivolous charge. The event is of interest as showing the extent to which the natural desires of these rulers are repressed under our rule. A somewhat disturbing light is thrown by the deposition of a certain minor ruler whose misdeeds were only notified by wholesale migrations from his country. It proved hardly possible to assure his subjects that he would never return in order to get some evidence from them about his misdoings.

One of the few important Emirs who have been deposed in recent years resorted, according to complainants, to more serious offences against our principles. He judged prisoners alone and sent in returns as if the case had been tried in full Judicial Council. Two of his enemies mysteriously died in the Native Administration prison. He took land for farms and worked them with forced labour. He was, in fact, as so often happens, a very able man, and there were some who regretted that another attempt was not made to turn his initiative into more public channels.<sup>1</sup> It would not be surprising to learn that there is always a proportion of Emirs who are only kept upon the narrow path of public duty that we have traced for them by constant exhortations and even by occasional reminders of our powers of deposition. It is more remarkable, in view of the condition of Northern Nigeria thirty-five years ago, that so many of these rulers seem to understand what we ask of them even if they do not wholeheartedly approve of it, and that they show so much ability in carrying it out.

<sup>1</sup> Sir Hugh Clifford, *Address to Leg. Co.*, 26 Feb. 1923, pp. 29-30.

*The Native Treasuries*

It is impossible to conceive of the development of indirect rule to its present position in Nigeria without the institution of the Native Treasury.<sup>1</sup> To Mr. Ormsby-Gore in 1926 they appeared 'the most essential feature of the system'.<sup>2</sup> The beginning of this institution has already been described.<sup>3</sup> Its history since then, up to the time of the slump, has been that of an increase of wealth and an elaboration of machinery.

The following figures will show the growth in the resources on the northern Native Administrations up to their zenith in 1929:

	£
1911 . . .	197,296
1915 . . .	324,155
1919 . . .	536,007
1924 <sup>4</sup> . . .	739,000
1928 . . .	1,049,221
1929 . . .	1,683,567

The increase has been caused by the rising prosperity of the country, by an extending and improving assessment, and by the increases in the proportion retained by the Treasuries. A distinction has been made between fully organized treasuries, where the Native Authorities could be entrusted, always, of course, under supervision, with the management of their own funds, and those others in a less-advanced position, and generally in pagan areas, which were called partially organized. In 1928 the fully organized treasuries, of which there were then twenty-five out of a total of fifty-eight, were all given 70 per cent. of the revenue they collected instead of the 50 per cent. which had become the standard proportion. Since then the number of fully organized treasuries has been increased. In the year 1933-4, however, the Central Government, faced by prolonged financial difficulties, turned to the Native Treasuries for some alleviation, and cut down the percentage of the fully organized units by 10 per cent. They are now being asked

<sup>1</sup> In this and the following section it has not been possible to separate all the figures and facts from the north as a whole, though the emphasis continues to be upon the Moslem units.

<sup>2</sup> *Report by W. G. A. Ormsby-Gore on his Visit to West Africa, 1926*, Cmd. 2744, p. 116.

<sup>3</sup> See above, pp. 70-2.

<sup>4</sup> The 1923 figure was not reported, that of 1924 was reported approximately. See *Annual Reports*.

to take over certain charges which at present fall on the Central Government, such as the construction and maintenance of trunk roads. The decrease in the amount of tax returns as well as in the percentage retained brought the total revenues of the Treasuries down to £849,436 for 1934-5. The situation has been met mainly by drawing upon the comparatively large reserves, by cutting down expenditure on public works, and in some cases by reduction of salaries.

To go back to the more prosperous times, the increase in the revenue handled by the Native Authorities was spent mainly upon public works. The example set here by Kano was followed, if only at a respectful distance, by other groups. Welfare services also expanded. The percentages for the main items in the estimates for 1931-2 for Kano, and the Northern Provinces generally, were as follows:

	<i>Kano</i>	<i>Northern Provinces</i>
General Administration, including police and prisons .	48·1	59·97
Recurrent works and staff . . . . .	28·1	19·12
Education . . . . .	2·6	4·31
Survey . . . . .	5·2	0·16
Medical and sanitary . . . . .	3·7	4·14
Agriculture . . . . .	0·8	0·52
Forestry . . . . .	0·0	0·85
Capital works . . . . .	12·3	8·01

In studying these proportions two things must be remembered. Firstly, that many services are carried on by the Government and that even where Europeans work in Native Administration institutions, their salaries are generally carried on the Protectorate budget. Secondly, that the welfare services have had to fight against Moslem prejudices in the advanced areas, while the more backward groups are hardly in a position to take over such activities, and these, therefore, are to be found on the Protectorate budget. The relation of Native Administration to Protectorate expenditure will be discussed in a later chapter.<sup>1</sup>

The large sums spent upon public works have raised various administrative problems. The administrative staff pressed the advance partly because they felt that the Native Administrations could operate more cheaply, more quickly, and in closer harmony

<sup>1</sup> See below, pp. 272-8.

with local demands than the Public Works Department. But a more fundamental reason was suggested to them by the principle of indirect rule. They pointed out the desirability of the rulers maintaining some control over the expenditure of such considerable sums raised from their people. These rulers should be stimulated to understand and to possess the large innovations the West had brought to them, instead of sitting back and regarding them as inexplicable intrusions forced upon them from outside. It took some time before the Administration worked out the best method of bridging the gap between the conservative rulers and the technical achievements they were invited to father. The main difficulty lay in their relations with the European staff which alone could execute the work. Three methods were tried.

(1) '*The Provincial System*'. Under this the Government Department undertook definite pieces of work for the Native Administration as if it had been a private contractor. This was necessary at an early stage and especially in the case of small units which had little hope of building up their own departments. But it had little educational value either for the authorities or the people, who still regarded it as work done for them by the Government.

(2) *Secondment of Government Officers*. This was an advance upon (1) as it gave the Native Authorities a greater sense of control and obliged the seconded officers to work through local officials and train local labour. This system has been very extensively used during the last ten years, and its success has been largely due to the insistence of the administrative staff that in the public works policy the educational objective should be paramount. Thus they have endeavoured to obtain officers fitted by temperament and linguistic knowledge to work with the natives; to obtain the recurrent, if not continuous, secondment of such men, and to assist them to train native subordinates, whether overseers or skilled artisans. They have selected such works as would form the most useful experiment for immature native departments.

(3) *Direct Engagement*. The administrative staff believe that for the bigger emirates this is the most educative method, as it means the undivided devotion of the expert to the service of the Native Administration. For many years, however, the Government hesitated to sanction the direct employment of Europeans. Since permission was given a few years ago the large emirates have engaged two or three Europeans upon their works staff. There has, however,

recently been a reaction away from this policy, marked by the change in the status of the staff of the Kano electricity- and water-supply. The main reason given is that men thus directly engaged by one Native Administration have little prospect of advancement, and that, as they are not in direct contact with the higher technical officers of the Government, they are liable to become out of date in their methods. These and other less important reasons have to be set beside the immense advantages gained when a man is willing to devote himself to the service of a single administration in spite of the risk to his career.

It was soon realized that what in the aggregate were large sums could not be spent in some sixty centres without some co-ordination of policy. In 1928, therefore, a Superintendent of Native Administration Works was appointed who was stationed at Kaduna and whose function was to advise upon the planning and execution of public works. The Treasuries contribute to his salary in proportion to their revenues. Since this appointment more attention has been paid to long-range planning. It has been necessary, especially since the financial stringency set in, to plan with a careful eye upon recurrent expenditure and maintenance costs and also to relieve the embarrassed Protectorate exchequer to the utmost possible degree. The larger Emirates offer striking examples of what can be achieved through a partnership between trained officers and Native Authorities that probably no other system could have given.

Co-ordination in financial methods has developed alongside that of expenditure. The Administrative Staff was remarkably successful for a long time in keeping Native Administration finances free from the control and audit of the Treasury. Their indirect principle demanded that the management of the treasuries should be adapted to the varying standards of intelligence and local tradition of the native Administrations. This meant simplicity and flexibility of method and considerable discretionary power on the part of the Residents. Administrative Officers were appointed from time to time to make tours of audit. As the revenue increased there was frequent criticism of this situation in Legislative Council and from unofficial quarters, and a financial scandal in 1931 involving an Administrative Officer gave point to these criticisms. In 1930 an officer was appointed as adviser to the Native Treasuries and after a tour of inspection he produced a collection of memoranda dealing with all the technical financial points. Shortly

afterwards a compromise upon the audit controversy was reached when specially trained officers, working under the Government Auditor, and paid for by pro-rata subscriptions from the Native Treasuries, were appointed. Sir Donald Cameron, however, decided that the Administrations were now sufficiently advanced to require professional audit, and sufficiently well established to stand it. The duty is therefore now performed by the Government Audit Department, though many experienced members of the Administration are apprehensive of the effects of its control in a sphere where a more intimate and flexible guidance is needed than that of the cold correctitude of British public finance.

In reviewing the position of the Treasuries in the whole scheme of administration, it is impossible not to admire the tenacity of the Administrative Staff in putting the political, or more exactly, the educational, objective before the material. The Native Treasury is perhaps the most important, because the most dynamic, contact between the Native Authorities and that formidable modern material civilization which, through the power of money, can be made to serve them. Critics who characterize the Northern Nigerian system as the crystallization of an obsolete feudalism should be invited to study the developments of the Native Treasury system. There is more point in criticisms from the opposite angle that the Treasuries are an innovation which the Native Authorities have not, and perhaps for a long time cannot, assimilate. The answer has already been given: that the Treasury system is an attempt to make a working connexion across the wide gulf which separates African societies from the material progress of the Western world. The difficulties of this attempt have been avoided in some parts of British Africa simply by not making it, and by imposing all improvements without reference to native opinion, which therefore regards them with disfavour or irresponsible detachment. Yet it must be admitted that the difficulties of the Nigerian policy have not all been overcome, and it is permissible to ask how far the Native Authorities have in fact a real responsibility in the handling and expenditure of their revenues.

The first part of the question is the easier to answer. In all the larger emirates the Treasury is in truth a Native Treasury. To visit Kano, Katsina, or Zaria Treasury, in company with an Administrative Officer, is to realize vividly that the African officials are in charge and can supply a fuller and more intimate account of

what they are doing than can the European guide. It will perhaps illustrate this point if an abstract from a financial debate at the Emirs' Conference in 1931 is quoted. The particular subject is the Memoranda compiled by the officer who had recently reported upon the treasuries.

*The Kano Treasurer:* I have found these memoranda of very great value. There are, however, one or two details I should like to mention. I consider there should be one more margin in the Monthly Summary. The Cash Book is too small and we want at least 250 pages. The Daily Extract would be better if it showed the total of the transactions of each day. The Vote Service Ledger is quite satisfactory. As regards the Ledger Account, if we have a claim for, say, £1,000 and at the same time owe £200, we do not want the £1,000 paid to us while we pay out £200. All that is necessary is that we should be paid £800 on a single voucher. It is desirable that the officer auditing Native Treasuries should be a stranger who has not had the duty of dealing with the actual details of the working of the particular Native Treasury.

*Emir of Kano:* The visit of the officer dealing with Native Treasury affairs was of considerable value, and I am in favour of inspections from outside.

*Emir of Zaria:* That is so. I consider it to be of advantage that the inspecting officer should be a stranger.

*Emir of Katsina:* I agree with the Emir of Zaria. I would also like to make two suggestions; one is that the vouchers of each separate department of the Native Administration—Education, Medical, &c.—should be of different colours. Secondly, it is desirable that the Treasurer should know English, as English is occasionally required.

*The Lieutenant-Governor:* With regard to the differentiation of the vouchers used for the different departments, what is being done in the Kano Native Treasury?

*Kano Treasurer:* We have different vouchers for the payment of labour, for payment of salaries, for petty purchases and for the payment of money into the Treasury. General Tax and Jangali receipt vouchers for money paid on these accounts by District Heads are also different.

There followed a discussion between the Kano Treasurer and the Emir of Katsina regarding vouchers and the various forms were exhibited. The Emir of Katsina said that the kind of vouchers he was inquiring about and which he wanted were those which the Ma'aji (Treasurer) of Kano had shown him.<sup>1</sup>

The control by the Native Authorities of financial policy

<sup>1</sup> Northern Provinces Advisory Council, 1931, *Record of Proceedings* (Kaduna, 1932), pp. 38-9.

or expenditure is inevitably incomplete. Could it be claimed, for instance, that the ruling class, still more the masses of Kano, willed to spend the huge sums involved in the water and electricity scheme? The most that could be said, probably, is that some degree of understanding and agreement was obtained from the Emir and Council. In other matters, as we have seen, personal predilections play their part. The Emir of Katsina is interested especially in education, the Emir of Kano in agriculture, the Emir of Fika in motor-cars and so in motor roads, while the Sultan of Sokoto, in inaugurating a medical innovation, proudly referred to the interest of his distinguished ancestor, dan Fodio, in medicine. But these are exceptions. When officers in charge were asked to indicate which parts of the budgets of their Administrations showed the influence of the Native Authorities, it was not often that they could reply. Yet already, as I have tried to indicate, the more advanced of these Authorities are beginning to regard their own institutions differently from those supplied them by the Central Government. Even if they do not entirely appreciate the utility of all the innovations they have been prompted to adopt, they have a sense of ownership towards them, and also show a not unhealthy rivalry towards those of neighbouring rulers. The next phase, already beginning in certain emirates, is to learn by experience to value the innovations for themselves. To show that the estimates are largely drawn up by the British staff is not necessarily a condemnation of the system. While responsibilities too far beyond the competence of Native Authorities should not be pressed upon them, the next instalment of such powers should be placed in the hands of the Administrative Officer who alone can judge the almost imperceptible stages by which these can be shared with the various groups as they advance in education and self-confidence. Since experiment is part of education the transfer should always be a little in advance of capacity.

#### *The Emirs' Conference*

Even in the period immediately following the Jihad the primacy of the Sarkin Musulmi had never been translated into terms of political organization. He confirmed the succession and, occasionally, the deposition of Emirs, and he received from them a tribute which was paid mainly in slaves. This common allegiance did little to unite rulers, who in 1900 could not even co-operate effectively

against the infidel. The British Government in occupying Northern Nigeria assumed a sovereignty which absorbed the lesser authority of Sokoto, but, conformably with the whole spirit of our policy, no attempt was made to diminish the prestige the Sultan still held in the eyes of the Emirs.

It was in 1912, upon the return of Sir Frederick Lugard, that the ruling chiefs of Northern Nigeria were first summoned to a Durbar which was a testimony to the security of our rule and to its unifying potentiality. This assemblage of once mutually jealous, or even antagonistic, rulers and their followers was achieved with perfect order, and Residents afterwards reported its stimulating influence upon their chiefs. It was a meeting, as the Emir of Kano observed, of those 'who had never previously enjoyed any shelter in common save the shades of night'.<sup>1</sup>

The second Durbar was held in 1925 on the occasion of the visit of the Prince of Wales. The Government, thus reassured as to the possibility of such meetings taking place without disorder or even embarrassment, decided a few years later to bring the rulers together for more practical purposes. In 1930 a tentative step was taken when regional conferences were called at six different centres. The success of these surprised even the Administration. 'Old prejudices, even old enmities, were forgotten and in their place were displayed a sense of responsibility and mutual co-operation expressed with a courtesy and freedom from embarrassment which lent a dignity and tone to the proceedings. . . .'<sup>2</sup> The Sultan of Sokoto evoked favourable comment by leaving his capital and attending a regional conference in person. This success encouraged the Government to call a full conference of rulers and their advisers to Kaduna at the end of the same year, and so great was the response that it was impossible to accommodate all the chiefs who desired to attend. The chiefs were accompanied by their Residents, while Departmental Officers and unofficials, traders and bankers, attended to expound their special interests. Between the conferences sports, polo matches, and garden parties encouraged social contact, while pagan rulers from the Benue were courteously received by their former enemies.

The novelty of the event and the ceremoniousness innate in the

<sup>1</sup> *Ann. Rep.* for 1912, pp. 31-2.

<sup>2</sup> *Report of the Meetings of Advisory Councils of Emirs, 1930* (Kano Emirate Printing Department), p. 5.

Fulani ruling class did not prevent businesslike discussions, during which a grasp and keenness were shown, only possible to men who are responsible administrators. A wide range of subjects was covered: agriculture, police, taxation, precautions against famine, forest reservations, the improvement of the breed of horses, judicial procedure, the control of tsetse-fly, education, the traffic in reptile skins, and many other topics. Chiefs from different areas explained their particular methods of dealing with administrative problems, and even though the result was often an agreement to differ, this sharing of experience promoted a healthy rivalry. It happened that in 1930 the Sultan of Sokoto, who had long been unsatisfactory as a chief, caused public scandal to all good Moslems by resorting to occult and magical practices. Repudiated by his own people, he fled into French territory. He returned and was deposed. At first there was some apprehension as to how the other rulers would react to an event so shocking to both their religious and political feelings as the relapse and downfall of their ancient suzerain. At the 1931 conference, however, the chiefs introduced the subject themselves and rose, one after another, to condemn not only his irreligion but his shameful flight over the border, thus implicitly affirming their own allegiance to the Crown.

'The Emir of Kano entirely agreed with what the Emir of Gwandu had said. If a chief did not behave in a manner worthy of his position, then the people must disown him. He thought with the Emir of Gwandu, that it was a shameful thing for him to have gone into French territory. . . . The Emir of Kontagora felt very deeply the disgrace the ex-Sultan of Sokoto had brought upon them all; he was a relative of his own and was the representative of the house of Shehu dan Fodio. He had left the path of justice and duty and they were deeply ashamed of the fact. He considered he should not be allowed to live anywhere near the Hausa country.'

The decision to deport the ex-Sultan to a pagan area was then taken upon the advice of his fellow rulers.<sup>1</sup>

Yet the conference has been no timid group of placemen afraid to speak their own minds. On matters that touch their religion and social customs the chiefs have shown a stalwart conservatism, and even if only by implication have criticized the Government. A few extracts picked from the records (which in 1930 and 1931 were

<sup>1</sup> *Record of Proceedings at Full Meetings with Emirs and Chiefs, 1931* (Kaduna, 1932), pp. 37-8.

published in English, Hausa, and Arabic) will indicate the spirit of the conference and throw some light on the mentality of its members.

Here is a comment from the Madaki of Kano, who has already appeared in these pages, upon the training of police:

"The reason for drilling is not well understood by the Yan Doka. They are inclined to ask what use it is for the apprehension of criminals and to say that they are being trained as soldiers, because they are given words of command in English. Although we recognize that drill is necessary for discipline it might be preferable at least to substitute Hausa words of command. We do not like your "one, two, four" (laughter) which the people do not understand; there are Hausa words for "one, two, four" and other commands which should be used and then no offence will be caused."

Speaking upon the same subject at the full conference of 1930 the Emir of Kano, disagreeing here with the Emirs of Zaria and Katsina, declared that he did not wish to have a European officer in charge of his force, 'as that would mean that it would pass out of their hands'.<sup>2</sup>

On matters of education the general attitude is still somewhat defensive. Accordingly a debate upon education is certain to evoke a statement such as that made by the Waziri of Kano in 1930. The Waziri, it must be remembered, is a conservative.

'It is most important not to forget Arabic. It should be maintained so that religion may be strengthened, likewise the laws. For the strength of religion is the strength of law; what hurts one hurts the other. Religion cannot be strong save by knowledge of Arabic. Arabic must also be maintained in order to provide judges and their assistants, and other native administration officials and scribes. Given a sound grounding in Arabic all other learning of any description will offer no difficulty. Books should be provided for Arabic students. It is right to amalgamate the crafts and literary schools for it is a good thing that every man should know a craft. But if they are amalgamated the literary side should be regarded as the superior, because since the time of the Prophet letters have come before crafts. It is even said "Mallams are the heirs of the Prophets"; it is never said "Craftsmen are the heirs of the Prophets."<sup>3</sup>

Arabic is regarded by the Nigerian Moslem very much as Latin was by the medieval Catholic, though it has less cultural value for him. The conference has also shown itself apprehensive of any

<sup>1</sup> *Advisory Councils of Emirs*, 1930, p. 20.

<sup>2</sup> *Northern Provinces Advisory Council*, 1930, p. 20.

<sup>3</sup> *Advisory Councils of Emirs*, 1930, p. 16.

hasty advance in girls' education. The Madaki of Kano, always a vigorous speaker, thus delivered himself upon the subject:

'I would like to say a few words about the proposed education of girls. I think that some definite time limit should be laid down for the length of the course, so that girls may prepare for marriage at the normal age. If a girl entered the school at 7 years of age she would be sufficiently educated when she reached the age of 10. If she entered at 9 she would similarly do a three years' course. Let them not remain at school in any case after the age of 12.

'Games should be played inside the house only. It would not be right that they should play outside as the boys do. Then as to punishment, extra work would be sufficient. It would not be right to inflict corporal punishment.

'It would be fitting if a woman intermediary were put between the mistress and the girls.'

In 1934 at a conference of which no report was published, even those who had shown themselves most interested in education for girls were agreed that if girls were to be allowed to attend Koranic schools this should in no case be after the age of puberty.

One more example may be given which is important in itself as well as being an illustration of the Fulani point of view. First, without entering into the complexities of the Maliki law of homicide, we may note that it is generally read in Northern Nigeria as leaving no alternative between a sentence of death and one of a year's imprisonment with a hundred lashes. Obviously this is a position which the Government finds it difficult to accept, and its difficulty has more than once been presented to the chiefs. There has been little response. In 1930 the Emir of Zaria presented the Lieutenant-Governor with a resolution signed by all the Emirs to the effect that after full consideration they were unable to suggest any departure from the strict letter of the Mohammedan law. 'Moreover if Emirs and their Councils abandoned this principle, not only their chiefs and the educated classes, but also the peasantry, would feel that they had abandoned their religion.' The Alkali of Bauchi, a man of exceptionally fine character, speaking for all the Alkalis present, made the same assertion. It may be interesting to quote the Lieutenant-Governor's reply: 'His Honour thanked them for their clear and unequivocal statement of their point of view which appeared to him to be entirely logical, since

<sup>1</sup> *Advisory Councils of Emirs*, 1930, p. 41.

if they abandoned the administration of law as they understood it, they had no guiding principle to put in its place.' But he suggested that in view of this attitude the Governor might be obliged to modify their sentences.<sup>1</sup>

At the first conferences the Emirs sat together with their councillors according to their provinces, the Resident of each being present with them. In 1934, however, when a less full and formal conference met, an important change was made in the procedure. The Emirs, led on this occasion by the new Sultan of Sokoto, who was treated with the greatest deference, sat together in a crescent-shaped row. Their councillors were accommodated behind, and the few Administrative Officers who were present sat aside, and took little part in the discussions. The chiefs were thus left to take the initiative and only subjects raised by them were discussed. They also met in a session without any European advisers.

The record of these conferences is deeply interesting to the student of Nigerian politics as they throw some light upon the ideas of the native rulers. Administrative Officers have spoken with enthusiasm about the value of the discussions and of the contacts made both within and without the conference hall. It was, of course, too soon to visualize the part this conference might have played in the constitution of Nigeria. Already there has been a reaction of policy in the opposite direction. Sir Donald Cameron discontinued the Advisory Council and called only a smaller and less formal conference in 1934 of which there was no published record. It is known that he deprecated any tendency to develop the north upon separate and different lines from the south, and this may explain his policy in this matter. It is true that experience in the Empire has shown that advisory councils tend to become stale and dissatisfied if debate, however interesting, remains their sole function, and that the Nigerian Council must, if continued at all, have developed into something more effective. Such a development needs to be thought out very clearly in advance. Yet it seems to be in harmony with the evolution of indirect rule, in which a wider unity can only come by the natural federation of neighbouring societies. The groups in the Northern Provinces can hardly be expected to skip all the stages between their present narrow groupings and that of a united Nigeria.

<sup>1</sup> *Ibid.*, pp. 54-5.

## CHAPTER IX PAGANS IN EMIRATES

### *The Survival of Paganism*

**SOKOTO**, in artificial if convenient manner, Northern Nigeria has been discussed as if it were an entirely Mohammedan country. This, of course, is far from being the truth. The Census of 1931 gives 60 per cent. as Moslem, 33 per cent. as Animist, and 7 per cent. as Christian.<sup>1</sup> These figures, however, are not so approximate as between Moslems and pagans, since the religion of the Prophet is a variable quantity between the degree represented by *suhi*, the revered Alkali of Bauchi and the pagan *malam*, who, having donned a gown for the visit of the census taker, claims that religion as his own.

In the brief account of Nigeria before our occupation, Mohammedan influence was shown as having been gradually penetrating from the north for some seven or eight centuries, when it was dramatically revived and extended far to the south in the Jihad of the early nineteenth century. Are we to assume that by their coming the British arrested a movement that would have resulted in the conversion of the entire north? The question is not easy to answer. The tenacity of paganism is one of the surprising factors in Nigeria. Even in the extreme north, and with little help from natural features, groups of pagans near Sokoto, Katsina, and Kano resisted Islam for all those centuries of influence before the Jihad and the militant pressure which accompanied it. The hill-pagans of the Plateau and the east had maintained themselves inviolate from both Habe and Fulani, and it is probable that until their enemies had drawn largely upon the European methods of war they would have continued independent. As we saw, the rulers of Bornu, when the curtain of history first goes up upon that ancient kingdom, were raiding pagans not very far from their capital, and there were still pagans there for them to raid when our column marched up in 1902. As for the large extension of Moslem rule into central Nigeria at the Jihad, the religious impulse of the movement had spent itself long before our coming, and the rulers of

<sup>1</sup> *Census of Nigeria, 1931, vol. ii, p. 46.*

these large pagan groups wielded little more than a static political supremacy.

The position in Northern Nigeria cannot, however, be understood unless we inquire more exactly into the process of conversion. This can occur in three ways. The first, direct proselytization (to be distinguished from revivalist movements among the faithful), does not seem very active to-day, and there is no evidence that it was much more active in the past century once the first impulse of the Jihad had spent itself. The second method, by enslavement, was, however, widely effective. The Hausa or Kanuri populations of the north have throughout their Moslem era been levying a steady toll upon their pagan neighbours, and a proportion of this has been absorbed into their own societies. This process is now at an end. There remains the automatically attractive force exercised by Islam upon the savage, and this is in full operation to-day.

Mohammedanism stands out in a primitive country like Nigeria as much more than a religion: it is a way of life. The Mohammedan not only observes his rites but he wears clothes, a gown, and a turban; he talks Hausa which has become the lingua franca of Mohammedan Nigeria, and he acquires a status which makes it easy for him to travel far outside his home along strange roads and to strange markets. In other words, he has become a member of a community which transcends tribal and even Protectorate boundaries, and may one day lead him, with the few thousands who set off every year, on a long journey to the sacred places of their religion in another continent. Small wonder that he despises the pagan, marked out by his semi-nakedness and the particular speech and customs that confine him to his own primitive and highly localized culture. The pagans appear to react in two different ways to this contempt. Those who have long and bitterly maintained themselves, especially in the hill country, meet contempt with hatred or prejudice, and cling determinedly to their pagan customs. Jos, the head-quarters of the Plateau, is the centre of the tin-mining activity and contains a considerable Mohammedan population. Yet pagan men, and, even more, their women, bringing their wood and other produce to the market-place, walk daily past the garages, banks, and mosques and are reflected in the mirrors of the drapery shops, in the stark nakedness which was theirs thirty-five years ago and which they still regard as indispensable to morality. But Jos is an independent

pagan area of which more will be said presently. Within an emirate, where the ruler and the District Heads are Mohammedans, and where education and advancement can only be open to Mohammedans, the Village Head tends in time to don the *riga* and to pick up Hausa, and these are first steps on the road to Islam.

What is our policy in this matter? Here Lugard gave an unequivocal lead. He stated in his *Memoranda* that it was no part of the policy of Government to force independent pagans under Moslem rule, however efficient that rule might be. Good government was no equivalent for self-government, and our aim should be to develop the institutions of the pagan tribes, however rudimentary they might be at present, until they should become self-governing communities in the same measure as the Moslem states. He particularly warned his officers against the more insidious forms by which Islam was extended through the appointment of Moslem chiefs, judges, and teachers in pagan areas.<sup>1</sup>

This policy was not strictly carried out. It presented, particularly in early days, very great difficulties. Residents who had not the time to visit outlying pagan groups, still less to study their obscure customs, were naturally tempted to accept the claims to suzerainty made by the Emirs with whom they were working, and who could, with our support, so easily extend the machinery of Emirate Administration to fill the gap. Mohammedan rulers thus sometimes obtained for the first time an effective grasp upon peoples whom they had done no more than raid or mulct of an occasional tribute of slaves, and in some few cases they were allotted groups which had always maintained their independence.<sup>2</sup> This was especially the case when a strip of hill country along the east was acquired under mandate after the War and the pagans it contained were divided between the Emirs of Adamawa and Dikwa.

### *Adamawa*

Adamawa (sometimes called Yola) was completely pagan before the Jihad, except for considerable numbers of Fulani clans who had brought their cattle to the delectable southern country at the foot of the hills where the rich grazing is laced with perennial

<sup>1</sup> *Political Memoranda*, p. 302.

<sup>2</sup> See, for example, the remark of the Emir of Muri, that he applied different methods of government to those pagans he had mastered before the coming of the British and those who had been added later. *Report of Advisory Council*, 1930, p. 25.

streams. One Adama obtained a flag from dan Fodio, and he and his successors waged a long war against the many pagan tribes, until by 1900 they made a claim to rule a territory much of which still lies east of the international frontier. Because of their isolation from Hausaland, and their comparatively large numbers, the Fulani retained their language here and made it what it is nowhere else in Nigeria, the lingua franca of the area. They kept also a greater degree of racial purity, and the young man who rules them to-day recalls, more than any of his peers, the true cattle-Fulani type. In 1917 Sir Frederick Lugard remarked that the Administration had been placing Fulani District Heads over pagan tribes. He did not blame the Fulani rulers for this, and he quoted a statement of policy made some years earlier by the Emir, or, as he is called here, the Lamido, which testifies to a remarkable liberalism. Pagans, said the Lamido, should be governed by a pagan even when included in an Emirate. 'If you put a Fulani to live all the time amongst them and build a Fulani town, they think you are trying to make them Fulani and Mohammedan and they resent this.' 'If', added the Waziri, 'we think we can deal direct with the pagan peasantry we are deceived. We should know nothing of what was really going on and should do no good.' Again, the Council pointed out that as a Fulani District Headman got over his fear of the pagans his hereditary instinct to treat them as slaves asserted itself and resulted either in his being murdered or tried for oppression.<sup>1</sup>

In spite of this, owing, no doubt, to the difficulty of obtaining efficient pagan headmen, the Administration continued to put Fulani over pagans, a method which is really a negation of the principle of indirect rule. The method does not seem to have been very successful. In 1929 the district organization was adversely reported upon, no fewer than seven District Heads having been deposed, and resort was had to amalgamations of districts, allowing of fewer and better-paid men.<sup>2</sup> In 1930 considerable unrest was reported among the pagans in the north.<sup>3</sup> Since then a great deal of trouble has been taken to study the pagans, and the old Emirate rules with regard to centralization have been relaxed sufficiently to allow of an officer residing fairly continuously among the pagans

<sup>1</sup> *Political Memoranda*, p. 302.

<sup>2</sup> *Ann. Rep. Northern Provinces*, 1929, p. 6.

<sup>3</sup> *Ibid.*, 1930, p. 9.

in the northern districts. It was also hoped to encourage pagan village authorities to function again under the District Heads and to take an active part in the courts as assessors. In 1934, however, it was reported that, mainly because of shortage of staff, the problem of pagan administration in this province was still unsolved. In this year the pagans showed their discontent by murdering a Native Administration official in one district. In another the Head—whom I well remember visiting, a typical hawk-faced Fulani living in state among bands of mounted retainers whom he had dressed in some kind of uniform—was attacked when collecting overdue taxes. The touring officer who went to the spot was obliged to fire in self-defence, killing three of the pagans. It was found that the attendants of the District Head had been acting in 'unauthorized ways'; they were tried and sentenced on the spot by the Lamido, and the District Head was dismissed. In view of the provocation these backward people had received, no action was taken against them under the Collective Punishments Ordinance.<sup>1</sup>

The Resident, in commenting, offers no short cut out of these difficulties in Adamawa with its thirty-four tribes scattered—and often intermingled—over nearly 19,000 square miles. It is only within the last few years that officers have been able to travel among some of these tribes without an escort. More intensive administration would of course make possible a closer contact between the British Government and the pagan tribes, and would obviate the necessity of relying so much upon Fulani officials, but intensive administration means more staff, which the financial depression has not permitted.

### *Dikwa*

Moving farther north up the eastern range of hills, the traveller crosses the frontier into Dikwa Emirate, and the impressive heights round Gwoza and Ashagashiya come into view. It is difficult to understand how the peoples of these hills could have been assigned to the Shehu of Dikwa. The escarpment, the boulders of which have been laboriously terraced, is plastered with little stone villages, and its steepness gives it the flat effect of a drop-curtain. When I visited this country a few years ago I had to obtain special permission to travel through what was still officially a 'closed' area. My approach even to the lowest villages had the effect of a tornado,

<sup>1</sup> *Ann. Rep. Northern Provinces, 1934, pp. 4-5.*

sweeping out nearly the whole population, so that little could be seen of them but black heads peering round the rocks in the middle distance, while on the farther boulders naked figures were poised, scissors-like, on tiptoe for flight.

It is in every sense a laborious task to bring these villages under administration. Perched one above the other in increasingly inaccessible heights, each village seems to be independent of its neighbours. The higher villages from which the people never descend were the most pugnacious, and would punish a lower village if it allowed a white man to reach it or count its compounds; still more if it revealed their own existence. They seem to have had an almost recognized right to make occasional raids upon those below them. A frequent cause for fighting to-day is the failure of a famous rainmaker to produce the promised results for the people of a neighbouring village. After a fight peace is made, as among the Kavirondo in Kenya, by representatives of each side holding a dog, the one by the head and the other by the tail, and cutting it in two, the parts being buried in the respective villages. (An officer who has himself had to make peace with these people in this way told me that he always tried to persuade them to use a very small puppy.)

These hill pagans bitterly resisted the advance of our officers. They greeted their arrival by tipping boulders down the crags or, at closer quarters, by showers of stones thrown from excellent cover. Officers were instructed to use every means of establishing contact and only to fire as a last resort, but then to shoot to kill. More than once officers have risked their lives by going forward alone in the hope of disarming suspicion. It was difficult to know after a fight how many of the pagans were casualties, as dead and wounded were dragged from the fissures into which they generally fell, leaving no trace but that of blood. They have a way, which endears them to some officers, of sending messages of defiance, daring the white man to come. The people of one such village sent a messenger to say that they were not beaten and that if the white man came again he would meet exactly the same reception. The white man did come, drove them with further losses from their village and found it empty, as all the stock had been driven off and hidden in inaccessible caves. Another messenger arrived to say that they would not return nor pay any tax. At length, beaten more by the persistence than the power of the strangers, they threw in their hand, and approaching in fearless manner, admitted that we

had won, promised to behave in future and entertained the little expedition with a dance. A still higher village thereupon sent a messenger to say that we must not imagine that because we had conquered their neighbours we could reduce them, for they were quite a different sort of people.

It is not easy for Dikwa Moslems to treat such people with the skilful combination of firmness and gentleness that they require. The pagans have no representative fit to send to the Shehu's Court at Dikwa, and so far the Shehu has had great difficulty in finding the right men to be District Heads. In effect, we have used our power and our diplomacy to extend the authority of a Moslem ruler over people he was himself unable to subject. Fortunately the justice of this policy is now being reconsidered in Nigeria and some changes have recently been made.<sup>1</sup> An Administrative Officer is almost continuously stationed in this area, and in one of the two pagan districts the District Head has been dispensed with and direct contact is maintained with the pagan chiefs. It is probable that before very long this hill country will become an independent district.

Before our coming these people were almost completely self-contained. Regarding such self-containment as incompatible with civilization, our Administration has done all it could to draw them into the outermost fringes of the world's economy. A tax of about 1s. per adult male has been levied upon them, and markets have been set up at the foot of the hills, baited with beads, potash, and salt. Few and timid at first, increasing numbers now come down, bringing for exchange their corn, ground-nuts, pots, calabashes, and grass mats. More than that, they are being persuaded to cultivate the good land of the plain, and the time may come when the hills, which after all were only a place of refuge, may become entirely deserted.

Dikwa and Adamawa show us one form of the pagan problem, that of peculiarly independent hill pagans included in strong Emirates. In some of the newer conquests of the Jihad, such as Jemaa or Lafia, a handful of Fulani live, isolated and somewhat ineffective, among the numerous pagan tribes whose allegiance they claim. In Zaria, one of the old emirates, the southern part is inhabited largely by pagans living far from head-quarters and

<sup>1</sup> Sir Donald Cameron, *Principles of Native Administration and their Application* (Lagos, 1934), p. 14, note.

administered mostly by Fulani District Heads, some of whom are ignorant of their customs and languages. The conditions here have long been regarded as unsatisfactory, and the main tribe of these parts, the Gwari, though in the centre of the territory, do not appear, judging by the earliest reports written upon them, to have progressed very much during the thirty-five years of our rule. Attempts are being made to reform this situation.

### *The Judicial Problem*

The difficulties of administration are perhaps most clearly illustrated in their legal aspects. Ought pagans to be subjected to Moslem judges and to Moslem law? Administrative Officers will generally admit that a pagan is at a disadvantage when he is involved at law with a Moslem, but so he may be even in a purely pagan case. It is true that the Fulani rulers show some degree of toleration in this matter. When the question of pagan homicide trials was discussed at the Emirs' Conference in 1930 most of the Emirs and their counsellors agreed that strict Moslem law need not always be applied to pagans and that experts should be called in to advise upon pagan custom. They pointed out that by trying such cases in their Judicial Councils they were able to use greater latitude than would be possible for an Alkali. The Emir of Bauchi, however, apparently differing somewhat from his Alkali, maintained that they could not try a murder case by pagan customs. The debate as a whole can have left the Administrative Officers only half reassured in this matter.<sup>1</sup>

Two examples from among the cases I encountered may illustrate the complexity of the question.

In one of the smaller northern Emirates a Moslem shot with a poisoned arrow at a pagan, who, he believed, was trying to steal his ram, and killed him. The family of the murdered man said their custom forbade them to enter the presence of the murderer unless the latter held a sheep or goat in front of himself so that the next of kin of the murdered man, blindfolded, could stab at it until the animal's life-blood ran over the accused. Without following up the interpretations which suggest themselves of this custom, it need only be recorded that the accused Moslem declined to submit to it. The Judicial Council of a large neighbouring emirate was consulted and the opinion given that the death penalty could not

<sup>1</sup> *Northern Provinces Advisory Council*, 1930, pp. 23 ff.

be inflicted upon a Moslem for the murder of a non-Moslem, but that compensation could be paid to the family in proportion to the status of the dead man. But the family declared that their custom forbade them to accept blood-money, and that if they did they would never find prosperity in this world. The accused therefore escaped with the conventional minimum penalty of one year's imprisonment and 100 lashes.

In Adamawa the body was found of a Bata woman who had been beaten until her neck was broken, while there were three cupping marks on her back. As the husband had at the same time left the village and was found in hiding some distance away, he was considered by the Lamido-in-Council to be guilty. But the Resident was in close touch with the case and, fortunately, was able to consult authorities on Bata customs, who explained that when a woman died it was obligatory upon the husband to leave his home at once and go into retirement in another village for three or four months in order to hide the soreness of his heart. Hearing this, the court decreed that he should be escorted eight miles away to the sacred place of his worship and there take a ritual oath in the presence of the Alkali's representative and his own elders. Unfortunately I left Adamawa without hearing how the case ended.

### *The Future*

It is only fair to record that numerous Administrative Officers are convinced that the Fulani District Head is the best possible institution for pagan administration, and have the courage to say so even when the tide of policy is flowing in the opposite direction. Dr. C. K. Meek, lately Government Anthropologist in Nigeria, gave me two striking examples of able and popular Fulani who knew how to interpret the principles of indirect rule. In Zaria, a Resident, reporting as a new-comer, writes, 'I should like to place on record how very deeply I am impressed . . . with the friendly relations existing between the Mohammedan District Heads and the pagan peoples to whom they stand *in loco parentis*.'<sup>1</sup> Even in Adamawa, after recounting the incidents described above, the Resident goes on to say, 'Given an honest and well-intentioned District Headman this system has, in the particular circumstances and during the transitional period, a good deal to be said for it. . . .'<sup>2</sup> It must be admitted that the Fulani can produce able and even high-minded

<sup>1</sup> *Ann. Rep. Northern Provinces*, 1934, p. 49.

<sup>2</sup> *Ibid.*, p. 5.

officials. Witness, for instance, a District Head who died recently in Bauchi. 'He died a pauper, having annually given away, in presents to his village and hamlet heads and their followers, nearly all his substantial salary. He was a Fulani, long identified with the district, but he also had many non-Moslems under him. All without exception loved him, and he never interfered with them on their lawful occasions, while they responded by being the best of citizens.' More than one Resident has told me how quickly Fulani District Heads have responded to the changed emphasis of our policy towards pagans.

But the question is not only one of administration but of general policy. To what extent should we assist ruling classes which are alien in blood and religion to increase their hold upon their pagan subjects? On the one hand we see the relatively high standard of civilization and the unifying force contributed by Islam to Nigeria, while its political achievements lend themselves to further development under our guidance. Will not the Northern Provinces, it may be asked, have a more harmonious future if these petty and primitive groups are painlessly absorbed into the Mohammedan Emirates than if they are crystallized as they are to-day, as small separatist enclaves, thus laying up a 'communal' problem for the future? And how build up a civilizing administration among groups at enmity with each other, with no system of government outside the family or small clan? Even if, for the time, the admittedly independent groups must be recognized, the sooner those within the emirates are assimilated the better for all three parties concerned.

Take the other side of the argument. We have already admitted that the assimilation of the larger pagan groups is not going to be so quick or easy as a superficial interpretation of the past might suggest. To lend our powerful reinforcement to the process is not, therefore, necessarily to hasten an inevitable development. Nor is it to substitute the civilization of Islam (the civilization, be it remembered, not of the main stream but of a backwater) as the only substitute for primitive paganism. Our coming has opened up a third possibility, so that to extend Mohammedan influence over these millions of people to-day is to deny them the full benefits of our own cultural and religious influence to-morrow. For while the Nigerian Moslem is partially sealed against the social forces of the West, the pagan in his cultural poverty is often greedily

receptive. We must remember that Christian missions have in the past been discouraged from entering the Emirates and that missions mean several things in addition to Christianity, and among them bush schools teaching the three R's. Already in Ilorin, the northern province most open to European and Christian influences which are relayed from the south through their Yoruba fellow tribesmen, the sophistication of the people surprises officers who have only known Moslem or backward pagan provinces. Churches and chapels, new types of houses, bicycles, sewing machines, trousers, and trilby hats are the surface indications of the tide of Western influence flowing into the villages.

The discussion is not one that can lead to any clear-cut conclusion. The Resident who has spent many years working in close association with a large Moslem emirate and who is inclined to believe that Islam is the best religion for Africans may take an extreme position on one side; the excluded missionary may be found at the other end.<sup>1</sup> It would be questionable policy to endeavour to crystallize small enclaves of pagans, the relics of groups on the high-road to absorption, in the middle of the old emirates of the north. But it would be arbitrary to prejudge the future for those large groups farther south and east before whom lie such very divergent alternatives. The tendency of Sir Donald Cameron's policy has been back towards the principles laid down by Lord Lugard, and to-day with a larger staff and increased knowledge, it is a little more possible to make that difficult policy effective.

The problem is not only one of religion but of the form of administration. It is realized now that the political staff, especially in the period following the War, were so fired by their success in developing a special type of administration in the large Emirates that they extended the system wholesale over pagan areas where it had no foundations. It was doubly alien to the pagans in that it was not only Mohammedan but that the institution of District Head, and even of Village Head, often bore little relation to their clan organization where the emphasis was upon conciliar, rather than autocratic, authority. Nor were the tribal groupings very closely respected, being frequently cut through by District, Divisional, and even Provincial boundaries.

<sup>1</sup> The subject will be raised again from the aspect of missions and education. See below pp. 285-9.

Attempts have lately been made to correct these tendencies. Researches carried out by Dr. Meek have supplied the Government with the first anthropological surveys of the northern pagans.<sup>1</sup> Instructions have recently gone out to Administrative Officers not only to inquire closely in doubtful cases into the claims of Mohammedan rulers to the allegiance of certain groups, but also to study the constitution and wishes of the pagans, with a view to the replacement of Fulani District Heads by pagan chiefs or councils directly responsible to the Emir. Wherever possible, pagan courts are to try pagans, and mixed cases to go to the Protectorate Courts.<sup>2</sup> Thus relieved and encouraged, the pagans may in a few years' time begin to indicate the lines of their future development, though it may be long before the much-harried peoples of the lowlands show any initiative.

There is one innovation which anticipated the present turn of policy. It has been said that in Emirates the only way to education lay through Moslem schools. In 1928 a pagan school was started on the Bauchi highlands for the training of pagan teachers. It is a remarkable institution. The young men generally come to it quite illiterate. No attempt is made to 'civilize' them as far as externals are concerned. They, and the wives and children they are encouraged to bring, may remain naked if they wish. They live in native huts grouped according to their tribes, or at least their local affinities, feeding themselves from their own gardens in which they learn improved methods. If, while at the school, they should become converted to Islam, they must leave. The Emir of Bauchi and his fellow rulers have been quite friendly towards the experiment, and the first products of the school are already at work among their own tribesmen as elementary teachers.

<sup>1</sup> In *The Northern Tribes of Nigeria* (1925) Dr. Meek had made a very general survey for the census of 1921. More detailed investigations will be found in his *Tribal Studies in Northern Nigeria* (1931), 2 vols.

<sup>2</sup> For a description of the Protectorate Courts, see below, pp. 339-41.

## CHAPTER X

### THE INDEPENDENT PAGAN AREAS

ON the Plateau and along a considerable belt in central Nigeria live large pagan groups over whom no Moslem ruler could even pretend to claim suzerainty. These are to-day the independent pagan areas. They exhibit various degrees of political cohesion from the elaborate and somewhat mysterious pagan kingdoms about the Benue, through smaller but effective chieftainships down to the fragmentary and primitive peoples of the Plateau and the Munshi or Tiv tribe in the south-east.

#### *The Jukun*

Among the kingdoms the Jukun of Wukari, though numbering to-day only 11,000, have attracted most attention. There is an almost mournful fascination in studying this relic of an empire which once extended over almost the whole of the northern Provinces and sacked Kano, and which now, cut off far to the south in the heart of the pagan bush, still goes through the ancient ritual surrounding a very divine king. At Wukari in the morning and at sunset a strange humming shout comes from the house of the Aku, or King, and, as at an angelus, all in the town cease work and keep silence until a second signal like the barking of a dog is heard. This is really the time when the Aku eats, but as the theory of his divinity precludes eating, only the confidential attendants are in the secret. He must never cross water—he broke this taboo in his journey to the Emirs' Conference at Kaduna—and, since he must never leave footmarks, an attendant with an eagle's wing brushes away his traces as he walks. All his attendants—and they are many—shave their heads except for a single tuft, and neither man nor woman must enter his presence except bared to the waist. For ceremonial occasions he wears a coat of many colours, patterned horizontally with hieroglyphic symbols, and in the walled enclosure where he lives with his priests, attendants, and wives are cherished a few treasures, spears, standards, bells, and the like, such as no Jukun could make to-day. Theoretically the King leaves the earth every seven years, or earlier, should failing health mar his value as the living embodiment of the fertility of his people

and their earth. Upon the death of an Aku, his body was disembowelled, bound in strips of cloth, and smoked for several months. The elder brother of the present king, a blind, calm old man, who, squatting half-naked with bent head, suggests an African Buddha, holds the title of Abô Achuwu and is supposed to preside over this passing. When the present Aku was set up, the Lieutenant-Governor suggested to the Abô Achuwu that, if anything happened to the King seven years hence, the consequences to himself might be unpleasant. The seven years were up in 1934 and the Aku still lives, the centre of his Native Administration.

An account of the elaborate ceremonies which surround the death, or, more strictly, the translation of a King, and also of the interesting harvest customs, will be found in *A Sudanese Kingdom* by Dr. Meek, in which he has drawn some striking Egyptian parallels. I have been tempted to refer this much to the Jukun because of their inherent interest and their once wide influence. It cannot be claimed that they offer much of an administrative problem to-day, except that of decay. It seems that at one time it was intended at Kaduna to help them to exercise their imperial technique, before it had completely atrophied, over the Tiv pagans who now surround them. The hope was not fulfilled. The Jukun, living on the memory of the past, despise the Tiv sufficiently to call them by a name which means 'excreta', while the Tiv for all their crudity are too numerous and virile to pass under the domination of what we must reluctantly regard as an effete remnant.

### *The Igala*

Farther west, however, an offshoot of the Jukun power shows more vitality, and its administrative history is interesting. The Igala are a people 150,000 strong, lying about the junction of the Niger and the Benue. About two hundred and fifty years ago a scion of the Jukun dynasty at Wukari assumed the rule over them.<sup>1</sup> It must be remembered that their elaborate politico-religious cult gave the Jukun a prestige which allowed them to impose their rule, especially over the more primitive people, without resort to physical force. In this case the Jukun prince found a ruling chief and nine Igala sub-chiefs, all of whose offices, with a toleration common in tribal history, he recognized. The descendants of the

<sup>1</sup> Talbot, *op. cit.*, vol. i, pp. 157-8, gives Benin's claim to have produced the first Atta in the sixteenth century.

former bore the title of Ashadu and with the descendants of the chiefs formed a Council known as the Igala Mela. When the Jukun fief became an independent kingdom it lay with the Igala Mela to choose the new Atta Gala, as the King was called, in strict rotation from four leading Jukun families. The King-elect had to part forever from his parents and pass through a ritual birth with a nine months' gestation period, followed by a ritual marriage with the Ashadu. These forms covered what was in effect a system of indirect rule over the Igala. The direct aspect was represented in the Onus, or Governors, men of the royal house who were given districts. The title in each rotated, as with the kingship, among four or five families, and the candidate was selected at a combined meeting. The villages reproduced the same system in miniature, but the Village Head received the title of Onu direct from the Atta with the beads and other insignia of office. It would be difficult to invent a more nicely balanced system of constitutional checks. If it is true, as Sir Richmond Palmer has suggested, that the Jukun are related in blood to the Kanuri, and so to the pre-Moslem culture of the latter, and if the resemblances to the Yoruba which they exhibit are more than superficial, it may be that they provide a link in a chain stretching at least from Chad to Lagos.

But such guesses at a dim, alluring anthropological past are not only wild but carry us too far from the subject of administration. It seems that the elaboration of confidential service, necessitated by the divinity of the King, played into the hands of the servitors and the favourites of the court. The Igala Mela, as indigenous representatives, were overridden; the whole system became weakened and corrupted, and probably only the arrival of the British saved Igala from becoming the prey of the Fulani. The British, in their ignorance of the significance of the Atta, proceeded to cut his realm in two by the division between Northern and Southern Nigeria, and further to divide up the northern part between two Provinces and three Divisions! The Atta himself was left cut off at Idah in Southern Nigeria, while in the north an attempt was made to apply indirect rule to authorities who could draw their power from him alone. By stages in 1918, 1921, and 1926 the greater part of the Atta's domain was reunited, but as a system of District Heads was maintained and both the Onus and the Igala Mela were ignored, the Administration was not much improved.

In 1928, however, the study of Igala custom was carried farther, and the Onus, invited into the open, presented their claims and were restored to their 'fiefs' with the village organization subordinate to them. Following Igala custom they were divided into three territorial groups, for each of which a resident councillor at head-quarters, in close collaboration with a touring adviser, maintained liaison with the Atta. At head-quarters the ancient Council has been reconstituted. It consists of three Senior Councillors who, with the Atta, the Ashadu, and two resident and three touring councillors, form the Judicial Council. An innovation has been the abolition of the custom by which all councillors except the Ashadu were victims of the spoils system at the 'translation' of an Atta. But perhaps the most important event, and the one that has given most satisfaction to the mass of the people, has been the restoration of the Igala Mela. For the rest there is a 'partially organized' Treasury, with two sub-treasuries in the two sub-districts which lie away from the centre. The Atta has his Native Court, while the Onus, sitting singly or in association according to the size of their fiefs, but always with the Village Headmen, follow ancient custom by holding subordinate courts. Another innovation, for the convenience of litigants, has been the establishment of District Appeal Courts composed of the Presidents of the Onus' Courts sitting with the District resident councillor. A third innovation has been the breaking of one of the ancient prohibitions which helped to keep the King a semi-prisoner. Upon his death—which was brought about after a few years as in Wukari—his body was taken on the water and finally buried in a canoe-like coffin in an underground place; slaves were killed at nine stopping-places, and at each of the nine steps leading down to the burial chamber. No living Atta must anticipate this ritual by crossing water. In 1932 the Atta broke the taboo by going on tour to study some of the administrations of the north, and after that he travelled round his own kingdom.<sup>1</sup> Those pedantic anthropologists who, if only for purposes of argument, are popularly supposed to exist, might shudder at such a sacrilegious breach with the past and point out that an Atta who behaves in such a way is no more an Atta. On the other hand, those realistic men of the world who certainly exist will ridicule the Administration for having gone as far as they have in resuscitating an archaic system. Meanwhile, upon the

<sup>1</sup> *Ann. Rep. Northern Provinces*, p. 23.

Administration lies the responsibility of making a working compromise between the incongruous realities of the past and the present.<sup>1</sup>

### *The Igbirra*

In Kabba Province is another state of 150,000 people called Igbirra. Here a son or brother of the founder of Igala established himself in the middle of the eighteenth century. This little kingdom was saved by a spirited leader from attacks from the Fulani of Bida on one side and from Benin on the other. The Atta, a progressive young ruler who, in addition to his other duties, successfully administers the mixed town of Lokoja is, paradoxically, a convert to Islam, and has made the pilgrimage to Mecca. What kind of adjustment he makes to his pagan divinity is not recorded, but, with true African toleration, he recently attended, with all his pagan counsellors, at the consecration of a new Roman Catholic Church.

Another aspect of pagan administration may be found in two other groups which are at once much larger and much less organized than these.

### *The Plateau Tribes*

In the Plateau nearly the whole of the 500,000 people are primitive pagans. In the south-eastern foot-hills is a small and somewhat devitalized emirate, Jemaa, where a handful of Fulani administer pagan subjects. Part of this, however, with some other pagan areas akin to groups in Zaria have now been handed over to that Province. What follows applies to the pagans of the Plateau proper which takes up most of the Province. Some thousands of cattle-Fulani, protected by our peace, now roam the bare grassy downs which are such a refreshing contrast to the endless 'bush' of the plains, while Hausa traders, who in former days would not have dared to show their heads above the escarpment, now live among the pagans. Moreover, tin has brought Europeans and Europeans have brought wage-labour on the minefields; a market for local foodstuff, and the new town of Jos, with its cosmopolitan crowd of clerks, traders, and artizans. Yet the simplicity of the primitive peoples seems to have been little affected. They still maintain their strict sexual customs which, however dissimilar from ours,

<sup>1</sup> This account is largely based upon an anthropological report by an officer in the Nigerian service, and other official reports. See also *Ann. Rep. Northern Provinces*, 1932, 1933, 1934, reports on Kabba Province.

protect their health from the new contaminations. The half million are not, of course, homogeneous: there are more than thirty groups varying in numbers from 46,000 to 1,000. These are linguistic divisions: the social divisions are far more numerous. The lingua franca spread by traders and talked at all market centres and used in schools is Hausa.

Anthropologically the Plateau long remained almost a virgin field. It received, however, some of the first attention given to pagans by Dr. Meek.<sup>1</sup> Of late years Administrative Officers have done all they could to advance their knowledge in the face of the language difficulty and the shyness and disunity of the people. A special Anthropological Officer has been appointed, and in 1934, after long preparation, the researches of the last few years have found their way into a Plateau Gazetteer.

These virile pagans, accustomed to the independence of their natural fortress—though neighbouring cultures, and especially that of the Jukun, have affected them—were hard to subject, and it is only in the last few years that there have been gaps in the annual patrols and that the remaining 'closed' districts have one by one been opened. They are hardly tamed now, and a visit to some of their villages produces nervousness, if not flight. As late as 1930 an Administrative Officer paid for his reluctance to open fire upon a rebellious group by being stoned to death.<sup>2</sup> In 1932 the peoples of two villages in the lovely Pankshin mountains were called together by their elders, and informed by the tribal priest that British control was to be thrown off. The event was marked by the old sacrifice to secure a good harvest. Two strangers who happened to be passing, a clerk and a policeman, were invited to a beer-drink, dragged into the middle of the assembled people and decapitated, and the dismembered flesh was distributed and eaten by the crowd.<sup>3</sup> (The ten ringleaders were afterwards publicly executed near the scene of the sacrifice.) Things were better in 1933, though in one area a night attack was made upon an Administrative Officer's camp. In 1934 a group which had been dislodged in 1930 from their hill fortress, where they had misbehaved themselves, endeavoured to get back and had to be dissuaded by a police patrol which achieved its object without

<sup>1</sup> See the relevant sections in Dr. Meek's *The Northern Tribes of Nigeria* (2 vols., 1925).

<sup>2</sup> *Ann. Rep. Northern Provinces, 1930, p. 31.*

<sup>3</sup> *Ibid.*, 1932, pp. 34-5.

casualties on either side.<sup>1</sup> Contact has been all the more difficult since the heads of tribes, sub-tribes, or clans were—if one may presume to make a provisional generalization—in nearly all cases mainly concerned with fertility-rites, and were much too sacred and too much encumbered with prohibitions to come into the open when the Native Authorities were called upon to show themselves. Institutions here are sometimes crudely reminiscent of the Jukun, whose sway extended to the Plateau, where relics of old Jukun colonies still linger. Here were chiefs who might not cross water; chiefs who disappeared every seven years; chiefs who were closely imprisoned so that they might be fed and kept in perfect condition during their short reigns.

The Administration dealt with these untractable and unintelligible conditions by creating artificial Native Administrations. The District Head system, which was not at all appropriate, was introduced, and what were often deputy, if not dummy, authorities were put forward by the people to be clothed with our authority. They also became heads of Native Courts which could bear little relation to the judicial institutions of the past. The Division, our own artificial administrative unit, was treated as the Native Administration and endowed with a police force and a Treasury which were, of course, under the entire control of the District Officer. Much use was made of Hausa agents. To-day, however, every effort is being made, within this general framework, to sort the people out into the groups which they themselves desire, and to bring the Administration in detail nearer to the customs and wishes of the people. Attempts have been made to coax the real heads to come out of their obscurity and assume the leadership of their groups. Their religious character still presents difficulty. A priest has great powers of obstruction, as where one forbade his people to join in an anti-locust campaign organized by the Government, claiming that he could deal with the menace single-handed, and so brought famine upon his people. In another part, however, where the Government had failed to persuade the people to leave their sacred groves in a region where they were threatened with extinction from sleeping-sickness, the priest was won over and gave an order for evacuation which was at once obeyed. In some cases it is now recognized that more harm than good is done by attempting to force the priest-chief into the open, and a dual head-

<sup>1</sup> *Ann. Rep. Northern Provinces, 1934, p. 42.*

ship, which did in fact often exist, has been accepted.<sup>1</sup> Knowledge and sympathy on the part of the Administration may thus allow of adjustments which are made by the people themselves though they may not exactly square with the regulations.

In a province like this there can be little hope of quick results. But the careful investigations now being carried out, with the determination on the part of the staff to bring about a greater understanding between themselves and the people, are already making for a more active co-operation. Further progress must depend upon an advance in education which will narrow the gap between officers and chiefs, and between the different chiefs themselves, and make possible, in time, some federation of the present small and parochial groups. For this the Administration looks partly to the Christian missions, which are already hard at work in the Province. It looks also to Toro Training School for a supply of pagan teachers who will develop the people directly from their independent and physically healthy pagan life instead of leading them into the Mohammedanism of their old enemies of the plains.

Before leaving the Plateau, a word must be said about the administration of Jos town, though this can hardly be regarded as a pagan problem. Four classes, as sharply divided as people can well be, are found there—firstly European traders, miners, and bankers; secondly, southern Christian, or at least Europeanized, natives who work for the Europeans as clerks, chauffeurs, and so on; thirdly, the Hausa-Fulani Moslem community centred round their mosque and their Alkali; and fourthly, the local pagans who come and go with their foodstuffs and firewood. The Europeans in the township proper present the least difficulty. In the native town the pagans hardly count as yet. The other two classes, by no means easy neighbours, have established an interesting partnership. The southern, educated group suddenly began to take an interest in municipal affairs. Instead of being ignored or discouraged they were invited to form part of an unofficial Advisory Council. In 1934 its members were asked to assist in the assessment of the town revenue. They also sit as honorary members on the Court of the Alkali when he deals with cases in which southerners are parties.<sup>2</sup> This co-operation is reported to be very successful so far, and shows how an artificial and mixed

<sup>1</sup> *Ibid.*, 1934, p. 41.

<sup>2</sup> *Ibid.*, 1933, pp. 53-4; 1934, pp. 43-4.

community can be encouraged to develop a sense of municipal responsibility.

### *The Tiv*

The traveller who leaves his train before it crosses the magnificent new bridge which since 1931 spans the Benue at Makurdi, and goes into the country of the Tiv, will be reminded of East Africa more closely than anywhere else in Nigeria. The softly rolling country, carrying a thick cover of orchard bush, is dotted at fairly frequent intervals with compact groups of large round mud huts, which contrast with the rectangular ramifications of the Yoruba and Ibo, the somewhat nondescript 'bush' houses of the Hausa, and the peculiar huts of other pagan tribes.

Here live the 600,000 Munshi or Tiv. Few African tribes can boast of a longer resistance to European influence than these vigorous people. They earned in their early days the reputation of being truculent and almost brutally primitive. Yet, as we shall see, they had not a vestige of unity, and their resistance resulted, as so often happens in Africa, from the difficulty, for Europeans, of coming to any kind of understanding with an uncentralized people. Now that this is becoming possible, the Tiv are reported by their officers to be a peculiarly attractive people, stout-hearted porters, and workers who won the affectionate regard of the engineers who came to build the Benue bridge. If it could be said that African tribes possess for us the elusive quality of charm, then the Tiv have it abundantly. Upon entering one of these orderly, well-kept family compounds, men and women, both wearing short kilts of lightly woven claret-coloured cloth, come hospitably about you. They are an open, cheerful people, their smiles revealing teeth filed, it is said, in imitation of their sacred leopard. The women's clothes hang low enough to reveal the elaborate and beautiful raised design incised about the navel. A cheerful elder will be reclining with his pipe in an easy chair of simple yet astonishingly effective design. A young man may be engaged in reddening his body with camwood and performing some last-minute magical rites before setting out to woo his chosen girl. The compound is full of shrines such as the carved wooden posts representing ancestors, or the hunters' shrine, hung with the remains and trophies. In the middle is the large hut used as a club-room where the men meet and smoke. The people appear to be on the most confiding terms with their officers, and at night treat us to singing, dancing, and story-telling

with a spontaneous enthusiasm I have seldom seen equalled in Africa.

It is only during the last few years that the Government has obtained any comprehensive knowledge of these people. During this period several Administrative Officers have mastered the language and have begun to adapt the form of administration to the Tiv social system.<sup>1</sup> The Tiv maintain that they came from the south, and that after some sojourn in the hills on the Cameroons border during the last century, they began to extend north again into their present country.<sup>2</sup> They met and turned another interesting pagan tribe, the Chamba, and flowed around the Jukun, who were then in their decline.<sup>3</sup> Political relations between the two people varied; it seems that the Jukun first raided their more primitive neighbours for slaves, then combined with them about 1860 against the Fulani, and finally fought with the Fulani against them.<sup>4</sup> The trouble which denuded the north of troops at the time of the Satiru revolt was the result of a Tiv-Jukun quarrel.

The Tiv could not escape the powerful influence of the Jukun culture. An earlier dual authority among the Tiv groups gave way among those nearest to the capital to single leaders known as *tor*, who went to obtain recognition from the Aku, and were accompanied home by Jukun drummers. But though the idea of this office spread in time throughout the Tiv, this Bantu people—for Abraham asserts that the Tiv language is pure Bantu—did not abandon their decentralized and democratic system for the sacerdotal autocracy or, perhaps, more properly, oligarchy, of their Sudanic-speaking neighbours.<sup>5</sup>

The 600,000 Tiv are divided into about thirty-six clans, but even these clans were hardly 'constitutional' bodies, as they took united action only upon very rare occasions. The gradations of authority are better understood by working upwards from the biological family. A number of related families, generally patrilineal and patrilocal, lived in a large compound under the control

<sup>1</sup> See the two published reports, *The Tiv Tribe*, by Capt. R. M. Downes (Kaduna, 1933), and *The Tiv People*, by Capt. R. C. Abraham (Lagos, 1933). The following account is based mainly upon their work and also upon unpublished reports by other officers.

<sup>2</sup> Abraham believes by the evidence of their genealogies that the Tiv have been upon their present site for about 200 years (op. cit., p. 18).

<sup>3</sup> Downes, op. cit., pp. 1-9.

<sup>4</sup> Abraham, op. cit., p. 19.

<sup>5</sup> Abraham, op. cit., pp. 20 and 33.

of the older men among whom one, who was generally, though not always, the oldest, might be regarded as president. But unless he happened to be a very remarkable character he had no autocratic authority. As he was usually very old, he probably chose some young and able man to act for him in matters where he was incapable of acting himself. He and his elders were in general control of nearly all the affairs of the group. There was, however, a larger effective group composed of such extended families as still recognized the same priest of the earth, and met together for the earth-rites. This group, which might include two, three, or four families, has been called, adopting Dr. Meek's terminology, a kindred, and the leading, generally the oldest, man among the kindred elders is the *tor*.<sup>1</sup> An extended family, as defined in the local reports, might contain anything from a few hundred up to as many as two thousand people; a kindred from about three to six thousand.

There can be few African tribes so large as the Tiv which have been so late in coming under British administration. It was only in 1914-15 that any real administrative grasp was attempted, and then came the War to retard development. It was not until 1923 that the staff could proudly report that they had been able to tour the area without an escort. The Government created District Headships for what were considered convenient areas, and filled them with men who in hardly any case were *tors*, and were generally youngish, thrusting individuals who, drawing upon British authority, often behaved in a high-handed way with their own people. I remember that on one occasion when touring in the Tiv 'bush' with an officer who was engaged in reorganization, we met a number of elders. The young District Head, who in his quasi-European clothes and his cap of office was a great contrast with the almost naked and not too cleanly old men squatting before us, came up to take his place, but before he could sit down beside them they called out mockingly in words which, freely translated, were, 'Here, little boy, what do you think you're doing? You can't consort like this with your elders and betters. Run away and play!' The Tiv clans around the railway centre, Makurdi, were at one time put under the control of the Yoruba Headman of that town. It is true that he knew them well, but it could only be a temporary measure in the absence of fuller knowledge. At one time, as we

<sup>1</sup> Downes, *op. cit.*, pp. 26-30.

have seen, it was even suggested that some of the Tiv should be encouraged to put themselves under the Jukun.

Since about 1930 the Government has been working to devise a form of administration more closely suited to the peculiarities of the Tiv. It was, however, some time before the staff could bring themselves to abandon the traditional northern institution of the District Head or to believe that it could be humanly possible to recognize the existence of some 500 kindreds. We have seen that the Southern Provinces have had much to learn from the Northern, a fact which its officers have not unnaturally sometimes resented. But the far-reaching reforms which have been carried out during the past six or seven years in the backward parts of the south-east have led to an accumulation of experience rare in the north but of the very kind needed for the Tiv problem. The staff of the Benue Province, having begun to unravel the obscure sociology of the Tiv, wisely drew upon this experience. The result to-day is that a new division containing all the Tiv has been formed. Lists have been drawn up showing not only clans but kindreds and the family groups composing them. The functions of the family groups are unofficially recognized, and each may choose such elders as they wish to represent them. A council for the kindred, composed of the *tor* and a group of elders chosen by the people, becomes a Subordinate Native Authority, officially gazetted.<sup>1</sup> Its powers of arbitration are unofficially recognized. The Clan Council, composed, according to the wishes of the people, of elders from the kindred councils, becomes the Native Authority, also a D Grade Court. Thirty-four of these were gazetted in 1934.<sup>2</sup> A proportion of the Native Administration share of revenue is paid back to the Clan Council to be divided at their own discretion among the councillors and such officials, messengers, scribes, and so on, as they employ. The features of this system are that authority is conciliar, instead of personal; that the choice of councillors lies with the people instead of the Government; that the diffusion of authority is recognized, and a real transfer of responsibility begun. It is hoped that by constant co-operation the clan may become an active unit, and that by degrees a federation of clans may develop into a strong, united Tiv community. But, with so primitive a people, and one sheltered from the pressure of consolidating forces, this further development is not likely to come quickly.

<sup>1</sup> *Laws of Nigeria*, 1935, p. 541.

<sup>2</sup> *Ibid.*, 1934, pp. 724-5.

Reorganization of this kind, however, does no more than touch the surface of the administrative problem presented by the Tiv. Their officers had no sooner begun to get below this surface than they struck a complex situation. It is worth examination as an example of the kind of difficulty that faces our Administration among the more remote peoples, for though the Tiv may present the difficulty in an extreme form and upon a very large scale, they have no monopoly of it. We find here problems in primitive administration which do not always seem to be squarely faced by educated African critics of the Government.

The Tiv, according to their own account, believe in a quality they called *tsav*. This seems to give—for we are in a region where definition becomes difficult—power to control ancestral and other spirits, human beings, and animals. It is also an insight amounting to prophetic power. The word itself is said to mean an enlargement of the ventricles of the heart, which is the physical indication of the possession of *tsav*.<sup>1</sup> This condition, so the Tiv assert, exists, potentially, in the heart of every person, but in some its development is prevented by a covering film; in some it may never develop very far, while in others it is so vital that its strength may be recognized even when they are quite young. Apparently it may be developed by education in the secret ancestral lore and in magical rites, and more directly by eating flesh, and especially the heart, of powerful animals and of strong human beings.<sup>2</sup>

The secret society of those possessing *tsav*, known as the *m'ba tsav*, are the real rulers of the Tiv groups; they judge and punish offenders, maintain the fertility of the land and the women and expel evil in the form of pests and disease. Yet it is difficult to imagine a primitive cult more likely in most of its features to shock and horrify the European.

The *m'ba tsav* fall into kinship groups centred round the sacred pipe, *imborivunga*, which is made out of a decorated ancestral bone, and is in the keeping of a special guardian. Upon its ritual use depends the connexion with the ancestors and the fertility of the earth. But the power of the pipe has to be renewed from time to time, and this can only be done by offering it human lives. For the great privilege of looking upon it, open only to paternal relatives of the holder, the same price must be paid. In secret conclave a member of the *m'ba tsav* offers a life; the victim is accepted, the

<sup>1</sup> Abraham, *op. cit.*, p. 25.

<sup>2</sup> Downes, *op. cit.*, pp. 39-40.

means of death decided. Afterwards the *m'ba tsav* go out at night and dig up the body. Each member has his special office; one is the holder of the hooked corpse-chain by which the body is dragged out of its grave; another the sharer-out of the flesh; another the owner of the slaughter-mat upon which the body is cut up.<sup>1</sup>

Captain Downes quotes the following account of this anthropophagous rite as given him by the elders of a certain kindred:

'When a man or woman dies suddenly, the householder calls the Tor and elders. At night the special man detailed to fetch the body goes with his helpers to the grave in silence. He twirls a white cock over the grave six times and then inserts the "mserem" (a chain on which an iron hook is fixed) round the neck of the corpse, and pulls the body out. They then carry the body to a selected spot near a stream where are prepared pots for cooking. The elders, meanwhile, are calling the deceased by name. When the corpse is brought, we say it walks to us, the Tor brings it to life by putting "lkehegh" (a kind of pepper) seeds to its nose. We then ask him to dance or sing, or to do anything which he was known to have done well whilst alive; actually another does it for him. When this is over we kill him and cut him up. The heart is eaten by the Tor and elders, with all the vital organs. The whole body is divided amongst the elders who, when it is cooked divide it amongst their followers, always retaining a portion for magical purposes. This portion they take home and keep buried under the fire, in a place called "ivongo". If the death is that of a child, the body will be eaten by the family group alone but it is obligatory to share the body of an adult.'<sup>2</sup>

The victim, we may note, is believed to have been in a state of suspended animation since his presumed death, and the real killing is supposed to take place at this secret meeting. The pipe also had to be reconsecrated every year with the blood of an abortion produced by the secret administration of a drug. The foetus was ritually divided and the pipe treated with the water used for the cooking.

The *m'ba tsav* were also in charge of the sacrifices necessary for this revitalization of the earth when a young, unblemished child was killed, and ritually consumed by the elders, its blood being poured upon the ground. Entrants into the society could purchase the secrets of the higher members by the payment of lives. The *tor* was generally a leading member of the society, and it is said that the Jukun advised an aspirant to high position to offer successively twenty lives in order to accumulate all the knowledge of

<sup>1</sup> Abraham, *op. cit.*, pp. 66-7.

<sup>2</sup> Downes, *op. cit.*, p. 47.

the different members. Murder propagated itself even further by means of the flesh-debt. The gift of a life from one man to another had to be repaid in time, and even the death of the debtor did not extinguish the obligation, which was inherited by his son. Murder outside the kinship-group was regarded with disfavour, and there seems to have been no bar to giving the lives of near relatives. There was even an obligation to repay a debt with a life of the same relationship to the murderer, son for son, mother for mother.<sup>1</sup>

To add to the secrecy of the *m'ba tsav* they used a special language; they were said sometimes to kill their victims by drawing an imitation snake with a poisoned hook across his path; they were believed to have the power of leaving their bodies at night and flying on iron horses; they signalled by means of the cries of night-birds and could themselves assume this shape and perch upon the roofs of their flesh-debtors or upon those of their intended victims.<sup>2</sup> They were known as the people of the night, while the others were the people of the day or 'the empty breasted'.

I have used the past tense for this custom by which men—and women too—became at once the guardians and destroyers of their people. But the information that seems to have been freely given to the investigating officers by the Tiv was in the present tense. Not only, encouraged by the new régime, do men accuse their fellows of this kind of murder and anthropophagy but the accused have freely, even proudly, admitted the charge. Yet in no case so far has it been possible to find convincing proof of these ritual killings, and in some instances bodies said to have been eaten have been found untouched. Thus there exists the extraordinary situation in which officers are still uncertain as to whether this wholesale murder and cannibalism are still practised or whether it is an old rite carried on by make-believe in order to preserve the power and reputation of the elders. The rapid increase which is estimated in the numbers of the Tiv seems to indicate that they suffer from no abnormal wastage, and upon a superficial view they do not seem to be cowed with terror of the destroyer who walks by night.

But apart from even the problem of law and order involved, the Government is faced with an unusually acute form of the common African dilemma, how to reconcile our view of the qualifications

<sup>1</sup> Abraham, *op. cit.*, p. 82.

<sup>2</sup> Downes, *op. cit.*, p. 43, and Abraham, *op. cit.*, p. 82.

and functions of leadership with those of the people. Already the elders say that we have 'spoiled the land' by our interferences with their customs. Education seems the only remedy, but, even if sufficient money and teachers were available, the pace must be slow, especially among so large a tribe lying remote from the main communications and activities of the territory. And, indeed, if this potentially fine tribe is not to be weakened by the destruction of all its past culture, of what is good in our eyes together with what is bad, that process of education should be slow, for it should not be pushed too far ahead of our understanding of the people, upon which alone co-operation with them can be based.

## THE SOUTHERN PROVINCES

### CHAPTER XI

#### OYO PROVINCE: THE CHIEFTAINSHIPS

##### *General Position To-day*

IT is part of the plan of this book, in which the administration of the hundreds of societies into which the inhabitants of Nigeria are divided can only be dealt with in the broadest outline, to select important units for more intimate study. The Yoruba have an obvious claim to such special treatment. Before, however, concentrating upon one of their provinces a rough sketch of the country as a whole must be attempted.

There are two reasons why such a picture should be given at this stage rather than in the earlier chapters in which the Yoruba have figured. One reason is the inconvenience of separating an account of the social organization of a people from an analysis of their administration as it exists to-day. The other reason, which will appear even more clearly in the section dealing with the south-eastern provinces, is that fuller knowledge has emerged only with the actual development of administration. This arrangement of our material therefore follows the sequence of time.

On a basis of numbers alone the Yoruba can claim to be one of the most important tribal groups in Africa. Though estimated in the 1931 census at slightly less than the Hausa and the Ibo, it must be remembered that the Hausa total is increased by the spreading, often in a very thin layer, of Hausa culture over neighbouring peoples, while the Ibo are in comparison an amorphous and backward mass. At the last census the total number of the Yoruba is given as 3,166,164.<sup>1</sup> Of these it is estimated that all but half a million are in the Southern Provinces, the rest being to the north, mainly in Ilorin.<sup>2</sup> These figures do not, of course, include the Edo of Benin, who are under a Yoruba dynasty and have been influenced to some extent by Yoruba culture. Moreover, the Anglo-French border leaves large numbers of Yoruba upon the French side. The term Yoruba is used here in the European sense and applied to the whole group of peoples who are culturally akin to

<sup>1</sup> *Census of Nigeria*, vol. i, p. 14.

<sup>2</sup> *Ibid.*, vol. iii, p. 27.

those who, in native eyes, are the Yoruba proper, the people of Oyo Kingdom.

The following table will show how the Yoruba of the Southern Provinces are divided into Provinces and Native Administrations.

<i>Province</i>		<i>Native Administration Unit</i>	
Colony	. 325,000	Egba	. 290,000
Abeokuta	. 434,000	Ilaro	. 145,000
Ijebu	. 306,000	Ijebu	. 306,000
Ondo	. 381,000	Ekiti	. 200,000
		Ondo	. 61,000
		Owo	. 107,000
		Waterside	. 13,000
Oyo	. 1,333,000	Ibadan	. 989,000
		Ife	. 48,000
		Ilesha	. 71,000
		Illa	. 13,000
		Oyo	. 218,000 <sup>1</sup>

The last column is in itself evidence of the care with which the Government, instead of aiming at a convenient uniformity in its administrative divisions, has followed the lines of the natural groupings. These numbers are all the more important because of the social advancement of the people. The traveller through Africa who comes to these provinces must be struck by the degree of civilization he finds. The Yoruba give an impression of being at once sophisticated, orderly, and vigorous. This superiority is not the result of European influence. It is described in the reports of the earliest travellers, who were almost invariably received with courteous hospitality, and provided with escorts and even with musical bands.<sup>2</sup> Mrs. Hinderer, who went to Yorubaland with her husband as a missionary in the middle of the last century, received a great welcome in Ibadan and describes the hospitable treatment given her by the authorities.<sup>3</sup> Even in the worst days of disorder and civil war, when her hosts thought the English were helping their enemies, and she was cut off among them, she was never in serious danger. Another observer, a little later, decided

<sup>1</sup> Ibid. These figures are given to the nearest thousand. Discrepancies in the two columns are due to the census having omitted Native Administration figures, which are taken from provincial records of a slightly later date.

<sup>2</sup> See especially R. Lander, *Records of Clapperton's Last Expedition to Africa* (1830), vol. i, p. 106.

<sup>3</sup> Anna Hinderer, *Seventeen Years in the Yoruba Country* (1872), pp. 55 ff.

that the Yoruba were superior in civilization and industry to the tribes of the Gold Coast Colony, and were, indeed, in cultivation and intelligence the leading people of the West African coastlands.<sup>1</sup>

If we cannot be sure of the reasons why one people has been more civilized and successful than another in Europe, there can be less hope of picking the causes out of the historical obscurity of Africa. We can see that natural conditions allowed some contact, however distant and indirect, with the civilization of Northern Africa. We can remark the relations, increasing in strength during the last century, through the southern ports with the Western world. But then we pass to phenomena that are as much an effect as a cause of superiority. Among these is the social discipline provided by the large chieftainships, some of which will shortly be described.

Peculiarly characteristic of the Yoruba is the extent of their urbanization. In this matter West Africa as a whole contrasts with Bantu Africa, where Serowe in Bechuanaland, with its 20,000 inhabitants, appears to be the largest purely African town. And in West Africa the Yoruba lead the way. Out of the eleven largest towns in Nigeria, those with over 37,000 inhabitants, nine are entirely Yoruba, while Lagos, which is still two-thirds Yoruba, may fairly rank as the tenth.<sup>2</sup> Nor are these, with the degree of civilization they imply, mere mushroom growths, which have sprung up to meet the new conditions of our coming. They would be less healthy if they were. They were nearly all important centres before European days. Lander and Clapperton, when they journeyed north from Badagri in 1826, passed from one walled town to another until they reached the old Yoruba capital of Katunga and rode for five miles through its streets.<sup>3</sup> The Yoruba, more perhaps than other African groups, have long mastered the social and economic arts of living together in large numbers.

The Yoruba are a comparatively prosperous people. There is a brisk internal trade extending into the Northern Provinces, the principal exchanges being the southern vegetable products, especially palm oil and kola-nuts for the northern cattle. Many Yoruba traders find their way to Kano and other northern centres; they go all through the West Coast and even to the Congo. Although the country, with a rainfall that becomes rapidly lighter

<sup>1</sup> Colonel A. B. Ellis, *The Yoruba-speaking Peoples of the Slave Coast of West Africa* (1894), pp. 32-3.

<sup>2</sup> *Census*, 1931, vol. i, p. 101.

<sup>3</sup> R. Lander, *op. cit.*, vol. i, p. 106.

as the coast is left, is not so prolific in the valuable oil-palm as the south-east, it contains a cocoa belt, and a beginning has been made with the production of ginger and fruit for export. In the northern districts cotton is grown both for the home market and for export. Local industries such as weaving, dyeing, pottery, and metal-work, hold their own to a surprising extent against European imports.

There are other aspects of Yoruba civilization that are harder to assess. Statistics of literacy and Christianity, which are closely linked in Africa, cannot under present conditions be more than indications, and even indications can hardly be extracted from the Census of 1931.<sup>1</sup> It is almost certain, however, that the Yoruba would come very high, if not at the top, in both categories. Although it is rather surprising to discover that in the number of schools the Yoruba Provinces are behind some of those in the south-east, the Yoruba more than any other tribe will be found in the highest strata of education and generally in leading positions in professional and commercial life.<sup>2</sup> This, however, is partly due to the capital being mainly a Yoruba town, and something will be said of the culture of Lagos when we come to consider the capital and the Colony.

#### *History and Culture of the Yoruba*

The question of the origin of the Yoruba leads us into a shadowy world of legends and guesswork, and we must content ourselves with the conclusion which was offered to me by one of the Yoruba rulers after a debate upon the subject, that 'the truth is known only to God'. We have a story not unlike that of the Hausa, of a migration from the east, and even from Mecca; of a founder, Oduduwa, who set up his sons in the first Yoruba kingdoms, some of the later ones being formed by offshoots from the original families.<sup>3</sup> Only descendants of Oduduwa are allowed to wear crowns, and as we should expect, the right to claim this descent, and the degree of seniority among the chieftainships, are sometimes the subject of controversy. If we may judge by analogies, such as those of the Igala and Jukun, it seems possible that the story describes the establishment over the indigenous negro tribes of the supremacy of a group from the north-east with dominating politico-religious

<sup>1</sup> Vol. i, pp. 15-18.

<sup>2</sup> *Census*, 1931, vol. iii, p. 29.

<sup>3</sup> The Reverend S. Johnson, *The History of the Yorubas* (1921), pp. 6 ff.

ideas. Oduduwa (*odu t'o da iwa*—the great one who creates existence) settled first at Ife, but his son, Oranyan, moved to Katunga or old Oyo, the site of which is now within the northern Province of Ilorin. According to one version, scouted in Ife, he left his servant Adimu in charge of the royal treasures at Ife. This trust, held at a place revered by all Yoruba as their first home, invested the Ife dynasty and the relics they guard with a sacred distinction. I was told that the late Oba of Benin had a private chamber with a window opening towards the east—the direction of Ife—where he prayed daily at dawn first for the Oni of Ife, then for the Oba of Benin, and last for the Alafin of Oyo. This prayer had been made from time immemorial.

The Yoruba group appear to possess considerable cultural homogeneity, and their language, though very difficult for Europeans, is more uniform than that of the Ibo. But it is hardly possible to generalize with any confidence about Yoruba culture. This is because no expert comprehensive anthropological study has ever been made of them, an extraordinary omission in view of their numbers and importance.<sup>1</sup> Very few British officers have ever fully mastered the language. That we have been able to administer Yorubaland at all with such inadequate knowledge is due partly to the centralization and orderliness of its society, and partly to the readiness of the Yoruba to acquire English and so, as far as this is ever possible, to interpret themselves to us. It is all the more difficult to generalize upon the existing information, as very little of it is of recent date and the Yoruba are in a state of change which is rapid even for Africa.

As it is not possible to survey the whole of Yorubaland, I have selected Oyo Province for more detailed description. There are good reasons for the choice. It embraces the largest number of Yoruba; it contains their original home, their leading kingdom, and their most populous town. Much that follows, especially with regard to history and religion, applies to Yoruba beyond the borders

<sup>1</sup> The main source for this chapter is the history, already cited, written by the Reverend S. Johnson, himself a Yoruba and Pastor of Oyo. Although his book, upon which he worked for twenty years, was finished in 1897, the manuscript was lost and it was not until 1921 that his notes, worked up by another hand, were published. The result, considering the period and the circumstances, is a remarkably detached study, though the ethnology refers primarily to Oyo. In addition to other cited authorities I have obtained material from unpublished records in the Provincial and District Offices, and from personal inquiries in the Province of Oyo.

of Oyo Province. The customs regarding chieftainship vary in detail, but are based upon similar religious and political conceptions.

The Yoruba believe in Heaven, 'the place of light breezes', and in Olorun the High God, the Lord of Heaven and the Creator, but, as so often occurs in Africa, where the existence of a Supreme Deity is recognized, he is regarded as extremely remote and in an entirely different category from other gods, who are generally deified ancestors, or the spirits of hills, rocks, and rivers.<sup>1</sup> The Yoruba recognize about 400 of such lesser gods and spirits, most of which have their own priests and devotees. One of the most important of these is Ifa, the oracle of divination, whose priests after long study divine with the help of sixteen palm-nuts. Much to the profit of the diviners, resort is had to Ifa in all the ordinary problems of life. Sopona is the small-pox god whose priests, who are sometimes credited with spreading the disease, take charge of the stricken household and bury the dead in return for a heavy fee. How strongly rooted among the apparently sophisticated Yoruba are the old customs was shown in 1934. An epidemic of small-pox broke out in Ijebu Province, which is regarded as an advanced area, and preventive measures were thwarted by the Sopona worshippers in spite of the heavy penalties inflicted upon those found guilty.<sup>2</sup> In the houses can be seen figures of the god, very realistically pocked, with offerings laid before them. Ogun is the god of war and of iron. Blacksmiths sacrifice a dog to him every fortnight or so and scatter the blood over the tools; in the courts litigants swear upon his symbol in the form of a knife, touching with it lips, brow, and breast, and calling upon him to bless the truth-teller and slay the liar. Few receive more offerings than Esu, the devil, though this is from fear rather than homage. Outside every house in pagan parts his shrine, a laterite stone, may be seen, marked with offerings of palm-oil and eggs, while his devotees, crowned with horned wooden heads, beg from door to door. Sango, an early king of Oyo, is the god of thunder, with Oya of the winds for wife. Lower in this numerous hierarchy come the Egungun, the spirits of the dead. Special times are set apart for them, when, after a night passed in their grove, the priests who in every town guard the fantastic ritual robes, deck out the impersonators, who must show no vestige of themselves from head to foot. Oro is a more dangerous manifestation. Formerly when

<sup>1</sup> Johnson, *op. cit.*, pp. 26 ff.

<sup>2</sup> *Ann. Rep. Medical*, 1934, p. 17.

his representatives appeared all women had to hide on pain of death, and all who met them had to fall prostrate, while to touch one of them was to die. It seems that in the past this was not only calculated to keep women in subjection, but also to allow the priests to punish or destroy those who had earned their disapproval. Even to-day women may not look upon Oro, and therefore the activities of his society have been strictly curtailed as a result of British influence, and his representatives seldom appear outside his groves.

Mythology, which is the basis of Yoruba religion, passes into legend which hardly becomes history until the beginning of the nineteenth century. In his book, Johnson gives a long list of Oyo kings with the lively and sometimes blood-curdling stories that are still attached to their names by the official historians of the court.<sup>1</sup> He does not attempt to put dates to them, but Dr. Talbot calculates that the thirteenth of this line from Oduduwa must have reigned about the end of the sixteenth century. Their history is one of frequent warfare amongst each other. By the middle of the eighteenth century the Oyo dynasty reached the height of its power, claiming to rule almost from the Niger in the north and east to the sea in the south and over Dahomey to the west. But it does not seem that outside the borders of Yorubaland proper (a name which was formerly confined to the old Oyo Kingdom) this rule was anything but an unstable overlordship, intermittently maintained by armed expeditions.<sup>2</sup>

It was in the reign of the thirty-second king, Aole, that disaster befell the dynasty.<sup>3</sup> It was the custom each fighting-season for the king to name his chief enemy to his general, the Kakanfo. This man was obliged within a stated time to return victorious or die. Aole, jealous of his Kakanfo, Afonja, who was also Governor of Ilorin, named an impregnable town for him to attack. The Afonja, however, turned his army against Oyo and the king was obliged to commit suicide. This event sent a shock throughout his dominion, which began to disintegrate. It was at this moment that the Fulani, swearing to 'dip the Koran in the sea', were pressing down from the north. Afonja took the fatal step of entering into relations with them, raised a force of Moslem soldiery, and called in the aid of a *mallam* from Sokoto called Alimu. The inevitable happened. Afonja failed to keep the loyalty of his troops, and fell

<sup>1</sup> Johnson, *op. cit.*, pp. 143-86.

<sup>2</sup> Talbot, *op. cit.*, vol. i, pp. 286-9.

<sup>3</sup> Johnson, *op. cit.*, pp. 188 ff.

at their hands pierced, the story goes, by such numbers of spears and arrows that his body remained erect. Alimu took his place.<sup>1</sup>

The Yoruba failed to unite against the threat of the Fulani, who by force, diplomacy, and conversion won large numbers of them to their own side. The Oyo horsemen, who had terrorized their southern neighbours, went down before the better horsemen from the north. Individual towns and junior royal lines began to assert themselves, and to war against each other. The walls of Oyo crumbled to dust while its rival Ilorin grew at its expense. The Alafin paid tribute to the Fulani, and about 1830, after a fruitless attempt to regain power, was killed in battle and his surviving followers fled from the ruin of his capital. Later a new and more modest Oyo was founded far to the south.<sup>2</sup> The Ibadans claim the credit for setting up a new Alafin there. The patriotic but Christian historian Johnson ascribes the fate of the old Yoruba power to the judgement of God upon the sins of rulers and people.

These events marked the close of a period. Lander pointed out upon his first visit that civilization and enlightenment increased as he went north to Old Oyo, where the Yoruba drew upon the trade and civilization of the western Sudan.<sup>3</sup> The peoples farther south were regarded as 'bush' people. Now, just as the Fulani had ravished the northern province, and the Alafin's dominion had begun to disintegrate, European influence began to increase the importance and wealth of the south. But this influence did not at first make for peace, since the demand for slaves at Lagos stimulated the long and tangled series of internal and external wars which form the history of Yorubaland from the rebellion of Afonja to the British pacification of the hinterland towards the end of the century. The main facts relating to this event have already been given.

### Oyo

Against this background of legend and history, the Chieftainship of Oyo can now be studied.<sup>4</sup> The Alafin (*al* = owner, *afin*

<sup>1</sup> Johnson, *op. cit.*, pp. 188-205 and 258-73. See also *Gazetteer of Ilorin Province*, pp. 63 ff.

<sup>2</sup> Talbot, *op. cit.*, vol. i, pp. 295-7, also H. Ward Price, *Land Tenure in the Yoruba Province* (Lagos, 1933), pp. 38-9, para 142. There are slight variations in the different accounts given of this incident.

<sup>3</sup> Lander, *op. cit.*, vol. i, p. 95.

<sup>4</sup> The following account is based mainly upon the description given by Johnson, *op. cit.*, pp. 40-78.

= palace) was chosen from the royal family descended from Oduduwa by the Council of Seven. The palace women and favourites seem to have had some influence over the choice. A rigid system of primogeniture appears to be very rare, if not unknown, among African tribes, and Oyo followed the usual custom by which the most eligible of the male relations was selected. That the eldest son, indeed, might be a formidable candidate is shown by the institution at one period of a law by which he had to be killed upon his father's death as a discouragement to parricide. After his election and some preliminary sacrifices, the King-elect went from one to another of his older relatives and chief eunuchs to be instructed in his religious and political duties, and then, through a new breach in the walls of the Afin, he entered and lived quietly in the outer quarters for a period of mourning and further instruction. It was the tradition at some time during this period of initiation for him to eat the heart of his predecessor.

The actual coronation comprised a series of ceremonies too long for full description here. Splendidly robed, the King visited, for the only time in his life, the royal mausoleum, which was under the charge of a high-priestess, the Iyamode. Here, having sacrificed to his fathers and received their blessing upon his succession, he came out to the sound of the royal trumpets and the firing of guns. Five days later he attended the shrine of his deified ancestor Sango for the actual crowning, attended by the special guild of men who were employed to do all the sewing, embroidery, beadwork, leather-work, and umbrella-making for the King. Crowned and robed he took into his hands the Sword of Mercy. Five days later he went to the shrine of Oranyan, where the Sword of Justice, without which he could order no execution and which, it is interesting to note, had to be fetched from Ife, was presented to him. This he had to kiss and return to Ife for safe keeping.<sup>1</sup> After another five days' interval he proceeded to the shrine of Ogun, god of war, to sacrifice and pray—somewhat surprisingly—for a peaceful reign.

He then entered the Afin, for the first time through the main gate, under the three gabled porches which mark a royal dwelling. A new private gate into the inner precincts was made for him, and he entered over the blood of a man and a woman who were killed and buried with a number of animals at the threshold.<sup>2</sup>

After his coronation the Alafin was not supposed to appear out-

<sup>1</sup> Elgee, *op. cit.*, p. 27.

<sup>2</sup> Johnson, *op. cit.*, pp. 43-5.

side the Afin except on the three great festivals of the year, and then only with his face veiled under the beaded fringe which generally hangs from the crowns of Yoruba kings. These festivals were those of Ifa, the god of divination, of Orun, and of the Bere. That of Orun (heaven) was a somewhat mysterious occasion when the chief minister, the Basorun, practised divination in order to discover whether the Alafin's rule was pleasing to the gods. As a further discouragement to tyranny, the Alafin, it seems, was at this time shown his coffin. The Bere was the festival of thatching-grass, the first samples of which were presented for the royal blessing.<sup>1</sup>

The Alafin was advised by a Council of Seven, the Oyo Mesi, selected by him from certain families. The chief of these was the Basorun, who had the main voice in choosing the Alafin; acted as his first minister and his deputy, and lived in a state almost equal to that of his master. It was for him to send a tyrannical or unpopular Alafin the fatal gift of parrots' eggs, which was a hint, almost invariably obeyed, that he should destroy himself.<sup>2</sup> The Basorun was also head of one of the wards into which, according to the usual Yoruba custom, the town was divided.

It would require many pages to describe all the hundreds of officials, each with his own title, duties, and insignia, who surrounded the Alafin. It will be sufficient to name a few of these. There were the eunuchs, the chief among whom was the legal adviser, another the guardian of pregnant queens. There were the heads of the many cults; the historians who learned by heart the story of the past and the genealogies of the ruling families; the drummers who woke the Alafin and announced visitors; the 150 sheriffs and executioners; the surveyor, the taster, the clown, the master of the horse. The Iya Kere, or official mother, kept the royal relics, and could cut the Alafin off from access to them if she were displeased. There were priestesses, umbrella-holders, bed-makers, and many other honoured attendants, each with a part in a pattern of court ceremonial more elaborate than that of Louis XIV at Versailles. Some hundreds of attendants, male and female, called *Ilari*, acted as bodyguard and attendants, and like the Jukun king's retainers, wore their hair in a single tuft. The Iya Kere kept them in order by means of clay images made in the likeness of each of them.<sup>3</sup>

<sup>1</sup> Johnson, op. cit., pp. 38-9.

<sup>2</sup> Johnson, op. cit., pp. 70-2.

<sup>3</sup> Johnson, op. cit., pp. 57 ff.

Our authority, Johnson, does not help us very much with regard to the judicial system, but he tells us something of the elaborate military organization which matched the civil. The commander-in-chief, the Kakanfo, stood in a position of great power and independence in relation to the Alafin. Under him were the seventy Esos, titled and graded officers, who resembled an order of chivalry, pledged to noble traditions which enjoined death rather than flight in battle.<sup>1</sup>

The members of the royal family had the lordship of towns and villages all over the country, but though they were accorded great deference and even maintained miniature courts of their own, they were expected to refrain from interference in the local administration. This was in the hands of local chiefs, who were generally hereditary representatives of the family which had originally founded the group.<sup>2</sup>

The Alafin went to his burial in as much state as had accompanied his crowning. His official mother, and others bearing high titles and living most closely to him, had to die with him. These great ones went to their houses, and spent the evening with much feasting, music, giving of gifts, and changes of clothes. As the sun set they quietly took poison and so passed away in almost Roman fashion. Mrs. Hinderer relates that in 1859, when the Alafin died, only four people were actually put to death, but that forty-eight of his wives poisoned themselves.<sup>4</sup>

This, then, was the Oyo kingship as it existed yesterday, described by one who knew it intimately. The past tense has been used, though much, perhaps most, of what has been described still exists to-day. Unfortunately it is just these questions of how much of the chieftainship remains, exactly how it functions, and what are its precise relations with the British Government which are so difficult to answer. As in the northern Emirates, so here, an observer from East Africa is struck, not only by the high degree of responsibility left to the Native Authorities, but also by the somewhat detached relations between them and the British officer in charge. The reason is found not only in the more developed stage of native institutions but, especially in the Yoruba provinces, in the independent character of the people, and in the history of our early relations with them. For many years after the treaties,

<sup>1</sup> Johnson, *op. cit.*, pp. 73-5.

<sup>2</sup> Johnson, *op. cit.*, pp. 67-8, 75-7.

<sup>3</sup> Johnson, *op. cit.*, pp. 73-5.

<sup>4</sup> Hinderer, *op. cit.*, p. 195.

as we have seen, the position of the British Residents was confined to that of advisers, and if there has been, especially since the amalgamation, a steady extension of control, the old tradition has not been entirely submerged. In the eyes of the investigator there are two obvious results of this: one is that the officials are not in such complete command of the facts as in places where relations are more close, and the other that there is less 'efficiency', at least by the standards, not always immediately applicable, of modern English administration.

Speaking very generally, however, it seems that the externals of the Oyo kingship are maintained, though it has been gradually shorn, as far as possible, of barbarities and extravagances. The walls of the Afin still embrace a large area. The threefold royal porches still stand, though the corrugated iron which covers them is a symbol, however inartistic, of the emancipation of the people from the tribute of grass and the labour of thatching, a symbol for which they subscribed £350. Within the Afin may be seen crowds of people, and these apparently hold the old offices and, as far as our standards of justice and humanity allow, perform the old duties, even though much of the old spirit must have departed from them. The Alafin appears to have three or four hundred wives, a body of eunuchs, and about 500 so-called 'slaves', though these are old slaves who find it profitable to stay in his service or younger people seeking service and advancement as *Ilari* or in other capacities. Such is the fear of poison that the Alafin is more likely to indulge his servants and wives at the expense of his people than to oppress them. Thanks, partly, to a salary of £4,800 not all the glory of the past has departed.

An audience with the Alafin reveals even new splendours added under our tutelage. I was received in a new concrete reception hall, access to which lay through a flower-garden containing a pond full of goldfish and across a red carpet. The Alafin sat upon a throne of crimson and gold obtained from Hamptons'. One female fan-bearer stood at his head, another crouched at his feet.

The Alafin, who speaks no English, is a tall, slender, elderly man: on this occasion he was much bearded and dressed in heavily embroidered robes with a cloak of white brocade. There was extraordinarily little of the negroid in his long, narrow face, aquiline nose, and thin lips. The Resident shook hands with him, but

I had been warned that it was against etiquette for him to greet me in this way. The interpreter stood at one side in an attitude of humility, and cleverly conveyed by his tone and facial expression the great condescension of the Alafin and the impressive interest of all his utterances. These were, in fact, purely conventional.

The Alafin, who has long been upon his throne, can hardly be called a progressive ruler, judging, of course, by our somewhat impatient standards. He hardly ever leaves the Afin, and Oyo, in any case, lies a little aloof from the developments that have affected much of the rest of Yorubaland. The country is poor, and the population sparse in comparison with the south: there is no cocoa and little palm-production in the neighbourhood, and the railway passes some thirty miles to the south and east. The Alafin, almost inevitably, has clung to what he can of the past, and has looked with an unfriendly eye upon modern innovations which seem hostile to his supremacy and the traditions upon which it stands. In the past his advisers, drawing their inspiration mainly from the north, have not forced innovations upon him. They believed that this might undermine his sense of responsibility and, at the worst, weaken a system to which there seemed no alternative. I gained the impression that the Alafin, a shrewd man and rather able in his way, had learned how to evade a too intimate control, to discourage complaints, and preserve for himself a sphere of action within which he could reward his friends and, at least, inconvenience his enemies. Though the old Council, the Oyo Mesi, still functions, the Alafin seems to be largely independent of its advice. He has no more need to fear the gift of parrots' eggs: our authority upon which he draws has given him a security which has dislocated the checks and balances of the old constitution.

There has been, however, in the last few years a somewhat changed emphasis of policy, and this has had its effects in Oyo. Thus in 1933 it is recorded that the Alafin, 'formerly extremely conservative, has shown signs during the year of wishing to join in with the general progressive movements' and has even given his blessing, long withheld, to an Oyo Progressive Union.<sup>1</sup> He has also been persuaded to renounce two of his old powers, that of confiscating all sick cattle on the route from Hausaland to the southern cities, and of prohibiting the export of grain from the city.

<sup>1</sup> *Ann. Rep. Southern Provinces*, 1933, pp. 59-60.

*Ife and Ilesha*

Oyo Province contains two other kingdoms independent of the Alafin, each with its special characteristics and problems.

The first of these is Ife. This, for historical reasons which have been given, is a sacred place.<sup>1</sup> It is the first home of Oduduwa, the founder of the Yoruba people. The Ifes do not accept the story that their kings are descended from his servant, but produce a genealogy of their own which gives them primacy among the Yoruba dynasties. They are critical of the historian, Johnson, as an Oyo man, and even for such recent history as the founding of Ibadan give a version which exalts their part in founding the city and differs from that current among the Ibadans. Yet most, if not all, Yoruba agree with them in regarding Ife as a holy place, and the Oni especially sacred as its ruler and the keeper of the somewhat mysterious relics of the city.

Among these are a number of terra-cotta heads which were until recently kept by priests in the 'bush'; they were only to be seen after an oblation of goat's blood, and were in great danger of deterioration. These heads appear to have been modelled with great subtlety close to the original, and have none of the characteristics, at once stylized and primitive, of tropical African art. The subjects vary in type from a remarkable and extreme negro study to others of very different racial type. The priests have now been persuaded to place these treasures in a glass case in the Afin. There are also bronze heads of fine workmanship which different experts have judged to be Etruscan, late Roman, and sixteenth-century Portuguese. While experts argue, the Ifes serenely claim them all as the likenesses of their great fathers.<sup>2</sup> There are many other relics, shrines, and obelisks which suggest that Ife was once the seat of a higher civilization than the present.

The Oni, like the Alafin, is chosen by the Council, generally in rotation from among the four branches of the ancient family. The last Oni had 105 children, so the list of eligibles is usually a long

<sup>1</sup> The information relating to Ife was gained mainly from documents in the province, from Administrative Officers in charge, and from material supplied by the Oni. I am especially indebted to an Intelligence Report by an officer who was for long in charge of the division. Ife would, however, richly repay a thorough anthropological study.

<sup>2</sup> For photographs of some of these heads see Frobenius, *The Voice of Africa*, vol. i.

one. The Council consults the god Ifa through his priests while, as once in the Holy Roman Empire, the candidates put forward by the families canvass the electors and offer lavish entertainments.

The Oni's coronation is a very prolonged ceremony. This is partly because he must visit so many of the 201 shrines left by Oduduwa, and sacrifice many hundreds of animals; partly because a new crown must be made for him, a section from that of his predecessor being built into it. The existing crown is held to be thus connected with that of the divine Oduduwa himself. Like the Alafin; he is surrounded by titled retainers. Among these are the *Emessi*, royal attendants comparable to the male *Ilari* at Oyo.

The Oni is assisted by a number of Councillors. Eight of these, under the Lowa, are chosen from among an hereditary caste, and are called Inner Councillors. They have special chambers in the Afin, have the right to enter the Oni's private quarters, and form his closest advisers. They also conduct the sacrifices in the Afin. The other Outer Councillors are ward-heads in the town, and every family in Ife looks to one of these Councillors as his chief and patron. The Bale of Modakeke, a Yoruba but non-Ife settlement near the city, also sits upon the Council. These last posts were open to any man of merit.

The judicial system, at least in its general structure, followed the lines that we should expect. At the top was the Oni's court, in which he sat with two or three of the senior chiefs. This it seems—for the writer of the Intelligence Report could only reconstruct the past by hearsay—was the supreme Court of Appeal, where all death sentences must be confirmed. The Oni still holds in the Afin a Court of Appeal from the subordinate courts, though, of course, with powers reduced from the old days of independence.

Below this was the Geru Court (*Geru* = the space in front of the Afin). It met every five days and was composed of both the Inner and Outer Chiefs, the Lowa generally presiding in place of the Oni. The revenue of the court was divided between the Oni and the judges. This court has a fairly close counterpart to-day in the 'B' Court of Ife, upon which the seven leading chiefs sit with one or two others, such as the Bale of Modakeke, chosen for their ability or their representative position. It is hoped shortly, in rebuilding the Afin, to arrange a convenient 'Geru' where this court may sit.

Below these superior courts the leading chiefs or ward-heads

would adjudicate, probably in or just outside their houses, upon minor, and especially civil, matters. This minor, local jurisdiction is now provided for by two district courts with 'D' powers, presided over by the senior men among the local Bales.

It is perhaps under the judicial heading that the Ogboni society should be mentioned, though its functions and its variations in different parts of Yorubaland still require research. In Ife it was a society to which the Oni and the leading chiefs belonged, while sons of chiefs acted as its agents. It appears that its main function was to compel the most important and wealthy men in the land, even the Oni himself, to respect the general interests, or, perhaps, the common interests of the ruling class. It had a title which meant 'the rock where there is no mercy'. It met every seventeen days, and its judgements on men of position were delivered to them by some unimportant person, sometimes by a small boy. The proceedings were secret so that the guilty never knew which members had condemned them. The society does not seem to have played the all-pervading part in the constitution that it did in Abeokuta.

Ife is steeped in pagan religion. There are 201 gods and objects of worship, each of which has its priest and followers and its annual festival. It is said that four hundred years ago, presumably through Portuguese influence, the Ifes were converted to Christianity. When the people realized that the new religion would put an end to all the ancient festivals, they gathered together upon a hill in Ife and made a mutual promise to give up Christianity. The hill is still called 'The Hill of Promise', and one shrine, said to be some hundreds of years old, is still dedicated to the worship of 'Yesu'. It is said of a former Oni that when he was asked to prohibit some undesirable religious custom, he argued earnestly with the British official that the results would be grave not only for Ife, nor for all the Yoruba, but for the whole human race.<sup>1</sup> It is not, therefore, surprising that Christianity has not made much headway here. Even so, the times are changing, and the Ifes, who formerly made a good living out of their superior religious and magical gifts, are having to turn more and more to growing cocoa for a livelihood, a crop for which the conditions are favourable. A parallel revolution has taken place in the person of the Oni himself. This head of the sacred city and its cults, this pagan pope, as he has been called, is an educated man, an ex-stationmaster and

<sup>1</sup> Ward Price, *op. cit.*, p. 4, para. 13.

cocoa-merchant, and an ardent Christian. He had no sooner been chosen Oni and presided over all the ancient ceremonies and sacrifices of his coronation than he set to work to build in Ife a church of which he is now churchwarden. He also collected money for a new educational venture, the Oduduwa Private Secondary School, which has now been successfully begun with one hundred pupils. He is interested in all forms of improvement for his people, and is a vigorous and apparently honest administrator.

It would be difficult to imagine a greater contrast in appearance and personality between the leading political, and the leading religious, rulers of Yorubaland. I attended one of the Oni's Council meetings at the Afin, a new brick building in the Norman style. Painted and carved fetish poles, somewhat resembling those of the American Indians, though of smaller size, stood before the round columns. The Oni, wearing his high beaded crown and cloaked in brocade, sat with his feet upon the traditional royal footstool. A broad, youngish man, true negro in colour and features, he jumped to his feet at my entry, shook me vigorously by the hand, and bowed me to a seat at his side. Through the arches came his Councillors, wearing long robes, and, upon their heads, tall mitres of woven grass. At the foot of the dais all the Councillors knelt upon the ground, clasped their hands in front, and uttered the words 'A wori—wori—wori', meaning 'We worship you'. They then lay face downwards upon the ground and offered prayers for the Oni, his health, his palace, and his greatness. The whole salutation was performed three times.

The first business of the Council was with me, and here it was interesting to watch the alert faces of the Councillors as their King talked fluently to a stranger in an unknown tongue. Every few moments he turned to them and translated what had been said. Again, at night, when the Oni came in his motor-car to the District Officer's house for further talk, another almost equally impressive vehicle brought the reverend Lowa, and while we talked, the Oni sipping lemonade and the Lowa gin, there was the same effort to keep the old man informed of all that was going on. We discussed Yoruba history and land tenure, female education, and other questions. The Lowa, who is at least seventy-five, reviewed the past. He felicitated his people upon the coming of the English in that this had meant the end of the twin curses of the slave trade and war. One of the things that struck him most about

Europeans was their foresight. When they acted to-day, they had their eyes fixed twenty years ahead, and therefore seldom made mistakes. 'That is why', he concluded with real or merely polite humility, 'we Africans know that we shall long need your help, especially in spending our revenues. If we had our way we should just go on adding to our salaries. We observe also that Europeans will not take bribes. But then they are paid good salaries. What you call bribes were in the old days our salaries. There was nothing secret about it; every one recognized it.'

A few words must be said of Ilesha, if only to show that each Yoruba chieftainship has a character of its own, and that generalization is almost impossible. Ilesha, though a small unit, contains the most productive cocoa-growing region in Nigeria and is, therefore, the home of prosperous farmers. The average farmer (on a rough estimate supplied a few years ago) has about 500 trees producing approximately a ton of cocoa. But some big farmers may produce as much as 10 tons. There is a strong co-operative society for selling the crop, the outcome of local initiative, though it works with the advice of the Agricultural Department.

The Ileshas have the reputation of being very independent. The word used in an early report is 'impertinent'. They are particularly stubborn upon matters of taxation. In 1914 it is reported that they refused to allow Forest Officers to interfere with their forests and, for the time, were successful. A few years ago three or four hundred cocoa-farmers tried to rush the Afin because they believed that their ruler, the Owa, had agreed that the old rate of tax on cocoa-trees should be retained in spite of the fall of price. The Ileshas have further shown their independence of spirit by experimenting with an unusually large number of new religious sects.

The Owa, unlike the Oni, though equally a descendant of Oduduwa, is an old uneducated man who was called a few years ago to the Afin. The electors in the Yoruba states sometimes follow a precedent, not unknown among other electoral bodies in history, of choosing some insignificant candidate whom they hope to mould to their will. This Owa, however, after quietly learning his business for a few years, has recently shown signs not only of capacity but of keen and progressive spirit, and is following the Oni's example of collecting money for a new school.

CHAPTER XII  
OYO PROVINCE : IBADAN

*The City Government*

OF the two remaining units in the province we must pass over that of the small chief, who bears the euphonious title of the Orangun of Illa, in order to study the large and famous city of Ibadan with its dependent towns.<sup>1</sup>

Ibadan has already figured in Yoruba history. Founded only about a century ago, it is a new-comer among Yoruba states. According to Johnson, a mixed group of marauders, Oyos, Ifes, Ijebus, and Egbas made their base at Ibadan, then one of the small towns among several that they had sacked.<sup>2</sup> There was at first constant strife between the different parties, and the Egbas soon left the settlement to found another town with a great future, that of Abeokuta. Ibadan, for all its internal feuds, was strong enough to draw to itself refugees and armed bands from a wide country until it was able to put into the field the strongest army in Yorubaland. It was this army which saved for the Alafin a remnant of his former kingdom, and carried on protracted wars with neighbouring Yoruba states. In the sixties the Ibadans built a triple wall round their city, the outer one of which ran for twenty-four miles.<sup>3</sup>

Ibadan is recorded in the Census of 1931 as having a population of 387,133, only 226 of which is non-native.<sup>4</sup> It is thus by far the largest negro city in Africa. In appearance it differs very much from Kano, its Moslem rival in the north. Instead of being level it sprawls over seven wooded hills; in place of flat mud roofs is an almost continual stretch of dully gleaming corrugated iron which has replaced the old thatch. The city is dominated by the massive, columned Council House, built a few years ago by the Native Administration Works Department at a cost of £24,000. Except

<sup>1</sup> Ibadan has already appeared more than once when the first phase of our administration of the Lagos hinterland was surveyed. For those who wish to study this earlier period more closely there exists a valuable record of the development of British administration in a single African district. It is a chronological summary of events up to 1913 by Captain Elgee, who was for long Resident in Ibadan, and from whose book, *The Evolution of Ibadan*, quotations have already been made.

<sup>2</sup> Johnson, *op. cit.*, pp. 223-5.

<sup>3</sup> Elgee, *op. cit.*, p. 4.

<sup>4</sup> Vol. i, p. 101.

for a small township, which contains the European houses and stores and the West African Frontier Force lines, the whole city is under the Native Administration. Before the slump it had a revenue of £80,000 (now £60,000) and, like Kano, had taken on to its budget most of the local services. Among these we find the police, with a specially trained municipal section, a large prison, a magnificent hospital with a number of dispensaries and a vaccinating staff, a sanitary school, an elementary training school, a Works Department with a European director and three other Europeans, a Survey Department, water supplies, and a considerable mileage of roads. There is even a municipal library and—a recent innovation—a public park where a brass band provided by the local schools plays on Saturday afternoons. Ibadan is enthusiastic about education, yet it is only thirty years ago that the Resident complained that the schools had everything except pupils, while the chiefs on their side asserted that a boy old enough to hold a horse was too old to go to school.<sup>1</sup>

Ibadan is a city of contrasts. Even more perhaps than in Kano, its population is linked with the country-side. The great majority of Ibadans have a farm as well as a town-compound, and the members of families pass from one to the other as their business and the seasons demand. Increased security and the growth of economic crops have probably led to more time being spent upon the farms. There must be a wide range of wealth from the ordinary peasant-citizen through the larger farmers and the professional classes to the big traders, some of whom are reported to have made tens of thousands of pounds before the depression and have built imposing three-storied houses. Although a wide range of European goods can be bought in Ibadan, the native industries flourish; and indigo-dyed homespun is still the main clothing of the people.

The administration of Ibadan is in the hands of a Council, at the head of which stands no Oba, or crowned head, but a commoner, the chief father of the city with the title of Bale. He is assisted by the Council. As the city was the base of an army, the military predominated over the civil in the dual organization. There are sixteen civil and sixteen military chiefs. On the civil side the Bale is at the head. With the end of warfare not only does the Bale become more important than his opposite number, the Balogun,

<sup>1</sup> Elgee, *op. cit.*, pp. 20-1.

or father of war, but the military leaders undertake civil functions. The main chiefs are as follows:

<i>Civil</i>	<i>Salary</i>	<i>Military</i>	<i>Salary</i>
Bale . . . . .	£2,400	Balogun	£700
Otun (right hand of) Bale . . . . .	£600	Otun Balogun	£420
Osi (left hand of) " . . . . .	£360	Osi "	£240
Ashipa (an Oyo title) " . . . . .	£240	Ashipa "	£240
Ekerin (4th) " . . . . .	..	Ekerin "	..
Ekarun (5th) " . . . . .	..	Ekarun "	..

The salaries of the leading chiefs are given: those of the lesser ones are not distinguished in the Estimates.<sup>1</sup> The members of the Council receive additional salaries of from £50 to £120 as judges.

These chiefs are chosen by the Council by co-optation after consultation with Ifa. The choice appears to be made according to a number of considerations in which figure seniority, membership of leading families or even hereditary claims, wealth (provided it has been used to 'entertain' the Councillors), character, and popular approval. When the Bale dies the Balogun generally succeeds, the Otun Bale becoming Balogun and all the other chiefs moving upwards. In the old days this was a frequent event, but a man who could hold one of the chief posts for only three years before he met his death had the satisfaction of knowing he had enriched his family for at least a generation. The chiefs were so much under the spell of custom that when in 1907 a deposed Bale was presented with a house in Abeokuta and a pension of £200 a year, he chose rather to poison himself.<sup>2</sup> Before installing chiefs it was customary to obtain the confirmation of the Alafin.

When the Bale has been chosen he walks to the market place to be installed before the whole town. The Oluwo, whose duty it is to install him, charges him as follows:

The whole town asks me to salute you.

You are duly elected and appointed to the post of Bale to-day.

You will give all your attention to the progress of the town?

*Bale:* I will.

*Oluwo:* You will not try to undermine the peace of the town?

*Bale:* I will not.

*Oluwo:* You will not allow robbers to break the peace of the town?

*Bale:* I will not.

<sup>1</sup> *Native Treasuries Estimates*, 1935-6, pp. 184-5.

<sup>2</sup> Elgee, *op. cit.*, p. 21.

*Oluwo*: You will seek to protect the right of the oppressed?

*Bale*: I will.

*Oluwo*: You will do what justice lies in your power?

*Bale*: I will.

The Oluwo then prays, 'May you live long. May peace and prosperity reign. May there be no war, no rebellion, no civil trouble. May there be contentment in your time.' The Oluwo then places a twig of the wild plum tree, 'the leaf of the title', under the Bale's cap against his right ear, and his words 'You are given the title' is the signal for an outburst of drums and *feux de joie*.

The Councillors, old though most of them are, work hard. The Bale and the three leading chiefs form the gazetted Native Authority, but all matters of importance are discussed in full Council. The senior Councillors sit upon the Judicial Council, a 'B' grade Court of which the Bale is President, and both seniors and juniors are judges in the subordinate Native Courts. There are in addition no less than ninety lesser judges on the Estimates, at salaries of between £24 and £48, and twenty-six judicial clerks.

Ibadan, unlike most Yoruba towns, is not divided territorially into wards under ward-heads, but on the personal basis of the old war-camp. Every citizen chooses one of the chiefs as his superior or representative, and approaches the Bale and Council through him.<sup>1</sup> This is a very confusing arrangement for Administrative Officers, especially as the tie can be changed to another chief at the will of the client.

Upon my visit to Ibadan the city fathers, seated on a dais at the end of their long council hall, received me with courteous dignity, and presented me with kola-nuts and several turkeys. They wore flowing robes and an ancient style of headgear with turned-up flaps. They were all illiterate and rather aged men, but very far from being senile. Afterwards I talked with the Bale, the Balogun, and the Otun Bale. The Bale gave an impression of shrewdness and strength; the Balogun was a withered ancient who must have been in his warrior's prime when the British took charge of Ibadan.

'When we made war', the Bale explained, 'the Balogun went with the armies—the Bale stayed at home to guard the city and sent out food and ammunition. We fought all the peoples round us. We always beat them. Only the Europeans could have stopped us. Even when all the towns banded together against us, still we beat them. In those days we

<sup>1</sup> Ward Price, *op. cit.*, p. 41.

bought our guns and ammunition with slaves. For a good, strong young man we might get as many as twenty guns, for others only ten. In money we would get perhaps £12 10s. for a boy, and much the same for a girl. We traded mostly through the Ijebus. Yet we like this peace better than the wars, for a very good reason, that all the three of us here are alive. In the old days we should probably have been killed off long ago.'

After this interview the Balogun offered to take me to his house and show me the ancient war-standard of Ibadan. When this tattered relic appeared at the doorway a crowd appeared from nowhere, and soon some hundreds of people were leaping and shouting round it in sudden wild excitement. The Ibadans, it seems, have a strong patriotic spirit, bound up with a not unfounded pride in the warlike history of their city.

### *The System of Taxation*

As the system of taxation in a northern Emirate has been described, it may be interesting to see how the Ibadan Native Administration manages this important function.<sup>1</sup> In 1936 it collected £66,000, keeping £40,000 as its own percentage.<sup>2</sup> This has to be collected from a population of 387,000 which, owing to its peculiar relations with the surrounding farm-lands, is constantly shifting from the town to the 677 square miles surrounding it. The tax is called an income-tax, but in practice becomes a flat rate with additions for the obviously wealthier people. The flat rate is calculated on a basis of  $2\frac{1}{2}$  per cent. upon the income of the ordinary farmer which is between £12 and £16 a year. In recent years it has worked out at about 8s. per adult male. (It is rather less in other parts of the Province.) Extra charges at a fixed rate are made upon owners of cocoa-trees, motor-cars, produce scales, dye-pits, houses used for renting, and so on. These wealthy ones may be women, many of whom are substantial traders. I happened to be in the office when the contractor for foodstuffs to the large prison in Ibadan came in for the weekly cheque. This contractor was a woman.

The method of collection employed is as follows. Notice is given to the various districts prior to the date of collection which is adjusted to coincide with the periods when money is expected to

<sup>1</sup> This description would also apply generally throughout the province.

<sup>2</sup> *Native Treasuries Estimates, 1935-6*, p. 184.

come in. In Ibadan this is during the cocoa season. After due warning the tribute clerical staff arrive with the previous year's records; the chiefs turn out and sit at tables in the market-places. The compound-heads now come, bringing last year's receipts, and give the names of all adult males who are living in their compounds or are attached to them. The total payable is written in the ledger and also upon a form which is handed to the compound-head, who is expected to return in two or three days with the money. When he pays he is given a receipt for the whole sum, with a separate numbered ticket for each of the taxpayers on his list. The money, which has been counted out on mats on the ground, is put into bags by the chief's servants and stored in his house until enough has accumulated to justify an escort to the Bank or to the Native Treasury head-quarters.

There are two or three points of interest about this system. The clerks do not handle the money at all; the chiefs are responsible for it. The central figures are the compound-heads, who with few exceptions have proved themselves, year after year, to be worthy of the trust placed in them. They often err, if anything, upon the side of virtue. They frequently continue paying for deceased persons because the striking out of their names seems to deny to these the continued membership of the household which African custom allows to them. They also exhibit a fatalism about excessive charges which prevents them making complaints to the Administrative Officer, who is known to be always ready to hear them.

The smoothness and regularity with which this large revenue is collected testifies to the sense of responsibility both of chiefs and compound-heads which is stimulated by the publicity of the process. The British Administration also deserves credit for having fostered this sense of responsibility by a policy of trust and of preserving traditional functions. As a final touch to a pleasing picture it might be added that the Native Treasury staff of local clerks, though paid upon very economical rates, can boast an exceptionally good record of honesty and efficiency.

#### *Subordinate Groups*

This chapter has dealt almost entirely with the head-quarters organization of the Native Administration. We must now look lower down the scale at the smaller and larger towns—which are

subordinate to it and the family cells of which these units are composed.

The Yoruba family is patrilocal and patrilineal. These rather general anthropological terms must suffice until a deeper analysis of Yoruba kinship has been made. In former days it was the general rule for a group of related families to live together, brothers with their wives and children and those of their married sons. One or two more distant relations, or an adopted stranger, might swell the group. In a region little touched by the new educational and economic influences it is stated that as many as thirty or forty biological families may live together, but the average number is twelve, with an average membership for each extended family of forty-three persons.<sup>1</sup> Round Ibadan the numbers would be less, as there is a tendency among the more sophisticated for families to break up, the young married men setting up homes of their own.

The Yoruba family lives in a house with mud walls and a roof thatched with grass or leaves. A number of rectangular rooms enclose, or partly enclose, a central yard, upon which the doors open under the shelter of a narrow veranda. Each family has a room; there may also be a general room, another for the older children, a kitchen, and a store. A room, or part of a room, will be set aside for the family shrines. The yard serves as a run for poultry and goats, and also as a burial ground.

The head of the family, generally the most senior man, is called the Bale, a title which means father of the land, an important aspect of his duties which will be discussed a little later. He is treated with great respect by the rest of the family. He and his wife, the Iyale, must be greeted every morning by the Yoruba salutation, the men prostrating themselves, the women sitting on the ground and reclining on the left elbow. The Bale is responsible for the conduct of the members of the compound. He settles all internal disputes as far as possible himself. His wife has special control over the women of the household.<sup>2</sup>

The family under its Bale recognizes the authority of the Bale of the town or villages, the not very apt English terms used for the larger and smaller groups of compounds. This relationship

<sup>1</sup> Ward Price, *op. cit.*, p. 16, paras. 60, 63.

<sup>2</sup> Johnson, *op. cit.*, pp. 98 ff. Information upon these points written from the Egba point of view will be found in A. K. Ajisafe's *Laws and Customs of the Yoruba People* (1924).

may have developed in various ways. A family which settled on empty land may have increased until it has become a large community which still recognizes the authority of the senior descendant of the founder's family. But this, since the chaos of the Yoruba civil and foreign wars, is probably not the normal situation. Families or individuals shifting as a result of war or disorder have asked permission of the existing head of family or town to settle on the land and have thus accepted his control and become part of his community. But these villages or small towns do not stand alone. During the last century, even the more independent groups scattered over the less accessible parts found themselves threatened by Fulani or Dahomey raids, or by Yoruba bands or armies. They therefore put themselves under the protection of the nearest strong town. This was the case with most of the towns that are grouped about Ibadan, which by its great armed strength drew into its orbit towns which could no longer expect protection from the Alafin or other rulers. The organization of these smaller towns, occupying an intermediate position between the larger town to which it looked for protection and the extended family from which it was probably at least in part derived, illustrates some of the principles of Yoruba society. Instead of generalizing about this organization, it will be both safer and more interesting to describe a small town which has figured in a recent Intelligence Report, from which the information which follows is derived. As it is in a backward part of the Province, its customs have been little modified by European influence.

Igangan is in the west of the province. It is said to derive its name from *egan*, a term of contempt which was applied to it because it was founded by a woman: every one laughed and said the attempt was bound to fail. In spite of many troubles, however, Igangan maintained its existence. It has to-day a population of 4,489. Lying ten miles from the next village and twenty miles from the nearest motor road it is somewhat isolated, and its inhabitants are mainly engaged in hunting and growing their own food-crops, though the surplus is exported to Abeokuta. These crops consist of yams, guinea-corn, maize, cassava, pine-apples, melons, and onions. No cocoa is grown, and cotton is only produced for home consumption. Problems of land-tenure have not yet been raised either by over-population or permanent crops. The women spin and weave. The people have their own smiths, potters, and dyers;

their own carpenters and tailors. They buy little of European origin except salt. In the market, tenths of a penny and even cowrie-shells are employed as currency. In the whole administrative district of over 40,000 people to which Igangan belongs, it is estimated that not more than 2 per cent. are Christian, and it was only last year that the first school was opened. Economically and educationally, therefore, Igangan belongs more to the past than the present.

The town has had a troubled history. Before the threat from the Fulani, it put itself under Igana, a powerful Oyo town to the north, and reproduced in its own constitution some of the titles of its protector. Afterwards it turned to the town of Ijaiye until that was destroyed by Ibadan, when it accepted that powerful town as its overlord. About 1885 came the Dahomey invasion from which even Ibadan failed to save its client. Regiments of women dressed like hunters in short trousers and tunics, and armed with axes, massacred the people even more relentlessly than the male soldiers. The Igangans fled bodily to the Oyo town of Iseyin for refuge, returning when the Dahomey army had retired.

The overlordship of Ibadan was not very rigorous. An *ajele* or agent was stationed in the town to watch over the interests of Ibadan and to collect tribute. In time of war Igangan had to contribute a quota of men, with food and ammunition, for the main army. The town managed its own affairs, and only referred very serious or difficult disputes to Ibadan. In that city the Igangans selected one of the chiefs as their representative or patron. To him the *ajele* was responsible, and through him the townsmen transacted their affairs and approached the Bale and Council. It seems that from time to time the Igangan chiefs visited Ibadan in order to pay their respects.

The present Chief of Igangan is the eleventh to bear his title of Ashigangan. His Council is divided, on the usual Yoruba pattern, into a civil and military side. The following are the principal chiefs:

<i>Civil</i>	<i>Military</i>
Ashigangan	Balogun (captain)
Bada   titles borrowed from	Otun Balogun
Gbonka   Igana.	Osi     ,,
Ikolaba—the man who carries the	Asagu (leader of the <b>van</b> )
knapsack.	Sarki (leader of the <b>rear</b> )
Agbakin—the father of the brave.	

The Ashigangan is always chosen from one of two branches of the senior family. The chiefs of the Council meet when their head dies, and having considered the candidates and given due weight to the wishes of the deceased, climb a neighbouring hill called Ako, to submit their choice to its guardian spirit, which from the remote past still maintains its sway over the town. The choice is then announced to Ibadan, and the representatives of the Bale (and, formerly, it seems, of the Alafin) visit the town and ask the assembled people if they approve the choice. After this the Ashigangan is installed by a ceremony similar to that described at Ibadan, and carried to his house where all enter in order of precedence and make obeisance.

The Ashigangan and his Council form the local court which, according to the old Yoruba custom which greatly shocked our earlier administrators, is held in, or just outside, his house. The town is divided into wards, for each of which a chief Councillor is responsible. There is also the Iyalode, the chief woman of the town, a position that rests in one family in Igangan, though elsewhere it is generally open to any one of substance and character.

This comparatively simple and intelligible organization, which the Government has found little need to touch, is, however, complicated by a number of auxiliary institutions, which, in European eyes, seem to duplicate if not to confuse its working, but which actually seem to serve as a reinforcement. There are, for example, the *egbe*, the voluntary associations of men, generally on a basis of age, who assist each other in farm-work or house building, or at times of emergency or expense. Each has its leader, and all are under the general control of the Balogun. There are also ten occupational guilds, which are of course more important in larger and more advanced places, and which comprise all the blacksmiths, all the tailors, the dyers, and so on, each member initiating his son in his craft. There are the religious cults. Some of these are purely family matters. Others, while they have their family shrine and priest or priestess, are, as it were, local branches of a cult common to the town, or even to the whole of Yorubaland, with heads appointed by the highest authorities of the cult. In Igangan, as in many other parts, the cult of Ifa is predominant. For this the people are divided into ten groups, and the boys are initiated into these groups at an important annual ceremony. Over each group is a head responsible to a supreme head appointed

by the Ashigangan. We have not yet sufficient knowledge of the functions of these bodies to understand their relation to the working of Yoruba society.

Let us turn from Igangan to Oshogbo, in order to show not only that the constitution of every town is characterized by its individual history but also that it is not only remote and 'backward' places like Igangan where the old customs flourish. Oshogbo is a large and important railway centre in the Ibadan group. It was originally founded by the son of the Owa of Ilesha, and being upon a river, sent a tribute of fish to this Owa. The head of the town is still called the *Ataoja*, a contraction of *A-tewo-gbo-eja*, 'one who stretches out his hand and takes fish'. Near Oshogbo were several other towns, two of which claimed to have been founded by a fugitive Oni of Ife in the days of Oranyan. (Most towns claim to have been founded from Ife, as this gives them a superior status.) When the Fulani advanced from the north about 1830, these two towns fell to them, and their people fled into Oshogbo. Oshogbo was besieged, and turned to Ibadan as the only power that could save it. Ibadan sent an army, routed the Fulani, and placed a representative in the town. Any attempt of the Owa of Ilesha to reassert his suzerainty was prevented by the defeat of Ilesha by Ibadan in 1850. Yet, so long are the memories of Yoruba, and so great their respect for history and descent, that the Oshogbo chiefs, though they do not dispute the suzerainty of Ibadan, still formally report all matters of importance to the Owa of Ilesha, and send representatives to his festivals. In the same way, those inhabitants of the town which treasure their ancient descent from Ife pay their respects to the Oni.

Oshogbo stands in an important economic position. It is not only on the railway, but is the terminus of the road from Ilesha and Benin, and is also a large centre for the cocoa trade. As such it attracts many strangers. Before the slump it was prosperous and gave considerable employment to such sophisticated people as clerks and lorry drivers, while many of its inhabitants built semi-European, and even storied, houses. Its citizens pursue their trade to the Northern Provinces and even the Gold Coast. Six large European firms have establishments there; regular motor-transport services run from the town, and the British American Tobacco Company has set up a cigarette factory. The missions have long been at work, and there are six schools and a Government hospital.

Moslem influence has been playing upon this part of the country strongly, at least since the Fulani occupation of northern Yorubaland.

In spite of all this, the pagan constitution, and the customs with which it is bound up, seem little affected. Even those nominally Mohammedan play their part in the traditional ceremonies. The House of the Orishas or sacred images stands in the market outside the official residence of the Ataoga. In July the chiefs visit him daily for thirty days to perform the rites required by Ifa at this season. The many other festivals, the visits to Orisha-houses and consultations of oracles, the feeding of the sacred fish, have almost the character of municipal ceremonies and are faithfully kept up. There seems to be no clash between the pagans, the Christians, and Mohammedans upon the occasions of their respective public celebrations. The old and illiterate chiefs rule the town in spite of the criticism of some of the young and educated. The recent election, however, of an educated Ataoga may help to give these critics a more constructive task. It also shows how the very passage of time helps to remedy the present maladjustments.

#### *Relations with Oyo*

The relations between Oyo and Ibadan have presented the Government with a complex problem. At one period, as we have seen, the Alafin exercised a wide power in Yorubaland, but upon our arrival this power was in decline and rested largely upon the support of Ibadan. The position was probably correctly stated by an observer in the middle of the last century, 'Ibadan, like other Yoruba towns, while nominally subject to a king who resides at Oyo, is in fact an independent state governed by its own chiefs and claiming tribute and military service from many smaller towns in virtue of the protection which it affords them'.<sup>1</sup> When the Governor of Lagos went north in 1893 he made separate treaties with Oyo and Ibadan, and the Bale and seven other Ibadan chiefs put their marks on their treaty. It was recognized that the general administration of a number of the surrounding towns was vested in Ibadan, 'notwithstanding that the Alafin is recognized as the King and Head of Yorubaland'.<sup>2</sup> Commenting upon this, the Governor gave it as his opinion that the connexion with Oyo

<sup>1</sup> Hinderer, *op. cit.*, p. 61.

<sup>2</sup> Johnson, *op. cit.*, pp. 654-6.

was sentimental rather than real,<sup>1</sup> that the Alafin was jealous of Ibadan, which was prepared to pay him outward deference so long as he made no real attempt to assert his power. When in 1904 the agreement to extend the jurisdiction of the Supreme Court over Ibadan was made with the Bale and Council, it was presented to the Alafin for confirmation. The Secretary of State, commenting upon this procedure, endorsed the opinion of the Governor in 1893 and presumed that 'nothing would be done to coerce Ibadan and the other towns into accepting a real rather than a nominal overlordship on the part of the Alafin'.

From about this date, however, a tendency may be discerned to increase the power of the Alafin both in his home districts and relatively to Ibadan. An Administrative Officer was established in Oyo, and as this post, and then that of Resident, was held over a long period of years by one man, an exceptional continuity was given to the policy. It was a policy that would naturally be presented to an officer working in close contact with the able and ambitious Alafin and in a place which tended to look towards its exalted past rather than to a somewhat distasteful present. It was founded upon a belief that in the absence of an officer at Oyo, and with the great development of Ibadan as a railway and commercial centre, there was danger that the political evolution of the Yoruba was being diverted from its true lines. Subconsciously, there may have been a preference for partnership with the Alafin, with his historic dignity and his convenient centralization, as against that with the Bale and Council of a large, upstart city in its first restless response to European influence. This preference would increase as the Ibadan authorities began to kick against increased intervention from Oyo.

When, with the amalgamation of 1914, northern influence was brought strongly to bear upon the south, the Alafin naturally appeared the ideal chief for a fully organized system of indirect rule. Ibadan, on the contrary, was a monstrosity unknown to northern officers, for which there was no provision in their system. The Ibadan chiefs made no secret of their resentment at the inspired encroachments of the Alafin, and they and their people gained the reputation of being 'difficult'.

In 1917, when the Native Authorities under the new system were gazetted, the Alafin became the Native Authority for the

<sup>1</sup> In this he was repeating the opinion of Captain Elgee, *op. cit.*, p. 5.

province, with the Bale of Ibadan a subordinate Native Authority under him. With the accompanying introduction of taxation, Ibadan began to pay a fixed tribute to the Alafin. The policy was laid down that the Bale of Ibadan was in the position of a northern District Head in relation to the Alafin, and that the towns hitherto administered by Ibadan should be ruled in the same way directly from Oyo. The readiness with which the Alafin accepted the new policy, in contrast with the reluctance of Ibadan, to which troops were drafted before the tax was collected, still further strengthened the Alafin's position with the authorities. The policy of centralization was endorsed by the Governor-General.

'The course most in consonance with the history and traditions of the country, and the one most likely to result in a sound administrative organization, would seem to be that the whole of the Ibadan and other divisions of Yorubaland should be divided into districts under Headmen directly responsible to the Alafin and hence independent of the Bale, who himself would rank as a District Head. . . .'<sup>1</sup>

The idea that the Alafin might once again become the ruler, not only of Ibadan, but of Yorubaland as a whole, began to take shape. Mr. E. D. Morel, who visited the country in 1910-11, found this idea in the air and advocated the welding of the whole of Yorubaland into one state under the Alafin, with a representative Yoruba Council.<sup>2</sup> This, however, remained a distant ideal. The only part for immediate execution was the administrative subordination of Ibadan.

After following this policy for twenty-five years the Government has recently reversed it. The decision seems to be based upon the view that it was not well founded in the first instance and has not succeeded in practice. The Ibadans, obliged to bend, have never been broken. Suspicion and misunderstanding have been frequent, and two Bales have been deposed for reasons partly connected with this controversy. The Alafin, on his side, has not employed his authority in a generous and public spirit, and has therefore done nothing to win the acquiescence of the Ibadans in what they persist in regarding as a usurpation. This problem has merited attention not only because it affects a large number of people, but because it affords a valuable illustration of the difficult problems that are set to our Administration and the mistake it may make in trying

<sup>1</sup> *Political Memoranda*, p. 177; see also *ibid.*, p. 305.

<sup>2</sup> Morel, *op. cit.*, p. 87.

to solve them. There is no doubt that the officers most responsible for the policy described believed that it was in the best interests of the Yoruba people and in line with their historic development. If I attempt—in the wisdom that comes after the event—to consider where the error lay it is not in a spirit of depreciation for a past régime when mistakes were perhaps unavoidable, nor in a complacent belief that a final solution has been found. It is no easy task for foreigners to decide what is the true line of development for a people whose destiny they have so largely taken into their own hands, and whose social organization, already difficult to understand, is in process of deep and rapid change.

It is possible to distinguish in our policy several tendencies, all of them very common in our dealings with Africans. The first is to look too much to what may seem the one certain element in the situation, the history and anthropology of the tribe, as interpreted to us by not wholly unprejudiced authorities. The ancient constitutional pattern of Yorubaland seemed so desirable in its centralization and discipline that it was possible to overlook the unsuitability in this century of subordinating a great, progressive city like Ibadan to a remote and highly conservative potentate.

The second tendency is one of which examples can be found in all British dealings with primitive peoples, and which in some degree is perhaps unavoidable. It is the translation of social conceptions foreign to our experience into our own constitutional terms. The Ibadans admitted the primacy of the Alafin, and were prepared to pay him marks of their respects as to their father. A chief of ancient line is the offspring of the gods; the mythology of the tribe, in which its group-consciousness is embodied, is bound up with the story of its founder. But this is something very different from administrative control, and especially administration of the novel and effective English kind, to the exercise of which we have endeavoured to adapt their institutions.

The third error of this policy was that of confusing a principle with the circumstances in which it was first applied. Because indirect rule had been developed in the northern Emirates with their somewhat despotic chieftainships, it has been assumed, not only in Nigeria, that a powerful chief was indispensable to the system. The attempts to find chiefs opened up the temptation to create them when they could not be found, or to exalt them where they did not seem to be sufficiently powerful.

It may be said that before it is possible for Administrative Officers to have learned all the facts or to have gauged the true interests of a group, such errors of policy are almost unavoidable. This may be so. But there is a certain safeguard against future mistakes. This would be to recognize more frankly the difficulties of our task in Africa and so develop a more tentative attitude of mind. There would thus be a greater readiness to detect and to study sympathetically any signs of discontent or friction. This will almost always lead, if sometimes only by a roundabout path, to the discovery of legitimate grievances which the people either dare not, or more often, cannot, formulate. That more attention was not paid to the occasional manifestations of dissatisfaction in Ibadan may have been due to a belief that some of the citizens were becoming 'politically-minded' in a sense to be deprecated and were stimulated by even more advanced politicians in Lagos.

This phase of policy has proved a useful example of certain tendencies in our administration, but it would be a mistake to exaggerate its effects. The practical good sense of our officers prevented them from pressing their own policy to its logical conclusions, and Ibadan cannot be said to have suffered from it in any positive ways. It has therefore been possible to abandon it with a minimum of bitterness or dislocation. The change was effected by a notice in the *Gazette* in April 1934 appointing Ibadan an independent Native Authority. The Ibadans, though reported to be very pleased with the decision, refrained, out of respect for the Alafin, from any public celebration of their new status and agreed to continue their payment of over two thousand pounds towards the Alafin's salary for the rest of his life.

Since its achievement of independent status the organization of Ibadan has been reformed. Freed from the overlordship of Oyo, its chiefs were asked to put their own relations with their subordinate towns upon a more definite and liberal basis. The new Native Authority was therefore composed of the Bale and three other leading chiefs of Ibadan, while the senior chiefs of the five main associate towns, Ogbomoshó, Ede, Iwo, Oshogbo, and Ejigbo, with their Councils, are gazetted as subordinate Native Authorities.<sup>1</sup> They meet to discuss all common matters, and especially that of finance. It is hoped that the revenue will now be spent more evenly over the division, and that Ibadan will not continue to gain rather

<sup>1</sup> *Courts and Native Authority Legislation* (Lagos, 1934), p. 187.

more than its fair share. But the democracy of the new organization goes still farther. All heads of towns and villages, however small, attend an annual meeting at which the estimates are discussed and at which any one is free to speak. Each town, moreover, continues to manage its own internal affairs according to the old Yoruba constitution. Many more Native Courts have been created for the associated 'towns' and their villages. By 1934 there were more than thirty courts in the Ibadan area.<sup>1</sup> Appeal from these lies to the Ibadan Judicial Council and from this to an Administrative Officer.

Ibadan City itself is reported to be full of pride in its new status and anxious to strike out upon progressive lines. Two educated members have been co-opted on to the Ibadan Council and an educated advisory committee reports upon salaries and appointments. Another committee, educated and otherwise, male and females, has been set up to deal with the difficult municipal sanitary problem. The Native Administration has taken over two existing private schools and may shortly absorb the present Township.

It may be that beneath this picture of vigorous progress and of happy fusion between the new and the old, Ibadan hides many weaknesses. The external observer, relying mainly upon official information, can never be absolutely secure in his optimism about the present condition of a native people. But all the evidence suggests that the constitutional machinery is now sound and that the people accept it and are fully capable of working it. That the future of this great African city will be full of problems is inevitable. One of the most serious of these relates to land tenure and will be discussed in the next section.

### *The Land Problem*

The question of native land tenure is one that sooner or later must affect all except the few waste places of Nigeria. Some of its general aspects will be discussed in a later chapter.<sup>2</sup> It is a question of immediate importance in much of Yorubaland, but as in Oyo it has reached its most acute stage in Ibadan, it is most properly considered in this chapter.

For information about Yoruba land tenure we are indebted to Mr. H. L. Ward Price, the present Resident of Ibadan, for his report of 1933. His account of the general principles of the system

<sup>1</sup> *The Laws of Nigeria*, 1934, pp. 710-11.

<sup>2</sup> See below, Chap. xix.

is based mainly upon investigations made in Ife Division, but are at least partially valid for other parts of the province.<sup>1</sup>

In considering the land laws of a native community we must remember that we are dealing with a very fluid and variable situation which we tend to distort by the very process of definition. It is, for example, difficult for us to visualize conditions in which land was so much more abundant than the labour with which to cultivate it, that ownership in an exclusive and permanent sense was unnecessary.

It is not possible to put the early settlement of the Yoruba into any historical framework, and on general grounds it might be doubted whether Mr. Ward Price is right in assuming there were no 'aboriginal' inhabitants. We can, however, attempt to re-create the conditions in which a group of Yoruba, who, we may conventionally assume, set out from the tribal home of Ife to occupy a piece of waste land. The first settler made the land his by the very act of settlement, but upon his death it became family land, and part of it was allocated among the individual members by the head or Bale of the family, the rest being held under his control in the general interests of the family. As families were held together largely by the needs of economic co-operation and of defence, the size of the family group probably varied according to the local conditions. Individual sons would in time radiate outward from the first settlement, occupying new land and setting up their own families. The head of the senior family might thus develop into a Bale or chief of greater or lesser importance according to the numbers who still recognized his authority. While his administrative and judicial powers—exercised, of course, in council—might be important, his control over land was generally very limited. He would be given small presents in order to confirm his recognition of new family settlements, or of the entry among his people of a stranger to whom a family was prepared to give or lend land.

As land was probably plentiful it was advantageous to the family head and to the Bale of the 'town' to gain a new resident. The element of sale did not enter these transactions. The gift that passed was a recognition of the 'political' headship of the Bale of the 'town', as, on a smaller scale, it was of that of the family head. If the Bale of the town should at any time expel a land-holder it would not be by way of resumption of the land but because he had

<sup>1</sup> Ward Price, *op. cit.*, pp. 4-32.

done something which made him unacceptable as a member of the community.

In and around Ibadan City there was no ruling dynasty. The group had been formed in comparatively recent times by a heterogeneous collection of soldiers and refugees, who for long lived more by raiding than agriculture. The family groups were therefore even more independent than in Ife.<sup>1</sup>

The development of Ibadan as a great town and trading centre, with the introduction of cocoa in the surrounding farm-lands, has gradually altered the position of land and has given it a scarcity and commercial value. Men parting with land have begun to ask something more than a small present; men receiving it want the security that comes from sale, and the evidence of sale. Money and pieces of paper have long been changing hands.

It is not very easy to define the position that has been reached to-day in Ibadan. Town-land is still regarded as less valuable, because less basic to a mainly agricultural community, than farm-land. It also lacks the sacredness of the soil that nourishes the family. Traders who require it for business or residence are easily able to acquire it. There has, therefore, been more traffic in the town than elsewhere. In the country cultivated family land is seldom alienated, but forest which, because of the work required to clear it, could generally be had for the taking, has acquired a new value as potential cocoa land, and the customary present given for it often swells to a sum of almost commercial proportions. This is paid, as a rule, when the trees begin to produce.

The position has been very much complicated by the attitude taken up by the Ibadan chiefs. It has been a frequent, and perhaps an inevitable, occurrence that the early definitions of native customs, issued as a result of consultation between chiefs and Administrative Officers, have been distortions in favour of the chiefs. In 1903, after discussion with the Resident, the Bale and Council of Ibadan issued a public notice declaring that all land in the town was vested in them, as the chiefs and representatives of the people. Alienation away from the native owners was forbidden. Land could only be leased for a term of years, and these leases must be registered with the Bale and Council, to whom the rent must be paid.<sup>2</sup> This notice is manifestly at odds with the facts put forward by Mr.

<sup>1</sup> Ward Price, *op. cit.*, pp. 41-2, para. 156.

<sup>2</sup> Ward Price, *op. cit.*, pp. 52-3, paras. 183-4.

Ward Price and confirmed by Yoruba writers. The next pronouncement, a Native Court Rule of 1918, was not much more happy.<sup>1</sup> It laid down that 'communal land' should only be occupied by strangers upon lease from the Bale and Council. But communal land in the sense of unoccupied land within the Ibadan boundaries no longer existed, while 'stranger' was no easy word to define.

In 1916 the Chief Justice issued a report upon land in Ibadan in which he denied the right of Ibadan families to transfer their land outside the family. He drew up a restricted form of lease between lessors and non-Ibadan lessees, and declared that the Bale and Council could dispossess strangers from land that was required by natives. He confirmed the illegality of all sales of land.

In spite of all these prohibitions and regulations Ibadan natives continue to obey the pressure of economic forces and to sell land. Mr. Ward Price gives numerous instances of these transactions.<sup>2</sup> These are disavowed by the parties when questioned, and the buyer is thus placed in a very uncertain position. When in Ibadan I examined the records of land cases which illustrated the existing confusion. Although witnesses in court openly state that they have bought or sold land, no judgement can recognize such arrangements.<sup>3</sup> It is interesting to watch the old ideas in process of dissolution, and the almost moral reprobation with which some of the older generation still regard the sale of agricultural land; while the idea persists that it is more reprehensible to take money for land to be used for food crops than for economic crops.<sup>4</sup>

Ibadan, however, has been spared anything worse than confusion and drift. The chiefs have not been turned into landlords; they do not seem to have used their untraditional powers very oppressively, and the non-recognition of sale has at least saved the peasant from the money-lender and the land-speculator.

It was to discover this situation that Mr. Ward Price, partly at the solicitation of the Commissioner of Lands, was commissioned to make his inquiries. Sir Donald Cameron issued a paper upon the Land Tenure Report in which he laid down some interesting suggestions about future legislation.<sup>5</sup> He was prepared to see the

<sup>1</sup> Ward Price, *op. cit.*, pp. 53-4, paras. 185-7.

<sup>2</sup> Ward Price, *op. cit.*, pp. 45-51, paras. 171-5.

<sup>3</sup> Ward Price, *op. cit.*, pp. 43, para. 160.

<sup>4</sup> Ward Price, *op. cit.*, p. 43, para. 157 and p. 45, para. 169.

<sup>5</sup> *A Note on Land Tenure in the Yoruba Provinces* (Lagos, 1933).

development of individual tenure in the interest of agricultural improvement and was advised that a simple, inexpensive plan for the registration of holdings could be devised.<sup>1</sup> In the case of family-land this should only be done with the consent of the family which could also register family holdings. Freedom to mortgage town plots and crops but not agricultural land might be given. There should be no alienation to non-natives, but he deprecated the Abeokuta rule, which the Ibadan authorities, resenting the insubordination of some of their strangers, would now like to follow, that the Native Authority should prevent the entry of strange natives. 'I am aware of no public interest which should impel us to attempt to keep the Communities apart so far as land transactions are concerned, and I have no doubt that if we did embark on such a policy, we should create an entirely artificial condition of affairs which must assuredly break down unless the country remained in a state of complete economic stagnation.'<sup>2</sup>

In this paper Sir Donald foreshadowed legislation based upon the Report. This was drafted but has not yet been passed. The Resident of Ibadan believes that the Native Authorities should be assisted themselves to enact and execute the new rules, and a draft of these has already been drawn up.<sup>3</sup> Ibadan represents a test case in this important problem, and it will be of the greatest interest to see how it is handled in the next few years.

#### *The Province Reviewed*

It is impossible to leave this survey of Oyo Province without some speculation as to the future evolution of its administrations. That the Yoruba will continue their progress seems reasonably certain. Ibadan will set standards for the rest of Oyo Province, while Ibadan itself must be affected by the rivalry of the other great Yoruba town to the south, Abeokuta. The people of this group, the Egba, have in some ways the most advanced local government in Nigeria, which probably means in the whole of Africa, and a few words about its development is not irrelevant to the story of its near neighbours.

Abeokuta's period of independence may have been embarrassing to the Government, but it has left behind a remarkable spirit of

<sup>1</sup> *A Note on Land Tenure in the Yoruba Provinces* (Lagos, 1933), pp. 6 and 7, paras. 17-20.

<sup>2</sup> *Ibid.*, p. 6, para. 17.

<sup>3</sup> *Ann. Rep. Southern Provinces*, 1934, p. 56, para. 25.

initiative and self-confidence. The Alake is reputed to be a progressive and Christian chief. He works through a large and representative council, containing Christians and Moslems, heads of various ethnic and other groups, twelve members elected for life and twenty who are nominated triennially. It debates in public.<sup>1</sup> The Administration can boast some striking modern innovations, among them a native barrister presiding over a Native Court; a police force which keeps finger-print records; an Infant Welfare Centre; an experimental farm and a Forestry Department. It has organized a Baby Show and a Schools' Exhibition for its 138 schools. The Alake tours the schools and writes his criticisms in the visitors' books. He has presented a cup to the Egba Football League, and, with his chiefs, presides over the cup final. Some of these may seem superficial features and they are certainly not to be confused with the fundamentals of a healthy Native Administration. But they illustrate an eagerness for new and better things, and they will set standards which Ibadan will have to consider, though it will be too proud to adopt them slavishly.

When Oyo Province is reviewed as a whole we are struck by the ease and cheapness with which, in a period of rapid social change, its large and energetic population is administered. There are only twelve Administrative Officers posted to the province, about three-quarters of whom are on duty at one time. Except for motoring offences and the few major cases which arise, the entire civil and criminal jurisdiction is dealt with by the Native Courts. In the whole province, an area as large as Denmark with a population of nearly one and a half millions, many of whom live in towns, there are only forty-seven Protectorate police and they are concentrated almost entirely in the railway zone and the Township of Ibadan.<sup>2</sup> There is one Police Commissioner and he is shared with the neighbouring Province of Ondo. The basic function of law and order is therefore mainly in the hands of the people, who, in spite of the somewhat unsettling influences which reach them from the port of Lagos, have an excellent record in this matter.

We might ask whether the units into which Oyo Province is divided will remain in their present separation and unequal proportions. This is not easy to answer. The very history and traditions that give these groups their social ability are barriers to an easy fusion. The present Resident has hoped for some time to bring

<sup>1</sup> *Ann. Rep. Southern Provinces*, 1933, pp. 8-9.

<sup>2</sup> 1933 figures.

about a meeting of the chiefs, but the belief that such a breach with ancient custom would bring disease in its train, as well as jealous fears about precedence, still stand in the way. If, however, with education and increasing inter-communication the peoples widen their patriotism, and their changing views find expression on the Councils, the present divisions must begin to crumble.

The Yoruba are a fortunate people. Innoculated for centuries with the forces of commerce and industry, and above all, of urbanization, they have been able to stand up successfully to the contact with Europe. They have been further helped by the gradual nature of that contact. In place of the indiscriminate receptiveness which characterizes some African tribes, they have shown a capacity to select from among the new things offered to them. Considerable space has been given here to descriptions of their institutions and history. There is good reason for this. Their institutions, solid and ancient in contrast with those of most African tribes, have saved them from disintegration. Their history has given them a confidence and patriotism which enables them to use those institutions as foundations upon which to build in response to the changing order. The Government has treated their institutions and customs with a deliberate respect. There are those who criticize this tolerance. It may, indeed, have delayed some of those results of European administration that can be most easily tabulated in annual reports. But it has allowed the preservation of an element which, even by the most material standards, must be of increasing value. That is the initiative of the Yoruba, both as a people and as individuals. This will allow the development of a sound polity, which—a platitude that in our haste to modernize Africa we are sometimes inclined to forget—is the only lasting foundation for progress.

CHAPTER XIII  
THE SOUTH-EAST: 1914-1929

*The Attempts at Reform*

THE amalgamation of Nigeria meant the extension to the south of principles of Native Administration which had been worked out in the north. In the south-west the existence of large chieftainships comparable with those of the north facilitated this extension, though even here, as has been shown, certain mistakes were made. But in the south-east, in the Provinces of Calabar, Ogoja, Owerri, Onitsha, and Warri, Sir Frederick Lugard and both his successors encountered obstacles which are only now, as we hope, being successfully overcome. For south-east Nigeria presented administrative problems which, in their difficulty, are unique in Nigeria if not in all British Africa.

These difficulties were not fully appreciated at the time of the amalgamation. The changes then made in the position of the Native Courts, which were the all-important institutions in these parts, were not sufficient to produce the expected improvements. Had these courts been really native; had they had any roots in the past or been in harmony with existing institutions and social groupings, the removal of their white presidents, and the other changes made, might have produced the healthy development which was doubtless expected. The real situation only revealed itself by stages, as the continuing pathological condition of these provinces demanded repeated attempts at investigation and reform. As with the Yoruba, it will be more realistic if, instead of anticipating the knowledge gained as a result of these investigations, we follow the actual stages through which the British Administration passed.

Soon after his arrival in Nigeria in 1919, Sir Hugh Clifford's attention was called to the south-east, and he commissioned the Secretary for Native Affairs, who had been a Political Officer in the north and in Oyo, to investigate the conditions there. The report which was presented in 1922 was strongly critical in tone.<sup>1</sup> It remarked upon the continuance of direct methods of administration which contrasted sharply with the systems in the north and

<sup>1</sup> *Report on the Eastern Provinces by the Secretary for Native Affairs (Lagos, 1922).*

west. Attention was called to the position of the so-called Warrant Chiefs. Chiefs in the sense used in most of the north and in the south-west did not exist, and the word here was used for those men who for various reasons had been picked out by the Administration and given warrants as judges in the Native Courts. These men were often of recognized authority in their own small unit but not, for reasons which will appear more fully later, outside that unit. Sometimes they were clever, pushing men who knew how to catch the eye of the European officer. Sometimes they were rich enough to bribe a mass meeting into choosing them. In relation to the people they were often unrepresentative and unpopular. They were put upon a panel of judges and sat in small groups in rotation. The court areas seemed to bear little relation to any natural social grouping. Between this artificial court and the busy District Officer, who now no longer sat upon it, responsibility was lost, or rather fell into the hands of the semi-literate Court Clerk. He understood, at least some degrees better than any one else, the elaborate procedure, with its attempts at full records, writs, and printed forms, which persisted in spite of official discouragement. He was always there, while the Warrant Chiefs only met for court-sessions. He was in charge of the uniformed court-messengers, who abused their position so much that this report stigmatized them as 'licensed libertines'. (On one occasion when, in company with an officer, I entered a compound in the Ibo 'bush', two children ran, crying with terror, to their grandfather. He comforted them by saying, 'Don't be frightened, children. These are not Court Messengers.') Further, in the absence of any proper executive authority, the court was used in this improper capacity, and Administrative Officers naturally communicated their orders to the one permanent and literate individual within it, the Clerk. Some of the 'chiefs' even addressed him as 'Master'. The Report asserted 'that we are administering these provinces through a junior political service composed of semi-educated Africans who in many cases are alien to the people they control'.<sup>1</sup> These criticisms, which aroused considerable resentment among south-eastern officers, were repeated shortly afterwards, though in somewhat milder terms, by the Assistant Secretary for Native Affairs,<sup>2</sup> and

<sup>1</sup> *Report cit.*, p. 5.

<sup>2</sup> *Report on a tour in the Eastern Provinces by the Assistant Secretary for Native Affairs* (Lagos, 1923).

were vigorously taken up by the Governor. 'It is', he said, 'the policy of the Government to resuscitate, wherever this may be possible, the original tribal organization that was in existence prior to the coming of Europeans, but so overlaid has this become with the accretions of later years that, in many cases, the most careful investigation and research are necessary before accurate knowledge can be obtained. . . .'<sup>1</sup> This meant that the complexity of the social organization had been recognized: it had still to be explored, and that exploration was to prove no easy task for officers tied by routine work, and dealing with a suspicious people whose culture presented exceptional difficulties to the understanding of Europeans.

### *The Introduction of Taxation*

The question of reform was discussed throughout 1924 and 1925, and in 1926 definite proposals began to take shape. It was decided that Treasuries, and therefore direct taxation, were the indispensable foundation for a more indirect system. The policy of taxation which had been reluctantly abandoned by Sir Frederick Lugard in 1914 was now revived. A poll-tax under a new ordinance was first proposed, but this was rejected in favour of the Native Revenue Ordinance which had been extended from the Northern to the South-western Provinces. This ordinance provided for a rough assessment of income, and officers were accordingly instructed to assess the average income of the peasant farmer and to take 2½ per cent. as a reasonable rate of tax. There was less industry and commerce among the south-eastern peasantry than among those of Yorubaland, and the tax, therefore, tended to be even more of a flat rate varying according to the fertility and accessibility of the region, though special taxes were levied on traders and those with readily ascertainable incomes such as clerks. In the light of after-events, we may question whether it would not have been better to have emphasized more strongly that the bulk of the tax was to be upon a low and rather rough-and-ready flat rate. This would have ruled out any attempts during this stage at a system of closer and more elaborate assessment. The second problem was the method of collection. Was it to be paid as far as possible under the supervision of the District Officer, or to the Warrant Chiefs, or to those heads of villages and sub-clans whose status was just being recognized? In view of the novelty of

<sup>1</sup> *Address by the Governor to the Nigerian Council (Lagos, 1923).*

taxation, and the uncertain temper of the people, this and other matters were left largely to the decision of the local officers.

A senior Administrative Officer, specially detailed to travel round in order to discuss the scheme with the people and their Officers, very soon struck the common measure of humanity in the matter of income-tax. He was received everywhere with the most pessimistic calculations of their resources and the gloomiest forebodings as to the effects of taxation. The Warrant Chiefs prophesied their demise at the hands of their angry people, and even offered up their caps of office: the people asked if the Government would now withdraw its objections to the sale of their children. Threepence was frequently mentioned as the maximum sum that could be paid. It was further pointed out that taxation of this kind was entirely foreign to their customs.

During 1927 assessment was begun and registers were made of adult males. Officers met with little more than passive resistance in most places, though all kinds of rumours as to the intentions of Government were abroad. In Warri Province, however, there was serious disturbance. There it was said that the Government had designs upon their land and palm-trees; that a man would be assessed for three years after his death; that they would have to pay tax upon every fishing stake and to buy licences for cohabitation. The coastal people were in close touch with Lagos, from which source they drew reasons and suggestions for resistance. The interesting part of the movement was the ability and unity with which different tribal groups maintained a boycott upon palm-production, trade, and Native Courts from August until almost the end of the year. That the movement was suppressed by patrols of two or three hundred police, with the loss of only four lives, is a tribute to the good sense and restraint of the Administration. Equally so is the remark in which the matter is summarized in the Provincial Report: 'It is reasonable to hope that the combination of the Jekris and the tribal consciousness evinced by the Sobos, during the disturbances, may with tactful and sympathetic handling be turned to good administrative account, when taxation has ceased to be a novelty and a political issue.'<sup>1</sup>

During 1928 direct taxes were for the first time collected throughout the South-eastern Provinces, not without difficulty, but without any of the serious disturbances in anticipation of which

<sup>1</sup> *Ann. Rep. Southern Provinces, 1927, p. 76.*

500 additional police had been enrolled. Half of the proceeds was paid, according to the principle of indirect rule, into Native Treasuries, though in view of the conditions in these parts the Treasuries were at the outset entirely artificial institutions, and were managed in each division by the District Officer on behalf of the numerous groups in his division.

CHAPTER XIV  
THE SOUTH-EAST: THE ABA RIOTS

*The Woman's Movement*

AT the end of 1929, just when the Government was congratulating itself upon the success with which the difficult task of introducing direct taxation into these provinces had been accomplished, rioting of a serious and unusual kind broke out in Calabar and Owerri. These riots must be discussed in considerable detail. In a study of this nature there is at least one good reason for this detailed treatment. People who do not know how to communicate or even to formulate their sense of grievance in constitutional terms may resort to violence as the only effective way in which they can show their dissatisfaction with their conditions. The 'Aba Riots', as they are generally called, may be regarded as a comment upon the administration of the past; while the lessons they taught have largely governed subsequent policy. Fortunately we are far better documented here than in the case of the Abeokuta rebellion.<sup>1</sup>

The events will first be summarized as far as possible without comment, for their significance was only revealed by later investigations. In Owerri Province, in the heart of the Ibo country, where a particularly dense population inhabits the palm forest, there is a place called Oloko. Here a Warrant Chief, Okugo, under instructions from the District Officer, was making a reassessment of the taxable wealth of the people. In this he attempted to count the women, children, and domestic animals. A rumour at once spread among the women that the recently introduced taxation of men was to be extended to them. All through this densely inhabited forest country, at intervals of a few miles, are markets where many thousands, mostly women, collect to do petty trading, sell palm-oil to the small middlemen, and gossip with each other. The rumour thus ran all through the locality in a few days, spreading anger and dismay which were all the more intense because at this moment

<sup>1</sup> The following account, in so far as it has not been derived from information supplied directly to the writer, is based upon the Reports of the two Commissions of Enquiry, *Sessional Papers of the Nigerian Legislative Council*, Nos. 12 and 28 of 1930 (which will be referred to as Nos. 12 and No. 28) and to the *Minutes of Evidence* issued with the latter, *Gazette Extraordinary*, 7 February 1930.

the price of palm-produce was falling, and new customs duties had put up the cost of several imported articles of daily use. They were seriously perturbed. 'We depend upon our husbands, we cannot buy food or clothes ourselves and how shall we get money to pay tax?'<sup>1</sup> They decided to combine. 'We women', as one of them stated afterwards in her evidence, 'therefore held a large meeting at which we decided to wait until we heard definitely from one person that women were to be taxed, in which case we would make trouble, as we did not mind to be killed for doing so. We went to the houses of all the chiefs and each admitted counting his people.'<sup>2</sup>

Okugo, continuing reluctantly to carry out his orders, sent a messenger to count some of his people. This man entered a compound and told one of the married women, Nwanyeruwa, who was pressing oil, to count her goats and sheep. She replied angrily, 'Was your mother counted?' at which they closed, seizing each other by the throat.<sup>3</sup> A meeting of women was called and Nwanyeruwa's excited story was told as confirmation of the rumour. A palm-leaf, which, it appears, is at once a symbol of trouble and a call for help, was sent round to all the women of the neighbourhood. From the whole country-side women poured into Oloko and proceeded according to custom to 'sit' upon the man who had tried to assess Nwanyeruwa. All night they danced round his house singing a song quickly invented to meet the situation. Growing hourly more excited, they went on to Okugo's compound where his own people tried to defend him with sticks and bird arrows. The crowd mobbed him, damaged his house, demanded his cap of office, and charged him with assault before the District Officer at Bende. The latter arrested him and brought him into the station. 'The women,' said this officer, 'numbering over ten thousand, were shouting and yelling round the office in a frenzy. They demanded his cap of office, which I threw to them and it met the same fate as a fox's carcass thrown to a pack of hounds. The station between the office and the prison . . . resembled Epsom Downs on Derby Day.'<sup>4</sup> The women continued to camp in thousands round the District Office until Okugo was tried and sentenced to two years' imprisonment for assault. (The second Commission afterwards recommended him for a free pardon.)

<sup>1</sup> No. 28, p. 12, para. 32.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*, p. 13, para. 36.

<sup>4</sup> *Ibid.*, p. 15, para. 43.

But this was not the end. The women, for a reason which we shall consider later, refused, in spite of all the assurances of chiefs and Administrative Officers, to believe that women, 'the trees which bear fruit', were not to be taxed, and this even after a deputation of fifty had taken train to provincial head-quarters at Port Harcourt to question the Resident.<sup>1</sup> From Oloko women went out in all directions, beyond the boundaries of the province and even into the neighbouring Ibibio country, spreading the rumour, and from a wide area subscriptions began to come in to Nwanyeruwa who had become a figure of womanhood rising up against oppression.<sup>2</sup>

The trouble spread in the second week of December to Aba, an important trading centre on the railway. Here there converged some ten thousand women, scantily clothed, girdled with green leaves, carrying sticks.<sup>3</sup> Singing angry songs against the chiefs and the court messengers, the women proceeded to attack and loot the European trading stores and Barclay's Bank, and to break into the prison and release the prisoners. The mobs were to some extent checked by the police supported by a hastily raised force of European traders and Africans, among whom the Boy Scouts worked hard on the side of law and order. After two days of rioting troops arrived and dispersed the crowds without any serious casualties.<sup>4</sup> More or less successful attacks followed elsewhere upon 'factories' and other buildings at railway stations and trading centres, but the women were far more interested in destroying the Native Courts and mobbing the Warrant Chiefs than in looting. It is impossible to follow the details of such diffused disorder, but one or two incidents are worth picking out.

During the second week of December the movement spread from the Ibo divisions of Owerri and Aba to the Ibibio peoples of Calabar. At much the same time as the elaborate form of re-assessment, which the women connected with female taxation, was being undertaken in Oloko, the Resident of Calabar had issued instructions for a similar kind of enumeration in his province. This was zealously enacted in one district by a cadet in the administrative service. In some villages the people cleared into the bush at his approach, taking their small stock and chickens with them; here, however, he counted the houses, there being generally one to each woman, and the tethering pegs for the goats and sheep.

<sup>1</sup> No. 28, p. 18, para. 50.

<sup>3</sup> *Ibid.*, p. 43, para. 121.

<sup>2</sup> *Ibid.*, p. 35, paras. 96-7.

<sup>4</sup> *Ibid.*, pp. 43-51.

These animals, we may notice, were often the personal possessions of the women. In the neighbouring district the chiefs protested vigorously against these house-to-house visitations, though they professed themselves ready to parade all the men of each village in the central square.<sup>1</sup> Another cadet, in Opobo district, to the south, met with determined opposition from the chiefs as well as from the people who were already in touch with the women at Owerri. The women followed him about wailing and cursing; palm branches, doubtless reinforced with magic, were tied across paths and doorways, while on one occasion it was grimly pointed out to him that he was actually standing on a grave where a white man like himself was buried. Finally, he was assaulted and his tax register taken.<sup>2</sup> At the neighbouring centre of Ukam he and two senior colleagues were powerless to check the women, on this occasion accompanied by men, who opened the lock-up, destroyed the Native Court, and cut the telegraph wires.<sup>3</sup> At Utu-Etim-Ekpo appeared crowds of women scantily dressed in sackcloth, their faces smeared with charcoal, sticks wreathed with young palms in their hands, while their heads were bound with young ferns. It is interesting to note that no Europeans understood the exact significance of these last symbols though nearly all the native witnesses assumed that they meant war. They burned the Native Court and sacked and looted the 'factory' (European store) and clerks' houses. They declared that the District Officer was born of a woman, and as they were women they were going to see him. Police and troops were sent, and as, on two occasions, the women ran towards them with frenzied shouts, fire was opened with a Lewis gun as well as with rifles, and eighteen women were killed and nineteen wounded.<sup>4</sup>

The following day an even more serious collision occurred at Opobo. Mobs of women passed shouting and singing about the town, 'What is the smell? Death is the smell.' They beat upon the iron trading stores with their sticks and threatened the traders. To one, Mr. Butler a merchant, they shouted derisively, 'All right, Bottle, no fear morning time five o'clock we go come for you', and the next day, 'We'll get our Christmas clothes out of you to-day'.<sup>5</sup> In order to calm their excited fears, the District Officer agreed to meet the seven leaders at the District Office the following day. Palm-leaves were sent round to all the neighbouring clans, and

<sup>1</sup> *Ibid.*, pp. 20-3.

<sup>3</sup> *Ibid.*, pp. 26-7.

<sup>4</sup> *Ibid.*, pp. 66-8.

<sup>2</sup> *Ibid.*, pp. 24-6.

<sup>5</sup> *Ibid.*, pp. 75-7.

when the time came not seven but several hundred arrived at the Office, armed with stout cudgels and dressed only in loin-cloths and palm-leaves. In front of the District Office was a light bamboo fence, beyond that the road and, almost immediately beyond that, the river. The District Officer, with a military officer and a platoon of troops, parleyed with the women from inside the fence. The leaders asked him to make notes of the discussion and then asked to see his notes. They consisted of the statements that the Government will not tax women and that the women did not want the men to pay tax; that known prostitutes were to be arrested (though there was some doubt afterwards as to whether it should have been 'not to be arrested'!), that there should be no payment for licences to hold plays, that the local chief should be removed, and various other requests. They demanded, out of their half-knowledge of legal forms, that he should sign the document; that the signature should be witnessed by the interpreter and the office clerk and stamped with the office stamp. They next demanded six type-written copies, one for each section of the women present. While these were being made, they began to complain about the state of trade and the way in which the firms were cutting out their position as retailers and middle-women.

All this time the meeting was becoming rowdier. More and more women were streaming up, until the numbers were estimated as being about fifteen hundred. When the copies were handed out, various other demands were made, such as that they must be put into envelopes, that they must have two-shilling stamps attached. They made threatening and obscene gestures towards the troops, called them sons of pigs, and said they knew the soldiers would not fire at them. At last they struck at the District Officer with their sticks. The Lieutenant caught the blows, made signs to the District Officer as to whether he should fire (for it was impossible to make himself heard in the uproar) and, just as the fence began to give way before the rush of women, shot the leader through the head with his revolver. Two volleys were then fired on the crowd which broke and fled, leaving thirty-two dead and dying, and thirty-one wounded.<sup>1</sup>

This shooting was on 17 December. Trouble continued sporadically in various parts of the disturbed area, but by the 20th the situation was completely in hand, and the rest of the month

<sup>1</sup> No. 28, pp. 73-85; also Annexure 2, pp. 1-28.

was taken up with pacification by means of patrols, and punishments under the Collective Punishments Ordinance. The disturbed area covered about six thousand square miles and contained about two million people. Attacks were made upon Native Courts in sixteen Native Administration centres, and most of them were broken up or burned.

### *The Behaviour of the Women*

When the character of the riots themselves is reviewed, the overwhelming impression is of the vigour and solidarity of the women. Men occasionally make a flickering appearance in the background, but they seem, with a few exceptions, to have stood completely on one side, passive, if consenting parties, to the extraordinary behaviour of their wives.<sup>1</sup> Such a movement is almost unthinkable among the more docile stay-at-home women of the greater part of eastern and southern Africa, but the West Coast women, at least in those parts where neither strong measures of conquest nor Islam have tamed them, seem to be made of sterner stuff. The traveller from East Africa must be struck at once on his arrival in Ibo country by the huge crowd of strenuous, excited women who fill the markets and stream along the roads in pursuit of trade, and whose manner is markedly free both towards himself and their fellows. To push through one of these dense crowds in a market glade of Owerri Province, with the women struggling, shouting, and laughing around you, is to realize how dangerously this excited good humour could change its character. Their organization into societies and age groups—of which Administrative Officers knew, and still know, all too little—their concentration in markets and wide dispersal along the trade routes, are factors which may help to account for their rapid mobilization over two Provinces.<sup>2</sup>

The women surprised their rulers, surprised their own people, and, probably, themselves. All the male witnesses, both Europeans who had been long in the country and Africans, insisted that they had never seen anything like this happen before. 'I am an old man', said one witness, 'and have been a chief for a long time. . . . In all my life I never saw the women carrying on in this fashion before. I never before saw the women flinging sand at their chiefs

<sup>1</sup> *Minutes of Evidence*, p. 517, para. 9769.

<sup>2</sup> No. 28, Annexure 1, pp. 4-5.

or white men or attacking them with sticks. . . .<sup>1</sup> The Africans particularly remarked as ominous the garnishing with wild fern and the complete absence of children; they were surprised, too, to see so many strange women from distant parts collected together. The rioters themselves, who readily gave evidence, even volunteering to do so, explained how they sent round the palm-leaves to rally their comrades, and how those whose business it was beat the drums. 'We always obey these messages.' Unwilling women, encountered on the road, or haled out of their houses, were forced to join by the threat of having their property destroyed. One woman with her daughter-in-law, who was killed, was forced to join a crowd, and she testified to the impression made upon herself by the rioters.

'We met a crowd of women heading to Utu-Etim-Ekpo. The women stopped us. They were plenty too much women, a very large crowd. They were coming along the road and beating their laps and lifting their hands towards the sky and waving their sticks. All had sticks; big sticks. I was afraid of them. They took away my basket and forced me to join them. . . . "You are a woman, you must join us." They looked quite different from any other crowd of women I had ever seen. They had *nkpatat* (wild fern) round their heads. There were no children with them. As they had no children with them that also made me afraid—I do not know where any of the women came from. I was very much afraid of them and did not look at their faces.'<sup>2</sup>

Once on the march their resolution was extraordinary. They are repeatedly quoted as having said they were prepared to die. In one instance, after having been fired upon with loss of life, the crowd came on again. The first Commission, in excusing the firing, spoke of 'the savage passions' and ferocious demeanour of one of the mobs, while one of the military officers, who had considerable experience of mobs in India and Ireland, told the Commission that 'he had never seen crowds in such a state of frenzy or so much out of hand'.<sup>3</sup>

It is therefore surprising that very few people were mishandled by the women, and no one seriously injured either among those whom they singled out for special attack, or those who barred their way, though in numerous cases they had them at their mercy. It is clear that on some occasions the leaders, even at their own risk,

<sup>1</sup> No. 28, Annexure 2, p. 20.

<sup>2</sup> *Ibid.*, Annexure 2, pp. 49-50.

<sup>3</sup> No. 12, p. 13, para. 42.

were counselling moderation. When the original rioters, the Oloko women, heard of the looting at Aba they sent the following telegram to the District Officer there: 'Please inform our women friends there stop such they are doing thats not our objects the tax matter is settled to our satisfaction nothing like houses destroying at Oloko when tax matter first started.'<sup>1</sup> At Ikot Ekpene a fearless and sensible missionary was able to push his way through a crowd of from three to four thousand of the peculiarly intractable Ibibio women. He found their leader, and persuaded her to call up the headwomen of the fifty-nine 'towns' represented and to parley with him in the church. He obtained from the District Officer fifty-nine typed slips settling their grievances, which were distributed and which 'they keep to this day'.<sup>2</sup> Again in Ahoada the District Officer was confronted by a crowd of two thousand women at one of the Native Courts. When the crowd attacked and fired the court, the women leaders put a guard on the District Officer in his rest house. 'They said that they had no complaint against the Government and that I was a stranger and they did not consider it right that I should suffer in any way.'<sup>3</sup> The story may also be quoted of one military officer who ordered his men to sling their rifles, cut sticks from the bush, and beat the women along the road. When the mob suddenly increased to about fifteen thousand they used the butts of their rifles and drove them into a market-place. 'I told them that they had already had a taste of what they might get and I told them not to make idiots of themselves. I gave them five minutes to go or to sit down and if they did not obey I would fire on them. I told them as each minute went by and when I said "half a minute to go" suddenly the whole crowd sat down. I was flummoxed then to know what to do with them. Any way, we got the headwomen from each group and I made them come and sit under a tree.' Here he harangued them. 'They went back and addressed their various groups and they brought in fourteen Warrant Chiefs' caps and laid them at my feet. . . .'<sup>4</sup>

In considering the behaviour of the women there is one further fact to be mentioned. They seemed to have been convinced, in spite of rhetorical assertions that they were prepared to die, that no harm would come to them. What was the basis of their confidence? Perhaps they remembered that in the fighting which

<sup>1</sup> No. 28, p. 55, para. 156.

<sup>3</sup> *Ibid.*, p. 89, para. 272.

<sup>2</sup> *Ibid.*, p. 72, para. 219.

<sup>4</sup> *Ibid.*, p. 87, para. 265.

accompanied the occupation of their country, the women had, as far as possible, been left unharmed. We may notice, however, that other African movements, notably the Maji Maji rebellion in German territory, have been accompanied by the insurgents' belief in their immunity from physical injury. Only so, perhaps, can primitive people break the spell in which their fear of their powerful and mysterious white rulers binds them. There is no evidence that the Nigerian women had protected themselves with any special magic, but in embarking upon their extreme course of action they had certainly armed themselves psychologically with a sense of security. They reiterated, in some cases up to the moment before a volley, that soldiers would not fire on women; that the soldiers had no bullets or that women were never killed in war. They called themselves vultures, which in Ibibio are called the 'Messengers of God'.<sup>1</sup> One woman explained this in her evidence:

'I was surprised to see the soldiers fire as we were women we call ourselves vultures as we did not think soldiers would fire at us. Vultures go to market and eat food there and nobody molests them nobody will kill vultures even in the market, even if it kills fowls.<sup>2</sup> We only fling sticks at them if they take our chop<sup>3</sup> and so we thought soldiers will not harm us no matter what we may do.'

They called themselves Oha Ndi Nyiom which appears to have an abstract meaning and may be rendered in English 'women's world' or 'the spirit of womanhood', and their demeanour on this occasion (i.e. the destruction of a court house) tended to show that they believed themselves to be possessed of the spirit of womanhood and therefore inviolable.<sup>4</sup> It was certainly necessary to dispel this dangerous sense of immunity.

### *The Commissions of Enquiry*

Early in January 1930 a Commission, consisting of the Administrator of Lagos Colony and the Crown Counsel, was appointed to apportion the responsibility for the loss of life where firing had taken place. They reported at the end of the month, completely exonerating those responsible for the firing.<sup>5</sup> It was generally felt, however, that the serious nature of the disturbances

<sup>1</sup> No. 28, pp. 63-4, para. 187.

<sup>3</sup> Pidgin English for food.

<sup>5</sup> No. 12, p. 14, paras. 46-7.

<sup>2</sup> No. 12, p. 9, para. 24.

<sup>4</sup> No. 28, p. 20, para. 56.

warranted a more representative Commission with wider terms of reference. Such a Commission was appointed in February. It consisted of the following members: the Chief Justice, who was Chairman; Mr. W. E. Hunt, a senior Resident; Mr. Graham Paul, an unofficial European lawyer; Sir Kitoyi Ajasa and Mr. Eric Moore, both African barristers, and, like Mr. Paul, members of Legislative Council; and Mr. Osborne, Agent-General of a leading firm of European merchants. The terms of reference covered 'the origin and causes of, and responsibility for, the recent disturbances, . . . and the measures taken to restore order and to make such recommendations as may seem fit'.<sup>1</sup> The Commission toured the disturbed areas, holding public sittings, from March until May, and reported in July. They examined 485 witnesses, including many of the rioters, and all the available officials and soldiers concerned in the event; were addressed by seven counsel, African and European, and studied an immense number of memoranda and other documents. Their Report, with its Annexures and Minutes, runs to two bulky volumes.

To this second Commission the women are not merely an unruly mob endangering the King's peace and deserving severe treatment. Their intimate and sympathetic investigations take us, as it were, into the heart of the mob, reveal the fears and misunderstandings which moved the women and point to the administrative errors and difficulties from which these arose. The presence of Africans on the Commission and in Legislative Council, and the need of satisfying a large literate African public, undoubtedly promoted this sympathetic handling of the rioters' case. Whatever view is taken of the findings of this Commission, its activities probably helped to prevent a wedge of bitterness and distrust being driven between the Government and the people. It is remarkable that a body in which Africans and Europeans, officials and unofficials were combined, and dealing with such a wide range of circumstances, should, with the exception of two reservations upon special points, have been completely unanimous. It was unique, too, in the history of our dealings with dependent races, that Africans should have examined officials as to their policy and conduct before crowded audiences from the riotous areas. Yet there was, inevitably, much resentment in the Service at a procedure which had the appearance in native eyes of a trial—inquiries sometimes took

<sup>1</sup> No. 28, p. 136.

place in court houses—and at the personnel of the Commission in which four out of six were lawyers and only one had any experience of riots or, indeed, of native administration.

The Commission found that the main cause of the rioting was the widespread belief that the Government was about to tax women.<sup>1</sup> A cardinal administrative error accounted, in their view, both for this conviction and the absolute refusal of the women to believe the reiterated assurances of Administrative Officers that it was unfounded. In the very part of Owerri where the trouble began, the real reason for the numbering of men in 1926—namely taxation—had been deliberately concealed from the people.<sup>2</sup> In order to avoid obstruction, they were left to think that it was only a census count. When, therefore, the Government began to count women, with the small stock and poultry which they regarded as peculiarly theirs, they naturally concluded that this meant taxation for themselves, and as naturally rejected all assurances to the contrary. If their reaction was extreme beyond all that might have been expected, it was because they were still resentful at the recent and, to them, unprecedented, taxation of men, and because the economic position had recently changed for the worse. We must understand that the women persuaded themselves that they were not only the victims of outrageous oppression but faced with absolute ruin.

The Commission found that discontent with the Native Court members was an important contributory cause of the outbreak.<sup>3</sup> Released in their excitement from all fear, the women certainly showed what they thought of the system by which they were administered. In many, though not in all the disturbed areas, their animus was directed against the Warrant Chiefs and the Native Courts. Demonstrations in front of chiefs' houses, the seizure of chiefs' caps, and the rough treatment of their persons, resulted from a belief that the chiefs had betrayed them to the Government. The lesser Native Administration employees, court messengers, and clerks, were also singled out for obloquy. Clearly there was no recognition that these people were the leaders or the servants of the people, any more than when they destroyed the court houses there was any recognition that these buildings were their own, even though they had been built and maintained by themselves. When

<sup>1</sup> No. 28, p. 121, para. 408.

<sup>2</sup> *Ibid.*, para. 412.

<sup>3</sup> *Ibid.*, para. 409.

the women were called upon to give evidence, they uttered a flood of criticism against the corruption and injustice of chiefs and courts which merited and received careful attention, though its value was obviously that of second thoughts, as a measure of such abuses is generally taken for granted by Africans.

On 31 January 1931 a very interesting debate took place in Legislative Council upon the motion of an African member expressing regret at the loss of life, and calling for the punishment of the officers censured by the Commission. The senior Administrative Officers and others, among them the old-established missionary who was member for the Ibo Division, defended the officials concerned on the grounds of the unprecedented and dangerous situation with which they were confronted, and the long strain to which they were subjected. They emphasized the guilt of the women and reasserted the conclusions of the first Commission. The Government made it clear that it would accept the first part of the motion, which was carried, and oppose the second part, which was lost by thirty-five votes to two. It is interesting to learn that five of the African members voted with the Government. The debate had moved above very perilous depths of feeling, and the Acting Governor rightly congratulated the Council upon the dignified and restrained conduct of the debate.<sup>1</sup>

No action was taken against the officers concerned, and the whole matter was officially closed by the Secretary of State in a dispatch in which he deprecated any further investigations.<sup>2</sup> He dissociated himself by implication from the somewhat elaborate attempts of the second Commission to allocate censure or approval towards each use of firearms. He was not prepared to say that on any given occasion firing was unnecessary. Already, he said, the double inquiry had been 'suggestive of criminal proceedings'.<sup>3</sup> Summing up the causes, he recognized that there had been a combination of grievances, but he criticized as 'injudicious and premature' the attempt to impose direct taxation upon a people of whose social organization no intensive survey had been made. He suggested that the south-east had been neglected for the somewhat simpler problems of the northern and south-western provinces. 'It is clear from the Report . . . that little is known even

<sup>1</sup> *Leg. Co. Minutes*, Ninth Session, 1931, pp. 36-57.

<sup>2</sup> *Despatch . . . regarding the Report of the Commission of Enquiry into the Disturbances at Aba, &c.*, Cmd. 3784, 1931.

<sup>3</sup> *Ibid.*, p. 3.

now of large portions of the south-eastern provinces. The obstacle of the language would appear to have been accepted, at any rate until recently, as insuperable.<sup>1</sup> He believed that the tax should have been levied first at a lower rate. He recommended that an attempt should be made to obtain closer touch with the people and more continuity of administration. He emphasized the importance of anthropological research, and remarked that it could not be adequately performed by officers busily engaged in administration.

### *The Riots Reviewed*

It is an encouraging feature of this unhappy incident that the responsible authorities in Nigeria, as in England, should have been so ready to face the fact that it resulted largely from defects in their Government. Here the Aba riots point a moral that is applicable far beyond Nigeria. The difficulties in this region, as I shall endeavour to show in the next chapter, were exceptionally great. But beneath the peculiar local symptoms lies a pathological condition common to the whole of negro Africa. It is produced by the sudden strain thrown upon primitive communities by the strong, all-embracing pressure of European influence. There are examples in various parts of the world of primitive peoples unexpectedly rebelling after years of apparent acquiescence in European rule, and their conscious purposes often draw strength from what is at bottom an unconscious cultural protest. The reaction may not be expressed in this form. Some tribes endure the stress of change so quietly that their rulers do not observe their difficulties. One relief for the desire for reassertion is found in the formation of secret societies or of quasi-Christian bodies independent of white control, whose proceedings express at once European influence and an anti-European attitude. The Watch Tower movement in Southern Africa, with its apocalyptic hopes of the fall of Christendom, 'Satan's organization', clearly belongs to this category.<sup>2</sup>

Among other evidence supporting this view of the Aba riots is the wildness and variety of some of the women's complaints. At Owerrinta, for instance, some Native Court members reported upon their attempts to argue with the women.

<sup>1</sup> *Despatch . . . regarding the Report of the Commission of Enquiry into the Disturbances at Aba, &c.*, Cmd. 3784, 1931, p. 5.

<sup>2</sup> *Report upon the Disturbances in the Copper-belt, Northern Rhodesia, 1935*, Cmd. 5009, p. 43.

"They said they would go to Owerrinta to demolish the Native Court; they did not want the Native Court to hear cases any longer and that all white men should go to their country so that the land in this area might remain as it was many years ago before the advent of the white man. We told them, "Do you want this done? Don't you realize that Government is doing good things for you all?" We also pointed out to them that in the old days before the advent of Government people killed one another without redress. . . . We also pointed out to them the advantages of the railway, that they could go to Aba and anywhere else by paying five shillings. They said that after driving away everybody they would remove the rails." A string of reckless complaints was uttered by women witnesses before the Commission. "We said that we thought that white men come to bring peace to the land." "Our main grievance is that we are not so happy as we were before," and again, "Our grievance is that the land is changed—we are all dying".<sup>2</sup>

In south-eastern Nigeria, a relatively sympathetic Government was dealing with one of the least disciplined, and least intelligible, of African peoples. If this Government held itself ultimately responsible for the riots, the presumption is that the Governments of southern and eastern Africa would be even more responsible for outbreaks among their more tractable people. The evidence of the anthropologists shows that most African tribes *within their social groupings* were naturally, perhaps exceptionally, law-abiding people; and in view of the disturbing character of our intrusion it is our obvious duty to study both their old social organization and the strains to which we are subjecting it. I would go so far as to say that, under present circumstances, Africans cannot be held responsible, in the widest sense, for outbreaks of disorder or rebellion. This is no academic question. It entails that when such disorders occur, even though in the interests of both sides their immediate suppression may necessitate strong measures, they should be regarded as almost certain evidence of administrative shortcomings upon our part, and should be subjected to full, sympathetic, and, as far as is humanly possible, impartial investigation, the results of which should be published. There will almost certainly be revealed either misunderstanding of our intentions on the part of the people, or what in their eyes are real injustices and hardships. There will also, in all probability, be revealed an improper functioning of those native authorities to whose guidance

<sup>1</sup> *Minutes of Evidence*, p. 517, paras. 9769-70.

<sup>2</sup> *Ibid.*, p. 805, para. 15470

the people would naturally look and who should be acting as liaison between them and our Government. The agitator, too often the scapegoat of inefficient administration, finds no foothold when the system is healthy. The gap that lies at present between Africans and the ever-shifting Administrative Officers who represent to them the British Government, can only be bridged by knowledge, and over that bridge it is we who have to go, three-quarters, or more, of the way to meet them. It is here—as the Aba riots abundantly showed—that expert sociological investigation must play its part. Yet such research is still regarded as a luxury which can be indulged in only when there is time and money to be spared from other enterprises, none of which can succeed apart from the human factor.

It is for these reasons that such full treatment has been given to the Aba riots. In the history of native administration there is no quantitative proportion in relation to time. The years may pass by with little to record, or at least with little recorded, but the formulae of Annual Reports. Then comes either an event which shows up the underlying situation, or a man capable of perceiving it, and the stage is set for a new orientation of policy.

## CHAPTER XV

### THE SOUTH-EAST: NATIVE SOCIAL ORGANIZATION

#### *The Anthropological Task*

THE attempts of 1926-9 to reform the south-east were the results of an intention that had been gathering strength and clarity since the Administration there had been brought in 1914 to the test of northern principles. The Aba riots were a startling testimony to the importance and urgency of the very reforms across which they had broken. It was with a new determination, as well as with a new realization of the difficulties facing them, that Administrative Officers settled down to their work.

In his dispatch upon the Aba riots, as we have seen, the Secretary of State criticized the Nigerian Government for the insufficiency of its knowledge of the indigenous society. Accordingly, since 1930, the administrative staff of these provinces have been engaged upon investigations of a range and depth to which there has been nothing comparable in Africa since the researches directed by Sir Donald Cameron as a prelude to his reorganization of Tanganyika. By the end of 1934 no less than 199 reports had been submitted, and the work has been going on steadily since then.<sup>1</sup> Dr. Meek, the Anthropological Officer for the Northern Provinces, was brought down to advise upon these researches and to carry out investigations upon his own account. In the instructions issued for these Intelligence Reports, information was demanded primarily upon the social groupings and the distribution of judicial and executive functions. Anthropologists, standing upon a counsel of perfection, might criticize the order that general information on manners and customs, as far as obtained, could be added later in an appendix, since without that information neither the old organization nor its modifications can be properly understood. There is certainly need for an expert study of a sample Ibo group, which owing to the difficulty of the language, would probably employ an anthropologist for two or three years. But it was impossible for the Administration, up against a situation demanding urgent reform, to await the possible advent of trained

<sup>1</sup> *Ann. Rep. for 1934*, p. 8.

anthropologists.<sup>1</sup> They had to do the best they could within the limitations of time and technical equipment. The great majority of the investigating officers, including Dr. Meek, were, indeed, obliged to work without mastery of the local languages. They would not claim, therefore, that their reports are comprehensive or final or that they do anything but mark a further advance on a wide front into very dark and difficult anthropological country. Whatever the shortcomings of the reports may be, judged as anthropology, they have given the administrative staff a new realization of the character and extent of the difficulties confronting them. This, therefore, seems the appropriate place in which to give a brief account of those features of native society which have until lately thwarted effective administration in this region. This account is based mainly upon a study of Intelligence Reports and of other material in the Southern Provinces Secretariat.<sup>2</sup>

The greater part of the population of the provinces we are considering is made up of the Ibo and the Ibibio people. In the census of 1931 their numbers are given as 3,184,585 and 749,719 respectively.<sup>3</sup> But this, which represents a decrease for the two groups of very nearly a million upon the 1921 figures, is almost certainly a considerable under-estimate.<sup>4</sup> The lack of reliable figures is in itself significant of the administrative situation which makes census work even more embarrassing here than in other parts of Africa. The other tribes in these provinces which present very much the same administrative problems, and which lie around the central block formed by these two peoples, are numerically unimportant in comparison. Attention will therefore be concentrated upon the two main groups.

Most of the Ibo live in the palm-forest country covered by the Provinces of Owerri and Onitsha, but they also form the greater

<sup>1</sup> An intensive study of the Ibo which should be of the greatest value to the Nigerian Government has already been begun by Miss M. Green, while a more extensive study, mainly of Ibo women, has been undertaken by Mrs. Leith Ross.

<sup>2</sup> Some of these reports are by Dr. Meek; others have been prepared under his direction. As I have also had the opportunity of seeing in typescript his forthcoming book upon Ibo law and of discussing this chapter with him, it will be realized that my obligations to him for this part of the book are especially heavy. I am also indebted to Miss Green for light upon certain points. Neither of these authorities is responsible for any errors I have made in my endeavour to interpret what remains an obscure and complex anthropological and administrative situation.

<sup>3</sup> *Census of Nigeria, 1931*, vol. 1, p. 14.

<sup>4</sup> *Ibid.*, pp. 5-6.

part of the population of Ogoja and a large part of that of Benin and Warri.<sup>1</sup> The density for the 2½ millions who live in Owerri and Onitsha Provinces is given as 154 and 224 respectively to the square mile.<sup>2</sup> (The corresponding density for 1921 was given as 268 and 306.) It has, however, been worked out that over certain parts of these provinces the density is 600-1,000 per square mile, and that on land which is not exceptionally fertile.

#### *An Example from Nsukka*

The main sociological feature of the Ibo is their atomic social organization. The significance of this, with the administrative problem it presents, cannot be brought home to the reader by generalizations any more than it could to the political staff, but only by examining the size and character of one of the small groups into which these millions of people are divided. A detailed analysis of this kind can be found in one of the Intelligence Reports. Not only is this the work of Dr. Meek, but it has the further advantage that it is one of the very few reports of this kind in print and the reader will thus be able to follow up further details for himself.<sup>3</sup> It is not, however, pretended that this group can be regarded as typical, so widely do the Ibo vary in different parts.

The report deals with Nsukka, a division of Onitsha Province, and the detailed analysis with the Nsukka 'town' or group of villages. Dr. Meek traces the units of organization upwards from the smallest to show their degrees of coherence.<sup>4</sup> We begin with the biological family of a man about fifty-three years old, one Ugu. He lives within a rectangular walled compound. His own hut, the largest, stands in the middle. There are also huts for each of his three wives; one for his son; one for the sheep and goats; a granary and a kitchen. Inside his hut, itself rectangular, a good deal of the small space is filled with shrines. One, protected by a palm-leaf curtain, is dedicated to Okike, the creator, and on it stands a stone representing Ugu, with upturned pots, representing each of his wives. Beside it is the shrine of the 'Chi', the double, or soul, of Ugu and of his wives. It is marked with feathers of the chickens that have been sacrificed over it, as it is necessary to propitiate

<sup>1</sup> Ibid., vol. ii, p. 27.

<sup>2</sup> Ibid., pp. 20-1.

<sup>3</sup> Dr. C. K. Meek, *An Ethnographical Report upon the Peoples of Nsukka Division* (Lagos, 1931).

<sup>4</sup> Ibid., pp. 6-14.

the 'Chi' and to pray to it for protection.<sup>1</sup> Dr. Talbot calls it the 'oversoul', and remarks upon its close analogy with the Egyptian conception of the Ka.<sup>2</sup>

Ugu is a member of an extended family, a group consisting of 21 fathers of families with 35 wives and 55 children, 111 people in all. They trace their patrilineal descent back to the eldest son of one Ori-Ada, who goes back five generations from most of the existing elders. Two-thirds of this group live together, the rest within one or two miles. Ugu lives apart with some members of his own and of other extended families who, before the British came, had been deputed to act as outposts and to give warning of approaching enemies.

The group is held together by common recognition of Oyeze as head of the family. It is he who sacrifices to Ori-Ada, whose shrine is in his compound, and the periodical feasts are held in his quarters. His permission must be obtained with gifts before any member of the family can acquire a public title, of which more will be said presently. All serious disputes within the family are brought to him and he settles them with the help of the other elders, who are members of the five senior, out of the twenty existing, age-grades. Typical of such disputes would be one caused by a man who having taken over the care of his brother's widows, children, and property, failed when the time came to use this property to provide the sons with wives. The aggrieved sons would appeal to Oyeze, who has the power to prohibit an offending member from participation in rites at the shrine of the ancestor. This would mean loss of membership of the family with all the mutual benefit, the physical and spiritual protection with the use of the family land, that such membership gives. Oyeze's younger brother holds the important public title of Asogwa, which means that he represents the family-head in all dealings with strangers, including British officers, and generally acts as an intermediary. There is also another executive official known as the Ishi-Iwu who acts as a kind of police-magistrate for the group, using, when necessary, the age-grade organization to enforce his authority.

This extended family is strictly exogamous, and sexual relations between members would be regarded with horror as incestuous, and the male offender would probably be poisoned by the family.

<sup>1</sup> Dr. C. K. Meek, *An Ethnographical Report upon the Peoples of Nsukka Division*, pp. 9-10.

<sup>2</sup> *Op. cit.*, vol. ii, p. 280.

Above the Ori-Ada family comes that larger group which is officially called a kindred in most of the Southern Provinces. It consists of the Ori-Ada and five other families which claim common descent from one Ezoka, though they cannot now work out the genealogy. This particular kindred is called Amokwa.<sup>1</sup> Dr. Meek does not give the total numbers, but if the families were of the same size as the Ori-Ada it would be between six and seven hundred. It is exogamous, though there is a tendency towards indulgence in this matter between the less closely related families which may presage the dissolution of the group.

The oldest man, irrespective of family, is the senior elder, or Onyishi, though this is by no means the general rule among the Ibo. His authority is sustained by his priesthood of the shrine of Ezoka, the traditional founder of the Amokwa kindred. Here, at least once a year, the whole clan gathers to sacrifice, and the Onyishi, expressing responsible public opinion, may expel any disobedient member from this communion or from any of the special sacrifices, such as those at the birth of a child, that have to be offered from time to time. This power is a mainstay of his authority. Offenders must bring to him and the other elders gifts of food, and sacrifice a chicken before the offence can be purged.

The Onyishi and the elders had, in the past, an additional means of maintaining order through a secret society named after a spirit, Omabe, 'the son of the sun'. His adherents played the part of policemen. If, for example, a debtor should refuse to pay his debts when ordered to do so by a panel of elders, the latter would authorize the officials of the society to proceed, headed by a masker impersonating the spirit, to the debtor's house and distraint upon his property. With such sanctions at their back the Onyishi and the senior elders inquired into any disputes brought before them. In deciding guilt or innocence they could apply a very solemn oath which was believed to destroy a guilty person within a given period.

Both the kindred and the extended family have their own land, and this is subdivided again between each biological family; inheritance goes from father to son. In most parts of Ibo country only family cultivation rights are held over the land. The heads of both the extended family and the kindred may allot surplus land to heads of households or extended families who are insufficiently provided for.

<sup>1</sup> Meek, *Nsukka Report*, pp. 11-14.

The next grouping above this is that of the Amokwa combined with five other kindreds and is called Umukaka.<sup>1</sup> They seem to be held together as much by geographical ties as by kinship, and the symbol of their unity is appropriately the cult of the guardian spirit of the land on which they live. At the well which is the shrine of this spirit the yearly festival of new yams is held. The priest of this spirit is always chosen from one kindred, probably the first to occupy the area.

This group with four other similar ones forms what is known in official language as a quarter. Meetings of all the kindred elders were—it is not very easy to know what tense to use here—occasionally called to settle disputes between kindreds or matters of especial gravity which could not be settled within a kindred. The president was provided by that kindred, which, either because it was the first to settle in that area, and so had the right to sacrifice to Ale, the earth-deity, or because it contained the priest of some powerful cult, could claim primacy. Those holding the title of Asogwa and Ishi-Iwu (or Wu) acted as members of the Council and as executive officers. It was at a meeting of this 'quarter' that the ordeal by taking the sasswood poison was administered.

Lastly, there is the 'town' or 'village-group' of Nsukka, consisting of four 'quarters'. This group appears to have met in council only very rarely to discuss questions common to the whole area, such as disputes between quarters or with other 'towns', the control of markets, the treatment of epidemics of small-pox, and peculiarly grave cases of sacrilege. An example of the last would be the betrayal to a woman of the secrets of the Omabe cult, when the offender would be put to death by the whole 'town'.<sup>2</sup>

There is one last point of interest. Women in Nsukka have their own organizations. There is a class of titled women, generally elderly, called Umada, who have important social functions. They supervise the conduct of women, settle their disputes, and have important duties in regulating the markets which are so largely attended by women.<sup>3</sup>

### *Social Groupings*

This description gives us some idea of the graded organization of an Ibo community. But it does no more. We no sooner reach the confines of this single small group than we find ourselves on

<sup>1</sup> Meek, *Nsukka Report*, p. 14.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*, p. 50, para. 181.

the edge of a wilderness of heterogeneity through which few tracks present themselves. In Nsukka Division alone, every 'town', that is, every few thousand out of a quarter of a million people, differs from every other in the details of its constitution. And this division contains only about a twelfth of the whole Ibo population. Nor is Nsukka a representative area: the heart of the Ibo group is in Owerri and Onitsha. Dr. Talbot in his *Southern Tribes of Nigeria*, a survey which accompanies the Census of 1921, had given some idea of the great variety of social forms among the Ibo, but it could not properly be grasped until more intensive local inquiries were made.

Judging by the Intelligence Reports, however, one generalization may safely be offered. The characteristic and pivotal group among the majority of the Ibo is the kindred, the collection of a number of extended families. But this is neither a standard, nor a static, form. We are dealing with associations of human lives which are forming, increasing in numbers, extending over the land, and breaking up. It is impossible not only to say how many people a typical kindred contains but to draw any exact line between a large extended family and a small kindred, or between a large kindred and a small 'quarter' or clan. Allowing, however, for the fluidity of the material, we may still say that the kindred, a group of families numbering anything from fifty persons to one or two thousands, who are held together mainly by the belief in their descent from a common founder, even when they can no longer prove it by their genealogy, is the all-important social unit.

Reports show a few areas where extended families seem to be practically independent. They show a great many more where groups of kindreds meet for certain purposes, either as 'quarters' or 'towns'. These larger groups are often called clans in the reports, though it seems that they are rarely, if ever, either exogamous or totemistic, and the assumption of kinship is sometimes a fiction to cover a unity based as much upon the various ties of local association as upon blood. Frequent warfare between 'towns' and even 'quarters' has probably shattered the completeness of large kinship groups. Migrations have often cut across each other, leaving groups isolated from the parent unit, but remembering, for a time, to look back towards the ancestral graves or even to return to the yearly gathering at the shrine of the founder. In some cases the cult of Ale, the earth-deity, or that of the spirit of the local river, provides such nexus as may be necessary for neigh-

bouring groups. These larger groups had very varying degrees of cohesion, but were seldom more than federations of kindreds, represented by their heads and elders, meeting in council for a very limited number of common interests.

Presidency or leadership within these graded groups was decided according to a number of different principles. The following are among some of the kinds of leadership that may be distinguished. There is the purely gerontocratic headship, when the oldest man of the whole group, irrespective of family, is regarded as the head. There are kindreds or towns, as the case may be, where leadership runs in one senior family. Elsewhere the priest of Ale, the earth-goddess, may have the seniority, if the head by one of the former principles does not, as sometimes happens, double this office with his own. Sometimes we hear of heads chosen by divination; sometimes of two heads. Almost universally, coexisting with these sources of authority, we find the institution of titles. This requires some explanation.

There are a number of societies or clubs among the Ibo, and in each there are generally many grades of ascending importance. Some of these titles have no significance outside the town or kindred; others command very widespread recognition. The taking of titles is quite voluntary. In some cases they may be inherited. One of the most important of these societies is that of the Ozo (or Awzaw),<sup>1</sup> which may be taken as an example, though the following account is inevitably too definite for a widespread institution which has many local variations. A man probably decides when quite young that he will begin to take titles. Each ascent to a senior rank costs him gifts to the other members of what may be called his 'branch', of money, goods, and food for feasting. He must make sacrifices and pass through the elaborate and sometimes painful ceremonies that are prescribed. This demands much perseverance and thrift upon his part, and many aspirants never reach the highest titles. Yet a high title is well worth securing. It gives the owner a position of great dignity and an important voice, irrespective of age, at family, kindred or 'town', council. In the past his life became more valuable and offences against him were more culpable than in the case of ordinary men. On the other hand, a higher standard was expected of him than of others—the saying runs that an Ozo man does not lie—and he was more heavily punished if

<sup>1</sup> The phonetic spelling is ɔzɔ.

he offended. His distinctive face-marks, his ankle-string, and his insignia of an ivory horn and a calfskin bag, acted as a protection when he passed outside his own group. He could hire out these tokens to other intending travellers. His house was a sanctuary, and if fugitives took refuge there he protected them from immediate vengeance and produced them before the family, or kindred, council. He did no manual labour, and his wife was treated with special honour.

Such a society clearly has an economic basis, and among its other functions are those of banking and insurance against old age. It is one of many examples that could be given of the remarkable plasticity of Ibo institutions. The Ibo were never bound by mere forms to incompetent leadership. Titles were a means of allowing rich and ambitious men, who might otherwise be a disruptive force, full play in the constitution of their group. Sometimes it gave them primacy. It is possible that inequality of wealth was a result of the commercial opportunities offered by European trade, especially that in slaves, with the goods obtained in exchange. Among these, guns were especially likely to make a man a useful patron and leader.

Finally, there should perhaps be added to this list the influence which overrides local groupings, and which it is difficult to interpret in European terms, of the famous shrines or oracles of certain deities, and so of the priests who acted as their guardians. The outstanding example of such a cult is that of Aro-Chuku, but there were others which exercised their attractions over smaller areas.

The authority possessed by virtue of seniority by descent or by priesthood has a material embodiment among the Ibo. This institution is that of the *ofo*.<sup>1</sup> It is a stick, sometimes roughly shaped to represent a human figure. It is cut from a special tree symbolizing truth, and in some parts is taken up by each man when he marries and sets up house. Should he have no children the stick will be thrown away when he dies. In other parts it seems an *ofo* can only be inherited by the holder's heir and could not be held during the senior's lifetime. Each senior householder holds the family *ofo*, which he assumes at a special ceremony. When a group of elders meet, and especially when they sit in judgement, they place their *ofos* upon the ground in exact order of seniority. The holder of the senior *ofo* will in most cases be the president. The

<sup>1</sup> The phonetic spelling is *ofo*.

priests of cults also have *ofos* representing their religious authority, and such an *ofo* might have precedence over one based on patrilineal seniority. In litigation oaths are made upon the senior *ofo*, it is held aloft or put upon the ground when judgement is given or a curse pronounced. Sacrifices are made upon the *ofos* as a result of which they bulge in the middle with many layers of congealed blood.<sup>1</sup>

If there is little uniformity in the central block of the Ibo country, foreign influences account for further modifications on the borders. The Aro-Chuku priesthood, which spread its influence like tentacles from the north through the greater part of Ibo-land, reaching even to the coast, may have derived its dominating conception from still farther north, though it seems that to-day the Aro are indistinguishable from the other Ibo except that they are said to show superior intelligence. In the north of Nsukka Division Dr. Meek finds strong traces of Igala influence from Idah. Some of the leading authorities there, holding the title of Eze, are surrounded by a ceremonial, and by titled ministries, modelled closely upon those of the Atta, and seek confirmation of their titles from Idah. In Onitsha, too, there has been an extension of influence from Benin with a very interesting erection of alien chieftainship upon a base of Ibo culture. In Awka Division there are two 'divine kings', though perhaps the less pretentious title of priest-chiefs would better describe them. They were surrounded in life and death with an elaborate ritual. Dr. M. D. W. Jeffreys has recently given an interesting account of the coronation of two of these chiefs.<sup>2</sup> The Umundri group to which they belong claim that they are not Ibo but come from Igala country. Dr. Jeffreys refers to the close analogies between the royal customs of the Jukun, Igala, and Yoruba and suggests they had a common source. It seems likely that the politico-religious organization of these groups to-day is the result of the domination of the aboriginal populations by a superior culture brought by immigrants from the north and west. If this is so, the interesting fact about the Ibo is the extent to which, aided perhaps by the characteristics of their

<sup>1</sup> The customs, in this as in other matters, are not uniform throughout the Ibo. The present description is based mainly upon an unpublished report by Dr. Meek, and refers chiefly to the Owerri Division. Dr. Meek gives a short account of the *ofo* in *Essays presented to C. G. Seligman*, pp. 211-13. There is much that remains to be learnt about the meaning of this symbol.

<sup>2</sup> *Africa*, July 1935, pp. 346 ff., also July 1936, pp. 403-6.

country, they have resisted, rather than accepted, these cultural influences. The trappings of exalted chieftainship may be found, especially where foreign influence has been strong, but the Ibo group remains decentralized and sturdily 'democratic' in the special African sense of the term.

This 'democracy' must be emphasized. Reference has been made to a number of authorities, to priests and patriarchs, as well as to wealth and titles. This might easily give a wrong impression of a society in which it is almost impossible to imagine a wider diffusion of authority. The headship of any group is never autocratic; it is representative in an exceptionally full sense, deriving from common beliefs and answering common needs. Authority is further limited by its distribution as between the component groupings, a very large share going in most cases to such small units as the extended family and the kindred. Intelligence Reports testify that the senior who presided over a 'town' meeting seldom possessed any direct authority over kindreds other than his own. One group, though willing to admit the possibility of a 'town' meeting, could not remember such an event. There is also the distribution of authority as between coexisting leaders, senior elders, priests, diviners, and titled men.

Moreover, these individuals, even when they meet in 'town' or 'clan', seldom meet alone but always in concert with the other elders and generally in public. The distribution goes beyond the ranks of elders. Reports frequently state that younger men who have acquired high titles, or who are acting as proxies for aged relatives, or simply by virtue of their ability, are able to raise their voice in Council. The women, in their more restricted sphere, have their own organizations. By the allocation of important duties to special groups of middle-aged men and to age-grades, all members of the community, down to quite young children, have their active social responsibilities.

To us, with our logic and our standards of size, it must seem that these thousands of little groups living, not dispersed, but very densely upon the soil, must have spelt anarchy. But—and here lies one of the chief fascinations in studying the complexities of primitive society—Ibo institutions catered with remarkable success for the basic needs of men in society. Anti-social conduct, exceptional in small kinship groups, was checked by the authority of the ancestors, wielded by the whose stood nearest to them. Ale,

the earth-deity, 'the unseen president of the community',<sup>1</sup> was ready to punish desecrations and thefts from her bosom; while the yam-god protected the storehouse. Collective family responsibility turned relations into potential policemen who might force a murderer in their midst to commit suicide rather than bear the results of his crime, or sell a thief rather than repay his theft with interest and stand the cost of the sacrifice necessary to purify his offence. Feuds between local groups could be settled at councils representing the wider group which contained them, or by neutral arbitration. Members of age-grades would fine one of their number who shirked his duties. The Ozo insignia helped to shield traders and travellers. Kinship ties spread in a strong intricate network.

All this is not to say that Ibo-land before our coming knew a Golden Age of law and order. Native informants, giving their accounts, probably tend to idealize the past. Just as Bishop Stubbs, when he listed the powers and procedure of the Anglo-Saxon Witenagemot, over-constitutionalized that primitive institution, so the reporting officer, in the very act of sorting and summarizing his material, can hardly help exaggerating the degree of systematization.

The other large group in the south-east is that of the Ibibio with their close kin, the Anang. It is not necessary for our purpose to go into even so much detail as with the Ibo. Speaking very generally, Ibibio society presents many of the same features as that of their neighbours.<sup>2</sup> Although families do not live together in the large rambling compounds of the Ibo, the structure of extended family, and kindred, each socially self-contained to a high degree, is closely comparable. Here, too, the priesthood of religious cults and titles coexists with seniority of descent and gerontocracy as a source of authority. The kindred head, again, is the father of the land. The main difference is that clans, though they present little more in the way of political foundations, can be more easily traced than among the Ibo. Taking a clan near Ikot Ekpene, we find the senior kindred-head keeps the ivory trumpet on which the call to war was sounded. Another bond is the possession of 'the drum on high' in a forked tree, which was beaten to usher in two weeks' peace before the Feast of New Yams. There is a shrine where the

<sup>1</sup> C. K. Meek in *Essays presented to C. G. Seligman* (1935), p. 211.

<sup>2</sup> For some account of the Ibibio customs and of an old Warrant Chief's attitude to Native Administration see the story of Udo Akpabio, recorded by the Rev. W. Groves in *Ten Africans*, ed. M. Perham (1936), pp. 41-61.

slain leopard was divided, each kindred receiving the portion due to its seniority. Above all, there is the common celebration of the Feast of New Yams when the first-fruits are ceremonially presented to the Edems, seven sacred wooden images upon which none but very old men must look, upon pain of being struck with impotence.

Another point of divergence between the two groups is that secret societies, not only those resembling the Ozo in purpose, but others of a military nature, or with monopolies for divining or making poisons, appear to be more numerous and important among the Ibibio than the Ibo. The Ibibio are generally reported to be more artistic, less industrious, more backward, and perhaps even more excitable than their neighbours. In the days of the slave trade they had the reputation of being the most mutinous passengers on the ships.

#### *Administrative Difficulties*

The common administrative problems presented by the social conditions of the two main groups, and shared in greater or less degree by the smaller tribes on their borders, should now be taking clearer shape.

The first difficulty, if not in importance at least in the order in which difficulties are encountered, is and has always been, that of language. The leading authority upon the languages of this region, Dr. Ida Ward, in her book upon the Ibo language, admits that it contains 'complexities to which we are unaccustomed in European languages living or dead'. She distinguishes three main difficulties. Firstly, a complicated system of tones used to distinguish meaning and to express grammatical relationships; secondly, a large range of dialects which vary not only in pronunciation and vocabulary but even in grammatical construction; thirdly, a habit of vowel elision which makes it almost impossible to express the spoken sounds in writing.<sup>1</sup> As a result no member of the Administration has ever mastered Ibo, and few have even attempted to learn its rudiments. Ibibio presents some of the same difficulties. To appreciate the language barrier it is necessary to visit the villages of these people in the company of officers who do not possess this first means of contact with them. The watchful detachment that marks the relations between so many African tribes and their

<sup>1</sup> *An Introduction to the Ibo Language* (1936), p. xii.

administrators is more noticeable here than in any other British territory I have visited.

The second difficulty, immensely reinforced by the first, is that presented by social fragmentation. The people, as we have seen, had been accustomed to settling most of their affairs within the family or kindred, and, more rarely, within slightly wider groups. Put into terms of administration, this means that among these four or five million people the points of effective contact between officers and people are to be counted not in tens, nor in hundreds, but in thousands. In the absence of convenient natural groupings the Government made artificial ones, throwing large numbers of these small units into court-areas which might embrace as many as 100,000 people. These sometimes cut across the much larger affinities which, however faintly, the people did recognize, and entailed a walk of twenty or thirty miles to court.

Distance and numbers were only part of the unsuitability of our system in the eyes of the people. Even in their own small communities, as we have seen, authority was never exercised by individuals, but was widely distributed. In his Nsukka report Dr. Meek frequently remarks, after indicating one of the leading men of a group, that he was not a Warrant Chief. But, as he pointed out in other reports, a mere readjustment of appointments could not reach this problem. If individual autocratic authority was unknown within the small recognized group, how much less could an individual exercise any legitimate authority outside it! The bench of half a dozen or more men, picked from a wide area and judging intimate affairs between families and kindreds, was thus a monstrosity by native standards. The patient efforts of officers to select men more representative or more acceptable to the people were doomed to failure. It is not surprising that men, automatically disqualified for their task by the act of selection, and therefore unable to summon any traditional obedience or wield any of the accepted sanctions, should have drawn entirely upon the strong alien authority of the Government and become corrupt and overbearing in their isolation. While Administrative Officers were regarding the Warrant Chiefs as to some extent the leaders and representatives of the people, the latter were looking upon them as the African agents of their white rulers.

Indigenous authority has another aspect which hindered its adjustment to our system. Our conceptions of the functions of the

State, and of sovereignty, with its corollaries of centralization and delegation, and its expression in executive action, do not develop under the conditions of primitive society. Executive functions *are* performed; examples have been given of some of them; but their range is limited by the size of the societies and the simplicity of the conditions of life. Life is governed by a common ideology; every one has a status and knows the duties attaching to it.

If the functions of 'government' among these people are small in the sphere where ours are large, it operates in a vast realm which the civilized State makes no pretence to control. The leaders of each of these little communities have responsibilities to their people for the working of nature; they must do their part to make the crops grow and the women and stock bear young. If the Warrant Chief is the agent of the White Government, the true elder is the agent, or minister, of the ancestors with all their capacity to help or harm, while the priests can direct the powers of the deities they serve. The ordinary Ibo believes that his visible and physical life extends in all directions into an invisible world filled with spiritual beings of all kinds; the deities of the sky and the earth, the spirit of the local land and river; the dead members of his family waiting, perhaps, to be re-born; evil spirits ready to do him harm, and the spirits of animals. Society is set within this spiritual world, and for its advantage or defence, is ritually linked to it on every side. All enterprises, all daily and seasonal events, as well as the accidental and unusual have to be marked with prayer, ritual, or sacrifice. The primitive Ibo cannot pass a day, hardly an hour, without performing some act dictated by his relations with this unseen world.

All this has been said, and said far better, by anthropologists who have been able to establish a rare intimacy with primitive people. But it has been necessary to refer to it here because so many administrative problems can be traced to this peculiar 'other-worldliness' of our African subjects. And, though this characteristic is by no means confined to the Ibo or the Ibibio, it tends to be a greater administrative problem with them in proportion to their lack of political organization. The Yoruba have comparable beliefs, and their pagan religion pervades, or pervaded, their institution of kingship. But the very size of their kingdom necessitated some kind of political structure, and however closely this is interlocked with their religious system, it is possible for our

Government to make its contacts with the one side while preserving a considerable degree of detachment towards the other. This is an arrangement which may be clumsy and incomplete, but which can be made to work. The administrative problem is wholly different where communities are as small as in the south-east or, for that matter, in the Plateau or among the Tiv. To them not only is the large scale of the administration we impose above them alien to their ideas, but also the actual executive measures necessitated partly by that scale. Our main demands upon them, first for labour for road-making and portorage, and now for direct taxation, have been at once incomprehensible and distasteful, and only the ultimate sanction of force makes their exaction possible.

General innovations of a kind that could only be imposed directly by our agents have been accompanied by attempts on our part to destroy those of their customs which are offensive to our moral conceptions. These customs are, as I have attempted to show, no mere excrescences to be easily pared away, but the expressions of basic beliefs. Thus it comes about that the elders, as protectors of the spiritual and physical well-being of their people, may feel it their duty to maintain customs which under our rule have become serious and even capital crimes. Among such duties are the administration of the poison ordeal and the destruction of the dangerous abomination of twins, one at least of which is believed to be the result of conception by a devil. With the Ibibio, death or selling into slavery was the portion of both when a man cohabited with a mother of twins.<sup>1</sup> There is the consumption, for certain purposes, of human flesh, and the human sacrifice which should accompany the burial of important men.<sup>2</sup> The practice of slavery, though hardly yet altogether eradicated, appears to be less deeply founded, but the selling of thieves and undesirable characters was a convenience for which our temporary imprisonment is a very unpopular substitute.

The existence of these and other customs repugnant to our culture has a twofold effect upon the administrative position. The attempt to suppress them arouses the deepest indignation among the guardians of the old order, the very men whose co-operation is most necessary to us. On the other hand, there is the effect upon

<sup>1</sup> M. Perham, *op. cit.*, p. 47.

<sup>2</sup> M. Perham, *op. cit.*, pp. 51-2, for human sacrifices among the Ibibio at the consecration of a drum and at the yam festival.

the Administrative Officers. Some of the customs of these groups are of a kind particularly apt to repel Europeans, while that knowledge of the indigenous society as a whole, which in other parts, on the principle 'that to know all is to forgive all' modifies the repulsion, has been peculiarly lacking. It is largely because the people know that many of their customs are crimes in our eyes that they are so unwilling to give information about any aspect of their culture, and so little confidence exists between them and their officers. This aspect of the situation, of which perhaps officers who have been confined to this part of Nigeria are hardly conscious themselves, was brought home to me during my investigations. I might give as an example the character of some recent murders among the Ibo, which were calculated to accentuate the normal sense of distance between administrators and people. The following case is typical of several others which I encountered, in which murders had been arranged as commercial enterprises with wide ramifications. A murderer contracted to destroy two men. He was paid so much by the parties who, for reasons of inheritance, wished them out of the way, and a further sum for others who desired a sacrifice for their father's funeral. He then proceeded to collect fees from a number of men who were each to be allowed to assist with knives in the killing in order that they might qualify for a certain status in a secret society. A still larger number were allowed to buy portions of the flesh either to eat or to use for making 'medicines'. Such murders are all the more disturbing to Administrative Officers because large numbers of people, some of them superficially 'advanced', are obviously in the secret. And there is no absolute certainty that such crimes, which are sometimes discovered by mere accident, are not indicative of others which never come to light.

The monotonous 'bush' which encloses most of these peoples, and which may account for some aspects of their culture, seems to illustrate the administrative difficulties of the officer who works among it. As he travels his district he cannot, in most parts, see more than fifty yards or so through the endless shuttering of dark green, even when the frequent rain does not draw a further veil. This seems to symbolize the way in which the people, in the multiplicity of their communities, and the obscurity of their language and customs, have been politically impenetrable to him. The gloom of the thick vegetation within which lie the 'fetish'

groves and the 'bad bush' where twins and all evil things are thrown away, seems in harmony with the fears and cruelties which still exercise such a powerful influence over the people's lives. The Administrative Officer, whose contact with the spiritual and psychological side of the people is less intimate than that of missionaries, may not feel such an oppressive sense of strangeness and evil as some of them acknowledge, but there is no doubt that this atmosphere contributes its share to the general difficulty of administration.

There is one further obstacle in the way of reform. It would have been a hard enough task for reorganizing officers if they had to fit British Administration upon the minute and variegated pattern, now revealed, of the past. But they have to make allowance for the further set of variations due to European influences which have changed, are changing, and will, at an even greater rate, continue to change, the original pattern. These effects are not easy to trace, especially as they vary in extent according to both the degree of influence exerted and the receptivity of the different groups. The general effect has been to undermine, in several ways, the indigenous system of government.

#### *Disintegrating Influences*

Chief, and generally first in time among these influences, has been that of the missions. Their first assaults were inevitably uncompromising as regards native customs. Christianity, with the secular education which was the missionaries' second and most eagerly accepted gift, was bound to sap the fundamental beliefs upon which all important native institutions rested. Evangelization, moreover, did not gradually permeate the minds of all members of the community at the same pace. The aged and responsible were seldom open to its influence; the young provided the converts. Thus, what to Africans is a deep and unnatural rift has been introduced between old and young. The basis of authority is shaken. The young have lost much of their respect for the elders and sometimes refuse to take up their *ofos*, attend at the ancestral shrines, or perform the ceremonies obligatory upon members of the group. The societies have been badly hit by the falling off in the numbers of new entrants, since Christians are discouraged, if not forbidden, by the missionaries from passing through the ceremonies which accompany the achievement of each new rank. In the widespread

Ozo society particularly, the older men have an economic edge to their resentment against the younger because, having paid away large sums to acquire high rank, they are unable to recoup themselves from the fees of new-comers. To put it baldly, Christianity has knocked the bottom out of their investments. The Christians, on their side, close to themselves the way by which the young and enterprising may make themselves felt in council.

The extraordinary tolerance and adaptability of the people and the desire for new things, which even among the old struggles with their conservatism, generally blur the distinction between Christian and pagan. Yet feeling between them occasionally flares up into outrage, especially in Calabar Province. In 1930 an old secret society, Ekong, was revived and its adherents went about masked, scattering a dreadful 'medicine' and obligingly selling the antidote—at a price. They are said to have shown a special animus against Christians. Yet it is possible they were only paying off old scores. A few years previously a band of 'Christians' had moved about the country, destroying objects sacred to pagans and torturing, even to death, those who refused to confess their sins.

Missions have not been the only cause of the disturbance of the balance between young and old. The introduction of money and of ways of earning it outside the cultivation of the family lands and beyond the control of the elders, have made it possible for the young to become independent of, and richer than, their fathers and grandfathers. The young Ibo, especially, escape from the pressure of over-population by going to work in the towns, and on railway and road construction. The development of the trade in palm-products, with the greater ease of communications, has increased the freedom not only of the men but also of the women who are vigorous petty traders and carriers. This freedom was vividly illustrated by the Aba riots. In parts of Owerri and Calabar Provinces the forest-lands appear to be streaming with human movement; pedestrians, cyclists, and motor-lorries pour along the roads, impelled, for the most part, by the dictates of the palm-oil trade.

The Government has played its part in undermining the old order not only directly by its administrative measures but in less conscious ways. We have imposed our peace over their heads and given the freedom of a province and more to people whose social obligations hardly extended outside kindred groups. The security

afforded by the Government and its principle of equality before the laws have added to the influence of the missions in weakening the societies, the titles of which hardly offer privileges worth the heavy price to be paid for them. With increased production and better communications the dangers of famine are almost negligible. Thus in the new atmosphere of physical and economic security the pressure that held together the small cells of which these tribal groups are composed gradually relaxes. Yet—and herein lies the administrative problem—the people are still very far from developing the larger associations which must take their place.

CHAPTER XVI  
THE SOUTH-EAST: THE REORGANIZATION

*General Principles*

IN planning reform the British Administration were faced with a dilemma. The artificial system of the last thirty years or so had been revealed as defective, yet the alternative of simply reviving the indigenous organization was impracticable both because of the numbers and the character of the groups and because new conditions had left much of the old order either weak or superfluous.

Sympathy and realism were needed if a working compromise were to develop out of this unpromising situation. They are certainly to be found in the instructions by which researches prior to reorganization have been governed. Officers are to state how far the indigenous forms they are asked to describe really survive and are capable of functioning as subordinate units of local government. They are to report upon the environment and progress of the people with special reference to the development of education and Christianity. The report is to be accompanied by definite proposals for the reorganization of the group. It is insisted, as a fundamental principle, with regard to these proposals that 'the people concerned should be consulted and their consent obtained. The people can be advised in the matter by the Administrative Officer but the final decision must rest with themselves.' Officers are to state in the reports how far the people have been consulted, with special reference to the views of alien minorities, Christians, and the educated element. They are to ignore existing administrative boundaries and to avoid working to any pre-conceived plan. They are to resist the temptation of trying to preserve ancient institutions merely out of respect for their age. These instructions might serve as a model in other parts of British Africa which stand in need of similar reorganization. They were not written for publication, and I am convinced from my study of the Intelligence Reports, and from watching some of the investigations being carried out, that a very honest attempt has been made to obey them.

It has not been easy to find out exactly what the people do want.

They hardly know themselves. No anthropologist expects his subjects to interpret their own institutions to him even when these are in full working order. It is far harder for them to formulate some working compromise between what is left of the past and the needs, only half understood, of the present. Officers were therefore obliged to undertake considerable responsibility in giving advice. Many of the reorganization schemes are frankly tentative, and it is hoped that a few years of trial and error will allow the people to shape their institutions to their own needs and those of the Government.

It is as difficult to generalize about reorganization as it has been about any other aspect of this area. This is because of the variety of conditions; the degree of local option; the large discretion left to officers, and the evolutionary nature of the reforms. Yet certain general tendencies may be remarked. First, as to groupings. It is not easy to record the exact forms taken by reorganization because geographical and kinship terms are not always kept in distinct categories, nor is there any certainty that terms are always used with exactly the same meaning in different areas. Thus there are gazetted for the provinces under consideration, courts and councils pertaining to sub-tribes, clans, sub-clans, village groups, groups, village areas, and villages. It is doubtful if any one is in a position to define the exact shades of meaning in the hundreds of cases in which these terms are used. The first three appear to represent groups in which ties of blood and history are more consciously recognized by the people; the next three terms generally relate to smaller groups between whom the link is more territorial, while the village is simply the smallest unit recognized and probably varies in its composition from a large extended family to one or more kindreds. It may be said with certainty that in reorganized districts the old large court areas have been abandoned, and much smaller ones, reuniting divided groups or separating incompatible ones, and based as far as possible upon the wishes of the people, have taken their place. It has not always been obvious, even to the people themselves, how the boundaries of associations which were seldom very active and have long been ignored should run to-day. For most of these so-called clans and village groups there is a court and a council, which is the Native Authority. The functions of the two institutions have been differentiated even when the membership is the same. In view of past history in these parts,

however, the court remains the most important and interesting institution in the eyes of the people.

### *Native Courts*

These new courts differ from the old Native Courts not only in that they serve smaller and more natural groups, but in their relation towards the smaller units—the so-called villages—of which the group is composed, and upon whose consent its new organization has been established. One of the most difficult questions facing reorganizing officers has been the degree of official recognition that should be given to these component parts. In some areas, especially in Owerri and Warri Provinces, subordinate Village Courts with concurrent but very minor powers have been gazetted. In other parts, however, the arbitral powers of such courts have been officially recognized without being gazetted, and the Clan, or village group, Court becomes in fact, though not in name, an Appeal Court. In parts of Onitsha and Ogoja Provinces, where no larger groupings have yet been acceptable to the people, numerous independent Village Courts and Councils have been gazetted.<sup>1</sup>

It is in their membership that the new courts differ most sharply from the old. The units may be smaller, but the 'benches' are far larger. Individuals are seldom appointed by name, but footnotes to the Schedule of Appointments specify the membership. Here are some examples:

'The senior elders of the clan or such representatives, not exceeding sixty-five, as they may send in their place.'

'Comprising all the Elders of the subordinate Village Groups or such representatives as they may send, not exceeding fifty per cent. of the whole.'

'Comprising the family Heads of the component Villages or such representatives, &c.'

'Comprising all the Elders holding the requisite titles according to custom.'<sup>2</sup>

The type of representation is generally left to the people as advised by their officers, while the actual representatives are entirely their own choice. Usually all members of Village Courts are also members of the Clan Court. In parts of Owerri the experiment of allowing all heads of extended families to attend the courts has

<sup>1</sup> *Courts and Native Authority Legislation* (Lagos, 1934), pp. 188-203.

<sup>2</sup> Ordinance No. 43 of 1933, Schedule 1 April 1934.

been tried. (The family heads in one area somewhat impolitely pointed out that while kindred heads were mostly senile, they were in their prime.) In other parts all kindred heads accompanied by selected elders are members. The result has been that as many as a hundred or even more judges have been present. When these massed benches have proved unworkable, which has by no means always happened, the people, as was hoped, have found their own way out of the difficulty. One Calabar clan, remarking that a court should be a court and not a market, arranged for the villages to be represented in turn.<sup>1</sup> Some villages have cut down the number of members to represent them on the Clan Courts; in one clan the people suggested that though all members might attend, only twenty at one time should actually try the cases. Sometimes this problem solves itself by villages only sending their members when they are interested in the cases. One court, which was very busy, solved two problems at once by dividing into two sessions. Whatever modifications the people may devise out of experience they will no longer be able to feel that the courts are run by a few big men, who may be strangers to themselves and represent only the Government. On the contrary, it would be difficult now for a litigant to come to court and not find some relation upon the bench.

The danger of the reappearance of anything approaching the old Warrant Chief is further guarded against by the form of presidency. When an acknowledged clan-head exists he is generally president of the court. A few courts have titled presidents, but this is comparatively rare, and in most courts presidents are selected for each sitting. There are places in which, by some secret unknown to the West, they seem able to do without a president altogether. Corruption of an injurious type—for the word needs to be properly defined and related to African custom—has not of course been exorcised by the reforms, but the large numbers of judges and the greater publicity have made it more difficult.

The courts have C and D grade powers under the Native Courts Ordinance.<sup>2</sup> It is, however, characteristic of the spirit of the present authorities in the Southern Provinces that instead of forcing these heterogenous groups into two possibly Procrustean legal beds, powers are modified, generally in a downward direc-

<sup>1</sup> *Ann. Rep. Southern Provinces, 1933, p. 22.*

<sup>2</sup> Ordinance No. 44 of 1933, Schedule.

tion, to suit individual cases. An example of 'modified D grade' powers for a Village Court is as follows :

'Civil actions in which the debt, demand or damages do not exceed £10, with jurisdiction up to £35 in matrimonial cases other than those arising from or connected with a Christian marriage as defined in Section 1 of the Criminal Code.

'Criminal Causes which can be adequately punished by imprisonment for one month, six lashes, or a fine of £2. 10. 0.'

Other Village or Clan Courts may have ordinary D grade powers. Sometimes there is a special extension of powers in cases of predial larceny, a serious offence which is best checked by the authority of the local elders. Clan Courts may have modified, or full, C grade powers.

The court fees vary, but are everywhere small, being fixed at 2s. in some parts for Village Courts, while a maximum of 5s. is set for some of the Clan Courts. A stated portion, about 40 per cent., of the fees taken is sometimes retained as sitting-fees for the judges. In the Clan Courts a portion of the Treasury funds are allotted to salaries and other judicial expenses. Where the judges are very numerous, the individual sitting-fee may be absurdly small. On one occasion in Aro Division the elders discovered to their horror that the fees for a month's sitting worked out at 6d. per head.<sup>1</sup> I have heard of another instance where it became necessary for two or three elders to split a box of matches between them.

Procedure has been simplified. In one or two areas not only have the dock and witness-box been removed but new court-houses have been built to suit the local wishes. One of these is round, another long and narrow to accommodate the extensive row of judges. In one place in Warri the court-house is cruciform in order to represent the four quarters of the original village from which the first families of the clan went out to people the district.

Every effort has been made to reduce the improper status attained by the court clerks and the messengers. In the Village Courts, as a rule, no regular clerks or messengers are appointed. Some literate is paid 6d. to write out the summons, and the elders employ a messenger of their own to serve it. No record of the case is kept, but a brief note of the judgement may be entered in a book with the names of the parties and the fee paid, duplicates being given to the parties.

<sup>1</sup> *Ann. Rep. Southern Provinces, 1934, p. 22.*

The Clan Courts mostly find it necessary to have a regular clerk. But he is discouraged from trying to keep the long, rambling, and generally misleading records in English which were formerly the rule, and which often led, as I have myself observed in unreformed courts, to his taking over the cross-examination and, indeed, the whole conduct of the trial. Now in many parts he no longer sits with the judges or on a dais; and he is instructed to close his book during the trial, and, at the end, the president gives him a short summary of the case which he records. Clan Courts often keep one or more uniformed messengers, but the attempt is being made to keep them under the authority of the elders, through whom they are expected to execute their summonses. Wherever the people desire it, ancient institutions are worked into the reorganized systems, and thus, especially in Warri, official spokesmen, age-grades, and ancient orders of attendants and messengers find appropriate functions. Some officers are of the opinion that, if the balance of society is to be kept, the women's organizations should be encouraged alongside those of the men. This policy, however, would have to be based upon more knowledge than is at present available.

#### *Native Authorities*

Under the reorganization native society has been officially endowed with executive as well as judicial functions. Councils, which almost always contain the same personnel as the courts, are gazetted under the Native Authorities Ordinance. As with the courts, the Clan Council is generally gazetted as the Native Authority, and each village group, or village within the clan, is gazetted by name as a Subordinate Authority. Independent Village Courts mean, of course, independent Village Councils.

It may give some idea of the closeness with which the Government has recognized the existing situation to record that in 1934 in Owerri Province alone, which at the time was by no means fully reorganized, 245 Authorities and Subordinate Authorities were gazetted by name. The footnotes, each one giving a different definition to the membership of the councils, and most of them necessitated by the conditions of the south-east, number seventy-two. It has been by no easy wave of the administrative wand that reorganization has been carried through.

The establishment of councils has made possible the beginning

of a genuine system of Native Treasuries as opposed to the artificial Divisional Treasuries which accompanied the introduction of direct taxation. The groups are mostly too small and too primitive to undertake as yet the actual custody of their own cash—though this has been possible in a few cases and has proved a great stimulus to interest—but separate estimates are drawn up for each unit which are discussed in council, and separate ledgers and cash-books are sometimes kept for local demonstration.

Progress in reorganization has not been uniform. It has gone farthest in Warri, where by the end of 1933 practically the whole province had been reorganized, and in parts of Calabar. In both cases the clans are made of rather more solid stuff than among the Ibo of Owerri and Onitsha. Here and there the people have shown a distrust of reform and have asked for a continuance of the old Native Courts or have complained that the new courts are as corrupt and high-handed as the old. But these are exceptional incidents. From many sides Administrative Officers report the keen, sometimes almost violent, interest of the people in their new responsibilities. In some parts the people became so ardent in the course of their discussions with the investigating officer that they refused to wait upon the stages by which recommendations find their way to the official *Gazette* and started the new courts in rivalry with those existing. In Warri, the records for one group show that many more cases are taken in the new, than formerly in the old courts, which suggests that much unofficial litigation has now become official. The recent slump has led to some diminution in this luxury.

The function of the Councils, as Native Authorities, is more unfamiliar than those of the courts, and is hardly yet appreciated by the people. It is, however, encouraging, when the Aba riots are remembered, that the duty of collecting tax, which is bound up with the reforms, has not made them unacceptable. There has been a remarkable improvement in this direction. In some places where the greatest difficulty had been found in collecting the tax, even necessitating the employment of police, the whole sum due has been collected in a few weeks, and, in some cases, a few days, after demand, without any intervention by Administrative Officers. In Warri town the local banks had to keep open after hours in the tax season to cope with the rush of Native Authorities paying in their own tax.<sup>1</sup>

<sup>1</sup> *Ann. Rep. Southern Provinces, 1933, p. 65.*

On the expenditure side it would be too much to expect that a people trading in fractions of a penny and often in the old currencies of cowries and manillas (small bracelets of metal introduced in early days by European traders) should be able to discuss a balance sheet intelligently, especially as the majority of the new councillors are aged illiterates. Interest, first aroused, generally takes the form (after the inevitable request for larger salaries) of asking, it may be upon a revenue of a few hundred pounds, for a school (nearly always first upon the list); a new court-house (with a 'bwang-bwang'—corrugated iron—roof like their neighbours); a post office; a road with a bridge or two, and a dispensary; the list being often coupled with a request for reduction of tax!

The councils that have been established for a year or two are already showing a slightly more mature attitude and, a fundamental point, are realizing the relation of taxation to their salaries and the amenities on their estimates. The smallest Native Administration in Warri Province, with an annual revenue of £100, so greatly desires a school that it has cut its expenditure to the bone and has already saved £130 towards the fulfilment of its dream.<sup>1</sup> Inquiries about surplus balances and that formerly incomprehensible device of reserves are becoming more frequent, with complaints about items of expenditure which do not seem to benefit the locality, such as contributions towards the salary of a Divisional treasurer. One council protested against subscribing towards a leper station as they had no lepers, and towards a motor-lorry because they lived in a swamp. Where a lump sum is handed over to the court members to divide amongst themselves and to pay other judicial expenses, such as the salaries of the clerk and messengers, indigenous skill in such complex partitions is being usefully exercised in the beginnings of local government finance. The tax in much of this country works out at only 4s. per adult male, of which half goes to Government, so the funds of the small units are sometimes exiguous.<sup>2</sup> When, with the oncoming generation, the desire for social amenities outweighs clan-patriotism, a spontaneous process of federation may develop. Already two Ijaw clans have combined to build a common school and dispensary, and other examples of co-operation could be given.<sup>3</sup>

<sup>1</sup> *Ann. Rep. Southern Provinces*, 1934, p. 61.

<sup>2</sup> In 1934 it was reduced to 1s. 6d. per adult male in parts of Owerri. *Ibid.*, p. 51.

<sup>3</sup> *Ibid.*, p. 59.

*Calabar*

It might be interesting, even if it makes something of a digression, to show how the principles of reform have been applied to a sophisticated urban community within this area, such as that of Calabar, especially as the institution of House Rule which prevailed there has already been mentioned.<sup>1</sup>

Calabar, with its anchorage on the wide Cross River, is one of the oldest points of European contact. European ships traded up the river for slaves from about the beginning of the sixteenth century, and in the eighteenth we are told that many of the natives could write English, and that some of those who had been to Europe had established schools.<sup>2</sup> The Scotch mission started its work there in 1846. The Efik people who inhabit the town and surrounding country number 50,000. As the middlemen between the Europeans and the interior they became very wealthy in the two centuries before the suppression of the slave trade. Even after this their so-called 'Kings' were able to profit from the growing palm-oil trade. But with the coming of the British Government and the opening up of the interior, their easy prosperity declined. The repeal of the House-Rule Ordinance still further weakened them, and, for all their past importance and their present education and sophistication, the Efiks are now regarded as a somewhat effete people. In Calabar town there was a Native Court which in 1930 had been in existence some forty years, and which was closely modelled upon English forms, even to the royal arms above the bench.

There are thirteen Efik Houses, each under a head called Etubom. These Etuboms, who are mostly old uneducated men, with councillors selected by each House, form, under the reorganization, the Efik Council, which has a Secretary and its own Treasury. But conflict has arisen over the selection of the councillors. The free-born members of the House claim that only they have the right to this position and wish to exclude the slave-born. After forty years of British rule, during which Calabar town, with its Supreme Court, its trade, its schools, police, and hospitals, its local newspaper and its elected member on the Legislative Council, has been the centre of Efik life, the distinction seemed a little anachronistic. The slave-born, who number some of the most

<sup>1</sup> See above, pp. 29-31.

<sup>2</sup> Talbot, *op. cit.*, vol. i, p. 190.

educated and influential men, Government officials, lawyers, clergy, and rich traders, at once formed the 'Calabar People's Rights and Liberties Protection Union' and demanded that membership of the Council should be thrown open to popular election. After months of patient persuasion the Etuboms agreed to call full meetings of all members of the Houses, and new representatives were elected to the Council to the number of 150. As the number is somewhat unwieldy, an Executive Committee has been appointed which meets each week and reports to the Council at monthly meetings. They have already voted £600 out of their funds towards a new water-supply for the town. On the court, since a massed bench could never suit people in close contact with the European courts of the Township, members take it in turn to sit, five at a time. It is probable that in time the Township will be reduced to the area taken up by Government and European quarters and the whole of the purely native town put under the Native Administration. This would be an interesting development. Urban life exercises a deep influence upon natives living in it or passing through it, and so long as its advantages are entirely divorced from any sense of responsibility for them, that influence can never be altogether healthy.

#### *Future Prospects*

There is one important question to which an answer must be attempted before we leave the subject of reorganization in the south-east. We have seen that native society there, as in other parts of Africa, is in a state of uneven and obscure transition from the old order to a new. What part are the reforms likely to play in this transition?

The missionaries, especially at first, were deeply anxious about the form reorganization was taking. They feared the effects of resuscitating old institutions, and especially of a revival of the more harmful secret societies. Exaggerated reports went round the country as to the Government's intentions. There were rumours that some groups were beginning to take the law into their hands again in extreme fashion, and that here and there men reported to have fallen when gathering nuts from palm-oil trees had in fact been executed. A less serious symptom was described to me, not without a touch of harmless malice, by a long-established missionary. In an urban centre that had known European and

missionary influence for at least half a century, he was astonished to observe little shrines, such as he had not seen for some twenty years, set up at cross-roads, marked with the blood and feathers of sacrificial chickens. When questioned, the people replied, 'Oh, yes, but we are only doing that to please our District Officer!' It seems, however, that any misunderstanding as to the intentions of the Government was only a temporary phase.

Is there not, it may be asked, a less specific danger which has already been touched upon? In the abnormal conditions of native society will not the present policy tend to increase the tendency of a rift between the old and the young, between the ignorant and the educated, between the pagan against the Christian? Does it not, in other words, reinforce reaction against progress? On paper, this would seem to be the inevitable result of the social situation that has been described, yet, in fact, there are few signs of its developing, and it seems as though the new social opportunities may even help to bring the generations closer in an active co-operation. Reorganizing officers report, in most cases, a readiness on the part of the old men to bring the young into the discussions. Old men choose educated sons as their representatives. One group, meeting the Chief Commissioner,<sup>1</sup> put up a titled ancient and two young educated Christians as their spokesmen. In some of the Ibibio councils the local traders and teachers sit with the elders. A barrister sits upon one of the Jekri courts. One young man drove up in a motor-car to a meeting with a senior official, but he combined his sophistication with a sufficiently parochial outlook to ask that his clan might be represented on Legislative Council! In one unit a man who had returned from America, and who seemed at one time rather difficult to accommodate, participates keenly in the local council. The same is said of another restless spirit, a prime mover in the Warri troubles. The Progressive Associations, which the educated men form in some parts, are showing themselves willing and even eager to co-operate. 'We do not want', said one Progress Union to the Chief Commissioner, 'to force our ideas upon our elders, but we merely want the opportunity of proffering our advice to our fathers, as we used to be able to do under the old conditions.' On their side some of the old societies are willing to allow Christians to take titles without

<sup>1</sup> The title of Chief Commissioner has recently replaced that of Lieutenant-Governor, both in the Southern and Northern Provinces.

going through any ceremonies repugnant to them. In this connexion we may notice that the late Lieutenant-Governor, Sir Walter Buchanan-Smith, under whom the greater part of the reorganization was carried out, urged a large meeting of mission schoolboys to co-operate with the reforms. 'The closer association', he said, 'of Christians and pagans could not fail to do good, and the character, for instance, of the Ozo title would, I am convinced, very shortly change just in the same way as membership of the orders of chivalry in Europe has long ago lost its medieval significance and is now regarded purely as an honourable distinction.'

For this agreeable disappointment as to the tension between the generations we have to thank the tolerance and adaptability of the people and the strength of their family ties. The old society, moreover, as we have seen, gave scope to the competent and the young. The older generation may feel distress and anger at some of the manifestations of educational influence among their children, but conflicting with this they have an almost pathetic faith in the value of the education they have missed. There is solid evidence of this in the hundreds of little combined school-and-church buildings which sprinkle the more accessible forest-lands. These have not been built in spite of the elders, but rather with their help. Keen rivalry between the villages has been a further stimulus. In an interesting conversation I had with one of the leaders of the Aba riots, this strong-minded and outspoken woman told me that she spent most of her time walking with a petrol tin of palm-oil on her head from her own village market to one nearer the railway where the price was a fraction higher. By this means she was able to pay the weekly dues to the mission for the education of her children. She also described the efforts the people had been making in her village to build a good school-church. Asked if she were a Christian, she replied 'No' with some violence, but went on to explain that they all knew their children had no hope unless they could learn to understand the white man's ways.

There seems, then, no need to be over-anxious about the adjustment of relations between the schoolboy and the elder. It is an adjustment that the people must make for themselves. We cannot do it for them. If the maximum amount of fluidity is kept in the Native Administrations, the younger educated element will by degrees permeate the whole. The British administrative staff are

therefore wisely discountenancing special representation of the educated or of the Christians which would only crystallize distinctions which the passage of time must tend to blur.

There is one other possible criticism to meet. If the great administrative problem of these peoples is their multitudinous divisions, does not the present policy stereotype them? It might be pointed out that in Warri Province, for instance, where there were fifty-two Native Courts a few years ago, there are now two hundred and fifty. The answer is found in the whole history of these provinces from the beginning of our rule to the Aba riots. It is that we have failed to impose an artificial unity upon these people and must now help them to develop a real unity upwards from the smallest vital social groups. Here and there the desire to federate is already showing itself. Sir Donald Cameron, taught by some mistakes that were made in Tanganyika, warned his officers against forcing the pace of this movement. But the Government has no intention of endeavouring to preserve the primitive disunion which it has been obliged, not by theory but by fact, to recognize. In his speech to the schoolboys Sir Walter Buchanan-Smith allowed his imagination to play upon a distant future when there might be a federation of all Ibo, and another of all Ibibio, Councils.

An administrative problem of almost unique difficulty has called out a unique effort for its solution. Yet in spite of all the encouraging symptoms that have accompanied the reorganization we must not delude ourselves that this problem has been settled in the course of two or three years. It is probable, if we could see below the surface, that only a very small impression has been made upon that attitude of misunderstanding and distrust on the part of the people towards the Government which is the main element in the problem. Much more explanation and much more demonstration by results will be required before the average man and woman in the 'bush' come to understand the relation of the new system to their own lives. More officers are required who know their difficult languages and can be detailed for special political work. But at last a beginning has been made. There has been no papering over the cracks. Four qualities which are combined all too rarely in this sphere—perseverance, patience, sympathy, and honesty—have been shown by the administrative staff. If these can be maintained, if the principles of reform do not become dead formulas, these backward and unorganized but democratic and

vigorous peoples may be helped to develop very effective societies. No two African tribes are the same, but if due allowance is made for differences, these provinces, in their present constructive stage of reorganization, might well be regarded as a model for the administration of African peoples with similar social conditions.

CHAPTER XVII  
THE COLONY AND THE CAPITAL

*General Description*

THE Colony of Nigeria is that small area annexed directly to the Crown, and therefore distinct in status from the Protectorate. It is a strip of coast 110 miles long and from 4 to 20 miles deep. It is curiously formed. A continuous series of lagoons, swelling into a shallow creek where they enter the sea by Lagos Island, runs right through it, connecting the French Porto Novo on the west with the Benin River in the east.

The city of Lagos sprawls inconveniently across two marshy islands and on to the surrounding mainland and contains less than half of the 325,000 inhabitants of the colony. Even apart from its peculiar constitutional status Lagos, as a great port and the political head-quarters of Nigeria, would demand a special place in an administrative survey. It is still hardly an attractive town, but there is little left of that atmosphere of gloom which hung about it while its European health record was so deadly, and which still breathes in Burton's pungent records. The traveller's ship, arriving here, turns into the lagoon behind the shelter of two breakwaters, and up a dredged channel. These costly works have made a first-class harbour out of a very inhospitable landing-place. On Lagos Island, fronting south-west on to the lagoon, stretches the Marina, a broad esplanade with its row of large buildings, including Government House, the Secretariat, and a new native hospital. This leads on into the commercial area, with the big European stores, the banks, and offices. Away to the east lies Ikoyi, the area set aside for the residence of Europeans, official and unofficial. Here pleasant buildings, representing perhaps the highest standard of Government housing in Africa, stand in grounds which ceaseless struggle with the miserable brackish soil has turned into gardens, some of which have lawns sloping down to the lagoon. They were built in the prosperous days of the late twenties, and the crowded Lagosian natives pushing their huts westwards from the native city are bidden by the local press to look resentfully upon the white men's 'palaces'.

So much for what may be regarded as the European part of the

town. If the traveller, noting the numbers of Africans selling or buying in the big stores or confidently crowding the main streets, has not already realized that this, in contrast with all other ports he can remember on the eastern or southern coasts, is an African town, it is only necessary to push a little farther into it. Here are great markets, closed or open, where hundreds of traders, mostly women, sell all kinds of native and some European products. Others sit along the gutters behind boxes or trays displaying a few penny-worth of goods, while little girls run up and down hawking such stock as they can carry on their small heads. The main residential quarter on Lagos Island is a warren of mud huts, branching one out of the other, threaded by malodorous alleys along which a slow stream of filth drains into the spongy ground. With people living under these conditions at 200 to the acre (and that in one-storied huts) it is small wonder that Lagos was for many years seldom free from plague. But a strenuous and successful war has been lately waged against these slums during the last few years, by the Medical Department and also by the late Lieutenant-Colonel Rowe, Commissioner of Lands, who as Town-planning Officer cut the town into areas and dealt systematically with each, driving roads through them, condemning and destroying whole blocks, and filling in the wet hollows. Crossing from Lagos to Iddo Island by the magnificent Carter Bridge, and on again to the mainland at Yaba, further evidence of his enterprise may be found.

The district of Yaba contains a housing estate with electricity and water laid on where Africans of some means can procure plots and, subject to certain conditions, build their own houses. For Government clerks there is a special scheme of assisted building. The place is evidence at once of the prosperity of Africans in Lagos and of the drive towards European standards of life which impels them. These houses, built by African contractors, are worth £400 on the average, though some run up to £1,000. They have their fences, paths, and flower-beds; their servants' quarters at the back; sometimes their tennis-courts. Inside, the five or six rooms are carefully furnished, generally in the style of a past generation, with lace curtains, horsehair suites, and antimacassars, while oleographs and plush-framed plaques hang on the walls. These houses, interior and exterior, have considerable social significance. The income-tax analysis suggests what classes are able to afford them, clerks, and especially Government clerks

(some of whom reach high positions in the Secretariat), professional men, traders, transport contractors, surveyors, composers, photographers, and those who hold positions, such as those of draughtsmen and works foremen, on the Government railway workshops and wharves.<sup>1</sup>

But the *élite* of Lagos society for the most part lives in old-established residential houses in the town. Here will be found types which those whose experience is limited to southern or even eastern Africa will find it hard to credit. There are wealthy traders. One of these was recently President of the Chamber of Commerce, and his son and daughter were called to the Bar in London on the same day. Another, who entertained me in a spacious house, had with his wife just spent a holiday flying round Europe. There are lawyers—fifty or sixty of them—some of whom are rich enough to send their children to school and university in England and to visit them there. There are editors and newspaper owners, journalists, bishops, and archdeacons. There are elder statesmen such as Sir Kitoyi Ajasa, for many years a friendly adviser of the Government and member of Legislative Council, and Mr. Henry Carr, once Administrator of the colony.<sup>2</sup>

The press consists of several newspapers, nearly all owned and run by Africans, and mirrors something of the life of Lagos and the standards the educated elements have set themselves. Here are weighty leading articles, sprinkled with historical analogies and quotations from English literature or classical tags, criticizing the Government with varying, but often considerable, point and shrewdness. Here are the announcements of the doings of Lagos society; long accounts of weddings, receptions, and dances, and the dresses worn at them; reports of lectures and debates at the various clubs. A watchful eye is kept upon European affairs, but most of all upon those of Africans. Articles, testifying to a growing sense of racial solidarity, draw attention to lynchings in America, to the suspected bullying of Liberia by the Powers, to the effects of the Kakamega gold discovery upon the Native Lands Trust Ordinance in Kenya, and to the South African native policy and the Union's request for the Protectorates. In the leading articles

<sup>1</sup> *Ann. Rep. on the Colony*, 1932, pp. 17 and 19.

<sup>2</sup> For an autobiographical account of the youth and education in England of the daughter of a Lagos lawyer see 'The Story of Kofowarola Moore' in *Ten Africans*.

the old African oratorical genius struggles through the handicaps of cold print and a foreign language, sometimes with strange literary results, but always with sonorous vigour.

It is interesting to analyse the racial composition of this urban population. The following figures from the 1931 census show that it is less cosmopolitan than is generally assumed:

Natives of Nigeria . . . . .	114,193
Native foreigners (mostly from West Africa) . . . . .	7,111
Europeans . . . . .	1,294
Asiatics . . . . .	149
Total . . . . .	<u>122,747<sup>1</sup></u>

Of the Nigerian natives nearly 100,000 are Yoruba (though this number includes a few closely similar tribes) and about 3,500 are Hausa. There is an interesting little colony of descendants of repatriated slaves from Brazil. Lagos may be regarded, therefore, as mainly a Yoruba town. Of the Europeans, 484 are Government officials with (a figure significant of the climate) 141 women. The Asiatics are almost entirely made up of Syrians who are nearly all traders, some of them reputed to be very wealthy.

The religious analysis is also of interest:

Mohammedans . . . . .	50 per cent.
Christians . . . . .	46 „
Pagans . . . . .	4 „

If registers of attendance at mosques and churches could be kept these figures would undoubtedly look very different. Perhaps the surprising thing about them is that in the social atmosphere of Lagos 4 per cent. of the population should have admitted to paganism.<sup>2</sup>

#### *Administration*

The colony is under British law and is administered directly by British officials under a Commissioner responsible to the Governor.<sup>3</sup> This form of government, as in the colonies of the Gold Coast, Sierra Leone, and the Gambia, is the inheritance from a

<sup>1</sup> It was estimated in 1934 that the figure had risen to 156,000. *Ann. Rep. on the Colony*, 1934, p. 1, para. 3.

<sup>2</sup> These and other figures relating to Lagos will be found in the *Census of Nigeria*, 1931, vol. iv.

<sup>3</sup> This officer used to be called Administrator, but the title was changed and the status somewhat reduced by Sir Donald Cameron.

generation which believed in the policy of identity, that of simply extending the British system of law and administration over their African annexations and calling the natives British subjects. It was possible to attempt this policy because the first annexations were of a manageable size.

The colony is divided into four districts, the Lagos Municipal Area, Badagri in the west, Ikeja in the centre, and Epe in the east. The Supreme Court has jurisdiction throughout. Administrative Officers, who are Commissioners of that Court, are posted to each of the districts outside Lagos. There are no Native Courts and no Native Authorities, though a few chiefs settle cases unofficially and receive small payments for helping the Government to collect tax and for performing other duties. There are Magistrates' Courts in the Municipality, and order is maintained by about 800 Nigerian Police.

The Municipal Area of Lagos is a first-class Township, the only one in Nigeria, and has a form of municipal government. There is a Town Council, presided over by the Commissioner, consisting of five official members and four non-officials elected for each of the wards by voters on a residential, rate-paying qualification. It raises a revenue by means of a combined Improvement and Water rate, supplemented by a grant-in-aid of £30,000 (reduced to £20,000 in 1935-6) from the Treasury which is in part at least a return for the municipal amenities on Government property. Town-planning and slum clearance are in the hands of an official body, the Lagos Executive Development Board. As the Nigerian Government Departments, Public Works, Police, Medical, Education, &c., operate directly in the Municipality (as, of course, in the Colony generally), the Town Council is left with the somewhat meagre functions of sanitation, markets, and road maintenance. There is no sign that the African members have played a very vigorous part in this body or that they are stimulated to do so by their constituents.

Much could be written of the work of the Nigerian Departments in the Colony, and especially of health and education. These departments have here a longer record than anywhere else in the country, and they operate under the eyes of the Directors and upon a more sophisticated community. This would, however, take us too far from our subject of Native Administration. In assessing the character and influence of Lagos, however, we must allow for the

effect upon those Africans who live in it or visit it of the model native hospital, the many-sided sanitary work, and the numerous schools, both Government and mission.

### *The Legislative Council*

Turning from the executive to the legislative side we find that a Legislative Council had been established for the Colony in early days. When Lagos and Southern Nigeria were amalgamated in 1906 a Legislative Council was set up for both areas. At the amalgamation of 1914, when an advisory Nigerian Council was instituted for the Protectorate, the Legislative Council, composed of a few nominated Africans and an official majority, was confined once more to the Colony. In 1922 the Nigerian Council was abolished, and the present Legislative Council, which absorbed the small Colony Council, was set up. The Legislative Council legislates for Southern Nigeria as well as for the colony, yet there are reasons for considering it in this chapter. The Legislative Council holds its sessions in Lagos, where its proceedings are probably more closely followed than in the Protectorate. It devotes more of its time to the Colony than the size of this area would warrant. Again, out of four elected members, three are from Lagos, and out of the remaining fourteen nominated unofficials, one represents the Colony, another is the Lagos Commercial Member, and others, appointed to represent Banking and Shipping, are generally resident in Lagos.<sup>1</sup> The Lagosians depart from English, but follow some recent continental, practice in having only one political party, the Democratic, the members of which are generally returned unopposed. These three elected members, with the one other who comes from Calabar, are usually the most active in debate among the Africans. They are at present represented by three lawyers and one doctor and are generally critical of the Government, though by no means continuously or unreasonably so. The continuity of the Lagos members has led to their being well informed, especially about the municipality and the Yoruba hinterland, though less so about the rest of the Protectorate. One Lagos member specializes in the asking of questions and seldom asks less than twenty a day during a session, and has been known to ask more than seventy, thus adding single-handed twenty or thirty

<sup>1</sup> The franchise is open to males over twenty-one years old, with a twelve months' residential qualification and an annual income of £100 or over.

pages to the printed minutes and an incalculable number of hours of work to the officials concerned. The questions cover every conceivable and inconceivable detail of administration, but a large number are pointed at suspected inequalities in the treatment by the Government of Europeans and Africans.

The preponderance of lawyers among the African unofficials results in long debates upon legal questions and in unremitting opposition to the restrictions upon the Supreme Court and upon the scope of legal practitioners. Deep interest is also taken in questions of education. The debates are mostly dignified and interesting and of value to the Government; the European members provide specialized knowledge upon trade and finance in relation to world conditions. Such knowledge is naturally somewhat deficient among the Africans, and if they show a certain lack of constructive, as opposed to critical, ability this is common to unofficial minorities of most Crown Colonies. It is noticeable in the debates that the African members greatly resent any legislation that seems to indicate doubt of their capacities or the loyalty of their people. As long ago as 1909 one of the African members made a vehement attack upon a Sedition Bill and claimed that 'the freedom of the Press is the great Palladium of British liberty. . . . Sedition is a thing incompatible with the character of the Yoruba people. . . . It is impossible for any man to be a party to a seditious conspiracy because according to the traditions of his country the acts of a ruler cannot be called in question.' The speaker, with the thrust that this was not England where suffragettes pursued Cabinet Ministers with hatchets, walked out to mark his disapproval.<sup>1</sup>

Sir Donald Cameron on one occasion criticized the African members for their lack of knowledge of the country outside the towns where they live. He wanted 'to see my African friends in Lagos taking a practical interest in the affairs of the tribe to which they belong, helping the Native Administration and perhaps forming part of it, instead of paying a ceremonial visit to it at long intervals and scuttling out of the area again as fast as modern transport can take them'.<sup>2</sup> It is probably as a result of this advice that two members of Legislative Council and a leading African merchant have lately joined the Egba Council. Sir Donald, by taking the Legislative Council so fully into his confidence with regard to

<sup>1</sup> *Legislative Council* (Southern Nigeria), 6 November 1909, p. 2.

<sup>2</sup> *Legislative Council*, 6 March 1933, Governor's Speech, p. 14.

his reforms, has undoubtedly done a good deal to increase their knowledge of the problems of native administration and their sense of responsibility towards them. It is satisfactory to see even a beginning made to fill a gap which in the course of years might become harmful.

The African members of Legislative Council are ready to claim greater constitutional powers, but they can hardly be said to represent the large backward parts of the south, while they have, of course, no claim at all as regards the north. But they are the people who literally and metaphorically speak our language; and if they are a minority this is not, as Lord Halifax once pointed out with regard to India, in the sense of there being an effective or vocal majority to outweigh them. Whatever their constitutional position, they must become an increasingly important political factor, and their objections will have to be answered even if they are not always satisfied. It is, therefore, a fundamental requirement for the healthy development of Nigeria in the future that their sense of administrative realities should be enlarged. This consideration leads us to look a little farther below the surface presented by Lagos and the Colony.

#### *Finance and Responsibility*

It will have been noticed that the institutions through which Lagos and the Colony are governed, as compared with those of even other Nigerian cities, such as Ibadan, Abeokuta, and Kano, are all purely European in character. This is indeed the essence of the Colony system. In Nigeria this area has been directly ruled for more than seventy years. Under this system a great port, with a railway, banks, shops, and European residential quarters has been built up. A great deal has been done for the 325,000 African inhabitants. They have been given the status of British subjects and have been administered under an elaborate and alien system which is much more expensive than they could afford to pay for themselves, and is in fact heavily subsidized directly and indirectly from general revenue. In Lagos itself they have had special advantages given them; a water-supply; large, covered, and hygienic markets, slum clearances and swamp reclamations, sanitary supervision, various health services, a detailed census, and sufficient schools to give half of the children a taste of education. The great majority of the inhabitants are probably little interested in these

improvements—with the exception always of education—if indeed they are not hostile to them. The women have shown determined resistance to being removed from the insanitary gutters where they squat to sell their goods to the magnificent market where they would have to pay a little for stalls. In 1916 a small rate was imposed by which the people were asked to pay a part of the cost of a supply of clean water. Violent opposition—which it must be admitted is generally shown towards such projects in West African towns—culminated in a riot which the police suppressed.<sup>1</sup> An improvement rate of 5 per cent. has now been added in the case of householders enjoying certain amenities. It is no easy task to collect these rates, and in 1932 nearly 5,000 summonses and writs of *fi fa* were issued. The not unnatural opposition shown to the introduction of income-tax has been continued in the form of individual passive resistance to an extent which makes collection difficult and expensive. Thus in 1930 and 1931 it cost nearly £5,000 to collect a tax of about £23,000. Yet very nearly half of this is collected with the minimum of difficulty from Europeans or direct from the employers of African staffs, Government and unofficial. The main difficulty is therefore caused in the collection of the other half from what are classified as 'General Africans', and it is this which accounts for most of the 17,491 civil cases and summonses in this year.<sup>2</sup> Yet the incidence upon them—for the majority of the richer taxpayers are in the other categories—is light. It is estimated that of the 98,000 adult male population of the colony, about 47,000 pay tax, and the incidence per taxpayer worked out in 1931-2 at just over 8s. 6d. per head. I mention these facts and figures because they show, in contrast with the comparative ease of collecting tax elsewhere in Yorubaland, how little sense of responsibility the average inhabitant of the Colony displays in making a not excessive return for the political and social benefits that are provided for him. The reason lies not in the people but the system.

This question of responsibility has more than a financial aspect. The constitution and amenities of Lagos are, as we have seen, entirely European in conception and are administered, with such slight degree of partnership as the Municipal and Legislative Councils represent, by Europeans. The African intelligentsia of

<sup>1</sup> *Ann. Rep. for 1916*, p. 37.

<sup>2</sup> *Ann. Rep. on the Colony, 1931*, pp. 13-15. It is only fair to note that in 1933 the Commissioner reports a slight improvement in these matters.

Lagos are thus living under peculiarly artificial conditions, which allow them the maximum of freedom and comfort with the minimum of responsibility, financial and constitutional. This is a situation which cannot offer a satisfactory training for those who may be the leaders of Nigerian opinion, at least in the south, nor a very healthy atmosphere for the many who pass through Lagos to carry its influence far and wide. There is no need to impute blame in any quarter; the situation arises out of circumstances. But there is no reason why the situation should not be faced and the possibilities explored of some corrective, however slight.

#### *Dynastic Politics*

This leads to the consideration of an unexpected and curious phenomenon in the Colony. It is seventy-four years since the ruling house of Lagos was removed and direct British Government imposed. Yet the affairs of that house have remained a source of burning interest to the African inhabitants of the colony and especially of the city, beside which, it seems, the affairs of Legislative, or Municipal, Councils are pale indeed. I say 'it seems' because in this and in what follows I am obliged to judge by superficial symptoms and not by that thorough investigation into the social and political conditions of the Colony which would form a most valuable piece of research.

A brief sketch of the history of the House of Docemo from the point at which we left it, with Docemo protesting against the manner of his supersession and the size of his allowance, is necessary here.<sup>1</sup> Two things must be noticed about the treaty. Although Docemo agreed to a pension for his lifetime equal to 1,200 bags of cowries, then worth £1,030, there is reason to think that for him this was a bad bargain. Secondly, the White Cap Chiefs, the representatives of the family which had ruled prior to the establishment of the new dynasty from Benin in the seventeenth century, and the real holders of the land, did not sign the treaty.

Docemo lived until 1885, and his son Oyikan was chosen according to native custom to succeed him to what was left of the old position. In 1887 the poverty-stricken state of the family was brought to the notice of the Government and the Secretary of State approved a compassionate allowance of £150 on condition that he and his family showed 'good behaviour'; that he renounced

<sup>1</sup> See above, pp. 11-13.

any pretence of kingship, with any special privileges belonging to Docemo under the Treaty of Cession. This allowance was increased three times until it totalled £400. In 1900 Oyikan was succeeded by Eshugbayi, and in recognizing him and granting an allowance of £200 the Governor reiterated that he had no official position, and that he must educate his children to support themselves and not to rely upon Government. (The allowance was raised to £300 in 1911.) Small stipends were paid to the leading White Cap Chiefs.

In 1901 the Governor of Lagos, Sir W. Macgregor, set up a Central Native Council for the colony, and he appointed Eshugbayi (generally called the Eleko) and his chiefs to be members of it. This Council, at first quite active, languished under Sir Walter Egerton and seems to have died a natural death by the time Sir Frederick Lugard became Governor-General. In 1916, because of their attitude during the water-rate agitation, the Eleko and most of his Chiefs were deprived of Government recognition and of their salaries for over a year.

In spite of the supposedly private position of the head of the house of Docemo it was—and is—the custom for the various communities in the Colony in choosing their heads to bring them to the Iga, the Docemo 'palace', for confirmation. In 1919, without consulting the Government, out of two rival Mohammedan leaders Eshugbayi confirmed the one who had opposed the water-rate. He was punished by having recognition withdrawn for a month. After his reinstatement the Administrator of the colony arranged that there should be a monthly meeting between himself and the Eleko with the White Cap Chiefs.

In 1920 an extraordinary incident occurred. A case had arisen in which the White Cap Chiefs challenged the claim of the British Government to the rights over land which Docemo had ceded in the Treaty of 1861. The Full Court of Nigeria decided that the chiefs had only administrative rights of a seigneurial kind. The chiefs took the matter to the Privy Council, which decided in their favour and ruled that the Treaty of 1861 had not disturbed the 'undisputed right of the Community'.<sup>1</sup> Chief Oluwo, who had gone to England over the case, was accompanied by Mr. Herbert Macaulay, an African journalist who had long been a critic of the Government and also a ceaseless worker on behalf of the House.

<sup>1</sup> For a fuller account of this case see R. Buell, *op. cit.*, pp. 754 ff.

He gave an interview to the *Daily Mail* in which he stated that seventeen million natives recognized the Eleko's claim to be 'King of Lagos' and characterized the Nigerian Government's treatment of him as Empire breaking rather than Empire making.<sup>1</sup> The Eleko, who had entrusted Mr. Macaulay with his silver staff of office, which had been presented to Akitoye by Queen Victoria in 1852, was ordered by the Government to repudiate him. As he refused to telegraph for the return of his staff the Governor withdrew from him both recognition and stipend.<sup>2</sup>

The position held by Eshugbayi in Lagos, in spite of the withdrawal of Government support, continued, however, to embarrass the authorities. A petition which claimed to have 17,000 signatures was presented demanding his reinstatement. In 1925 the Government stated that Eshugbayi had been deposed by his family, and sanctioned the deposition. Macaulay's party refused to accept the validity of his deposition, which they regarded as the work of a few individuals. The Government, however, deported him and did so, rather inconsistently, under the Deposed Chiefs Removal Ordinance.<sup>3</sup> The Government recognized a successor, Ibikunle Akitoye, and gave him a salary of £300, repeating the condition that he had no ruling function or jurisdiction over the people of Lagos. Internal faction was now added to the former difficulties. Most of the White Cap Chiefs and, it would seem, a majority of the Lagosians, led by Mr. Macaulay, continued to regard the deposition and the new selection as unconstitutional, and opposed not only the Government but the so-called 'loyal' chiefs of Akitoye's party. The strong feelings aroused were displayed in various ways embarrassing to the Government and were ceaselessly played upon by editorials in Macaulay's daily newspaper. Upon the death of Akitoye, a successor, Sanusi, was recognized by the Government and was paid a salary of £400. He was, of course, repudiated by Macaulay and his party.

This was the situation when Sir Donald Cameron became Governor in 1931. He decided to put an end if possible to this long story of friction and intrigue. It was arranged that Sanusi should retire, but his stipend of £400 was guaranteed to him for

<sup>1</sup> This and other documents were collected by H. Macaulay and privately printed in England under the title, *The House of Docemo*. For this article see p. 6.

<sup>2</sup> *Nigeria Gazette Extraordinary*, 8 December 1920.

<sup>3</sup> *Gazette*, No. 74, 6 August 1925.

life with a gift of land and a house. Eshugbayi was allowed to return from his exile in Oyo and to occupy the Iga. His status was not, however, officially recognized by the Government. The city was still moved by dissension between the two parties and when, on Eshugbayi's death, his supporters chose Falolu and asked official recognition for him, Sir Donald replied that he would recognize no head until the House composed its factions and agreed upon their candidate. This it seemed unable to do, so the Governor appointed the Resident of Oyo, an expert in Yoruba language and customs, to inquire into the proper method of selecting the head. There are four different classes of chiefs, and there was some uncertainty as to which of them were electors, though it was agreed that the House itself could have no part in the choice. The Governor therefore appointed the leading chiefs to sit under the presidency of an Administrative Officer and make their decision.<sup>1</sup> Should they fail to agree, the Governor directed them—and such a direction in Lagos may give pause to those who believe rapid assimilation to European ideas to be possible—to resort to the traditional oracle known as Ifa.<sup>2</sup> The Committee, however, failed to reach unanimity, and as only a minority still clung to Sanusi, the Governor, reminding his party that in pre-British days the minority could not have maintained its candidate, recognized Falolu. He did this as an 'act of grace' and, repeating the words used thirty-two years ago by Sir William Macgregor, declared that 'he will have no administrative functions and this recognition has no political significance'.<sup>3</sup> When in October 1933 Falolu was received by the Governor 'vast and enthusiastic crowds' attended him.<sup>4</sup> He received permission to use the title of Oba of the House of Docemo.

At the same time the White Cap Chief, Obanikoro, who had been leading the opposite party, went with his supporters to the Iga to pay homage to the Oba and so make peace. Extracts from the report of the ceremony in the *Lagos Daily News* of 9 October 1933 give a little colour to this story.

'A large crowd reached the gate of Iga Idunganran. Here they were met at the entrance of the Courtyard by about fifty drummers and five

<sup>1</sup> *Gazette Extraordinary*, 29 August 1933, Commission of Enquiry regarding the House of Docemo.

<sup>3</sup> *Ibid.*, 4 October 1933.

<sup>2</sup> *Ibid.*, p. 474.

<sup>4</sup> *Ann. Rep. on the Colony*, 1933, p. 2.

hundred women led in song by Madam Aminatu Jeariogbe, the famous local Bard, singing.

Gbegi, Gbebo—Ija yi ma tan o  
 K'aiyero o see  
 O se iwe Geseti Oba wa  
 Obanikoro pari ija. Ija bu se!  
 Ija ilu pari, gbogbo nwon wa dobale fun  
 Oba gbogbo wa.

Behold, the long struggle is over,  
 Praise be to Cameron for the Gazette which recalled Obanikoro,  
 The long struggle is over; peace is restored in our town.  
 All people kneel before our cherished Oba.

Large crystals dropped from the Chief's eyes through emotion as he stepped gingerly along to the door of the Iga where he was again greeted with song. . . . After all had been seated, the Oba of the House of Docemo entered and took his seat on the eastern end of Iga Oju Egun, on a chair, all others in the Hall sitting on mats spread on the raised sides of the hall, north, south, and west.

'Chief Obanikoro stepped forward, twisted his large white silk cloth around his loins off his shoulders leaving his shirt covering his body and his white-cap on his head, followed by Chief Ojora, then Chief Onitana, Chief Oniru and Chief Modile. All prostrated together with Chief Obanikoro in front of them, before Prince Falolu; after which he raised his body but remained on his knees and stretched out his hands towards Prince Falolu about two yards away and said:—"Olowo, Your life will be spared long for us. Your time will be a prosperous one. As you are now on the throne of your father, we pray that no ill may befall you there. Your Sceptre (Abere) will reach Owa." He immediately prostrated again, and the four other Chiefs followed suit and prostrated, all snapping their fingers in the unique native fashion, and then rose and went to their seats.

'Prince Falolu, all the time, acknowledged their homage by waving his right arm according to custom.

'Numerous other chiefs and some of the leading Moslems came in turn and prostrated themselves before the Oba, proclaiming their pleasure at seeing him on his father's throne, and praying to God and the Prophet for his prosperity.

'Chief Obanikoro came out again with the other Chiefs and prostrated with them and snapped fingers. Chief Obanikoro then knelt and said:

"Olowo! I have brought my people. Any one of them whom you may call upon, shall come and answer your call. And if you should call upon me, myself, I will come and answer your call accordingly. But if you do not send for me, Olowo, I shall not come."

'*The Olowo*: "I shall send you a few bottles of Spirits with which I will ask you to offer sacrifices to Egun and Ifa in your Shrine."

'*Chief Obanikoro*: "It will give me great pleasure to do so if you send the wherewithal. The fight is now at an end. All is peace now."

The Olowo then ordered that Chief Obanikoro and his people be treated to drinks, termed "Esunmeren". Gin then flowed as from a fountain. Everyone was merry as the glass went round from mouth to mouth, as a sure token that "All is well".

'Presents were given by order of the Olowo (Prince Falolu) which were accepted and the company dispersed accompanied by drummers and over four thousand women and thousands of men to the Iga of Chief Obanikoro.'

The issue, however, can hardly be regarded as closed. The dissatisfaction that the man rejected by the majority was given a house and a pension, while the recognized head, with all the social obligations that rest upon an African chief, drew nothing, was met in 1934 by the grant of a stipend of £500 a year to Falolu. This is said to have had a 'soothing effect upon local politics'.<sup>1</sup> But this is a matter that could be settled more easily than the constitutional position, about which one conclusion can be drawn from this history. The contention of the Government that the Head of the House of Docemo has no political significance has kept both the parties in a false position. For this chieftainship has shown astonishing vitality. It has not been atrophied by disuse, nor broken by rebuffs, nor—most surprising of all—undermined by the strong Western influences that have been affecting Lagos for nearly a century. It appears to mean much to the Yoruba people of the Colony, and to be treated with respect by communities of other natives. It would be in accordance with principles that are regarded as valid outside the borders of the Colony to turn this institution, with the loyalty that centres upon it, to some constructive purpose, instead of leaving it to decay in bitterness and frustration.

To some the very thought of an illiterate African chief playing any part in the government of a great city like Lagos may raise a smile. But let them consider what has been accomplished through African chiefs and councils in Abeokuta and Ibadan, and which could have been accomplished in no other way, except by an army of Government agents who would have destroyed the sense of initiative and responsibility among the people. Let it also be

<sup>1</sup> *Ann. Rep. on the Colony*, 1934, p. 1, para. 7.

remembered that Lagos was, and to a large extent still is, a Yoruba town. It should not be impossible to build up round the Oba in the native part of the town some organization upon less alien lines than at present which would call out the interest and support of the people. Strangely enough, a revival of the traditional chieftainship would not offend the most advanced politicians in Lagos. The Democratic party which is so strongly represented upon the Legislative Council appear to have been in close sympathy with Eshugbayi's cause, and they would probably ensure that the House of Docemo should not represent reaction.

A development of local government upon more indirect lines would be of obvious value in the 'country' districts outside Lagos. Here, too, direct rule and the Supreme Court have been in operation for three-quarters of a century. Yet the results, judging by the somewhat scanty reports, do not compare very well with the results of indirect rule in the Protectorate. The artificial Town Councils set up at Badagri and Epe in 1901 'fell into abeyance for lack of support, financial and otherwise, and the Ordinance was eventually repealed'.<sup>1</sup> The people's sense of responsibility finds so little expression that they allowed themselves to be utterly terrorized by bands of robbers and raised no finger to help the police to save them.<sup>2</sup> Here are other items from the most recent available report. '... the structure of tribal machinery has very nearly vanished and with it a respect for law and order.'<sup>3</sup> Again, '... the influence of the letter-writer and the tout are on the increase.'<sup>4</sup> Litigation is perhaps less expeditious than in areas where native tribunals function without the adjournments and remands that so frequently occur.<sup>5</sup>

Such energy as is shown in local government seems to be achieved rather in spite of the system we have imposed than because of it. Thus, 'In seven cases village groups of their own volition have combined to form councils.'<sup>6</sup> 'The Communities in the district everywhere look upon their chiefs, usually styled Bales, as their proper representatives. Every settlement has its Council. ... Here as elsewhere outside the Municipal Area of Lagos, the chiefs act as arbitrators for the purpose of settling disputes, and so reduce the number of cases which would otherwise have to be dealt with in the Supreme Court.'<sup>7</sup> Some villages by a custom

<sup>1</sup> *Ann. Rep. on the Colony*, 1933, p. 3, para. 13.    <sup>2</sup> *Ibid.* for 1934, p. 4, para. 22.

<sup>3</sup> *Ibid.*, p. 2, para. 9.    <sup>4</sup> *Ibid.*, p. 2, para. 12.    <sup>5</sup> *Ibid.*, p. 3, para. 15.

<sup>6</sup> *Ibid.*, p. 2, para. 13.    <sup>7</sup> *Ibid.* for 1932, p. 10, para. 61.

similar to that we observed in Ibadan recognize White Cap Chiefs as their patrons.<sup>1</sup> 'The Bales of all the areas have asked that their Courts be legalized by being constituted as Native Courts under the Native Courts Ordinance. This appears to be the wish of the bulk of the population. . . .'<sup>2</sup> The marked development of local government outside the colony during the last few years and the recognition of the Oba seems to have stimulated the interest and ambitions of the Yoruba of the colony, and 'a feeling has arisen among the natives of the Colony that their education in the art of Administrative responsibility is being neglected and that instead of being in the vanguard of progress they are being left behind. So they hold their Councils according to custom, showing their civic spirit by building council houses like the brick one at Agbowa, and they settle disputes, some even keeping written records of their cases as at Ibegu. . . . The attitude of the people generally is like that of all Yorubas, they desire that Government should recognize their historic Chiefs and Councils and that they should not be treated as moribund institutions.'<sup>3</sup> The Governor has even been petitioned by the people for some form of Native Administration and promised to inquire into the possibility. Investigations were begun for the first time in 1933 into the history and organization of the various groups in the colony, and the first reports should be available soon. The investigations are said to have aroused in the people a real interest in their own affairs.<sup>4</sup>

The story of the Colony and of the House of Docemo is full of interest for students of Native Administration. Some will think that I have been too ready to draw conclusions about a situation which admittedly requires much more study. Yet these conclusions harmonize with what we know of the Yoruba. A people whose energy and desire for progress is combined with a pride in their own history and institutions are not likely to attach a very active loyalty to the imported municipal institutions set up by a foreign government, however efficient they may be. In the Colony there is still perhaps a chance to harness ancient loyalties to modern progress and so to produce a more healthy political background for what is, in the widest sense, the main educational centre in Nigeria.

<sup>1</sup> *Ibid.*, p. 12, para. 71.

<sup>2</sup> *Ibid.* for 1931, p. 3, para. 12 (6).

<sup>3</sup> *Ibid.* for 1932, p. 3, para. 13.

<sup>4</sup> *Ibid.* for 1934, p. 2, para. 9.

## CHAPTER XVIII

### NATIVE ADMINISTRATION AND THE CENTRAL DEPARTMENTS

THIS book has been concerned with native administration in the technical sense which the term has acquired. Its purpose is to show how the many native societies which existed at the time of the occupation have been incorporated into the British Government of Nigeria. It does not attempt any general description of that Government. No doubt a more comprehensive study, in which native administration occupied its proper proportion beside such a general description, would best show the relation of this part to the whole. But it would require a very much longer book. The danger of this sectional treatment is that it may put native institutions into an exaggerated perspective by presenting them apart from their background. An attempt will therefore be made in this and the following chapter to put these institutions into somewhat truer proportions by discussing briefly their relations with the general activities of the Government and with other European factors.

#### *Finance and General Organization*

The first, because the most realistic, background against which to set our subject is that of finance. The finance of the Native Administrations, made up chiefly from the proportion of the direct tax retained by the Treasuries, has been set out, but not in proportion to the central revenue out of which the Administrative and all other Government services are supported. The recent figures for Nigerian Revenue and Expenditure are given opposite.

These figures reveal the disheartening situation of the last years. It was extraordinary good fortune for Nigeria that at such a time it should have secured a Governor who combined great financial ability with a remarkable grasp of the art and objectives of native administration. Sir Donald Cameron inherited an expenditure which was still rising, although the economic depression was already making itself felt. Charged as it was with heavy recurrent items, such as loan interest and pensions, he succeeded, in the four years following 1931, in reducing the true expenditure by £1,564,960 or

Year	Revenue	Expenditure	Surplus (i.e. excess assets over liabilities)
	£	£	£
1925-6	8,268,928	6,583,167	5,924,601
1926-7	7,734,429	7,584,692	6,074,338
1927-8*	6,304,636	6,723,715	5,655,259
1928-9	5,894,658	6,861,099	4,688,818
1929-30	6,045,359	6,289,901	4,444,276
1930-1	5,622,200	6,329,668	3,736,808
1931-2	4,857,612	6,188,301	2,406,119
1932-3	4,984,505	4,983,739	2,406,885
1933-4	4,887,152	5,035,562	2,258,475
1934-5	4,960,765	4,836,666	2,382,574

\* From 1927 to 1928 onwards the above figures exclude Railway Revenue and Expenditure, but include the net profit or loss on railway working.

26 per cent.<sup>1</sup> He had also a heavy railway deficit to face. Drastic and painful economies had to be undertaken. In the Administrative Department, with which we are most concerned, officers were reduced in number from 477 in 1931 to 360 in 1935, and this at a time when large changes were being made in the judicial and administrative structure and much intelligence work was in hand.<sup>2</sup> The strain upon the Administrative, as upon most of the other Departments during this difficult time, has been severe, but none carried a heavier burden than the Governor himself. According to his successor, ill health, 'the direct result of his toil in the interests of Nigeria, compelled him to retire sooner than he would normally have done'.<sup>3</sup>

We must now consider the revenue and expenditure items for a single year. (See pp. 274-5.)

From these figures it will be seen that out of an expenditure, apart from the railway deficit, of 4½ millions, nearly ½ million is spent upon the provincial administration. This represents mainly the emoluments of Administrative Officers and the northern and southern Commissioners and their Secretariats. The proportion, however, in relation to expenditure upon Government services proper, will only be appreciated by those who run their eye down

<sup>1</sup> Speech by the Governor to Legislative Council, published with the *Gazette*, No. 16, 1935, p. 10.

<sup>2</sup> Staff Lists for 1931 and 1936. See W. R. Crocker, *Nigeria* (1936), p. 196, for one view of this retrenchment.

<sup>3</sup> Sir Donald Cameron, Address by the Governor to Legislative Council, Supplement to *Gazette Extraordinary*, No. 21 of 2 March 1936.

## NATIVE ADMINISTRATION TO-DAY

*Summary of Revenue for the Year 1933-4<sup>1</sup>*

	<i>Actual Revenue, 1933-4</i>
	<i>£</i>
1. Licences, &c. . . . .	81,111
2. Fees of Court or Office, Reimbursements, &c. . . . .	259,361
3. Mining . . . . .	62,559
4. Customs . . . . .	2,127,543
5. Posts and Telegraphs . . . . .	96,034
6. Marine and Harbour . . . . .	275,321
7. Public Works . . . . .	98,437
8. Produce Inspection . . . . .	36,342
9. Railway . . . . .	..
10. Interest . . . . .	352,089
11. Rent and Government Property . . . . .	53,509
12. Direct Taxes . . . . .	808,075
13. West African Currency Board . . . . .	257,023
14. Miscellaneous . . . . .	25,814
15. Colonial Development Fund . . . . .	25,378
	<u>£4,558,596</u>
Sale of Government Lands, levy on Emoluments of Govern- ment Servants, appreciations of stock and certain recoveries . . . . .	328,556
Total . . . . .	<u>£4,887,152</u>

*Summary of Expenditure for 1933-4<sup>2</sup>*

<i>Heads of Expenditure</i>	<i>Actual Expenditure, 1933-4</i>
	<i>£</i>
Public Debt Charges . . . . .	752,323
Governor's Office . . . . .	10,610
Agriculture . . . . .	91,708
"    Special . . . . .	149
Analyst . . . . .	2,360
Audit . . . . .	16,664
Colliery . . . . .	56,618
"    Special . . . . .	5,287
Colony Administration . . . . .	16,496
"    "    Special . . . . .	964
Customs . . . . .	71,529
"    Special . . . . .	98
Education . . . . .	237,732
"    Special . . . . .	..
Forestry . . . . .	55,697
"    Special . . . . .	3,228
Geological Survey . . . . .	9,628
Harbour . . . . .	19,844
	<u>£1,350,935</u>
	Carried forward

<sup>1</sup> *Estimates for 1935-6*, p. 6.<sup>2</sup> *Ibid.*, pp. 16-17.

NATIVE ADMINISTRATION AND CENTRAL DEPARTMENTS 275

	£
	Brought forward 1,350,935
Harbour Special . . . . .	162
Judicial . . . . .	24,545
Land and Survey . . . . .	70,150
"    Special . . . . .	1,847
Legal . . . . .	8,376
Chief Commissioner's Office, N.P. . . . .	3,867
Lieutenant-Governor's Office, S.P. . . . .	4,493
Marine . . . . .	241,509
"    Special . . . . .	12,632
Medical . . . . .	367,391
"    Special . . . . .	23,949
Mines . . . . .	7,120
Miscellaneous . . . . .	96,621
Pensions and Gratuities . . . . .	470,183
Police . . . . .	214,594
Posts and Telegraphs . . . . .	152,392
"    "    Special . . . . .	1,446
Printing—with central Stationery Depot . . . . .	24,287
Prisons, N.P. . . . .	7,769
Prisons, S.P. and Colony . . . . .	97,707
Provincial Administration . . . . .	432,917
Public Works . . . . .	149,055
Public Works, Electricity Branch . . . . .	64,251
"    "    "    Special . . . . .	2,249
Public Works Recurrent . . . . .	189,383
Public Works Extraordinary . . . . .	43,147
Railway Capital Works . . . . .	3,802
R.W.A.F.F., Nigeria Regiment . . . . .	299,341
"    "    "    Special . . . . .	10,023
Secretariat, Nigerian . . . . .	23,687
"    "    Special . . . . .	1,832
"    N.P. . . . .	16,125
"    S.P. . . . .	17,767
Treasury . . . . .	64,437
Veterinary . . . . .	35,891
"    Special . . . . .	533
Colonial Development Fund Assisted Schemes . . . . .	24,849
R.W.A.F.F., Nigeria Regiment—European Reserve Force . . . . .	12
Contribution to the Railway Renewals Fund . . . . .	100,062
Transfer of Investments Appreciation Account . . . . .	102,629
Loss on Redemption of £528,000 Nigeria 5 per cent. Stock, 1950-60 . . . . .	21,120
	£4,785,087
Railway . . . . .	250,475
	<u>£5,035,562</u>

the list and make allowance for such items in the revenue as debt charges and pensions, and for those entries which are—or should be—largely self-balancing such as colliery, marine, harbour, and

posts and telegraphs. These come to about 2 million pounds, leaving about 2½ millions for Government services proper. This includes £300,000 for the Nigeria Regiment which might be regarded, at least in part, as an Imperial service.

In order to put Native Administration finance into relation with that of the rest of the Government, we must consider the revenues of Natives Treasuries. These are not included in the general revenue. They have already been given for the north up to 1929.<sup>1</sup> The following figures of revenue relate to dates since the economic depression and before and since the 1933 reduction of the proportion of taxation retained by fully organized treasuries from 70 to 60 per cent.

<i>Year</i>	<i>Northern Provinces</i>	<i>Southern Provinces</i>	<i>Total</i>
	£	£	£
1931-2	1,096,893	634,546	1,731,439
1933-4	909,230	423,429	1,295,976 <sup>2</sup>

This sum of more than 1¼ millions is substantial even if we place it beside the approximate sum of 2½ millions which has been taken to cover the administration and services of the Central Government. In assessing it we must remember that the Native Administrations offer for the same money more, if less expert, services than the Central Government because they are run upon a cheaper basis. This advantage, however, is partly offset because some of the units are so small as to entail an uneconomic distribution of staffs and services.

However important the functions of the Native Administrations, as described in the preceding chapters, it is clear that the Central Government retains by far the greater part of the services in its own hands. Some of them are entirely under its control: in others it retains, upon a level varying with that of the competence of the local government, the higher stages of services which have been transferred. We must remember that even the largest of the Native Administrations recognized by the Government of Nigeria covers only a small part of the whole territory. A foreign unitary government has been imposed from above over these fragments and the greater part of its activities, by the very fact of their

<sup>1</sup> See above, p. 120.

<sup>2</sup> *Native Treasury Estimates.*

centralization, must lie outside the present competence of the tribal authorities. Further, because these activities are those of a twentieth-century European nation, they lie, also, very largely outside their present comprehension. The central services and Departments contained in the following list are therefore operated entirely by the Government as regards policy and control.<sup>1</sup>

Analyst	Nigeria Regiment
Audit	Police
Customs	Posts and Telegraphs
Geological Survey	Printing
Harbour	Prisons
Land	Public Works
Legal	Railway and Colliery
Marine	Surveys
Mines	Treasury <sup>2</sup>

These services are, of course, mainly staffed by Africans, who hold an increasing number of the better paid and more responsible posts. Thus, in the railways, 369 European officials are employed and 16,376 Africans. Among the latter we find that 1,792 are classified as salaried staff, as distinct from artisans and labourers, and include station-masters and clerical staff.<sup>3</sup> But their position, which could be paralleled in other departments, is that of subordinates: the direction and organization of the service is entirely in European hands.

Having considered this formidable list, we must remind ourselves that certain services, especially in the advanced units, are conducted locally, parallel with those of the central departments, and independently of their control (though not of their advice), being subject to the general guidance of Administrative Officers. These have been discussed in preceding chapters. They are:

Police	Prisons
Printing and Survey (in Kano)	Public Works
	Taxation and Treasury

<sup>1</sup> The relation of Legislative Council to such services has already been raised and will be considered further in the last chapter.

<sup>2</sup> The Judiciary does not lend itself to this rough-and-ready classification. The relationship between the Native Courts and the British Courts has been described and will be raised again in Chapter XX. Public Works should perhaps appear in all three categories.

<sup>3</sup> P. A. Oldfield, 'The Native Railway Worker in Nigeria', *Africa*, July 1936, pp. 380-1.

A third category of services, consisting of five highly important departments, is in an intermediate position:

Agriculture	Medical
Education	Veterinary
Forestry	

These departments offer services which enter or should enter intimately into the life of the people in even the smallest societies. They operate upon the fundamentals of that life as it existed before the establishment of European Government. The officers in charge of these departments could not hope for lasting results if they relied mainly upon the issue of orders backed ultimately by force; rather they have to use as far as possible the methods of education. Since relations with groups produce more extensive results than those with individuals they have made increasing use of the agency of Native Administrations. They endeavour to enlist the influence of responsible authorities at head-quarters or in the Districts and Villages, in favour of schemes for the welfare of the people. We have already seen that in recent years this co-operation has been carried a long step forward by the larger Native Administrations taking certain departmental services upon their own budgets. The work of each of these departments would merit a book to itself quite as much as our present subject, but a rapid survey of these departments from our special angle will, at least, show how far they are conducted in harmony with the main objective of Nigerian Native Administration, the political education of the people.

### *Education*

Education in an African territory is so large and fascinating a subject that the treatment of it necessitated by this survey must seem disappointingly limited. Fortunately there is, upon African education, a larger amount of material than exists upon native administration. This chapter will be confined to some of the problems that are presented in Nigeria by any attempt to harmonize educational and administrative policy.

In this, as in most developments, the Southern and Northern Provinces have had different histories. In the south for many years the Government had little share in this vital service which was entirely in the hands of the missions. These won their posi-

tion by the courage of their pioneers who outran the reluctant control of government and penetrated the unsettled hinterland at their own risk. The danger of martyrdom was very real. This was not so much at the hands of the natives who, with certain exceptions, though not always with the highest motives, received them well. ('Now we have got a white man', said the Ibadan chiefs of their first missionary, 'we must hold him very tight.')

Fever and the climate, against which they had not learned to defend themselves, took heavy toll of life and health. The Wesleyan Methodists, starting at Badagri in 1842 and moving inland, led the way. The Church Missionary Society was in Abeokuta in 1848 and went on to Ibadan and Oyo. The United Presbyterian Church arrived at Calabar in 1846. The Baptists came in 1853 and the Roman Catholics followed in the sixties. These and later bodies, combining education with evangelization, radiated gradually from their main centres in an ever-growing number of little church-schools. The standard of teaching in these was inevitably very low, and some of the results of mission education were castigated by the Governors. Sir Frederick Lugard, in his memorandum upon education, dated 1919, quoted various opinions upon the unsatisfactory situation, and drew attention especially to the indiscipline of the 'educated' and their unfitness for responsible posts. But he admitted that the Government, in its own first attempts, deserved the same criticism.<sup>2</sup> This criticism of educational results in the south is often repeated by members of the Administration during succeeding years.<sup>3</sup>

The relevant question for this inquiry, however, concerns the synthesis of mission-education with the policy, not so easy, nor, before the amalgamation, so conscious in the south as in the north, of developing existing native societies as units of local government. Here, as in most other backward parts, the work of the mission naturally, and perhaps inevitably, tended to disintegrate those societies. The disunion of the missions, which meant that two or more sects were competing for adherents within a single native group, added to this disintegrating effect. Except in some of the larger and more stable groups, the missionaries saw little enough to respect or preserve and, consciously or unconsciously, they drew their converts as far as possible out of their tribal setting and

<sup>1</sup> Anna Hinderer, *op. cit.*, p. 20.

<sup>2</sup> *Political Memoranda*, pp. 125-7.

<sup>3</sup> See, for example, *Ann. Rep. Nigeria*, 1913, p. 4.

attached them to a new Church organization with duties and boundaries which conflicted with those already existing. Conversion seemed to demand deracination because the missionaries confused Christianity with Western civilization or even with English social habits, and there was little in the educational theories the teachers brought from home to show how education should be adapted to environment and especially to the civic duties of its recipients. These mistakes of the past have been much discussed during the last ten years or more, and there is no need for me to pass, however rapidly, over this well-trodden ground.<sup>1</sup> If the Government, which was mainly interested in getting many clerks as quickly as possible, had entered the field at this early stage, it would have had no very positive conception of education to offer as an alternative, though, being unconcerned with evangelization, it might not have been so completely at odds with native culture.

The Government secured its first Education Ordinance in 1882 at a time when one inspector was in charge of all the West African territories, after which it slowly increased its control by a series of ordinances. The system of making grants-in-aid to approved schools gave it a hold over the educational policy of the missions. It entered the field itself mainly in the higher grades, and this power to decide the form of the apex has given it a further control over the design of the educational pyramid. The crowning point has been the College, a university in embryo, recently opened at Yaba. The growth of the Government's share in a task of which by far the greater part is still in the hands of the missions can be roughly judged by the increase of expenditure. In 1904 it was £2,513 for the south (nothing for the north). In 1917 it was £46,798 or 1.3 per cent. of the revenue. The share of the Southern Provinces was £34,914.<sup>2</sup> By 1930 the total, at £306,233, was relatively as well as absolutely higher.<sup>3</sup> (At this date the share of each group of provinces was no longer distinguished.) Of this sum, £85,480 went in grants to the missions, mostly in the south. Since the economic depression the sum available has decreased. In 1934 it was £230,872.<sup>4</sup>

The control of the Government over the missions is that of

<sup>1</sup> See the Rev. E. W. Smith, 'Anthropology and the Practical Man', *Journal of the Royal Anthropological Institute*, Jan.-June 1934, pp. xxv-xxix, for a discussion of anthropology and Christian Missions.

<sup>2</sup> See *Annual Reports*.

<sup>3</sup> *Ibid.*, *Education*, 1930, p. 14.

<sup>4</sup> *Ibid.*, *Education*, 1934, p. 11.

general direction, which is not meant to be rigid or comprehensive. The change that has come over Nigerian education in the last few years has resulted from the Government and the missionaries drawing together upon the common ground provided by certain new educational conceptions. In 1923 the Advisory Board on Native Education was set up to advise the Secretary of State. It provided a means for the discussion of these new conceptions which were formally adopted in its Memorandum of 1925. 'Education should be adapted to the mentality, aptitudes, occupations and traditions of the various peoples. Conserving as far as possible all sound and healthy elements in the fabric of their social life. . . .' It should promote, among other things, 'the training of the people in the management of their own affairs and the inculcation of true ideals of leadership and service'. And again, 'Education should strengthen the feeling of responsibility to the tribal community. . . .'<sup>1</sup> The missions proclaimed their conversion to these new conceptions at the Jerusalem Conference of 1928.

The old educational policy of concentrating upon that small fraction of the population which could be got into the four walls of the school classrooms to the exclusion of nearly everything that went on outside was formally abandoned. The ideas which lay behind indirect rule were thus extended into education. It was realized that progress could not be achieved by developing one section of a people, or one aspect of their lives, in isolation from the rest. Transplantation into a forcing-house is a method that can only be applied to the few; if education is to be diffused among the masses it must be as a development from the existing content of their lives and adapted to the conditions which the future appears to hold for them. The Phelps-Stokes Commission did much to further these ideas. If they did not carry them far enough it was because they did not fully realize the nature of the political opportunity open to Africans in a country like Nigeria.<sup>2</sup> The interpretation of society upon which the Nigerian Government finds the completely common ground upon which it can work with the missions, the Education Department and the Native Administrations, is to be found in another work on missionary education. 'Experience throughout the world', it runs, 'shows that national aspiration is a natural force which cannot be repressed but which,

<sup>1</sup> *Education Policy in Tropical Africa*, Cmd. 2374, 1925, p. 4.

<sup>2</sup> *Education in Africa* (New York, 1922).

directed by wise guidance into the right channels, may be turned to constructive purposes. From the Educator's standpoint national aspiration is a fund of vital energy which if disciplined and harnessed to spiritual purposes may render incalculable services to human betterment.<sup>1</sup> And again, 'An atomized society is not the soil in which men grow to be responsible persons. We become persons only through other persons. . . . The Christian life requires for its growth a context of social responsibility and obligations and this God has given in the natural bonds which unite men with their fellows.'<sup>2</sup> This passage, *mutatis mutandis*, applies exactly to political education.

The methods by which these ideas and the policy of the Advisory Committee might be expressed in educational practice has been suggested in a pamphlet recently issued by that Committee.<sup>3</sup> It discusses the education of rural communities by the co-ordination of all those Departments engaged upon what might be called welfare work, possibly through regional councils of representatives of all the interested departments of Government, of the missions, and of the Native Authorities. A new type of teacher is to be trained on the lines of those experiments which are generally associated with the American Jeanes system, and he is to be encouraged to make the school a centre of village improvement, for adults as well as children.

It must be admitted that these new conceptions are only just beginning to affect educational methods in Nigeria. It has proved difficult to break away from the old scholastic conventions because the new policy asks very much more from the personnel, both from the educational staff from the top to the bottom and from those other agents whose co-operation is desired. Of the teacher especially is asked not only an educational technique but a new conception of life, and a power to enter into a full and sympathetic relationship with the society among which he is working. Educated Africans, suspicious of anything that seems to lower on their behalf standards set for Europeans, do not always appreciate these developments. If they studied the pamphlet to which reference has been made, with its appendix upon Rural Councils in England, they would realize that these new ideas have not been suggested solely

<sup>1</sup> J. H. Oldham and M. Gibson, *The Remaking of Man in Africa*, p. 94.

<sup>2</sup> *Ibid.*, pp. 56-7.

<sup>3</sup> *The Education of African Communities*, Colonial, No. 103, 1935.

by the backwardness of Africans but are the application to African conditions of a changed conception of education in England.

The pamphlet, though it contemplates their participation, passes somewhat lightly over the part that Native Local Governments might play in the education of communities. Had it applied only to Nigeria where these institutions are so important, rather than to the whole of Africa, the emphasis would probably have been greater. In the Southern Provinces these new conceptions of education offer the only means by which education, whether by Government or missions, and administrative policy, which have until lately been pulling in almost opposite directions, can be harnessed together.

The change in the objectives of education and the simultaneous development of Native Administrations have already allowed the Native Authorities in this part of Nigeria to undertake some educational functions. The first start was made in the Cameroons Province. Here the dislocation caused to mission education by the War created the need for new measures, while the establishment of Native Treasuries containing 50 per cent. of the tax provided the resources. As a result, by 1923 twelve Native Administration schools had been set up. Their special function in the local communities had not, however, been thought out as the policy was to put them, as occasion arose, under mission societies 'as they will develop those moral sanctions without which all knowledge becomes harmful to the individual and a danger to the State'.<sup>1</sup> This policy was not followed, and by 1927 we are told that 'each institution serves a particular tribe so that their pupils have a homogeneity generally lacking in the central schools. Hence they are able to maintain much closer touch with local customs and institutions.' Folk-lore was taught, local tribesmen employed as teachers, and local chiefs encouraged to visit the schools.<sup>2</sup>

In the rest of the Southern Provinces the first Native Administration school was established at Oyo where, at the time when I visited it, staff and pupils seemed a little dispirited, a result, perhaps, of being so closely under the somewhat overpowering influence of the Alafin. It was not until the reorganization of the eastern provinces that the part that might be played by Native Administration schools was properly considered. In 1930 three Native Administration Training Centres were planned in order to

<sup>1</sup> *Ann. Rep. Cameroons*, 1923, pp. 50-1.

<sup>2</sup> *Ibid.* for 1927, p. 61.

prepare a supply of teachers for the projected schools. Every care is taken in these not to unfit the teachers for work on small pay in their own villages. Those at Ibadan live in a large, if improved, Yoruba compound. At Kake in the Cameroons the pupils undertake various social services in the neighbouring villages.<sup>1</sup> The schools begin with infant and elementary standards and it is hoped that they will be so conducted as to preserve family and tribal discipline. In the more primitive Native Administrations the management of the school is to be in the hands of a committee formed of the District Officer and the Native Authority, while in more advanced areas the Native Authority is the proprietor. These schools have almost everywhere been highly popular, and when the Chief Commissioner goes on tour he is besieged with requests for more. In 1934 there were twenty-one of these schools in the south, but several more were planned or actually being set up, especially in Warri and Calabar. A good many years must pass before we can expect to see any results of this attempt to make education serve the first stages in the advance of the masses and to give their leaders a share in its control. If the new small administrations of the south-east are to succeed the attempt has been made none too soon.

There was some tendency on the part of the missions to regard these schools as an invasion of their territory and a challenge to the principles upon which they hold it. The issue between State and Church education has been fought out in England and though the Government, in the people's interests, must welcome and assist the present preponderant work of the missions in Africa, they are not applying a different principle from that of the Government at home. There is hardly any limit to the opportunities for educational work offered by a country like Nigeria, and overlapping should be quite unnecessary. In so far as the Native Administration schools offer a challenge to the missions, it is that they should adapt their methods and organization so as to assist in the building up of healthy local native government. They have, indeed, already begun to do so. For example, a missionary in Warri Province, a student of anthropology, planned a series of village schools for a certain clan. He chose the sites in consultation with the local pagan elders at clan centres; he encouraged these men to become governors of the schools and met them for discussion when

<sup>1</sup> *Ann. Rep. Southern Provinces, 1934, p. 8.*

he visited the schools. The young people in the schools undertook various pieces of work for the improvement of village life, such as the construction of wells, for which the local Native Administrations provided the cement and roofing.<sup>1</sup> In some parts teachers, instead of remaining aloof from the village in the economic and social superiority of their position, have been encouraged to go on to the local village or clan council. In such ways the missions can weave their influence deeply into the life of the societies they serve and close, at any rate in the lower stages of education, the gap which still exists between their methods and the policy of indirect rule. The stages of higher education raise problems that will be considered in the concluding chapter.

When we turn to the north it is to a widely different situation. In Northern Nigeria, more perhaps than in other parts of Africa, the complex of policies let loose by European occupation was subordinated from the first to a clear political objective. Lord Lugard's settlement made policy to a large extent dependent upon the goodwill of the native rulers, above all in the domains, inseparable to them, of religion and education. They wanted none of our instruction. They were alert to protect their culture from infidel communications and were well satisfied with their 25,000 Koranic schools where in courtyards or under trees little boys in shrill repetition learned a few Arabic texts. Those who wished to go farther with their studies would attach themselves to a wandering scholar or an *alkali* of one of the courts and pick up a smattering of Arabic.

In the north, moreover, the missions had not preceded the Government; the two had arrived almost simultaneously. An appeal was addressed to the British public to support an evangelistic expedition into Hausaland. The party actually started in 1900. 'It seems', wrote one of them in 1900, 'as if a great kingdom were going to be built up by a few British almost before it has been touched by missionary work.'<sup>2</sup> The expedition actually reached Kano before the Government but was angrily repulsed by the Emir. The moment of its arrival was unfortunate for the mission as the enmity of rulers, at that moment struggling against subjection to the white invaders, was turned upon it, while the Government, anxious in this first delicate moment to win the confidence

<sup>1</sup> J. W. Welch, article in *Overseas Education*, October 1931.

<sup>2</sup> *Niger and Yoruba Notes*, July 1900, p. 3.

of the ruling classes, did not wish even to appear to be supporting the mission.<sup>1</sup> The high hopes with which the expedition into Hausaland had been launched withered before this uncongenial reception and a mission-station near Zaria remained almost its only result.

The High Commissioner upon gaining control of the country felt himself bound by the pledge he had given to the Moslem rulers, both in their original and in all subsequent letters of appointment, not to interfere with the exercise of the Mohammedan religion. In 1902 he wrote as follows:

'I am myself of opinion that it is unwise and unjust to force missions upon the Mohammedan population, for it must be remembered that without the moral support of the Government these missions would not be tolerated. And if they are established by order of the Government the people have some cause to disbelieve the emphatic pledges I have given that their religion shall in no way be interfered with.'<sup>2</sup>

This position meant that there could be very little education of any kind in the Moslem north, except in those pagan areas which were not under strong Moslem rule. The first small step was made in 1905, when a school for sons of chiefs was founded at Sokoto under a *mallam*. In 1909-10 an Education Department was set up under Mr. Vischer, who first made a study of the somewhat similar conditions in the Sudan. From the first the closest possible co-operation was maintained between Administrative and Education Officers. During the next few years schools were opened at important centres. The Emirs generally built and supported them out of Native Administration funds, and the Government strongly seconded their wish that they should be kept in close harmony with the existing social and religious system and that no alien African teachers should be employed. By 1913 at a rate the slowness of which was dictated by these conditions, even more than by the financial situation, there were 354 pupils at these schools, while the 43 unassisted mission schools working in the pagan areas catered for about the same number.<sup>3</sup> By stages which it would be outside our scope to follow, the facilities have been gradually extended and training colleges and small schools for girls have been founded. Even to-day, however, though the population of the Northern

<sup>1</sup> *Niger and Yoruba Notes*, September 1900, p. 18.

<sup>2</sup> *Collected Reports*, p. 135.

<sup>3</sup> *Political Memoranda*, p. 124.

Provinces is 11 millions against 9 in the south, the relative position as regards average attendance of pupils is as follows:

	Government and Native Administration Schools		Non-Government Schools		
	No. of Schools	Average attendance	No. of Assisted Schools	No. of Unassisted Schools	Average attendance for both
N. Provinces . . .	154	6,604	13	240	16,126
S. Provinces . . .	63	19,011	304	2,740	178,004 <sup>1</sup>

In looking at this list it must be remembered that the great majority of the unassisted schools are small 'bush' schools with one teacher. The Koran schools of the north, attended by nearly a quarter of a million pupils, are not included.

These figures are interesting in themselves, but the contrast they present have also been the subject of criticisms very relevant to our subject. For the missionaries have naturally protested against their exclusion from a large part of the north and have questioned the reasons for it. It appears that Lord Lugard did not read his pledge to mean that the Government should prohibit missionary enterprise, especially after the first phase of occupation was over, but that it should not use its authority to force or even to persuade the Emirs to permit it. In 1917, however, the Colonial Office, in restating the policy, ventured upon the controversial ground that what threatened the Mohammedan religion threatened the authority of the Emirs, and so imperilled the system of indirect rule.<sup>2</sup> The Phelps-Stokes Commission referred to the 'indifference and even the hostility of the Government' to missionary enterprise, and recommended that the Government should grant religious freedom in Nigeria.<sup>3</sup> Open assault was made in 1929 by Mr. Victor Murray, who interviewed the authorities at Kano upon the subject. His experience led him to a critical analysis of the whole system of indirect rule of which this policy of exclusion seemed a part.<sup>4</sup>

No easy decision can be offered in a controversy where some of

<sup>1</sup> *Ann. Rep. Education*, 1934, pp. 26 and 29.

<sup>2</sup> R. Buell, *op. cit.*, vol. i, p. 734.

<sup>3</sup> *Op. cit.*, pp. 173 and 178.

<sup>4</sup> A. Victor Murray, *The School in the Bush* (1929), p. 273 f.; also, by the same author, 'Education under Indirect Rule', *African Soc. Journal*, July 1935.

the facts are still uncertain, and where opinions must vary according to individual conceptions of the part Christianity should play in the modern world. The Government were surely right, in the interests of public order and of their civilizing mission, to interpret their pledge in the strictest possible manner in the period before they had gained the confidence of the rulers and people. Further, the system of government implied that, in a matter which they regarded as fundamental, the rulers should have freedom of choice.

The issue lay partly in two interpretations of the facts. The Government contended that the Emirs were strongly opposed to the entry of missions, and that the results of overriding their views might be serious. The other side retorted that the Government Officers had themselves encouraged this attitude in the Emirs, whose people were longing for the benefits of education.<sup>1</sup> Probably nothing less than the test of action could decide between these different interpretations. It is likely, especially in the late twenties when, as we have seen, the theory of indirect rule was pressed to almost unreal lengths, that some Residents did use their influence in the way alleged. On the other hand, it is not easy to believe that the Moslem people were eager for education at the hands of the missions. The Church Missionary Society School at Zaria, which the writer was privileged to visit, has done steady and courageous work for thirty-six years, yet the Director of Education pointed out in 1930 that the sixty pupils were recruited mainly from the children of mission converts from various parts and from only semi-Islamized pagans, while few were the children of genuine Hausa Moslems of Zaria. This, while no criticism of the school, suggests that the Moslem prejudice against Christian education is very real. That it is directed against Western, rather than specifically mission influence, is shown by the great difficulties met by the Government in their recent attempt to raise the standards of the ubiquitous Koran schools. Acting upon their principle of developing existing institutions, a scheme was drawn up in consultation with the Emirs by which Koran school teachers should be given some training in secular subjects, which by slow degrees would thus be introduced into the thousands of Koran schools.<sup>2</sup> But the Director of Education is obliged to confess that 'Religious prejudices have up to the present prevented any con-

<sup>1</sup> The Bishop of Lagos in 1924 quoted by Buell, *op. cit.*, p. 735.

<sup>2</sup> *Education Report*, 1933, p. 6.

siderable expansion of this scheme. . . .<sup>1</sup> These prejudices, indeed, produce an attitude of inertia as regards alien forms of education that in most northern schools forcibly strikes the visitor who has been impressed by the almost greedy atmosphere of the southern classrooms.

In recent years, however, there are indications that there may be a change, however slight, in the attitude of the northern Moslems towards European, and even missionary, influences in education. The Higher College at Katsina gives the visitor a sense of vitality, and of dawning interest in the world at large that must gradually be carried far outside its walls. Not only was I, though a woman, allowed to have a discussion with one of the classes, but the subject I chose, that of female education, roused a rational, if heated debate. The acceptance by the Emirs of the pagan Training School at Toro and their growing interest in girls' education have already been mentioned. More striking has been the agreement of the Emirs to a scheme by which the Sudan United Mission is to train teachers for mission and non-Moslem Native Administration schools mainly in Bornu and Adamawa.<sup>2</sup> The work will actually be financed by these two Native Treasuries. This indicates a change of attitude on the part of our Administration: how far it is accompanied by a similar change in the attitude of the Emirs is only known to those behind the scenes. More public discussion of this educational problem both between the Native Authorities and the Residents and between the latter and the missions would strengthen the Northern Provinces Administration in its defence of its legitimate policy and pledges. It would also remove all suspicion that backwardness in education is regarded as a necessary condition for the success of indirect rule.

### *Agriculture*

In Nigeria, where the people depend almost entirely upon their cultivation for exports as well as for subsistence, the Agricultural Department has a great part to play. The increase in the production of the three or four main crops has made possible not only the vast expansion of Government services but the development of Native Administration functions out of the increasing revenues of

<sup>1</sup> E. R. J. Hussey with others, *Some Aspects of Education in Tropical Africa*, University of London, Institution of Education, Studies and Reports, IX, p. 12.

<sup>2</sup> *Ann. Rep. Education, 1934*, p. 1.

the Treasuries. Of the three main exports, palm products and ground-nuts represent increased production of an existing food-crop, while cocoa has been an innovation under recent European influence. The Agricultural Department would not claim the credit for this production which has been mainly due to the enterprise, at first almost unguided, of the Nigerian farmer, who has taken quick advantage of the opportunities provided by orderly government and extending transport facilities. Cotton, the export of which depended upon the cultivation of a better strain than that grown by the natives, owes much to the Department. The value of the four main agricultural products has increased as follows:

Crop	1903	1934
	£	£
Palm products . . . .	1,942,304	2,476,247
Cocoa . . . . .	10,358	1,290,437
Ground-nuts . . . . .	2,732	1,860,267
Cotton lint . . . . .	7,111	297,341 <sup>1</sup>

In this increase there have been considerable fluctuations, with a very marked falling away in value from the two peak periods of 1920 and 1928-9. But there has been an almost continuous rise in bulk, carried on in face of the fantastic price fluctuations that have occurred during the last few years. Between 1928 and 1934 cocoa fell from £35 a ton to less than £16; palm-oil from £24 to between £3 and £5 according to grade; ground-nuts from £13 to £2 10s.<sup>2</sup> Provincial reports often give striking examples of the collapse in prices as it affects the peasants. In 1935 we read of Calabar peasants getting 6d. or 9d. for tins of oil for which they once received 7s.<sup>3</sup>

These facts and figures might suggest that the main, if not the only, task of the Agricultural Department was propaganda to speed up the production of crops for export in order to increase revenue. For many years, indeed, this was actually the case not only in

<sup>1</sup> 1903 figures from *Nigeria Handbook*, Appendix II; 1934 figures from *Annual Report*, 1934. We might notice here that hides and skins have increased in the same period from £264 to £715,491. The work of the Veterinary Department, which mainly serves the pastoral Fulani, has not for reasons of space been discussed. The Agricultural Department, as will be seen, has undertaken extensive work with regard to cattle-farming.

<sup>2</sup> For 1928 prices see *Economic Survey of the Colonial Empire*, Colonial No. 851832, pp. 91-2; for 1934 prices see *Ann. Rep. Nigeria*, 1934, p. 55.

<sup>3</sup> *Ann. Rep. Southern Provinces*, 1934, p. 20.

Nigeria but in other parts of British Africa.<sup>1</sup> For long the staffs were insufficient to deal with more than one or two isolated aspects of native agriculture. Propaganda in favour of new or improved crops was too often based upon insufficient experiment, still more upon inadequate knowledge of the effect of a given innovation upon the farmer's whole way of life. Unsound instruction was liable to destroy the people's confidence, especially when behind it lay the threat of compulsion. These faults were perhaps inevitable in the early days of agricultural departments before and just after the War. Since then, with longer experience and larger and better trained staffs, a new period has opened.

In this advance, the Nigerian Agricultural Department, which has had the advantage of unusual continuity in its direction, has been well to the front. Its main principle, defined by its Director, has been 'to try to assist them (i.e. the native farmers) to increased prosperity and well-being in all directions. In order to accomplish this it is necessary not merely to study what export crops can be grown, but also to try to increase the quantity or quality of the native food-stuffs.'<sup>2</sup> In carrying out this policy Agricultural Officers are instructed to look at everything from the point of view of the native farmer and, above all, never to advocate any innovation that has not first been thoroughly tested in relation to the proposed conditions. It might indeed almost be said that the principles which underlie indirect rule have now been adopted for agriculture in the recognition of the value of indigenous methods as part of a whole system of living, and the need of developing from them by means of co-operation rather than of substituting by compulsion. An example of the tact of the Department's methods is shown in its success in extending the cultivation of a novel crop such as ginger among certain pagans who are so shy that they will only bring it to market if the whole tribe comes together under the guidance of its chiefs.<sup>3</sup> How real, on the other hand, is the Department's refusal to compel is shown by the failure after twenty years' effort, to advance any kind of extension work in Ilorin Province. It is only now, with the concurrence of the Native Authorities, that promising experimental work has been begun there.<sup>4</sup>

<sup>1</sup> See O. T. Faulkner, and J. R. Mackie, *West African Agriculture*, pp. 3-4; also Sir Daniel Hall, *The Improvement of Native Agriculture in Relation to Population and Public Health* (1936), p. 89.

<sup>2</sup> Faulkner and Mackie, *op. cit.*, p. 5.

<sup>3</sup> *Ann. Rep. Agriculture*, 1934, p. 7.

<sup>4</sup> *Ibid.*, p. 15.

This enlarged conception of the task of the Agricultural Department suggested much closer co-operation with the Administrative Officers and the native societies in their charge. For reasons to be considered shortly this co-operation has not been easily achieved. But if it has matured late, a considerable harvest of results is promised, especially in the Northern Provinces. This hope may be illustrated by choosing as an example that interesting experiment known as mixed farming.

The ordinary northern peasant in the old days hardly dared to improve his lot in very patent ways, and certainly not to keep cattle for fear of both the rapacity of his rulers and the danger of disease. Hoeing by hand he can keep from about 3 to 5 acres under cultivation annually. Manuring from the refuse of towns or from passing Fulani cattle is not unknown, but in most cases the peasant has to shift his cultivation as the land becomes exhausted. His diet, which is mainly guinea-corn, has been shown by expert investigation to be deficient.<sup>1</sup> Under the scheme of mixed farming he is offered greater well-being without more effort. He is persuaded to keep cattle, one or two bullocks and a cow; to have them immunized against disease; break them in to plough from 10 to 15 acres; use their manure to refresh his land and so avoid shifting from it, and to add milk to the family diet.<sup>2</sup> Agricultural Officers, having proved the system as far as they could for themselves, devised a cheap wooden plough and began to instruct a few intelligent farmers in the neighbourhood of their station near Zaria. They taught them how to stall their cattle upon straw; how to break them in for ploughing, and how to work and mend a plough. They did not attempt to broadcast their teaching but were content for a few years with a mere handful of men whose reactions and results were carefully studied. Beginning in 1928, they had 44 mixed farmers by 1931 and 298 by 1934.<sup>3</sup> This figure was expected to reach 600 by the end of 1935. Although willing to make use of the influence of the Native Authorities and the example of such officials as District Heads, the Department directed its campaign mainly towards the ordinary peasant farmer. The chief difficulty was to find a source from which to capitalize the farmers with the modest requisite of £5. It was agreed that the Native Administration

<sup>1</sup> W. E. McCulloch, *Dietaries of the Hausa and Town Fulanis* (Lagos, 1930), p. 67 f.

<sup>2</sup> Faulkner and Mackie, op. cit., chap. 7.

<sup>3</sup> *Ann. Rep. Agriculture*, 1934, p. 7.

should make the advances, the money being repayable at 5 per cent. in four years. Even the very poor men have repaid their loans with admirable punctuality. Some of the men of position who have adopted this scheme are said, referring to the plough-oxen, to have thanked the Government for giving them back their slaves.

In 1933 an important increase was made in the responsibilities of the Native Administrations. The Agricultural Department decided, in view of the reduced funds available in the budget, to cut down certain branches of its work. But first it approached several of the larger Native Administrations and put the case to them. 'In each instance the Native Administration preferred to accept the financial burden rather than lose the services of the European and senior African staff, which are paid for by the Government, and to see our work closed down.'<sup>1</sup> It may be guessed from what has already been said about the degree of initiative exercised by Native Authorities in budgetary matters, that the advice of the administrative staff was the decisive factor in this acceptance, but it would not have been pressed upon unwilling rulers. The arrangement is that half the salaries and all the other personal charges of the Superintendents of Agriculture engaged upon extension work in the richer Emirates will be borne by the local budgets. Kano will actually maintain four Superintendents. An increase, instead of a decrease, of staff will thus be arranged.

The Native Administrations conduct other agricultural work with the advice of the department. In the palm-oil regions they maintain nurseries from which to supply the little plantations, which, though this policy is quite recent, had reached the number of 766 in 1934. They maintain farm-centres such as those at Kano, Katsina, and Sokoto. The Egba unit runs an experimental farm-plot; Ibadan has a cocoa-farm and a produce-inspection scheme; Benin hires out oil-presses. Yet nearly all these activities and the close co-operation between the Administrations and the Department are events of the last year or two. The technique of co-operation has still to be worked out, but at the moment the potentialities seem very large.

In looking towards the future, the question arises as to the possibility of developing in Nigeria, as in parts of India, those co-operative societies in which some people see a new social and economic nexus in place of decaying tribalism. In 1934 the

<sup>1</sup> *Ibid.*, 1933, p. 1.

ex-Indian expert, Mr. Strickland, went out at the invitation of the Nigerian Government to report upon the introduction of this institution. He decided that the population of Nigeria was 'excellent material' for this kind of organization,<sup>1</sup> and the following year an ordinance for its regulation was passed.<sup>2</sup> There are already a few societies in Nigeria, especially for the marketing of cocoa. They have been very largely spontaneous, though they have the help and guidance of the Agricultural Department. But the possibility of a large increase in their number raises interesting questions for the future. It is true that the co-operative tradition is strong in Nigerians, as it must be among all poor homogeneous groups maintaining a largely self-contained life against difficult human and natural odds. But it would be optimistic to assume at this stage that it can easily be transferred to the essentially different task now proposed. One missionary-anthropologist, living alongside the most important co-operative experiment in East Africa, warns us against regarding such associations as the remedy for the parlous state into which we have reduced the tribal order. 'Organizations can never create or bind together an organic society. The inevitable tendency is to quicken the perception of specific interests and to restrict the vision of the whole, and so to create the danger of social disruption.'<sup>3</sup> The answer is that inescapable changes are already at work in tribal society, and that all African Governments are stimulating individual self-interest to the utmost possible extent with the object of increasing production or raising labour. Co-operation may be unable either to preserve or rebuild tribal society in its old form, but it may at least help Africans to play a more active, self-respecting, and social part in the great economic changes that have come to them. It seems important then at this early stage to consider what the relations of these new groups are likely to be towards the local Administrations. This question is not raised by Mr. Strickland in his report, although he had already discussed it in his book.<sup>4</sup> Granted that co-operative societies can be shown to be desirable and practicable from every other aspect, there can be no argument against them as injurious to the system of indirect rule that would not

<sup>1</sup> *Report on the Introduction of Co-operative Societies into Nigeria* (Lagos, 1934), p. 1.

<sup>2</sup> Ordinance No. 40 of 1935.

<sup>3</sup> B. Gurmann, 'The African Standpoint', *Africa*, January 1935, p. 8.

<sup>4</sup> C. F. Strickland, *Co-operation for Africa* (1933), pp. 38-40.

imply a false conception of the system. Yet the relation between co-operative societies and the Native Authorities will require careful consideration. It will be necessary to steer between the one extreme of putting every aspect of the people's life under the control of their local government, an unworkable as well as an unhealthy arrangement, and of allowing large societies to go beyond their proper functions and become political rivals of the constituted authorities. Mr. Strickland believes the second extreme to be unlikely; its occurrence would almost certainly indicate something amiss with the Native Administration as well as with the co-operative system. It is impossible, without further trial, to lay down rules for the future. But it seems that in the present early stage both of Native Administrations and of co-operative societies some link between the two may be necessary, especially in the smaller units. As both gain in strength they should be able to stand gradually farther apart without weakening themselves or injuring each other.

### *Health*

A few words must be said about the two remaining departments of our present category. The Medical Department, in its medical, as distinguished from its sanitary or health, aspects, is one that finds it most necessary to act directly without waiting to enlist the co-operation, still less the understanding, of the people. The measures necessary to deal with disease and especially of infectious outbreaks are often urgent. There is the continuous task of conducting hospitals in large centres according to standards that cannot, as in some other departments, easily be diluted with the object of making them more comprehensible or of multiplying the service. Direct, rather than indirect and educational, methods must for a long time have seemed unavoidable, even though only a small minority of the people could feel their effect. There are two ways in which this position has been somewhat modified in recent years. One is by the Native Administrations building their own hospitals, generally upon a simpler and cheaper plan than those of the Government. This has not only encouraged the Medical Department to aim at greater continuity of posting for the Medical Officers in charge, but has given the ruling class and the peoples of the towns a somewhat closer relation with institutions which they could begin to regard as their own. The number of such hospitals has risen rapidly. In 1928 they had been, or were in

process of being, established at Katsina, Kano, Maiduguri, and Bida in the north.<sup>1</sup> By 1934 they numbered sixteen out of a total of twenty-nine hospitals in the north, though some of these were only 'bush' hospitals.<sup>2</sup> In the south, where there is a paucity of strong units with rich Treasuries, there were in 1934 seven Native Administration hospitals out of a total of forty.

Perhaps from the educational point of view the Native Dispensary is even more important than the Native Hospital. This institution was seriously taken in hand in the Northern Provinces from about 1929. About that time there was a general feeling that the Medical Department and the Native Administrations were not working in sufficient harmony. Dr. (now Sir Walter) Johnson made a tour of a number of African territories, British and foreign, and drew the conclusion that the Northern Provinces were more backward than any of them in regard to medical facilities. A certain number of Native Administration Dispensaries already existed here and there, but he now drew up a comprehensive plan for them. It was consistent with the political traditions of this part of Nigeria that before launching the scheme, in spite of the delay entailed, an Assistant Director of Medical Services should have travelled to every province in order to discuss the detailed application of the programme with the local European and African authorities. As a result these were fully instructed in the new policy; the most acceptable sites were chosen and allowance made for local peculiarities. It was decided to employ local men whenever possible as dispensers and in some cases the Emir or Chief was invited to make the selection himself. It was, again, typical of the northern tradition, always on guard against the pitfalls of 'efficiency', that instead of training these men at some central institution, they were attached to a hospital as near as possible to their field of work.

In its health work the department, as we saw in Kano and Ibadan, has entered into close and necessary partnership with the larger local government units.<sup>3</sup> In Abeokuta, perhaps the most progressive native town in Nigeria, the Native Administration maintains a very popular Infant Welfare Centre. Extension work through Health Weeks and Baby Shows has been carried out in the more advanced centres. Lagos has naturally received most attention. It would, however, be almost derisory to list the small

<sup>1</sup> *Ann. Rep. Northern Provinces*, 1928, pp. 43-4.

<sup>2</sup> *Medical Report*, 1934, p. 32.

<sup>3</sup> See above, pp. 97, 199.

clearings that have been made in the vast jungle of dirt, ignorance, and insanitary practices that represents the situation in Nigeria with regard to hygiene. Increased resources alone will not enable the Department to advance very far. For this reason, perhaps, the most promising step taken in recent years has been the organization at Kano, Ibadan, and Umuahia of training-centres for Native Administration Sanitary Inspectors who, as employees of their own local governments will proceed tactfully to lead their people towards healthier ways of living.

### *Forestry*

The Forestry, like the Medical Department, has to carry out urgent and, to the natives, very obscure policies. In Nigeria, as almost everywhere among backward people, this branch tends to be highly unpopular. The department has two main tasks, firstly to protect valuable timber from uneconomic use, and, secondly, to prevent the desiccation of the country by the destruction, through shifting cultivation, of what remains of its natural cover. In Nigeria the first task predominates in the south, the second in the north. Neither of these rather long-range objectives is likely to commend itself to African peasants, with whose immediate convenience or even livelihood it conflicts. Matters are made worse when the protection of the forest is in the hands of native forest guards, who may be alien to the people and whose powers of blackmail are not easily controlled. The story tends to be of a ceaseless struggle on the part of the Department to obtain the demarcation of reserves and to enforce their sanctity when demarcated. It is clear that nothing but widespread and advanced education will produce general consent for this policy. In the long interval before this can take place it is not necessary to rely only upon compulsion. A first bid, however unpromising, can be made for the co-operation of the more advanced Native Authorities. These have power, under their Ordinance, to deal with forestry matters. In Benin, for example, where stands some of the most valuable timber in Nigeria, an arrangement has been made by which the Native Administration as owners share both the cost of administration and the revenue with the Central Government.<sup>1</sup> The Egba Administration has made a fuel plantation and in 1933 invited a Forestry Officer to advise upon the salvation of the last remnants

<sup>1</sup> *Forestry Report*, 1934, p. 5.

of its once valuable forests. A local department has now been set up under the direction of an Assistant Conservator of Forests who has been lent for this duty. But the Alake and his more progressive Councillors are faced with the difficulty of pressing an unpopular measure upon their people.<sup>1</sup> In Katsina forest reserves have been planted against the encroachment of the northern desert. In the whole of Nigeria there are 15,768 square miles of forest reserve, and of these 7,855, or nearly half, are Native Administration reserves. In 1934 alone these reserves in the Southern Provinces increased from 397 to 1,224 square miles. This does not, of course, represent a proportionate advance in the agreement and understanding of the Native Authorities, and though the attempt at co-operation with them in this difficult matter cannot be begun too soon, it must be many years before it can be a widespread practical success.

#### *Relations between the Administrative Service and the Departments*

There remain two general questions with regard to the relations between the Government Departments and the Native Administrations. One concerns the principles upon which functions should be delegated to the local units. I suggested in an earlier chapter<sup>2</sup> that delegation must always be a little in advance of native capacity, since otherwise education by experience is ruled out and the position becomes stationary. But the delegation should always be planned to serve this education. In recent years, with the shrinkage of general Government revenue, which is largely dependent upon customs, and the comparative stability of the Native Treasury funds derived mainly from direct taxation, items have sometimes been transferred from the central to the local budgets for purely financial reasons. In this situation pretence creeps in, and what appears to be delegation may be no more than a matter of book-keeping. Fortunately Sir Donald Cameron has given some guidance upon this question. He says that the 'Native Administrations must not be used as a convenient machinery for some particular object or otherwise and without their willing co-operation being invited and secured. . . . The ideal of the highest efficiency and rapidity of execution must be subordinate to the main policy of encouraging and training the Native Authorities to undertake the

<sup>1</sup> *Reports on the Southern Provinces*, 1933, p. 12, and 1934, p. 13.

<sup>2</sup> See above, p. 126.

functions of administration with ever-increasing quality of attainment.<sup>1</sup> It must, however, be admitted that in spite of this instruction the financial boundary between the general budget and those of the Native Administrators is still very uncertain. Perhaps at this stage uncertainty is better than any attempt at uniformity. General orders, from head-quarters that such and such duties should be taken over by the Native Administrations would ignore the many local differences in capacity and conditions even among units that appear to be upon the same level of advancement. Special attention should be given to these considerations in parts of Africa where indirect principles are being applied for the first time.

The second general question is that of the relations of Administrative and Departmental Officers. In early days—those good old days, as they seem to many senior officials struggling with modern complexities of organization—the Administrative Officer was the unquestioned father of his people and combined all aspects of government in his own isolated person. In the last ten or fifteen years there has been an immense advance in the range of Government functions. Now in every province the Administrative Officer finds himself working with numbers of experts who have taken over the technical work and greatly increased it. There is a danger that these experts, with their scientific rather than humanistic training and their concentration upon rapid advance in one aspect of native life, may, with the best will in the world, confuse native people, who look for clear and unified leadership, and so upset the balance of their progress. In countries like Nigeria, in which there is a clear political objective, every effort should be made to interpret this objective to the Departmental Officers and to explain their special part in it. In those countries where political aims and methods have not been thought out with the same care as in Nigeria there has been no general plan into which departmental policies could be fitted. In these circumstances technical officers sometimes pursue an independent course under their own Director, who may be almost a stranger to the country, and the nominal co-ordination of the administrative head of the province fails for lack of a co-ordinating purpose. Even where this exists it is maintained against what seems to be a constant tendency towards centrifugal action. The cause may lie deep in our English traditions, in the narrowing of loyalties towards the institutions and persons

<sup>1</sup> Cameron, *op. cit.*, p. 38.

with whom the individual is immediately associated. Even if it be a universal human tendency, it is one which a people with exceptional administrative experience of an imperial range should have learned to correct. Our methods of decentralization give free play to what is frequently regarded as a virtue, but which in the field of administration may become an expensive vice. In England the critical public which suffers from it can to some extent correct this tendency, though it was said to have endangered co-ordination even in the supreme necessities of the Great War. In Africa the governed are almost passive material, and correction can only be effectively supplied by the Governor. Where he is not sufficiently strong or intelligent to enforce co-operation or lacks the proper organization at the centre, misplaced departmental loyalty can lead to an enormous waste of highly paid time.

Nigeria has, perhaps, suffered less from this bureaucratic failing than other territories. This was because in Northern Nigeria the first far-seeing High Commissioner worked out his general plan and assigned the part Departmental Officers were to play in it when these had hardly appeared upon the scene. With the amalgamation in 1914, he was able to extend his instructions over the whole country. He laid down that the Resident was the senior Government official in the Province, and all Departmental Officers must be guided by his instructions unless these were incompatible with the orders received from their Director, when the difference must be reported to the latter. Departmental Officers could only approach the Native Administration through the Administrative Officer. Once the particular project was approved, the Departmental Officer could proceed to carry it out in detail, though he could only issue orders through the proper native intermediary. Departmental Officers were to keep the Resident fully informed about their work. Differences of opinion were to be reported to the Lieutenant-Governor.<sup>1</sup>

In spite of these instructions, the Nigerian Service must have lapsed into this besetting sin, as we find that the succeeding Governor, Sir Hugh Clifford, was obliged to utter vehement exhortations against it. He urged Departmental Heads to delegate instead of keeping a rigid control over their officers from Lagos. This practice had produced a paralysing effect upon the Services, and a rigid severance between the political and non-political

<sup>1</sup> *Political Memoranda*, pp. 11-12 and 16-18.

officers: there had even been cases of information having been deliberately withheld. He warned them against pettiness and intrigue and reminded them that their ideal should be the service of the people.<sup>1</sup> About the same time he published a minute upon this subject which was reissued, slightly amended, in 1926.<sup>2</sup> This repeats, with more emphasis and elaboration, the main principle laid down by Sir Frederick Lugard regarding the general authority of the Lieutenant-Governor and the Residents over Departmental Officers. He added, however, a footnote saying that in this instruction "Resident" must be understood, *mutatis mutandis*, to include District Officers and other Administrative Officers in charge of Districts and other Administrative units'. As, in case of emergency, the Resident was empowered to issue direct orders to Departmental Officers, this note caused them considerable resentment.

It is not very easy for the outside observer to assess a matter of such delicacy during the interval when it does not get recorded in print. When in Nigeria I gained a general impression that the situation, as inherited by Sir Donald Cameron, was still far from satisfactory. The general control of Administrative Officers is vital to the success of indirect rule, especially with immature Native Administrations, but it throws a serious responsibility upon them to understand and to assist the work of the Departments. It appeared that at this time some of the Administrative Officers were not making a helpful use of their prerogative. It was no secret that relations were most difficult between the Administration and the Agricultural Department. In 1934 Sir Donald made his own contribution to the problem in the appendix to his memorandum upon Native Administration.<sup>3</sup> While he endorsed Sir Hugh Clifford's minute, he deleted the offending footnote. He also added some very wise instructions of his own, which developed Sir Frederick Lugard's principles to meet the greatly increased activity both of the Native Administrations and of the Departments. He recognized the increasing rôle which Departmental Officers must in future play in the development of the policy of native administration as well as in the particular technical interests of their Departments.<sup>4</sup> He welcomed their growing knowledge of

<sup>1</sup> *Address to the Nigerian Council by the Governor*, 29 Dec. 1920, pp. 11-15.

<sup>2</sup> *Gazette*, No. 13, 12 March 1926. Reprinted in Cameron, *op. cit.*, pp. 43-7.

<sup>3</sup> *Op. cit.*, pp. 36-42.

<sup>4</sup> Cameron, *op. cit.*, p. 38.

special languages and areas. But he strongly insisted upon their subordination in these activities to the Resident. 'The Resident as the trustee of the general interests of the Native Administration must be regarded as the judge of the effect of any activity on the conditions of the province, political or otherwise, from the native point of view.'<sup>1</sup> Even where officers are neither seconded nor temporarily attached to Native Administration work they must, following the well-tried rules which guide Administrative Officers, adapt their services to the political ends of the native governments. In all non-technical matters they must work with and through the Native Administration official appointed for that purpose, and they must remember never to treat the employees of that Administration as if they were their own. Similarly, they must avoid the error, occasionally committed, of issuing orders through their own native employees, and must in no circumstances send such subordinates into the area of a Native Administration without the knowledge and consent of the Resident. These may seem matters of detail, but the whole success of the indirect system depends upon them. Their importance could be realized only by a Governor who had sympathy and imagination as well as experience. It is for lack of such detailed instructions that nominally indirect systems in other African territories, British as well as foreign, lack all vitality. But they will only be adopted and acted upon where the foreign government has a conviction as to its main duty. 'They are designed to ensure that by the use of the proper channels the fabric of native political organization shall not be broken down under the pressure of modern demands, and that wherever possible for the sake of the future, developments shall be carried out executively by the native organization.'<sup>2</sup>

We are thus continually forced to recognize the dominant part played in Nigeria by the evolutionary and educational purpose of its government.

It is possible that this question of co-ordination has been examined upon too low a level in the structure of Colonial Government. Some thoughtful administrators in Africa are becoming critical of the organization at head-quarters, and especially of the Executive Council, which may be composed largely of heads of departments with only short experience of the territory where they are working. The Chief Secretary, the only channel to the

<sup>1</sup> Cameron, *op. cit.*, p. 41.

<sup>2</sup> Cameron, *op. cit.*, p. 41.

Governor, is generally too much taken up with routine business to be able to attend to the general co-ordination of policy. It is possible that in Nigeria a reorganization at the centre, based upon experience in other parts of the Empire, might so ensure co-ordination of policy that the responsibility for co-operation would not fall so heavily upon the Residents and the officers, Administrative and Departmental, working in their Provinces.

To return to Sir Donald Cameron's instructions, the effect of these has still to be observed. Immediate improvement is, however, visible in at least one direction. The Administrative and Agricultural Departments have begun to co-operate effectively, and some of the results of this co-operation have already been mentioned in this chapter. The Director of Agriculture recorded in 1934 his great pleasure at the help received from the Native Administrations 'and from the Administrative Officers who direct those administrations'. This new spirit of co-operation has allowed, and indeed required, more decentralization upon his part. 'The provincial officer cannot act as adviser to his local Native Administrations nor co-operate effectively with the local divisional officer if he has at the same time to refer everything to his Assistant Director.' He repeated the Governor's warning against infringement of the proper responsibilities of Native Administrations.<sup>1</sup> In the Southern Provinces, referring to the increased use of mechanical palm-oil presses, he wrote: 'In this work, as in that of palm planting, we have received more assistance from Administrative Officers and Native Administrations than ever before.'<sup>2</sup> But perhaps the most striking result of the new partnership was in the Northern Provinces. Here a class of six Administrative Officers spent a week at the Agricultural Station near Zaria in order to study the work of the Department, and especially that of mixed farming.<sup>3</sup> If co-operation of this kind can continue, the peasant producer will indeed receive back in services a full return for his tax-money.

<sup>1</sup> *Ann. Rep. Agriculture, 1934*, pp. 1-2.

<sup>2</sup> *Ibid.*, p. 24.

<sup>3</sup> *Ibid.*, p. 11.

CHAPTER XIX  
NATIVE ADMINISTRATION, LAND AND ECONOMIC  
DEVELOPMENT

IN the last chapter I attempted to show how far the Government of Nigeria has correlated its various departmental activities with its main long-range purpose of educating the people in the conduct of their own affairs. If we push our inquiry farther back, we shall find that such correlation itself depends upon the preservation of certain general conditions. Chief among these is the protection of native rights in land. The development of Africans from the basis of their own institutions is not conceivable apart from their security upon the land upon which those institutions have been developed. It is true that tribes often preserved and adapted their culture during a process of migration, but this was in conditions which enabled them to maintain their social organization if only in small groups. Where Europeans add physical displacement to all the other disintegrating influences they bring, such an adaptation can hardly be successful.

*Land Legislation*

In this, as in so many other matters, north and south have somewhat different histories. At the period when Lagos was occupied little attention was paid to native custom, and English law was imposed above it in piecemeal fashion with much resultant confusion of private rights, which still needs clarification. A Registration of Titles Ordinance was passed in 1935, and has, I understand, been applied to the municipal area, but it is too soon yet to judge its effects.<sup>1</sup> The position of the Government itself is not very clear. What rights beyond those of jurisdiction had Docemo and his chiefs possessed over the land, and how much of these had been ceded to the British Government? The question had to be thrashed out by litigation culminating in the Apapa land case, which went to the Judicial Committee of the Privy Council in 1921. In this the Council took a more restricted view of Government rights than the Full Court of Nigeria. (The Lagosians, incidentally, were thus encouraged in one of their favourite

<sup>1</sup> No. 13 of 1935.

assumptions, that true justice was only to be obtained at the imperial fountain-head.) But the colony is both a small and an exceptional area, and we must pass on to review the situation in the Protectorate.<sup>1</sup>

In Northern Nigeria the High Commissioner took over at the time of the occupation all those rights which the Fulani Emirs possessed over land. This was expressly stated in the letters of appointment given to the Emirs, though it was left to future inquiry to decide the exact nature of those rights. But certain immediate steps were taken. One was the Proclamation 8 of 1900 which ensured that the Government should be the landlord of all non-natives by providing that they could obtain no interest in land except on lease issued by the Government. Most of the lands claimed by the Niger Company passed to the Government as part of the bargain between the two parties, and are contained in the schedule to the Proclamation 10 of 1902 which declares them Crown lands. But as in many cases these lands were fully occupied by natives who were quite unaware that their chiefs had exceeded their powers by making this cession to the Company, this transfer remained for the most part upon paper.<sup>2</sup> The Government further assumed power to take land for public purposes, such as Townships, which also became Crown lands. Waste and conquered lands—the latter not very easy to distinguish in practice—were declared Public Lands at the disposition of the Government.<sup>3</sup>

The second Governor, Sir Percy Girouard, was deeply interested in land questions. Upon his initiative a Committee composed mainly of officials from Nigeria and India met in London. It reported in 1908, and as a result of its recommendations, the Land and Native Rights Proclamation was issued shortly afterwards.<sup>4</sup> The Committee saw no reason for the distinction between Crown and Public Lands or between Public and other lands. They held that 'all rights of control and superiority over the land' both of pagan and Moslem chiefs had passed to the Government.<sup>5</sup> The terms of the Proclamation are simple and sweeping. 'The whole of the lands of Northern Nigeria, occupied or unoccupied,' are declared Native lands, and placed under the control and subject to the

<sup>1</sup> See Buell, *op. cit.*, vol. i, pp. 753-6, for a useful summary of the land situation in the colony.

<sup>2</sup> *Instructions*, pp. 251-2, *Political Memoranda*, pp. 348-9.

<sup>3</sup> Proc. 13 of 1902.

<sup>4</sup> Proc. 9 of 1910 revised by Proc. 1 of 1916.

<sup>5</sup> *Report of the Northern Nigeria Lands Committee*, Cd. 5103, 1910, p. 8.

disposition of the Governor, and 'no title to the occupation and use of any such lands shall be valid without the consent of the Governor'. It lay with the Government to issue rights of occupancy, with a rental payable to the State; no provision was made for freehold. This law, which theoretically expunged all the existing land-rights of the natives and left them completely at the mercy of the Government, has been much criticized.<sup>1</sup> The protection of native interests in land is not, however, a mere matter of recognizing or refusing to recognize native rights. It is not easy for a European government to give legal security to a native peasantry whose tenure has not reached a stage when it can be crystallized in legal terms. Whatever form land legislation may take, native rights must for a long and critical period depend upon the justice and intelligence of foreign Governments, and these qualities have varied considerably even in the different parts of British Africa. Legislation cannot then be understood apart from the context of its motives and the manner of its execution. The Governor and the Lands Committee were interested only in preserving native rights, and the object of the law, as stated in the preamble, was to assure to the natives their existing and customary rights 'to use and enjoy the land . . . in sufficient quantity to enable them to provide for the sustenance of themselves and their families'. But the Committee do not seem to have intended that the natives should take out rights of occupancy. As the Secretary of State wrote in 1916, 'their holdings would continue to be dealt with by the Native Chiefs and Communities, acting theoretically as the delegates of the Government'.<sup>2</sup> Moreover, as in the greater part of the north there is ample land, and Government requirements have been very modest, the people have had little reason to appreciate the large powers taken by the Government in this law, and have not taken out rights of occupancy.

One point of interest remains. The Governor and some of the Committee believed in the theory of economic rent, and their main objects in the Proclamation were firstly the nationalization of land in order to prevent the development of private property—which they believed to be non-existent under native custom—and secondly, the introduction of a system of land taxation or rent which should automatically assure to the State the increment in

<sup>1</sup> Geary, *op. cit.*, pp. 240-1; also Lugard, *The Dual Mandate*, pp. 287 ff.

<sup>2</sup> *Political Memoranda* (1918), p. 353.

the profits from land.<sup>1</sup> In this they wished to draw upon Indian experience. They recognized, however, that a land tax was foreign to native ideas, and suggested that it might be introduced by stages. Sir Frederick Lugard, upon his return, rejected this policy and retained and developed the principle of income tax.<sup>2</sup>

In the south the Government has never assumed the same large powers as in the north. Here the land was occupied step by step and often by agreement, and was regarded as belonging to the native communities. But by Proclamation 1 of 1900 and 1 of 1903 (the latter known as the Lands Acquisition Proclamation) the Government took similar powers as in the north with regard to aliens to whom, broadly speaking, land can be leased only for periods up to ninety-nine years and subject to various conditions. Under the Public Lands Acquisition Act (88 of 1917) the Government can expropriate land for public purposes, subject to compensation awarded by the courts for land in occupation. Very little land has been thus acquired by the Government and, as in the north, much of that handed over by the Niger Company was in the occupation of natives who have been left undisturbed. Thus, with the exception of very exiguous Crown lands and the Government Forest Reserves, the whole of the Southern Provinces is recognized as the property of the native inhabitants. At the amalgamation of 1914 it was not found possible to fuse the divergent laws which obtained in the two parts with regard to land.

#### *Alienation of Land to Non-natives*

What have been the results of the land legislation thus briefly summarized? One fact, which sharply distinguishes Nigeria from East and South Africa, at once strikes attention. It is that practically no land is held in the Protectorate by Europeans or other non-natives of Africa except small trading sites in the main towns and on the river banks. Figures for these do not exist at present, but we can safely assume that the total is infinitesimal. The sole credit for this position cannot be attributed to official altruism or foresight. Governments staffed with the same material and directed by the same Colonial Office have in other parts of the continent facilitated the alienation of land to white colonists even where it was occupied by natives. In West Africa, however, colonization

<sup>1</sup> *Report cit.*, pp. 9-10 and 14-15.

<sup>2</sup> *Political Memoranda*, pp. 354-5; also *Dual Mandate*, p. 293.

was never seriously considered. The main deterrent was of course the dreaded climate, impressed upon the British imagination by the terrible early records of mortality which Mary Kingsley advertised with such grim humour. Nor did Nigeria seem to require white colonization as an economic justification of its occupation. There was no problem comparable to that of East Africa, where the native population of Kenya was regarded as too scanty and backward to enable the Uganda railway to pay its way on the long haul from the coast. Southern Nigeria, both from the point of view of the Government Treasury and the trader, was a sound economic proposition from the start, and the extension of the railway to the cotton and ground-nut areas of the north soon put that region into the same position.

These considerations do not, however, apply so strongly to concessions of the kind that were so lavishly bestowed in the Belgian Congo and French Equatorial Africa. Concessions were discouraged partly by the density of the population, partly by the character of the people. One result of the long preliminary contact with the coastal towns was that before penetration of the interior began, an advance-guard of partially educated natives had emerged which was able to voice fears and complaints. The longer history of the Gold Coast is a better illustration of this than that of Nigeria, but then Southern Nigeria was in close touch with its neighbour. The appointment of the West African Lands Committee caused agitation and unrest.<sup>1</sup> 'The shortest and easiest way', runs a Memorandum presented to Mr. Ormsby-Gore upon his visit to Nigeria in 1926, 'to start a conflagration in West Africa is to make an attempt at depriving the native of his land or inherent rights thereto.'<sup>2</sup> Even in that year, while recognizing that the Government's policy had 'on the whole been generous and sympathetic', the native spokesmen voiced their continuing suspicion of the northern Land and Native Rights Ordinance and their dread of the introduction of anything like the Kenya system of plantations.<sup>3</sup>

Even if the Nigerian Government did not create the main obstacles to the alienation of land to non-natives, it took every advantage of the situation to reinforce them. Sir Frederick Lugard especially was determined not to repeat in Nigeria anything

<sup>1</sup> *Ann. Rep. Southern Nigeria*, 1913, p. 31.

<sup>2</sup> *West Africa*, 10 April 1926, p. 415.

<sup>3</sup> *Ibid.*, pp. 407 ff.

approaching the mistakes of the Belgian Government in the Congo. The conditions under which leases were granted were more restrictive than in other parts of British Africa and in foreign territories, and have from time to time been the subject of complaints by traders and others. 'If I had no Government in the way,' said Mr. John Holt of the well-known firm of that name, 'I could make much better terms with the people who run the land or who say the land belongs to them.'<sup>1</sup> He also compared the ease with which he could obtain freehold in foreign territories with the elaborate conditions and short terms of his Nigerian leases. Similar criticisms were repeated before the West African Lands Committee. One or two rubber plantations were developed in the south before the War. Though in 1907 Sir Percy Girouard feared that the railway would bring 'a large access of white people' demanding land for plantation purposes in the north,<sup>2</sup> only one lease was granted for a ranch in a waterless part of Bornu and was given up owing to the cost of digging wells and fencing. Messrs. Lever Brothers established their plantations in the Belgian Congo where they found a more accommodating Government. This firm voiced before the West African Lands Committee its criticism of the policy of the traders who had been content for a century to remain on the coast and to depend upon the primitive and wasteful production of the natives of the interior. A proposal was made at this time for the grant of concessions within which Lever Brothers should set up palm-oil mills with the exclusive right of collecting and processing the crop, but this was not accepted.

It does not, however, seem that any very strong or continuous pressure was brought to bear upon the Government to alienate land for European plantations. Those which were set up in Sierra Leone and the Gold Coast, where land and concessions were more easily acquired, were not in the long run very successful. There were difficulties with regard to labour, and to disease from neighbouring native cocoa and rubber trees. The collapse of the rubber market checked early enterprise in what seemed at first the most promising plantation crop. Some of the established mercantile houses which were flourishing on the old system of buying native produce were not enthusiastic about a form of enterprise which might complicate their position and irritate the natives. Mr. Holt,

<sup>1</sup> *Northern Nigeria Land Committee*, 1910, Cd. 5103, Evidence and Appendices, para. 1266, p. 108.

<sup>2</sup> *Ibid.*, p. 4, para. 1.

in the evidence which has been quoted, when asked if he would like to see the white man come in as a planter, replied, 'I am not altogether sure that I would. I rather favour the idea of the country being developed agriculturally by the native himself.'<sup>1</sup> Sixteen years later we have another authoritative opinion upon the subject of plantations. The Chairman of the African Section of the Manchester Chamber of Commerce, who also represented London, Liverpool, and Manchester upon the joint West Africa Committee at the Colonial Office, spoke as follows: 'I want to say that I know no responsible official or trader who advocates that system. We are all dead against it as well as the alienation of land from the native.'<sup>2</sup>

It is true that quite recently one or two estates have been leased to companies in the Southern Provinces for the plantation of oil-palms. This has been done at the wish of the people and after the opinion of the local District Officer as to their land requirements had been obtained. Much discussion has taken place with the people who through their chiefs and elders will receive the rent, and in these discussions the local Native Councils have proved very useful bodies. Presumably the Government believes that one or two plantations of this kind may act as a valuable demonstration of improved palm plantations.

What has been said about land alienation does not refer to the Cameroons. Here the Government inherited from the Germans a territory in which some of the most valuable parts, consisting of about 258,000 acres, were already in the hands of the Europeans. These estates are near the sea on the high well-watered lands around the beautiful Cameroons mountain, and to most of them the Germans have returned. The Government has been obliged, as on Kilimanjaro in Tanganyika, to buy back some of the alienated land which was required for native communities.<sup>3</sup>

### *The Problem of Native Land Tenure*

If, however, we are to understand the relation of the land to native administration we shall have to look more deeply into the subject. The land legislation that has been considered does little more than run a boundary round the land tenure of the twenty

<sup>1</sup> *Northern Nigeria Land Committee*, 1910, Cd. 5103, Evidence and Appendices, para. 1335, p. 110.

<sup>2</sup> *West Africa*, 24 April 1926, p. 486; *The Times*, Thursday, 7 May 1936.

<sup>3</sup> *Ann. Rep. Cameroons*, 1933, p. 80.

million natives, defining their position with regard to Government powers and alien rights. Within that boundary native custom, in its various indigenous forms, and affected in different degrees by European influence, remains recognized, indeed, but legally undefined and almost unregulated. A Government that has set itself the task of helping Africans to develop their own institutions has more to do than to protect native lands from external encroachment. Thanks to the functional school of anthropology, it has become a truism to say that all elements of primitive culture are closely integrated. It is, therefore, questionable to claim that one element is more important than another. Yet land is literally, as well as metaphorically, fundamental, and primitive land tenure is bound up not only with all the rules that govern its allocation, usage, and inheritance, but more especially with the economy of the community, and with its system of family, kinship, chieftainship, and religion. We should expect the Nigerian Government, which has recognized the need for some study of the people it claims to guide, to keep a very watchful eye upon the land customs of its people and especially upon their modification in response to changing conditions.

Native land tenure was defined by the Northern Nigeria Lands Committee as grants of user held by the people from the heads of their communities. These, though they were seldom revoked and might be inherited or even, under certain conditions, alienated and willed, nowhere amounted to freehold.<sup>1</sup> But it is not easy to translate African concepts of the usage of land into English legal terms. We are apt to forget that land, even potentially fertile agricultural land, has no absolute value but only that by which it is endowed by man acting as the agent of a given economic system.

In Nigeria, even before European occupation, the system varied in accordance with different conditions. In Barth's Emirates of the mid-nineteenth century and for many centuries before there was considerable economic specialization. There was a fairly extensive commerce in manufactures and minerals; large farms held by the ruling classes were cultivated by slaves; while foodstuffs must have been produced for exchange in the neighbourhood of the big towns. Conditions must have been somewhat similar in and around the Yoruba centres. In the more accessible parts of the south-east, the density of the population and the production, especially after

<sup>1</sup> *Report cit.*, p. x

the end of the slave trade, of palm-oil for European trade, may have already begun to affect the treatment of land. But the majority of the people of Nigeria lived outside the range of these influences as subsistence farmers to whom the ample land was little more than the instrument of the year's shifting cultivation. Upon these diversities have been imposed in the last thirty or forty years powerful new economic forces. The land has been made to produce a vastly greater total of crops to pay for the expenses of European government and the ever-increasing bulk of imports for the natives. Old crops have been extended; new and permanent crops introduced. The effect of all this upon land has been felt first in the more populous and progressive areas. Little has been done to study these effects, except in Yorubaland, where an investigation was made which has already been discussed.<sup>1</sup> We shall find in Dr. Meek's forthcoming book on the Ibo some account of the variety of tenures recognized in a single village, and the development of individual holdings, of leases and even sales among this crowded people. It is probable that the districts surrounding Kano will next demand an investigation. It would be interesting, too, to inquire into the system by which the rich black cotton soil around Lake Chad, the *firki*, the lands that crack in the sun as the lake-water shrinks back from them, were leased and even sold, long before our coming.

The general policy of the Government towards native land tenure has been one of restraint, if not of inaction. It was for long content to recognize it along with the rest of native custom, resting on the comfortable assumption that all native land was 'communal', and it has done little to study or to guide developments even in those areas most exposed to new economic influences. It has found action difficult, even after information has been acquired. In 1912 a West African Lands Committee was appointed to deal with territories other than Northern Nigeria. Its immense labours, which included the taking of evidence in Africa and in England and the collection of a large number of memoranda, were extended until 1914 and led to no result beyond an unpublished draft report.<sup>2</sup> The inquiry into Yorubaland tenure in 1931 led to much discussion and to the drafting of legislation, but this still remains in suspense. A

<sup>1</sup> See above, pp. 194-8.

<sup>2</sup> This was printed, but with the evidence and papers has unfortunately remained confidential.

Registration of Titles Ordinance has recently been passed, but whether this will be suitable outside the municipal area of Lagos is still uncertain.

These hesitations contrast sharply with the encouragement in neighbouring French territories of the registration of individual tenure. There is a practical reason for the Government's restraint. A conscientious effort to register individual or family tenure on the scale that would be required in Nigeria would cause great embarrassment, labour, and expense. The effort, however, might have been begun were it not that certain arguments have been used which throw doubt upon the necessity of this policy and its suitability under a system of indirect rule.

It has been pointed out that the policy of the Government is based upon the institution of chieftainship which in turn, it is believed, depends upon the existing system of land tenure. This argument, good against arbitrary interference from outside, is less good where it means a refusal to accept and direct those modifications of native custom which economic developments are already producing. Yet this is the argument that was put up against proposals by the Land and Agricultural Departments in the late twenties. That was the period, already reviewed, when there was a tendency among some of the Administrative Officers towards the preservation of native institutions with little reference to their functions under changing conditions. As in the controversy about mission education, the Administration's claim to the exclusive interpretation of the institutions and desires of the people was questioned. Neither side, it seems, had any full expert knowledge of the facts of native land tenure at its disposal. The evidence obtained since then is not sufficient to support a dogmatic generalization, but when it is all put together it hardly supports the earlier view of the position of chiefs with regard to land.

The chief might be called the owner or father of the land, but his position did not in practice resemble that, for instance, of the British Crown, for he would rarely, if ever, find it necessary to acquire land either for his own or for public purposes. In pagan tribes his relation was one of religious fatherhood, in that he alone was able to move the ancestral and other spirits to give the land her increase. Almost everywhere he had the important political duty, with his councillors, of regulating the composition of the group; of deciding whether new members should be accepted or

existing ones expelled. In large chieftainships these duties, with that of allotting waste or village lands to claimants, would be exercised by sub-chiefs, or even village heads. Even these powers can be exaggerated, since there is overwhelming evidence that the right of a well-conducted family to cultivate the piece of land held by them according to custom could not be abrogated except by an act of tyranny recognized as such. The answers returned to a questionnaire sent out by the Commissioner of Lands a few years ago to all the provinces suggest—for such evidence is not of great value—that Native Authorities seldom deprived a man of his land for acts of insubordination or even after serious criminal conviction. If they did drive him out of the community the land would—so most of the answers state—pass to his heir. Even in the Emirates, Moslem ideas of the relation of rulers to the land have made little headway against the more 'democratic' local custom.<sup>1</sup> The large 'fiefs' given out to Fulani leaders were administrative areas, and the share of the taxation they carried with them, and the estates which were attached to certain offices, some of which are still held,<sup>2</sup> were a means of rewarding political or military services which are now paid by salaries out of a centralized Native Treasury. It does not therefore appear that a gradual recognition of individual tenure would give a fatal shock to the institution of chieftainship, especially in those advanced areas where it has already been substantially modified.

The supposed interests of chieftainship could not, in any case, justifiably be used to bar a reform shown to be in the interests of the people. It is upon this last point that opinions differ. Experience in many parts of the Empire, where new systems of land tenure have been introduced before those existing were properly understood, constitutes a serious warning. Freehold tenure, in the hands of a poor and ignorant peasantry, is pregnant with the dangers of debt, mortgage, and eviction; in the hands of chiefs, or bureaucrats turned landlord, it may be oppressive. There are already certain difficulties coming into view in the Gold Coast cocoa areas. Little wonder that Administrative Officers who value the well-being of their people cling to the present equalitarian and fluid system and fear the crystallizing effects of legalizing individual ownership. On the other hand are those who argue that with the

<sup>1</sup> *Political Memoranda*, 1918, pp. 358-60; also S. F. Nadel, 'Nupe State and Community', *Africa*, July 1935, p. 268.

<sup>2</sup> Nadel, *op. cit.*, p. 296.

coming of production for exchange of planted and permanent crops and of transport facilities, equality and fluidity are disappearing, and that the new value acquired by land demands a better security than that afforded by a system of tenure developed to meet quite other conditions. The refusal to recognize the new requirements does not prevent their being met, but merely drives the transactions underground, producing confusion and corruption. In these circumstances a blind support of the powers of chiefs may allow them to turn what were once official administrative rights to personal and illicit financial advantage. Regarded from the more positive side, there is a point beyond which agricultural development, especially of cocoa and planted oil-palm, cannot go without individual ownership of land, and the power to raise loans upon it.

We have insufficient knowledge of Nigerian land tenure, past and present, to decide between these views. But certain considerations can be brought to bear upon them. First we should remember that this subject should be considered solely in the light of the conditions and interests of the people and that these differ from one area to another. We should also renounce the diverse prejudices that beset the subject, for there is on the one hand a quasi-romantic tendency to value a primitive institution in proportion as it differs from our own, and on the other, a readiness to undermine it in the supposed interests of increased production and revenue.

Dr. Greaves warns us not to 'treat personal land ownership as a social tragedy which a little more anthropological knowledge on the part of the administration might have avoided'.<sup>1</sup> But we need not necessarily accept the implication she appears to draw from Maine's theory of social progress that individualism in this sphere is the climax to which civilization is working. That assumption no longer reigns supreme as in the mid-nineteenth century when Maine's *Ancient Law* was published. In Russia, over a vast area of the world's cultivated surface, an attempt to solve the problem of efficient peasant production has been made through the 240,000 collective farms. These either partially or wholly extinguish private property in land and other instruments of production, and bring the peasants together into a joint, mechanized, and at least theoretically, self-governing enterprise.<sup>2</sup> Less and less

<sup>1</sup> I. C. Greaves, *Modern Production among Backward Peoples* (1935), p. 188.

<sup>2</sup> S. and B. Webb, *Soviet Communism* (1935), vol. i, pp. 133 ff.; also M. Hindus, *Red Bread* (1931), pp. 202 ff.

even in England to-day can a man do what he will with his own land and its produce. Moreover, experiments in England and other countries are being made in joint farm-settlements, some of them planned for the unemployed, upon a subsistence basis. These are exceptional enterprises, yet it seems that the social and economic conditions of the peasant producer still await their proper adjustment to the conditions of the modern world, and European opinion will play a decisive part in establishing the new model. There is always a certain lag between the development of new ideas in Europe and their export to Africa. It might prove unfortunate if British African Governments, following the French example, should succeed in pressing their peasantry towards full economic individualism at the very time when this conception was being modified in Europe. It is also a peculiarly unfortunate moment in world economics for a peasantry to abandon the production of food crops for dependence upon a single, and perhaps treacherous, exchange crop. It may be argued that a backward peasantry can hardly dispense with the enormous stimulus of individual possession which has supplied the main motive power behind our own economic advance. But in face of the greatly increased power of the modern state to mould the culture of its members, that conclusion is by no means certain. It must be remembered that Africa has not, like Europe, to buy all its experience; there is much that can be offered ready-made for its service.

#### *Mercantile and Mining Interests*

We are inquiring in this chapter what are the general social and economic conditions which the Nigerian Government must protect in the interests of its administrative policy. Land is not the only factor in this question, though it may be the most important. The Nigerian natives have from time to time expressed fears because the control of all economic activities is so completely in the hands of Europeans. The belief exists, for example, not only among the masses, as was shown at the time of the Aba riots and at other times of economic slump, but also among the educated, that the European firms, with the assent if not the assistance of the Government, manipulate produce prices in their own interests and against those of the farmer.<sup>1</sup> It happens that the greater part of the buying of crops as well as the complementary retail trade of

<sup>1</sup> See, for example, *Leg. Co. Minutes*, 12 June 1934, p. 51.

Nigeria is in the hands of one firm, and that firm a subsidiary of Lever Brothers, whose interests are not only varied but extend to almost every country in the world. Whether even such a powerful and extensive combine as this is in a position to dictate the world prices of the main commodity in which they are interested is a problem for the economists. It must be remembered that though about half the world's supply of palm-oil still comes from Nigeria, it is an oil that is to a large extent interchangeable with other vegetable oils and with tallow and whale-oil. In given areas, however, where the whole retail and wholesale trade is in the hands of one firm which also controls all the local transport, the producer is clearly at a disadvantage. It is more than possible that Nigerian peasants may have good reason to join with other critics of the present world economic system. That they suffer any special injustice as Africans is more doubtful, but is, perhaps, worth inquiry. They are certainly not driven into economic production against their wish by taxation which, relatively to other African territories, is light and carefully adjusted. As the European merchants have generally opposed the extension of taxation we may assume that they have not hitherto found it necessary for the stimulus of production, even at the recent low prices, and prefer that the people should have pocket-money to spend at their stores.

Mining on a large scale causes everywhere in Africa an intrusion of cosmopolitan finance with urgent and sometimes injurious demands upon native lands and labour. In Nigeria, as in most British Colonies and Protectorates, though not in the Gold Coast, minerals are vested in the Crown.<sup>1</sup> In the *Dual Mandate* Lord Lugard repeats the justification he made of this policy in his earliest *Memoranda*.<sup>2</sup> It is that minerals can only be discovered and exploited by the science and capital of Europeans, and to them the Government can provide at once more security and more control than native chiefs, and can allocate the royalties for the good of the country as a whole. In Nigeria, iron and salt, soda or potash, which were already worked by the natives, have not been the subject of licences to aliens. The main industry has been that of the tin-mines, the annual product of which since 1916, except for the boom in the late twenties, has been worth about a million pounds.<sup>3</sup>

<sup>1</sup> Minerals Ordinance 93 of 1916. Also Minerals Amendment Ordinance, 1924-9.

<sup>2</sup> Pp. 347-51.

<sup>3</sup> *Ann. Rep. Mines Department*, 1934, Appendix B.

Nigeria's proportion of the world supply is between 4 and 5 per cent.<sup>1</sup> and has been subject in the last few years to a restriction agreement. Although the tin industry employs about 60 per cent. of the 34,000 natives engaged in mining, it does not appear to have had very disturbing effects upon native society, though it must be admitted that, in the absence of investigation, this is no more than an impression. If it is true, this is probably due to three causes. One is that the Government, by the terms under which it issues mining leases, has carefully protected native rights in land, water, &c.<sup>2</sup> The other is that the labour is partly drawn from the already travelled and adaptable Hausa, while the less skilled labour is of a more casual kind provided by the Plateau pagans living close to the mines. It is also noticeable that the European labour engaged in all mining enterprises only numbers about 200.<sup>3</sup> The gold-mines in the north-east have rapidly increased their output in the last five or six years; in 1934<sup>4</sup> it was valued at a quarter of a million pounds. In this year diamonds were found in Sokoto and Zaria, but the Government, it is interesting to notice, has decided to keep prospecting in its own hands and has appointed agents for this purpose.<sup>5</sup> In a significant passage in his last speech to the Legislative Council, Sir Donald said:

'It has been thought, following a policy that has been partially adopted for many years in one country and more recently in another country . . . that it would be advisable in the case of diamonds that the Government should not part with the rights and property in the diamonds but should create a monopoly in them in their own favour, and of course when I say in favour of the Government I mean nothing more than in favour of the inhabitants of the country.'<sup>6</sup>

The extensive coal-field at Udi in the south-east has been worked since 1915 by the Government which does not allow prospecting for this mineral. The mine supplies all local needs and sells a certain amount to the Gold Coast and to ships.

The mining activity of private firms is thus no more than a small excrescence on the dominant peasant agriculture of the country,

<sup>1</sup> *Raw Materials and Colonies*, Royal Institute of International Affairs, 1936, p. 69.

<sup>2</sup> See especially the careful provisions about native water rights in the *Minerals Amendment Ordinance, 1924-9*.

<sup>3</sup> *Ann. Rep. Mines Department, 1934*, Appendix B.

<sup>4</sup> *Ibid.*, p. 4.

<sup>5</sup> *Ibid.*, p. 5.

<sup>6</sup> *Supplement to Gazette No. 16, 14 March 1936*, p. 4.

and the labour employed by non-native enterprise of this and indeed of all other kinds represents a minute fraction of the population.<sup>1</sup> The situation, however, requires watching. Further extensive discoveries of gold or a greatly increased demand for tin might lead to mining activity on a scale that would, without far-sighted safeguards, disrupt the general programme of the Government with regard to native development.

To answer the accusation that the Government has been improperly influenced by pressure from European commercial interests would demand an attention to the economic history of the country which I have been unable to give, even if a generally accepted standard could be found by which the issue could be decided. European interests are certainly well represented upon the local Chamber of Commerce, and upon the Legislative Council, but so also are native interests, political and mercantile. In England the main focus of mercantile interest is the West African section of the Liverpool Chamber of Commerce, and with this body Governors and other senior officials get into touch during their leaves. Granted the existing world economic system, the partnership between Government and Commerce in promoting Nigerian trade must be regarded as beneficial to the Natives.<sup>2</sup> We have seen that the Government has resisted pressure with regard to land. It also ignored the criticism of its action in retaining the working of the coal-field in its own hands. We might also remark an incident in 1923 when it was the subject of a powerful onslaught on the part of the late Lord Leverhulme. In announcing to the share-holders of the Niger Company that they would receive no dividends, he put the blame upon the Governments of West Africa, which he characterized as autocratic bureaucracies.<sup>3</sup> 'Prior to the War', he said, 'it would have been considered a platitude to have stated that the Colonial Office system of administration was founded on the recognition of the principles that the encouragement of trade and commerce and the development of the Colonies was the first consideration. This is no longer the case.'<sup>3</sup> He complained especially about the use of export duties and the restriction of the import of trade spirits. His criticisms were taken

<sup>1</sup> The exact figures are not given in the 1931 census. In 1921 'labourers' are estimated at 2 per cent. See Meek, *Northern Nigeria*, vol. ii, Table 31; and Talbot, *Southern Nigeria*, vol. iv, p. 102. Quoted by Buell, *op. cit.*, vol. i, p. 705.

<sup>2</sup> For an example of negro criticism upon this point see G. Padmore, *How Britain Rules Africa* (1930), p. 211. <sup>3</sup> *West Africa*, 25 Aug. 1923, p. 975.

up by several newspapers and by prominent people, and the complaint was made that there was no adequate machinery for bringing the opinion of the merchants to bear upon Government policy.<sup>1</sup> Sir Hugh Clifford, then Governor of Nigeria, rebutted the accusations. 'He was not prepared to subscribe to the opinion that because a certain company had not up to date, to their great regret, proved as successful as they could wish, the only explanation should be that there was something radically wrong with West Africa.'<sup>2</sup>

### *The Future of Nigerian Peasant Production*

Native peasant production, then, has been protected by the Government and remains the economic basis of the territory. If some would claim this as the chief virtue of the Nigerian Government, there are others who would make of it their chief criticism. Most authoritative among these is Dr. Martin Leake. He has pointed out the many and difficult conditions under which a tropical crop must be produced if it is to be profitable over a long period. These conditions concern selection of seed, maintenance of soil fertility, control of disease, regular and uniform production, proper treatment after harvesting, intelligent marketing, intensive and extensive scientific research.<sup>3</sup> He doubts whether these conditions, which can be achieved by European plantations, are within reach of a system of native peasant production. He believes that even in the rubber industry, where peasant production has encroached so dramatically upon that of the plantations, the latter, with more aid from science and greater co-ordination, will be able to reduce their costs to a point at which the peasant will be unable to compete. This suggests to Dr. Leake that 'native production cannot compete in the long run with production on a plantation basis when supplying the requirements of a world market'.<sup>4</sup> Applying his analysis to palm-oil, as a somewhat similar type of crop, he shows that plantation production in the Dutch East Indies, rising from almost nothing in 1924, was already in 1930 49,000 tons to the 140,000 of British West Africa.<sup>5</sup> Other figures show that the Dutch East Indies have increased their percentage of the total world production from 4.8 in 1925-9 to 22 in 1933, a period in which Nigeria's percentage went down from 53.3 to

<sup>1</sup> *West Africa*, 1 Sept. 1923, pp. 1004 ff.

<sup>2</sup> *Ibid.*, p. 1003.

<sup>3</sup> Dr. Martin Leake, *Unity, National and Imperial* (1935), pp. 199-207.

<sup>4</sup> *Ibid.*, p. 251.

<sup>5</sup> *Ibid.*, p. 252.

42.9.<sup>1</sup> Moreover, with a product in which preparation counts for more than with rubber, that from the plantation commands, at a price of about £21-£22 a ton, a premium of between 10s. and 30s.<sup>2</sup>

In view of these figures Dr. Leake takes a gloomy view of the future of what is really hardly more than a twentieth-century phenomenon in world economics—native peasant production for exchange. It leads him to question whether the whole structure of economic development on a system of small-holdings is not fundamentally unsound, and whether in this case political idealism has not outrun economic realities.<sup>3</sup> This view has been contested upon various grounds. Dr. Greaves, in her extremely valuable study, points out that, in spite of the collapse of prices, the African native production of cocoa and cotton has been maintained.<sup>4</sup> Sir Donald Cameron, referring to the menace of Sumatra and Malaya, which has hung over Nigeria for many years, reminded the Legislative Council that in spite of it the country's production of palm-oil had risen from 83,000 tons in 1913 to 112,000 in 1934, while the tonnage of kernels had risen by 65 per cent. in the same period.<sup>5</sup> Under certain conditions native production can show greater flexibility and stability than that of plantations. But it is not an issue upon which any general conclusion can be reached, as it depends upon local conditions such as the nature of the crop and the soil, the degree of the producers' dependence upon imported foodstuffs, and various world factors. In any case, as Dr. Leake would agree, it is as a danger, or a stimulus to improved methods, that plantation production affects Nigeria, and not as an alternative system. As we have seen, it was not mainly political idealism that kept the foreign plantation system out of Nigeria. The conditions for European health may be much improved, but the other original reasons why such a system could not be introduced, especially into the most desirable oil-palm belt, with its dense and high-spirited population, are even stronger to-day. It is difficult to see how the Government could now begin to reverse in favour of European enterprise an economic system which has been long established and which is so closely integrated with its administrative policy.

The issue for Nigeria, therefore, is whether peasant production

<sup>1</sup> *Raw Materials and Colonies*, Royal Institute of International Affairs, p. 72.

<sup>2</sup> Leake, *op. cit.*, p. 255.

<sup>3</sup> Leake, *op. cit.*, p. 257.

<sup>4</sup> Greaves, *op. cit.*, p. 208.

<sup>5</sup> *Supplement to Gazette*, 16, 14 March 1935, p. 12.

is capable of a development that will allow it to hold its own in the world markets and so provide the resources for social progress, or whether the freedom to be inefficient will lead to increasing poverty, either absolute or relative, and so to stagnation or retrogression of the civilizing services and influences. For compulsion, so much employed in this sphere by neighbouring French Governments, is not compatible with our policy in Nigeria.

It would be outside both my province and my competence to deal at much greater length with this technical and speculative subject. To ignore it, however, would be to lay oneself open to the criticism of living in a fool's paradise with the attractive political theory of indirect rule. The British have been accused of neglecting the economics of colonial administration, and even now, when agriculture has become so large a concern of our governments, there is still a tendency to departmentalize that function. Yet the problem of improving native production is one that demands not only a close working partnership between the Agricultural, the Administrative, and the Education Departments, but also the help of experts in economics, anthropology, land tenure, and dietetics.

There are several distinct aspects to the task that has to be attempted; there is the production, the processing and the marketing of crops, and the provision of capital on terms that will preserve the independence of the peasant in his labour and land. How is the co-ordinating authority to be supplied? Dr. Leake believes that the task is too much for the agricultural departments, as an army of intermediaries will be required between them and the peasantry. He proposes for some parts of Africa (though it is not certain that he would apply this to Nigeria) the development of a landlord class. He visualizes 'a graded association passing from the chief through the district and village headmen to the family and the individual cultivator. Across this continuous series a line has to be drawn somewhere, the organization above forming the administrative agency and that below the productive agency. It will be in the uppermost ranks of the latter that our landlord must be sought.'<sup>1</sup> While native landlordism is showing signs of developing in one or two parts of Africa, it is surely neither desirable nor practicable that the Governments should attempt to create such an institution, even with the safeguards prescribed by Dr. Leake.

<sup>1</sup> Dr. M. Leake, *Land Tenure and Agricultural Production in the Tropics* (1927), Appendix I, pp. 103-4.

In any case, our traditionally empirical African administrators, faced as they are with such varying conditions, are unlikely to embark upon any project which strikes them as arbitrary or exotic.

The other agency that suggests itself for the improvement of African peasant agriculture is that of co-operative societies. Something has been said of these in their relationship to the Agricultural Department and to native society. Dr. Leake doubts their efficacy for the function under discussion on the grounds that a special temperament is required for their working, and more education than a primitive race can hope to possess for a very long time to come.<sup>1</sup> Experiments in Africa are hardly old enough or wide enough to provide very helpful evidence, but they have gone far enough in the Gold Coast to raise doubts as to Dr. Leake's conclusion. A comparative study of them, few and immature though they are, would be extremely useful if it could be made against a full background of local economic and social conditions.

We are brought back to the core of our subject by observing that neither Dr. Leake, Dr. Greaves, nor, as far as I know, any other authority has studied the part that native local governments, not of any imaginary type, but as they actually exist, might play in the improvement of peasant production. They can help to integrate the new developments with the rest of social life. They can advance the small capital required, though, should the experiment succeed and extend, subsidies from central revenue or elsewhere would be needed. They can supply the agricultural departments with the necessary intermediaries between the European officer and the people. They can provide dynamic units through which these various agencies, administrative, departmental, and even that of private European enterprise, can combine to raise the productivity of the peasant without doing too much violence to his social system. In time, as a wider sense of citizenship develops, these agencies may be able to operate directly upon the individual, but in the interval they will have played their part.

European government has, in the economic sphere, begun to put the formerly self-sufficient Africans at the mercy of world movements they cannot understand or foresee. It is not enough for the Government to attend merely to the productivity or even the well-being of the farmer as an individual. The local governments, recognized mainly for their administrative and judicial duties,

<sup>1</sup> *Ibid.*, p. 98.

will never become intelligent and self-reliant unless they are encouraged to face the economic problems that beset them and to co-operate with the Government in their solution. In Nigeria, as I endeavoured to show in dealing with the work of the Agricultural and Forestry Departments, this co-operation is now the policy of the Government. But it is a policy that needs to be carried much farther if economic and political development are not to be guided at different rates, or even along divergent ways, towards the unhappy results which some critics of our tropical African policy predict.

## CHAPTER XX

### THE GOVERNORSHIP OF SIR DONALD CAMERON

IT has been necessary in the course of this study to refer many times to the work of Sir Donald Cameron. It has not, however, been possible in these scattered references to give any comprehensive picture of his contribution to Nigeria's Native Administration. He infused into native policy a new spirit which was especially effective in the Northern Provinces; he defined his principles in an important Memorandum upon Native Administration, and he carried out fundamental changes in the judicial system.

#### *Effect of his Policy in the Northern Provinces*

The general effect of Sir Donald's policy in the north cannot be understood unless we review the situation there as it was in 1931, when he came to the country, remarking especially certain psychological factors that went to make up that situation.

In the thirty-five years of British rule the northern part of Nigeria has been administered by only six Governors and one of these was a former Chief Secretary. It is partly owing to this fortunate fact that Nigerian history is remarkable for the continuity with which the policy laid down by the first Governor has been carried out. Yet within the four walls of this policy there has been plenty of room to accommodate differences of interpretation. One basic question of policy may be selected. Lord Lugard, as we have seen, maintained that there were not 'two sets of rulers, working either separately or in co-operation',<sup>1</sup> but one, and passages could be quoted from his reports and instructions to show that he deliberately rejected the conception of the 'Native State' in favour of a very complete degree of British sovereignty in theory, and of active control in practice. Once, however, the chieftainships had been recognized, and Residents put in charge of them, there seemed, at least in the case of the more advanced units, to be an almost irresistible tendency to develop them in the direction of greater independence as native states. This tendency was marked after the War and especially during the years of Sir Graeme

<sup>1</sup> *Political Memoranda*, p. 298.

Thomson's governorship, 1925-31, when a large discretion was left to the political staff.

Some aspects of the rapid advance of the Native Administrations have already been recorded, and especially that of the Treasuries which allowed the larger units to exclude much of the activity of the Central Departments and to become very largely self-contained under the general control of Administrative Officers. A policy of preserving the very special identity of the Northern Provinces was consciously followed. Great efforts were made to dispense with southern labour and to train local clerks and artisans. The northern people were encouraged in their natural desire to resist external influences whether upon their religion, dress, architecture, or way of life generally.

With these ideals of extending native authority and preserving cultural self-containment, the administrative staff were bound to take up the challenge represented by the Townships, those enclaves under the Supreme Court where the people were amenable neither to the native jurisdiction nor to the Provincial Courts. This question has already been described as it presented itself in Kano. The Residents for many years discussed how this limitation upon the powers of the native rulers could be evaded or removed, and in 1930 legislation was at last drawn up which would have given the leading Native Authorities jurisdiction and executive authority over all persons except, presumably, those excluded by order of the Governor. It was almost certainly hoped that the Governor would exclude only Europeans, thus leaving not only the local peoples of the Sabon Garis—the native locations of the townships—under native rule but also Syrians, Arabs, and Africans from the Southern Provinces or from other colonies. We shall presently discuss Sir Donald Cameron's decision in this matter.

Was this policy of the native state being pushed, if not too far, at least too fast? It is no easy question for the external student to answer, yet it opens up fundamental considerations with regard to Nigerian administration. It is worth trying to analyse the Residents' point of view during this period, though there is no reason, of course, to believe that every Resident held it.

The Resident, as we have seen, had been trained to believe in the principle of political education through an unbroken chain of responsibility. In the difficult task of training Native Authorities to undertake their new duties he felt that he wanted to retain the

utmost freedom from the red tape that seems inseparable from centralization. The success of the experiment must depend largely upon the varying personal equation between changing Residents and rulers, a human problem which escaped the reach of regulation from head-quarters. He thus claimed almost exclusive control over the Emir and councillors in his charge and deprecated their being exposed to the unregulated external influences of departmental officials, still more of strangers. He was himself inclined to give the utmost possible support and sympathy to the native rulers for two reasons. In the first place, the good Resident did not wish the Emir, however imposing in public, to be privately an automaton, forced to carry out all commands. His sense of chivalry recoiled from using his undoubted power to oblige a chief to perform acts that offended his social or religious prejudices. And, secondly, who but the Resident could gauge the potential danger of Mahdism, one of the most incalculable forces history has known, which might suddenly break out in storm upon the calm surface of the western Sudan? True, there had for long been little sign of such a storm brewing. But there had been the astonishing Tessawa incident of 1927 when an obscure holy man in Katsina, an eater of nuts, declaring that he could transport his followers to Mecca in a day, crossed the frontier with, it was believed, the Waziri's connivance, and killed the French officer at the nearest station before he and his small following were themselves overpowered. And what of the Fulani Colony in the Anglo-Egyptian Sudan, irreconcilables who had exiled themselves at the time of the occupation of Northern Nigeria and who had become a potential link between Egyptian nationalists and Nigerian pilgrims? And, finally, if Nigerian rulers had religious reasons for dissatisfaction, would a Saharan Jihad, produced perhaps by the pressure of Italian or French 'colonization', stop at the international boundary? For these reasons, in all questions, whether of complaints against abuse, of compulsory labour, of relaxing the prohibition upon individual tenure of land, of countenancing missions, of administering pagans, the Resident was inclined to support and even to extend the authority of his Emir and to discourage innovations.

It is possible to go a long way in agreement with this policy, and to appreciate the solid, constructive work of these years, and yet to remark certain dangers in the situation. These dangers struck

me so forcibly when in Northern Nigeria some years ago that I wrote as follows:

'It is a striking tribute to the tact and devotion of the Residents that they have built up the present relations of harmony and confidence with rulers so far removed from them in religion, ideals and way of life. Even so there is still a gap, which varies in each unit according to the personal factor, between the achievements of the Native Administrations and the ability and understanding of the Native Authorities. This gap is filled, and very ably and unostentatiously filled, by officers whose object it is to close it. This will take long, for here, as in many other places, we find ourselves obliged to enforce a policy upon native societies before we are able to communicate to them the social philosophy upon which that policy is founded. Such a communication must be delayed all the longer in northern Nigeria, because a Moslem culture, backward but tenacious, has frozen them against outside influences, and in spite of all efforts education, as we define it, is only in its first reluctant stages. Herein lies the danger. The attempt to advance too rapidly upon the road to self-containment would be to throw upon the political officer in control a responsibility greater than one man should bear, all the more as it is a responsibility in which he is given little help by the play of opinion either from England or from the subject people.

'A further advance toward territorial self-containment on the part of the Emirate raises a more distant question as to the evolution of Nigeria; is it to be by consolidating the units until they come together as a federation or by unifying them through the growing penetration of the Central Government? The balance of arguments seems to be on the side of the former policy; but it contains the danger, unless political officers continue to press liberal reforms from within, of crystallizing feudal monarchies which cannot effectively survive in the present world unless they are sheltered from its forces.'

This passage raises questions of what we might call administrative psychology, and these difficulties are worth recognizing and discussing even if they are to some extent inseparable from the present stage of government. In a system of indirect rule as complete as that of the northern Emirates where an advanced European and Christian government works through native rulers of a very different, and in many ways lower, civilization, and recognizes their law and custom, disingenuous situations may arise.

<sup>1</sup> This appeared afterwards in *The Times* as part of a series of three articles, 'Nigeria To-day', 28, 29, 30 Dec. 1932. See also another series of three articles in *The Times*, 13, 14, 15 Feb. 1934, by Professor R. Coupland, entitled 'North Nigeria', in which he discusses some of these questions.

This may be illustrated by one of the chief exponents of the system from the inside, the late Mr. C. L. Temple, for many years a Resident and finally Lieutenant-Governor of Northern Nigeria. It would be unfair not to couple these selected extracts from his book *Native Races and their Rulers*, published in 1918, with a reminder that it is for the most part an able, convincing, and witty justification for the system as a whole.

'By Indirect Rule I mean a system of administration by which European influence is brought to bear on the native indirectly, through his chiefs, and not directly through European officers—political, police, &c., and by which the European keeps himself a good deal in the background, and leaves the mass of native individuals to understand that the orders which come to them emanate from their own Chief rather than from the all-pervading white man.'<sup>1</sup>

And again:

'His main object, one which he must ever bear in mind, is to create a situation resembling as far as possible that which existed, or might be imagined to have existed, were a thoroughly able, well-meaning, liberal-minded Emir ruling over a unit untouched by foreign influence. He must as far as possible keep his authority in the background and concealed, if not from the Emir and his immediate entourage, at all events from the people generally.'<sup>2</sup>

He makes a large claim for discretionary powers for the Resident.

'It will be seen that the influence of the Resident placed in such a position is immense and that the power he wields for good, or harm, is immense. . . . In a vast number of matters, and important matters, the Resident only is in a position to give a right judgement. . . . Reference *pro forma* to Headquarters is in my humble opinion wholly mischievous in almost every case. As stated above, loss of time, an important point when large territories are under consideration, is the least evil which may result. More important is the loss of prestige on the part of the Resident in the eyes of the Emir; and even more important still is the loss of prestige on the part of the Emir in the eyes of the people.

'So subtle are often the bases on which he arrives at a decision that he may sometimes find considerable difficulty in making a good case on paper for some action he may have taken, even though he feels, and subsequent events may prove, that action to have been perfectly correct. In my humble opinion he should not be called upon for such justifications. The general well-being, or not, of the native group should be the justification or condemnation of his conduct of affairs.'<sup>3</sup>

<sup>1</sup> C. L. Temple, *Native Races and their Rulers* (Capetown, 1918), p. 30.

<sup>2</sup> *Ibid.*, p. 67.

<sup>3</sup> *Ibid.*, p. 69.

Finally, in discussing the suitability of applying European ideas and institutions to Africans, Mr. Temple writes:

'In my opinion, people who, when considering a native question, are not able to divorce their minds from premises and deductions which are applicable to their own Countrymen only, are not temperamentally suited to deal with native affairs.'<sup>1</sup>

Here we see clearly enough the nature of the gap to which I have referred, and how the attempt to cover it involves a certain amount of make-believe and at the same time sets the Administrative Officer a peculiarly difficult task.

This same gap exists between African and European rulers in all parts of Africa. While I believe that in most parts the indirect system is the best connexion we can throw across it, that is not to regard the position as normal or to relax the vigorous educational efforts which alone can close it. And until it is closed, or greatly narrowed, certain tendencies must be recognized and resisted. In Northern Nigeria one such tendency is probably to regard the situation too much from the standpoint of the Native Authorities with whom we are so closely associated, and so to ignore or accept too easily some of the deficiencies of their rule. There is a mean, and one that should require to be progressively pushed forward, between forcing reforms beyond the capacity of a people to receive them and a fatalistic disinclination to disturb the picturesque and convenient *status quo*. The Resident who learns his lesson too well may come to regard the intrusions of Western civilization almost with the eyes of his charges, especially when they arrive by way of what may seem to him the restless and undignified south. Like many of his colleagues in India, he meets the northern Moslem on the basis of admitted differences which allow of respect, while the Bengalee and, much more, the southern Nigerian, seem by contrast at once to challenge and ridicule him by their attempts at imitation. But though Northern Nigeria is a peculiarly isolated region it has been linked as never before to the great world by our coming, and this time the link is through the south to the sea. The north has to learn how to accommodate herself to her once despised neighbour, now in some ways her superior, instead of turning her back upon her and looking north and east for those caravans which once with their other merchandise brought civilization with them across the desert.

<sup>1</sup> C. L. Temple, *op. cit.*, p. 61.

There is another danger which lies in wait for the administrative staff. The present position, as Mr. Temple pointed out, opens up for them a very large and responsible activity. The Administrative Officer is the expert, one in very complete control: he is the power behind the throne, and his contact with its occupant takes place, quite in harmony with British constitutional tradition, behind a veil. The greater the authority of the ruler the greater the influence of his adviser, and the wider his personal scope in the fascinating business of remoulding a backward but docile community. It is not surprising if Residents have sometimes shown a tendency to entrench their position against the play of external influences, whether represented by the High Court, the Treasury, and the Central Departments, by unofficial critics or native complainants, and, above all, by sophisticated southern natives. They had, as we have seen, some very valid reasons based on the principles of indirect rule for their attitude; the only question is whether in the years of which we are speaking this attitude was not advanced beyond the point warranted by these reasons.

On 6 March 1933 Sir Donald Cameron made an important announcement of policy in a speech to Legislative Council, and he referred in clear terms to some of these questions.

'I am not unmindful—as passages in this Address will already have indicated—of the difficulties which are presented where the Native Administration which we have created and recognized is based on a system of medieval polity dependent on the relation of vassal and superior, but I have deferred any more specific reference to this somewhat delicate part of the question in order to say here, in what appears to be its proper sequence, that the judgment that I have been able to form is that in some measure we have departed from the intentions and principles of Lord Lugard in this respect; particularly in drifting into the habit of mind—and I use the word "drift" with intent—in drifting into the habit of mind that a "feudal monarchy" of this kind (I borrow the term from an article in a recent issue of the *London Times*), a feudal monarchy of this kind is the be-all and end-all of Indirect Administration. It would be a direct contradiction in terms for me to say—as I have said in the course of this Address—that it is the avowed intention of the Government that the natives should not "stay put" and at the same time to say that I accept the view last stated that a feudal monarchy of this character is all that we are seeking. But we have made some progress in this respect in the last year or two. The policy accepted for some considerable time that the Moslem Administrations should be

sheltered as far as possible from contact with the world—the century-old doctrine of political untouchability—was due no doubt to a feeling, however unformulated, that an unreformed “feudal monarchy” could not be expected to stand up against the natural forces of a western civilization that was gradually but quite perceptibly creeping further and further north in Nigeria; a curtain being drawn between the Native Administrations of the North and the outer world, so far as it was possible to maintain the integrity of that curtain. But we have advanced now to the stage that the curtain is being gradually withdrawn and, I hope, will be fully withdrawn within a comparatively brief period. It is doubtful, however, whether even in the Native Administrations regarded as highly organized the amount of training in administrative work, of supervision and of guidance which the Resident and his officers can impart and exercise under the system as it still exists to-day, can be regarded as at all adequate if we are really desirous of building well and securing the advancement of the people. I doubt sometimes whether we have done a great deal to impress on the minds of the Native Authorities concerned that the amelioration of the social and economic conditions of a people is one of the primary duties of an Administration and that the inspiration to improvement must come from within, from the Native Administration itself. The present policy in this respect is deeply rooted, however, and the first reform will probably come in our own system of supervision in administering the people through the medium of indirect rule. A Problem of itself, of the most fascinating nature, but I cannot pursue it any further on an occasion such as this.<sup>1</sup>

Again, in the Memorandum issued a year later the Governor referred to the highly organized Administrations:

‘We are suffering in these respects . . . from the unhallowed policy insidiously introduced during the latter half of the last decade of thinking of the Moslem Emirates in terms of the Indian States although, of course, the former have no element of sovereign power.’<sup>2</sup>

With regard to the pagan problem Sir Donald has vigorously reasserted the principles originally laid down by Lord Lugard, and has even promised to restore as far as possible the breaches made in that policy. He has stated his belief that the pagan communities would have made far greater progress if the policy of building upon their own decentralized institutions, as is now being done in the Tiv Division and in the south-east, had been begun thirty years ago. In future, whenever a Moslem chieftainship becomes vacant,

<sup>1</sup> *Supplement to Gazette Extraordinary*, 6 March 1933, pp. 16–17.

<sup>2</sup> Sir Donald Cameron, *op. cit.*, 1934, p. 14, para. 23.

the justice and practicability of restoring independence to its pagan groups is to be studied.<sup>1</sup> Investigations into the social organizations and affinities of pagan groups have been pushed forward vigorously in the last few years as a prelude to reorganization.

Two other small points indicative of Sir Donald's attitude to northern affairs may be mentioned. Prisoners in the north have in the past been chained, generally in couples, to prevent their escape from the somewhat primitive prisons or from scanty or casual guards. This chaining he abolished. Secondly, there has been a disinclination on the part of Emirs to travel, though it was to some extent broken down by the northern Advisory Conferences. Sir Donald wishes to encourage travel outside their own territories in order that Nigerian rulers may realize what kind of a world lies outside their present horizon. It is doubtless due in part to his influence that the Emir of Kano visited Lagos, and with the Sultan of Sokoto and the Emir of Gwandu came to England, *en route* for Mecca, in 1934.

#### *The Yoruba Groups*

In the Yoruba States we have already seen how, during this governorship, the great town of Ibadan has become independent of the Alafin, and begun to develop a more modern and representative form of government. In his memorandum on Native Administration Sir Donald suggested that it might be of incalculable advantage to the whole of Nigeria if there could be established

'a more modern form of native constitution (in one of the Yoruba States as the most suitable in the first instance) modelled for the present on their own institutions, with a mixed Council in which the educated element of the people would be more adequately represented and with the Resident exercising somewhat the same functions as he does in other British dependencies, i.e. openly as the adviser of the Native Administration and taking a directing interest in its day to day affairs.'

When in 1932 a new Oba of Benin was installed the Governor sent him a message, in which he deliberately introduced a change of method. He pointed out how little had been done to instruct chiefs in civilized methods of administration, and contrasted with this the careful training of Administrative Officers. He doubted whether the system of indirect rule could under these conditions

<sup>1</sup> Sir Donald Cameron, *op. cit.*, 1934, p. 14, para. 23.

<sup>2</sup> Sir Donald Cameron, *op. cit.*, 1934, p. 10, para. 16.

survive where education was increasing and, with it, public criticism. The Resident in future was to sit on the Council and advise the chief day by day in his work. In time, as the Administration grew at once stronger and more civilized, this close control could be gradually withdrawn.<sup>1</sup> This closer co-operation has been extended to Ijebu-Ode and Abeokuta and is to be further extended as opportunities occur.

In the south-east the reforms following upon the Aba riots were already progressing when Sir Donald came to Nigeria. In this same speech, from which quotations have already been made, he expressed his admiration for the efforts made by the then Lieutenant-Governor and his predecessor to promote investigation as a basis for reorganization. Sir Donald's experience of similar conditions in Tanganyika was a most valuable reinforcement in this work, and he has championed the capacity of the smallest village councils to express indirect rule as well as, and in some ways better than, the large chieftainships which have too often been regarded as alone suitable for this form of administration.

#### *The Memorandum upon Native Administration*

We must turn now from these special applications of Sir Donald's policy to its general character. Reference has been made to his speech to the Legislative Council in 1933 and to the Memorandum of 1934 which incorporates and expands the speech. It is difficult to do justice to the memorandum, which should be studied by all students of Native Administration, by making extracts. Its main characteristics can, however, be summarized.

It is a restatement of the principles of indirect rule laid down by Lord Lugard. It is brief, but that is because it is concerned with Native Administration proper, instead of with the many other aspects dealt with in detailed fashion by Lord Lugard. In parts it follows closely the wording of the old memorandum on Native Administration; in others, a new emphasis is laid where experience has shown this to be needed; in others again there are additions.

Perhaps the most important point in the whole memorandum is the explicit and emphatic assertion that the authority which the Government legally recognizes must be the one desired by the people. Sir Donald envisages three separate stages in the formation of an Administration: the investigation which discloses the

<sup>1</sup> Sir Donald Cameron, op. cit., 1934, pp. 9-12, paras. 16-17.

existence or reveals the character of the authority, the willing acceptance of that authority to-day by the people, and the legalization of that authority by the Government. It is not enough to prove by research that such and such was once the tribal system, as it may be forgotten by the present generation who are primarily concerned, and be unacceptable to them. 'If the latter are not prepared to accept the orders of the so-called authority, Chief or otherwise, unless we compel them to do so, then, of course, the administration is not indirect and the Native Authority set up on such a basis is a sham and a snare.'<sup>1</sup> The people 'must be kept in subjection and ignorance if such an authority is to endure'. So much for the institution. The way of choosing the personnel may vary according to tradition but—and this point is fundamental—'appointment by the Governor, in the sense in which he appoints civil servants, is not one of those ways, though he may in certain circumstances refuse to accept a particular individual.'<sup>2</sup> What the Government does is to give constitutional status to the office and to prescribe the powers belonging to it.

Lord Lugard was insistent about the training of chiefs in their new responsibilities, but the great advance in education in many parts since his day has made this matter more urgent. Sir Donald, while retaining the old chain of responsibility unbroken, is for this reason prepared to see Administrative Officers taking a much more active and open part in the affairs of Native Administrations, sometimes presiding over the courts and even acting as Native Authorities in a period of interregnum. In the memorandum Sir Donald brushes away the argument that the prestige of the Native Authorities would suffer as a result of this treatment, characterizing it as 'the serious mistake of attaching more importance to the machine than to the people it is designed to serve. A Native Administration under which the people are not receiving fair play generally can have no prestige which is worth upholding.'<sup>3</sup>

Attention has naturally been directed to the additions and re-statements made by Sir Donald. Yet, I must repeat, this memorandum is not a departure from the principles laid down by Lord Lugard. These are reasserted; the criticisms of their application are stated to be not destructive, and the advice, specially directed

<sup>1</sup> Sir Donald Cameron, *op. cit.*, 1934, p. 6, para. 10.

<sup>2</sup> Sir Donald Cameron, *op. cit.*, 1934, p. 17, para. 28.

<sup>3</sup> Sir Donald Cameron, *op. cit.*, 1934, p. 9, para. 15.

to the northern Residents, is followed by warnings in the old tradition not to expect too much of chiefs, not to undermine their authority by direct action, nor to be too ready to recommend punishments and depositions. This insistence upon the old Nigerian tradition of restraint, when coupled with the new exhortation towards more active guidance and less complacency about feudal or primitive abuses, will demand still more of Administrative Officers in their already delicate political work.

This memorandum was followed by the enactment of a new Native Authority Ordinance (No. 43 of 1933) which the Governor described as a modernized form of the existing law (Cap. 73 of 1923).<sup>1</sup> This in turn followed closely upon the lines of Sir Frederick Lugard's 1916 Native Authority Legislation for the united Nigeria, which may be regarded as the parent of the many similar ordinances which have since appeared in the British African territories.

There are one or two points of interest about this 1933 Ordinance. We have seen that in pursuance of the 'native state' policy it was proposed in 1930 to subject all persons automatically to the jurisdiction of the Native Authority. Sir Donald remarked that, as it could never have been intended to subject the British officers to this authority, 'we reach again the realm of pretence in administration of which I am so, unashamedly, afraid'.<sup>2</sup> His new ordinance therefore retained the old provision which placed all natives in the area 'who are ordinarily subject to the jurisdiction of a native court' under the Native Authority. But it empowered the Governor to extend this jurisdiction over persons not ordinarily so subject. Sir Donald was thinking of such persons as Arabs and others who live as ordinary inhabitants of Kano. But he distinguished his policy sharply from that of 1930, which he condemned, by making such an extension dependent upon the approval of the Secretary of State, and, as an additional safeguard for southern natives, subject to the consent of the Legislative Council in so far as the Southern Provinces were affected.

One interesting new feature in this ordinance is that the rules made by Native Authorities may, with the Governor's approval, be made binding upon all persons within the area, but these will of course be pursued in their own courts for breaches of such rules.

<sup>1</sup> This ordinance is so essential to a proper understanding of Nigerian administration that it is quoted in full in the Appendix.

<sup>2</sup> *Leg. Co. Speech cit.*, p. 18.

This is an obvious convenience in such matters as municipal services or traffic regulations.

### *Judicial Changes*

So far, in spite of his somewhat iconoclastic criticisms, Sir Donald Cameron had made no fundamental change in the administrative structure that he had taken over. In his 1933 speech, however, he foreshadowed far-reaching reforms in the judicature.

We have seen that it was an essential part of Sir Frederick Lugard's system that the great bulk of the judicial work of the Protectorate which lay outside the competence of the Native Courts should be in the hands of Administrative Officers. This principle was expressed in the Provincial Courts, which at the amalgamation he extended to the Southern Provinces.

This system of what has been called not, perhaps, very accurately, 'political justice' was defended by its author not only on the obvious grounds of dispatch, convenience, and economy, but upon that of principle. In the Dual Mandate Lord Lugard claims that the Administrative Officers who staffed the Provincial Courts knew the customs and the languages of the natives better than would be possible for professional judges and therefore were more trusted by the people and were better able to judge of degrees of criminality. They were also able to decide in times of political difficulty whether strictly legal considerations should bow to expediency. He is therefore convinced 'that, even were it possible, the separation of the judicial and executive functions held by the District Officer would not be for the good of the country'.<sup>1</sup> The East African Governors, commenting upon a recent report which condemned 'political justice' in clear terms, endorsed this view, and asserted that 'political justice' is not a mere makeshift to be restricted or abolished as finance and communications allow, but that the best machinery 'for the administration of justice in extra urban areas will always be the unprofessional magistrate and that our object should be not to replace that piece of machinery but to make it more effective'.<sup>2</sup> There was general agreement among the Governors and their Administrative Officers with the view summarized by the Governor of Uganda, 'Native background and

<sup>1</sup> Lugard, *op. cit.*, p. 539.

<sup>2</sup> *Report of the Commission of Inquiry into the Administration of Justice, in Kenya, Uganda, and the Tanganyika Territory, in Municipal Matters, May 1933, and Correspondence arising out of the Report*, Cmd. 4623, 1934, p. 135.

atmosphere of native life must always be overwhelmingly important in deciding such questions as motive, extenuation, credibility of evidence, severity of sentence, &c., and above all for the proper preparation of a native's defence.<sup>1</sup> It was claimed that the Commissioners had failed to prove their case against 'political' justice and that such faults as it showed could be corrected without destroying the system.

In abolishing the Provincial Courts Sir Donald Cameron directly challenged this position.

'The old argument will no doubt be used, too, that owing to his closer daily contact with them, the Administrative Officer must know more of the habits and mentality of the natives than a judicial officer can, and must therefore be better equipped to correct their faults. This issue seems to be a very closely defined one. If the judgment of the Court is to be the judgment of an officer experienced in the art of sifting and weighing evidence and is to be based solely on the evidence which has been laid before him in the case, it does not matter a great deal to me what he is called. Administrative Officer or Magistrate, or what the Court may be called; it is sufficient that the Court is a judicial tribunal and the trial officer a judicial officer. But if the decision of the Court may properly be swayed by political or other non-judicial considerations within the knowledge of the Administrative Officer and is therefore not to be based solely on the evidence which has been led, then, in my judgment the Court has ceased to be a judicial tribunal and the officer has ceased to be a judicial officer. Change the system of law, if you will, and punish the people by Administrative Officers exercising a kind of parental correction because the people are primitive; but remember always, pray, if you do so that you will thereby be depriving the natives of the protection of any judicial court and any judicial system of law. That has not in the past been the policy or the practice which has governed the acts of the Nigerian Government.'<sup>2</sup>

The divergence between the two schools is clearly wide and behind the immediate points at issue lie deeper questions. Do conditions over most of Africa allow of the rigid separation of executive and judiciary which it took so many centuries to evolve in our country? Is it consistent with the conceptions of indirect rule whereby Africans are being helped upon the executive side to develop their own institutions, that there should be a large and sudden invasion of British law and procedure in the judicial field? The administrative judge may be defective from the standpoint of

<sup>1</sup> *Report cit.*, pp. 134-5.

<sup>2</sup> *Leg. Co. Address*, 1933, p. 25.

the British legal expert, but at best, it may be said, he carries into the all-important judicial sphere the mediatory, flexible, and educational technique that he has learned in all other branches of his work. It may be, as the lawyers have said, that the code and the procedure he applies, above all in criminal cases, is British. But he can make it British with just that difference which may allow of education and even synthesis. For the law provides, with the conventional safeguard, that the British courts shall be guided by native law and custom, and who knows these varying customs better than the local Administrative Officer? Moreover, to push the question still farther back, how far is it our policy to use British law as an agent of civilization or, like the French, of imperial assimilation? It may be that there is no choice and that the superiority and uniformity of the law in which our colonial officers are bred and trained must in time entirely displace African law and procedure. This may be so, though the enthusiasm for British law shown by educated and urban Africans, so many of the first generation of whom have qualified as barristers, is not a certain indication of either the wishes or the needs of the more backward masses. Those who hold a tentative attitude upon this subject must favour a judiciary which, within the admittedly small margin allowed by the code and the system, interpret their duties with the greatest possible knowledge and sympathy and as one element in the whole social revolution which they are attempting to guide.

Although Sir Donald Cameron expressed himself so strongly upon this subject in principle, he allowed of some compromise in practice. He did not substitute the Supreme Court for the Provincial Courts, but created an intermediate court, the High Court of the Protectorate with subordinate Magistrates' Courts, in which procedure and panoply are to be simpler than those in the Supreme Court.<sup>1</sup> Further, as if in part agreement with the contention that the Administrative Officer was better equipped to mete out justice to Africans, he anticipated that the new Judges and Magistrates of the Protectorate Courts would be recruited from those Administrative Officers who had shown themselves best qualified upon the legal side.<sup>2</sup>

The Supreme Court retains its jurisdiction in the Colony but loses it in the Protectorate except in certain highly technical matters, such as those concerning Probate, Admiralty, and

<sup>1</sup> No. 45 of 1933.

<sup>2</sup> *Leg. Co. Address*, pp. 25-6.

Divorce. The new High Court is a Court of Record, of which the Chief Justice of the Supreme Court is the Chief Judge. On the High Court, judges of the Supreme Court will be *ex officio* judges with such other judges and assistant judges as are required. Under the High Court are Magistrates' Courts with inferior powers. The new court differs from the Supreme Court in that it is to have a simpler procedure and to be surrounded with less pomp and formality. It differs from the Provincial Court in important ways. Firstly, in place of Administrative Officers possessing judicial powers *ex officio*, the personnel, selected from those of legal experience and capacity, will be divorced from the executive. Secondly, legal practitioners will be allowed to appear before it except in appeals from Native Courts. This is, of course, a large and important exception.

Special provisions cover land cases which are very frequent in Southern Nigeria and which, with the inevitable appeals, involve the litigants in long delays and heavy expenses. These are to be dealt with in Native Courts, and in all such cases in the Southern Provinces, the District Officer is to sit as president. In appeals to the High Court, where the property in dispute is valued at more than £200, legal practitioners may appear with the consent of the Court. It may be mentioned here that a law has recently been passed which leaves the decision of inter-tribal boundary disputes to the Administration.<sup>1</sup>

In the debates in Legislative Council the African members (who incidentally are mostly lawyers) were disposed to accept the Protectorate Court as a partial concession to their views. They remembered the position the Supreme Court had held in Southern Nigeria before 1914 and looked back to the extension of the Provincial Court from the north at that time as 'a great calamity to the country'.<sup>2</sup> They were not satisfied by the Government reasons for inventing a new court, which was a somewhat inadequate reproduction of the Supreme Court. They objected to the limitation upon the appearance of legal practitioners and they protested especially against the powers given to the Native Courts in land cases.

It is too soon to judge how the new court will develop. Its establishment was accompanied at first by some uncertainty. The years 1933 and 1934 were of great financial difficulty and there were no funds to provide for the large new judicial staff that the new courts required. Even had there been money, the men were not

<sup>1</sup> No. 49 of 1933.

<sup>2</sup> *Leg. Co.*, 11th Session, 1933, p. 48.

available. As a result very few appointments either of judges or magistrates have been made and the work is still being carried out largely by Administrative Officers. The continuity of personnel has masked the change of principle, but it must be remembered that these officers are not appointed *ex officio* as before, and that they are now responsible solely to the High Court for the judicial work. As only the more senior and experienced officers have been appointed, these have in some cases been obliged to undertake more judicial work than under the old system in which much minor jurisdiction was in the hands of junior officers.

Two further reforms accompanied these judicial changes. One was the acceptance by Nigeria of the appellate jurisdiction of the West African Court of Appeal.<sup>1</sup> The other was enacted to allay the uneasiness of Administrative Officers at the extended sphere of legal practitioners. Experience of the period in the south before amalgamation raised the fear that some of these lawyers and their touts would foment litigation among the natives and batten upon the ignorant. An ordinance was therefore passed by which a disciplinary committee of three members of the Nigerian Bar was set up under the chairmanship of the Attorney-General.<sup>2</sup> Its duty is to inquire into all complaints of misconduct against legal practitioners, and to report to the Supreme Court which, with or without such report, has power to admonish such a practitioner, to suspend him, or to strike him off the Roll of Court.

Sir Donald Cameron also modified the constitution of the Native Courts. Here, too, he rejected the 1930 proposal for the extension of the jurisdiction of the tribunals, and retained the same category of persons, with the same safeguards as to extension, as in the Native Authority Ordinance.

By local Order in Council 16 of 1934 it was ordained for the north that all persons whose general mode of life is that of the surrounding native community 'should be subject to the jurisdiction of native tribunals'. For the south, by local Order in Council 37 of 1934, consented to by resolution of the Legislative Council, native tribunals have jurisdiction over all persons ordinarily subject to native tribunals and such others, natives and native foreigners, as may consent to such jurisdiction. Persons alleging that they are not subject to native tribunals may in both cases appeal to the High Court to determine the issue.

<sup>1</sup> No. 47 of 1933.

<sup>2</sup> No. 57 of 1933.

Perhaps the most important innovation in the new Native Courts Ordinance (No. 44 of 1933) is the provision for appeals. In the former ordinance there was provision—which is still retained—for supervision, revision, complaints, the ordering of re-trials or of transfers to the Provincial Court, for everything, in fact, short of formal appeals to British courts. These have now been introduced.<sup>1</sup> But Sir Donald claims for the new system a high degree of flexibility designed to suit the variety of conditions in Nigeria. There are several forms of appeal. In the advanced Moslem units appeals lie from the District Courts to the Chief Alkali's Court and thence to the Emir's Courts as a Final Native Court of Appeal.<sup>2</sup> Appeals from the original jurisdiction of the Emir's Courts and, somewhat surprisingly, from the Appellate Jurisdiction of the Abeokuta Judicial Council, lie to the High Court. The policy of placing Native Courts under magistrates of the Protectorate Courts, which might in time have greatly affected these courts, has been sparingly applied. Sir Donald declared that this method would be used where Native Courts were not upon a true tribal basis, or where the communities were in close touch with civilization. Yet in the schedule issued under the ordinance we find that, apart from land cases, it is only in comparatively few parts of Calabar, Onitsha, Owerri, and Ogoja Provinces that this form of appeal obtains.<sup>3</sup> Everywhere else, equally in advanced units such as Ibadan and Ijebu-Ode, in the intermediate groups of Warri and the Cameroons, and the backward area of the Tiv, appeals lie as before to the Administrative Officer and through him to the Resident and so to the Governor. The institution of the High Court has thus affected Native Courts less than might have been expected. It must also be remembered that the Administrative Officer retains his supervising and revising authority over all Native Courts which unless, or until, the people begin to make use of their new right of appeal, represents a very large function. As a further very considerable limitation upon the scope of the change, we find a subsection of the ordinance prohibits any appeal to the High Court or a Magistrate, or District Officer's Court, in matters relating to marriage, family status, guardianship of children, inheritance, and testamentary disposition. It needs little acquaintance with the African Native

<sup>1</sup> Sections 27 to 36 of the ordinance.

<sup>2</sup> *Laws of Nigeria*, 1934, pp. 722-37.

<sup>3</sup> *Ibid.*, pp. 682-719.

Courts to appreciate the proportion of litigation affected by this provision.<sup>1</sup>

It is no secret that Sir Donald's judicial changes were received with some misgiving, especially among officers of the Northern Provinces.<sup>2</sup> In the south, on the other hand, it was recognized that there are areas where European influence, and especially that of the Supreme Court, have long played upon peoples whose institutions were too primitive to offer much resistance. There are also urban natives intensely critical of the judicial aspect of paternal government and almost fanatically determined to have all they can of British courts and British law. The reforms here meet a genuine need. They may, moreover, prove less wholesale and rigid in practice than they promised to be in theory. There is indeed so much that is flexible and tentative in the system both of British and Native Courts that a considerable margin of choice remains for future development.

#### *General Review*

It is impossible to conclude this chapter without attempting to sum up the work of Sir Donald Cameron, which dominates the latest phase in Nigeria. The territory has, on the whole, been fortunate in its Governors, and Sir Donald brought very unusual experience to the post. His forty-six years work in the Colonial Service have included nearly seventeen in Nigeria, five of them as Chief Secretary. From this post he went to Tanganyika, where he reorganized the Administration upon indirect lines. A number of quotations from his speeches or his memorandum have been made which should convey something of the spirit of Sir Donald's administration. Further references may deepen the impression. He has done much to gain the interest and support of educated natives for his policy. He shows an unusual fondness for public criticism, even going so far as to claim it as an advantage for the Tanganyika Native Administrations that they have 'from the date of their foundation been exposed to the full glare of public opinion, which must be and does act as a stimulus and a corrective'.<sup>3</sup> Here is another typical remark: 'Pretence of any form in the administration of primitive peoples is a dangerous thing and I detest it from the bottom of my heart. It is not possible in civilized countries; you get found out by the people themselves.'

<sup>1</sup> The very important Native Courts Ordinance is quoted in full in the Appendix.

<sup>2</sup> See Crocker, *op. cit.*, pp. 228-34.

<sup>3</sup> Cameron, *op. cit.*, pp. 12-13.

There is, however, a quality in Sir Donald's administration which neither quotation, nor the documents themselves, can wholly convey. It is a compound of realism and humanity which he is able to communicate to the Administration. The circumstances of an African Government are such that it is always in danger of getting a little out of touch with realities, of allowing, as it were, a crust to settle upon the system. The danger is all the greater when the system has been an exceptionally good one. Sir Donald has produced a psychological effect hard to define, in which the crust has been broken and a spirit of self-criticism and of interest in new ideas has been induced. It is a convention of our trusteeship, at least where there is no competing element, that the interest of the natives should be paramount. Sir Donald's work appears to be coloured not by a convention but by a vivid realization of the humanity, individually and in groups, of the people he governs. He has reminded the administrative staff that the test of good administration is its acceptability to the ordinary peasant and its efficacy in his service. He has reasserted the half-forgotten lesson that indirect rule must be applied to pagan as well as to Moslem. He has brought his experience of a similar task in Tanganyika to help in the experiment of applying indirect rule to the unorganized millions of the south-east. He has recalled Nigeria to the fact that the country is one, and he has appealed for the understanding of the coastal intelligentsia in the problem of government in the interior.

The only fear is that the pendulum may swing too far away from the fundamentally sound position of the past; that criticism, especially of northern administration, may tend to be a little unfair towards the achievements of a very fine tradition. And even if Nigeria is now set squarely upon the right road, it is no easy one to follow. The administration of a collection of peoples in such widely different cultural conditions, Moslems, Christians, and pagans; Europeanized, Lagosian gentlemen demanding all the constitutional rights of British subjects, and naked savages on the Plateau requiring generations of paternal government, will continue to offer an exceptionally severe challenge to our political art. It will therefore be a proper part of this study if, in conclusion, we detach ourselves from the detailed discussion of regions and aspects of administration and question the underlying political principles upon which we have observed that administration to be founded.

CHAPTER XXI  
TENDENCIES AND PROBLEMS

*The Meaning of Indirect Rule*

I HAVE endeavoured in this book to show that in Nigeria, however imperfectly, the Government has made the political education of the people its main object. In this final chapter I propose to review its achievements in general terms and to ask how far its policy is designed to meet the probable needs of the future.

The methods employed by the Government are generally known as indirect rule, and a few words must be said in further definition of a term which has lately been the subject of some question and misunderstanding. There has been a tendency among some of its chief exponents to abandon this term. Among them is Lord Lugard himself, whose modesty shrinks from even the appearance of desiring to patent his own invention. I would, however, for the avoidance of confusion, plead for the retention of a term which is now widely employed both within and without the Empire. The words, however inadequate, are in currency and bear the stamp of a special meaning.

Some writers have challenged the usual interpretation of this term by denying that it was initiated in Northern Nigeria. This is only because they confuse a common expedient of empire with one of its special historical applications. The recognition of the institutions of a subject people is, in certain circumstances, forced upon their rulers, if only for a period, and it is therefore a practice that must be as old as man's migrations and conquests. Examples abound in history. We can turn to the records of the old Roman or the new French Empire. We can cite the Normans in England or the English in India, Fiji, or South Africa. There are examples in this book of the same phenomenon among dominant African tribes. But the words 'indirect rule' have been generally connected with the method by which this expedient was consciously developed by Lord Lugard into a constructive system of government for Northern Nigeria. The system spread to the Southern Provinces, and since then, either by deliberate adoption, or by the less conscious acceptance

of methods which in recent years have been widely discussed and appreciated, its influence has been extended to other parts of British Africa.<sup>1</sup>

Indirect rule may be defined as a system by which the tutelary power recognizes existing African societies and assists them to adapt themselves to the functions of local government. Some would already speak of native local government. There can be no objection to this if we remember that, although many of the generally accepted principles of decentralization can be applied, so long as the loyalties of the people are mainly directed towards their own chiefs and fellow-tribesmen, it is local government with a difference.

### *The Advantages of Nigeria*

There has been a valuable movement during recent years towards the pooling of many parts of our African experience. Native administration has remained largely outside this movement. *Esprit de corps*, that very English characteristic for which no English name has yet been found, operates in the administrative services to discourage the exchange of ideas across African frontiers, arbitrary though these generally are. The officers themselves cross these frontiers far more rarely than those of the departments. Though, in view of the fluctuations in quality of our colonial governments, it may be rash to say so much, Nigeria has some lessons to teach other administrations. They might learn these without loss of self-respect because Nigeria, in the development of its Native Administration, has enjoyed certain natural advantages.

The groups which make up Nigeria's large population show the widest range of political organization in any African territory. Administrative Officers, therefore, wherever they are working, except, perhaps in Kano, have always an example of a somewhat more developed unit towards which they can work. This has been a stimulus to the people as well as to their officers. The advantage is clearly shown by the contrast presented, for example, by Kenya, where there are no native institutions of a kind that could have gained the early recognition and co-operation of the Government, or inspired faith in the potential political capacity of the people.

<sup>1</sup> For further information about the significance and extension of indirect rule see two articles by the author, 'Some Problems of Indirect Rule in Africa', *Journal of the Royal Society of Arts*, May 1934, and 'A Restatement of Indirect Rule', *Africa*, July 1934.

In Nigeria, on the other hand, the achievements of both Moslem and pagan rulers induced an attitude of respect towards African institutions, even though it was not until the time of Sir Donald Cameron that the government learned how to use those of the least organized tribes as a basis for local government.

Nigeria started with another initial advantage over some other territories in that the attention of its Government was not distracted from its main task by the competing interests of non-African races. This condition has been so fundamental that it may be asked whether Nigerian experience is of any value to Governments dealing with more complex situations. The experience of one part of Africa can very seldom be directly applicable to another, since allowance has to be made not only for indigenous peculiarities, but for the effects of thirty or forty years of divergent British policies. But within a native area or reserve many of the administrative problems are the same. It is, moreover, only by some comparative study that an Administrative Officer who spends his whole career in one territory can learn to appreciate both the defects and the merits of his own system.

Nigeria has a third great advantage. The size of the population and of the revenue has allowed the employment of a large British administrative service enjoying certain favourable conditions. It has therefore attracted many of the more competent men. It also provides, within itself, the stimulus of greater opportunities and a richer exchange of ideas than is possible in a smaller service. Second in precedence only to Ceylon in the Colonial Empire, Nigeria has been able to command the services of some of the best available governors, and—a point of equal importance—has been able to keep them longer than those lesser dependencies which are too often treated as very temporary rungs in the ladder of promotion. Opportunity alone, however, does not make the man, and it is due to the hazard of fortune that in the early formative days Nigeria was served by a great governor, and, at a later critical stage, found another exactly qualified to reinvigorate his system. Different in many ways, these two governors were alike in the high degree to which they brought conscience as well as ability to their work. They saw the people in their charge not as a uniform mass but as human beings whose rights and interests must be put before all other considerations. This prompted them to take deeper and longer views than are required for competent routine. It made

them insist upon getting through to the true information about the people in their charge instead of the half-true information that too often fills the files where it is known that head-quarters will be satisfied with this. Some will deprecate this reference to the personal factor. But a picture of African government which presents statistics, forms of administration, and even analyses of policy, and fails to bring out the one creative element, that of human personality, would be historically misleading.

### *The Merits of the System*

From these initial advantages have arisen some of the special merits of the Nigerian system. One of these has been the definition of policy. Lord Lugard's *Memoranda* and Sir Donald Cameron's restatement of principles have both been discussed. These definitions bring significance into the daily routine of Administrative Officers, and unify it with general purpose. They also allow of an intelligent decentralization in the sphere of methods.

The advantages of this rationalization can best be understood by contrast with dependencies where there is no discussion of objectives and no clear distinction between principles and methods. There may sometimes be found, under a paper attempt at uniformity of practice, a divergence of principle from province to province, and even from district to district, with *ad hoc* interventions from the centre whenever attention is attracted by some unsatisfactory incident. These interventions, being related to no guiding objectives, merely teach officers to cling with extreme caution to the only certain factors, precedent and routine, and also to do as much work as possible themselves rather than risk delegating it to Africans. Thus initiative and experiment are discouraged, and the work loses both in interest and dignity.

Closely allied with the definition of aim has been the unusual continuity of policy in Nigeria, especially in the north. There have, of course, been examples of the abrupt changes which, for good and evil, result from the large delegation of power made to our colonial governors. These, however, have not so far adversely affected the central part of the Nigerian structure, its system of local government. It is probable that here the Lieutenant-Governors (now called Chief Commissioners) have played a useful part. One of the great weaknesses of our present colonial system is the possibility that there will be a personnel at the centre, Governor,

Chief Secretary, and Executive Councillors, who between them combine extraordinarily little experience of the country in which they are passing a short period of their careers. The Nigerian Lieutenant-Governors have been men who have risen from the administrative service of the Protectorate and have therefore possessed a detailed knowledge of the provinces in their charge and of the staff administering them. They have for this reason been able to act as a check upon the less well-founded measures emanating from Lagos, or have been able to adapt them in the act of application. The office of Lieutenant-Governor has lately been criticized as redundant and expensive. It may be that under a complete rearrangement of the government which abolished the dual organization the advantages of this office might be otherwise secured. It must, however, be remarked that the persistent efforts of unitary governments in other parts of Africa to delegate more authority to Provincial Commissioners do not always seem to be successful. Reforms suggested by the practices in other parts of the Empire, as for example India, do not always fit the present stage of African development, where the great difficulty is still to relate the general policy conceived at head-quarters to the obscure, various, and changing realities of native life. The need of an experienced and authoritative officer to act as a liaison between these realities and a somewhat remote Governor and Secretariat has been well met by the Nigerian Lieutenant-Governor.

A third merit of the Nigerian system which has been illustrated in these pages is the elasticity with which the graded forms have been fitted upon the heterogeneous shapes and sizes of the existing native societies. It was many years, as we have seen, before the Government learned to distinguish between the forms that were suitable in Northern Nigeria and their underlying principles. That lesson has been learned and there is probably no government in Africa to-day, with the possible exception of Tanganyika, which has taken so much trouble by means of inquiry, consultation, and experiment to adjust its immediate requirements to the customs and wishes of the people. It is difficult for officers in territories where a convenient uniformity has been imposed to understand this feature of the Nigerian system. The great variety of form and practice, and the constant local modifications made in response to native opinion and administrative experiment, may seem to them quite unthinkable.

*Some Criticisms*

Critics of our African administration who have read so far will accuse me of complacency and of accepting the achievements of the Nigerian administrators at their own valuation. My reply is that hitherto in this chapter I have been considering Nigeria against the background of current British practice and purpose. I agree that by other and higher standards a very different judgment would result. But at what height shall we fix this arbitrary standard? We might choose to set it in accordance with the demands of an anthropological expert who is fully informed of the disintegrating effects of our influence, or with the highest Christian ethics, or with a synthesis of the two if, indeed, they could be harmonized. The resultant criticisms would be sweeping, and they might be of great value. Again, our entire imperialist system could be condemned partly by Socialist, and wholly by Communist, doctrines, and many of the arguments would be incontestable. My own criticisms will, however, be limited in range by acceptance of our present imperial and economic structure, and I shall merely consider how far the Nigerian system falls short of the high standards set for it by its own leading administrators. This will remind us of certain administrative realities with which British Governments of any party would have to reckon.

Most of the faults of our administration arise from the conditions in which the Colonial Service works. If irresponsibility is the danger of all bureaucracies, this Service is in an especially vulnerable position. It is almost impossible to call it to account from any quarter. In Nigeria, except in Lagos and a few coastal areas, Africans are almost wholly unable to criticize the way in which they are being governed, except by the crude protest of disorder. The Colonial Office does not impose or even guide policy with regard to most of the questions with which this book has dealt. Parliament, and that section of the public by which it is prompted and informed, can exercise only an intermittent and rather clumsy intervention. The decision upon questions of Native Administration is left largely to successive governors. The tasks of a governor are many and varied, and the man who obtains this promotion is not always the one gifted with the imagination and sympathy to handle the all-important political issues. In the intervals between those constructive periods which only an able governor can

initiate, the best hope is that the Administration will be maintained in a reasonably healthy condition. The only guarantee for this lies in the character of the men in the Colonial Service who are put to a severer test, because of the greater isolation and irresponsibility in which they work, than the men in any home service. The best, therefore, that the country can produce would not be too good for the Colonial Service.

Informed criticism of the Service is all the more valuable because it is necessarily rare. A special interest therefore attaches to a recent book upon Nigerian government written from the unusual inside standpoint of an Administrative Officer.<sup>1</sup> The general impression he gives is, I believe, unduly pessimistic because he sees Nigeria against the background rather of English than of African administration, and because the failings he records are not shown in their true relation to the achievements. Yet his book is an important contribution to our subject. Part of it is composed of his diary and in this he emphasizes those flaws in the Nigerian system which are due to the weaknesses of the human agency, European and African, by which it is operated. The main remedy is to raise the general standard of the personnel in the Colonial Service, and this the Colonial Office has done much to bring about in recent years.<sup>2</sup>

Some of the weaknesses of the Colonial Service arise from conditions which can hardly be changed. Yet it is better to recognize them if only to maintain a constant effort to mitigate their pathological effects upon Native Administration.

Chief among them is the temporary nature of the officers' service. They are passing only the central years of their lives in a strange country, and it is too much to expect that all of them will take its fortunes and future very deeply to heart. If this is true of Administrative Officers who generally pass their whole service in one territory, it is much more true of governors and senior departmental officers who pass from one territory to another. The Administrative Officer's service, moreover, is cut into numerous fragments as he moves about from place to place and tribe to tribe. Nothing is more deadening and more destructive to good work than these perpetual changes of posting. The tour in Nigeria is, for reasons of health, necessarily short. If, as so often happens,

<sup>1</sup> W. R. Crocker, *op. cit.*

<sup>2</sup> See the *Report on the System of Appointment in the Colonial Office and Colonial Services*, 1930. Cmd. 3554.

it is passed in two or more different stations, or even if the expectation of such a transfer hangs over the officer, it is impossible for him to feel a serious sense of responsibility for the people in his charge or to make that extra effort which is required to study their customs and language.

It is therefore possible that at any given moment a large proportion of the Service, from the highest to the lowest, may be deficient both in knowledge and interest, and content themselves with taking short views about the problems of the territory. For the average man there is a tendency, of which he may be unconscious, to regard the country not as it is or might be but as the stage set for an individual career. Where this is so, the unambitious will be content with the minimum of work by which a presentable routine can be maintained, while the ambitious will express his energy in impressive schemes of reform or, at least, of change. Not only ambition but beneficence may urge an officer who is conscious of the limits of time, but not of the human conditions in which he works, to cultivate that most abundant and illusory African crop of quick results upon paper.

The pressure of our administrative conditions in Africa is towards a superficially competent Government acting through African subordinates who, whether or not they are the natural leaders, become by our use of them a class whose interests and standards separate them from the mass of the people. All African governments are tempted to invest individual native agents, who may or may not be indigenous authorities, with extraordinary powers for the rapid enforcement of measures which we regard as necessary to efficient administration. At best this method is politically sterile. At worst it may lead to gross hidden oppression which may not stop short—I write advisedly—of torture and murder. To penetrate to the masses and discover their needs and the effects upon their lives of our measures is an exacting task which produces few results for presentation in annual reports. It may, indeed, oblige District Officers to proffer the unpopular advice that schemes of development initiated by higher officials should be slowed down or abandoned. The docility of the Africans and the apparent plasticity of their social life is a further encouragement to superficial plans. Africans do not immediately register our mistakes but allow them to accumulate until those responsible for them have long since left the province, if not, indeed, the country.

So long as the obvious results of mishandling the human factor are not immediately apparent, it is to be feared that sociological investigation will remain the last of the many inquiries which African Governments finance. There is a disposition among Englishmen who pride themselves upon being practical to regard any deliberate concern with the psychological aspect of affairs as academic—using the word in a depreciatory sense—or sentimental. When, as so frequently occurs, by our misunderstanding of this factor, we find ourselves in very practical and expensive difficulties, we extricate ourselves by means of a common sense which prompts us to use the minimum of coercion and to combine it with investigation. We do not, however, seem to acquire the foresight which is the obvious lesson of these events.

In Northern Rhodesia, Nyasaland, and Zanzibar, our attention has lately been called to the unfortunate results of administrative mistakes due largely to inadequate knowledge of the subject people. We have seen the part played by this cause in the Aba riots. The Nigerian Government has, perhaps, gone farther than most in its employment of anthropology, and in promoting investigation by its officers, which, though its scientific value may be limited, brings them into more intimate and sympathetic contact with their people than is possible in the ordinary course of their work. Yet Nigeria's achievement is still small beside the great need for knowledge. It may, therefore, be accounted in Nigeria's favour that some of her people are less tractable than in the east and south of Africa, and therefore supply a partial check upon faulty administration.

#### *The Development of Native Society*

Fuller knowledge would affect the whole tone of our administration by giving us a greater realization of its difficulties. The situation in which a handful of officials has almost complete control over the lives of millions of another race is accepted by most Englishmen as a perfectly normal situation for which a suitable routine can be devised. If its abnormality were more often recognized, our governments would be less complacent and exacting, and their servants would have less hesitation in reporting an inevitable measure of failure.

The African situation is, indeed, not so simple as it appears even for those governments, British or foreign, which aim at a clear-cut

objective of economic self-interest or assimilation and have absolved themselves from any obligation to study native facts and feelings. Indirect rule offers a more complex problem, not because it is less clear in its aims, but because these envisage a synthesis between European and African culture which has to be developed rather than defined.

To maintain the conditions in which this development is possible is the great problem of indirect rule. By its success in this it must stand or fall. Those who believe that human, and especially, perhaps, primitive, society is organic expect it to live and grow in any conditions by some mysterious natural law. Unfortunately history teaches that there are circumstances in which men cannot achieve effective social organization. In Africa we are setting heavy burdens upon native institutions which have been weakened by the abnormal strain of the last thirty or forty years. The internal effects of this strain, which escape the eye of the administrator, have lately been investigated by the anthropologists. It is not possible to discuss here the valuable evidence they have already collected. Speaking generally, they reveal to us small groups which were held closely together by the internal needs of an almost self-contained economy, and by the pressure of external forces, human and physical. These have suddenly found themselves embraced by a world economy and an imperial order. The pressures have been relaxed and the healthy tension in which the entire social organization was held has been slackened. Some, perhaps most, of the purposes which these institutions were designed to meet are now fulfilled for them by external agency. Their members, yesterday active, independent, and self-reliant, have passed under the control of foreigners remote in culture from themselves, and suffer to-day a sense of bewilderment and inferiority that diminishes their full human stature. Yet the groups do not, as some critics of indirect rule assume, dissolve. Their institutions, even if weakened, persist, and their members remain united by their culture, their language which is part of their culture, and their common associations and territory. A wider sense of civic obligation does not conveniently spring into being to fit the new political and economic boundaries, and it is the main belief underlying indirect rule that this sense can best be developed through a gradual extension of existing social conceptions.

These small societies will not grow and adjust themselves

unless their members are given a sphere for the display of initiative. Yet the tendency of all our African administration is to narrow this sphere almost to nothing by over-regulation, and only in one or two parts of Africa has a conscious effort been made to preserve it. Even in Nigeria the margin in which Native Authorities can exercise choice is narrow. In the Emirates there is always the danger that the Native Administrations will become bureaucracies, to which the whole motive power is supplied by British officials. Inquiry, for example, elicits few items in the estimates which are due solely or even mainly to native initiation.

Mr. Victor Murray claims that the degree of independence demanded by Khama and Moshesh comes nearer to the ideal of indirect rule than anything found in the home of that doctrine.<sup>1</sup> This suggestion contains sufficient truth to make it worth consideration by the Nigerian authorities. But it over-simplifies the problem. We must remember, firstly, that the Bamangwato and Basuto chiefs have not been able to retain all the powers claimed by their great predecessors. Secondly, that their powers, because they have been subject to little study or guidance by officials, have not been used to help the people to adapt their lives to changing conditions. It is true that the Protectorates are in an especially vulnerable position owing to their relationship with South Africa, but it is doubtful whether any African tribe can make the adjustment which conditions demand unless more active European guidance is given to the process. The vast majority of Africans are not able to understand the new world of which they have been made members. They cannot even define the stresses to which their own societies are being subjected.<sup>2</sup>

We have here the main difficulty in Native Administration. A mean has to be found between the over-regulation which, even under a system of indirect rule, can drain the remaining sense of responsibility from tribal communities, and, upon the other hand, a *laissez-faire* attitude which allows them to drift into unforeseen maladjustments or even dangers. I believe that almost everywhere in Africa, even in Nigeria, we err upon the side of over-regulation. We are tempted farther along this path by the impressive results that can be obtained by compulsion, or something

<sup>1</sup> 'Education under Indirect Rule', *Journal of the Royal African Society*, July 1935, pp. 245-7.

<sup>2</sup> For a discussion of these problems in the Protectorates, see *The Protectorates of South Africa*, by M. Perham and L. Curtis, 1935.

very near it. There is, indeed, real difficulty in judging whether the material benefits to the people for which, at best, this compulsion is used, outweigh any invisible injuries it inflicts upon their social character. It may be too soon to judge of these effects; it is certain that we make insufficient attempt to do so.

The government that decides to allow Africans scope for choice and adjustment must, as Lord Lugard pointed out in his *Memo-randa*, be prepared to take risks and to tolerate much that we regard as abuse. The head of such a government may be obliged to take a stand against criticism, even from England, where that is offered in ignorance of the African background, and to refuse to follow some single regrettable incident by general restrictions that would weaken the educational value of the whole system. Yet, as Sir Donald Cameron taught, it must not go so far in this direction as to resign its own leadership towards civilization.

The mean between the extremes is clearly not an easy one to find, and it should be constantly shifting as the people advance in civilization. No formula can be of help: the decision for each group will be found only by good judgement based upon sufficient knowledge.

#### *Distant Objectives*

We have so far been considering chiefly what may be called the short-term policy of indirect rule, the immediate education of the people in a local self-government developed from their own institutions. If this requires considered guidance, the general form of constitution to which it leads cannot be left entirely to chance. It demands those long views which the conditions of the Colonial Service tend to discourage. In their absence, the direction in which development runs is governed by daily or yearly administrative decisions upon detailed, or at least isolated, points. Yet there is all the more need for foresight in this matter, as there are no African lines upon which wider unities can be developed.

Yet the field is not absolutely open for experiment. We cannot, even if we would, leave our own political traditions behind us when we go to Africa; still less can we prevent Africans from learning them. What is evolved will, if the principles of indirect rule are followed, be African in spirit and in detail, but its general form, as in other parts of the Empire, will be determined mainly by the political example of Great Britain.

It is probable that the ideal development would be by a gradual

increase in the responsibilities of the Native Administrations which should at a later stage be encouraged, though not pressed, to federate. This federation would have to be very loose and mainly financial in its early stages and would be likely to occur first between the more homogeneous groups. Unfortunately, African conditions seldom allow of ideal developments, and in this matter one encounters at least two large difficulties which have already been mentioned.

The first difficulty is that the distribution of functions between the central government and the Native Administrations does not leave the latter much room for further development. It would still be possible to transfer additional powers to the more advanced and wealthy units. This, however, runs counter to the tendency towards greater centralization which is everywhere following upon improved transport and communications. Mr. H. G. Wells has maintained that our units of government are still based upon the capacities of the horse and complains of the lag between our sociology and the opportunities presented by science. But the lag is there and can be dealt with only by the slow process of education, which is slower still with backward people. This education would be accelerated by decentralizing still further, even at the cost of immediate efficiency, all those services which it is possible to treat in this way. It will be easier for the Africans of Nigeria, when they are ready to undertake a united government, to centralize local services than to take over a number of centralized departments which until that moment have been entirely under the direction of British officials.

### *The Educated Minority*

The second obstacle in the way of a healthy gradual development is more serious. It is that, in Nigeria, as among all backward peoples upon whom European influence has suddenly been directed, the response is embarrassingly uneven. There are still some who refuse to face this abnormality, and who argue upon the assumption that Africa can still be administered as if its people were all equally backward or equally advanced.

In a previous chapter I have described Lagos with its aristocracy of education containing men—and now, even women—with European degrees and two or three generations of education behind them. The pyramid broadens through the semi-educated

clerks and skilled artisans, then through the rather more sophisticated illiterates of the Yoruba and Moslem towns to the wide base of the very backward, from among whom savage customs have not yet been exorcised.

The educated are naturally proud of their escape from tribalism which is associated in their minds with much that is distasteful—with a low standard of living, with customs despised by the European, with irksome obligations, and with a paternal kind of British administration which they have learned to resent. By their education they have become well dressed, respected, and individualized citizens of Lagos, if not indeed—for some of them travel widely—of the world.

It is small wonder that many of the educated turn away from the backwardness of their fellow Africans because it seems to undermine their own self-respect. This, I believe, accounts for some of the resentment they display towards the anthropologist who reveals the character of that backwardness. They are unwilling to recognize the very special and limited conditions which have allowed their own advance, and therefore to realize how large and slow must be the task of raising the general level of African civilization. This partly accounts for their misunderstanding of indirect rule and the prejudice they show against it. This prejudice, for obvious reasons, is especially strong among West African students in England. Their knowledge of the system is often very slight. They do not want to hear about the petty courts and councils through which illiterate and conservative elders are taking their first steps towards a more civilized administration. Few of them can see any place for themselves upon these bodies. They have absorbed the prevailing spirit of nationalism, and studied anti-imperial literature, and their distrust of us is so great that it is almost impossible to convince them that our policy is not designed to discourage progress in order to prolong the period of our control.

We cannot regard the position of the highly educated merely as a regrettable development. The very suspicion that such a view exists causes the bitterest resentment among those whose co-operation is essential to the success of our rule. There is, moreover, no justification for regret. Those of us who value our own civilization cannot but respect the achievement of the educated Africans and welcome them to our ranks. We must also recognize

that their emergence was absolutely necessary to the development of the country. It would not have been possible to administer Nigeria with the present degree of efficiency and economy unless numerous Africans had been rapidly educated to assist in every department of government. The desire of Africans for what is now often depreciatingly called a literary education was not due to some perversity upon their part, but to an intense desire to achieve the special standards of civilization set by our officials and missionaries. The ambition for clerical work, which has roused so much unthinking criticism, was part of the same impulse and was also founded upon the very respectable economic calculation that a clerk has hitherto been able to earn five or ten times as much as a peasant farmer. Their wish for education at a British university arises from a determination to prove themselves by the highest tests, and a suspicion, born of the almost universal treatment of the negro, of any type of education designed specifically for them by their rulers. They know, moreover, that only by an overseas education can they hope to understand their rulers.

Yet if the emergence of the highly educated few is not to be regretted, the problem of government it creates must be considered. It has allowed an incongruous dualism in the political opportunities open to Africans. I have said that the central government is entirely under the direction of British officials. There is, however, a very important qualification to be made to this statement, as this direction is subject to the advice of the Legislative Council which legislates for the Colony and the Southern Provinces and, by means of its financial powers, and by questions, reviews all the activities of Government. Africans, as we saw, are among the unofficial minority upon this Council.

It is obvious what an attraction such a body must exercise upon the educated minority of the Colony and the coastal towns. In the Council the affairs of the whole territory are debated. Its procedure is conducted upon the dignified model of the Mother of Parliaments. Its members have the title of Honourable and are brought into close contact with the Governor and senior officials. Their words have the publicity of the press and the printed records. Unfortunately, this body does not promise to develop directly into a solution of Nigeria's constitutional problem. It suffers from that defect in our colonial system which we have long recognized and lamented, and which we yet seem

unable to avoid, the divorce between criticism and responsibility. It also omits the elementary and secondary stages of political schooling.

There is inevitably a temptation among African politicians and journalists, living in the detached atmosphere of Lagos, to talk the complete language of British parliamentary democracy and the rule of law. The very form of the Legislative Council seems to be a standing promise of the lines upon which political evolution is shortly to advance. Our political example encourages the few hundred to cherish ambitions which take little account of the position of the twenty millions in the hinterland.

This depreciation of the Legislative Council is directed towards its unsuitability as the future focus of political development, and not to its conduct of affairs hitherto. It has, indeed, carried out its limited task very usefully. The Government has been strengthened by the criticism of the African, as well as that of the European, unofficials. Some of the African members have been men of intelligence and public spirit who could challenge comparison with the political representatives of any other country. A somewhat urban and legalistic attitude of mind has not been a serious handicap in most of the work that they have so far been asked to perform. If I am right in what I have said of this Council, the conclusion is not that the political energies of men like these should be repressed but that they should be given a proper sphere in which to develop.

#### *Summary of Conclusions*

We have assumed that it will be towards some form of representative parliamentary government that a united Nigeria will one day aspire. We may also assume that for a people so backward and so divided in religion and culture, who never knew any unity but that imposed by Britain upon this arbitrary block of Africa, that day will be very distant. We have, therefore, an interval within which to build up, as a foundation for unity and democracy, that wide and active citizenship which we neglected to prepare in India. The facts in this book have suggested certain measures which might be taken with this object.

Our immediate task, which has formed the main theme of this study, is the political—we might better say the administrative—education of the whole people through local self-government

developed wherever possible from the basis of their own institutions. If this is to succeed, greater knowledge of the more obscure workings of native society is required. A larger measure of responsibility should gradually be transferred to the Native Authorities, even if the dictates of efficiency have sometimes to bow to those of education. There should be a corresponding increase in the powers of the Native Courts. We should also aim at a wider diffusion of authority in place of our tendency to preserve, or even to increase, the powers of individual chiefs which the new conditions no longer require. There are democratic tendencies in most African societies which we have too often ignored or suppressed. It will not be possible to work towards democracy for Nigeria as a whole while autocracy reigns in the parts.

In the services performed by the central government we should press forward the policy of employing more Africans in positions of trust which was boldly proclaimed by Sir Donald Cameron in the speech in which he opened the Yaba Higher College, an institution founded largely with this object. There is, however, one branch into which, I believe, Africans should not enter, and that is the Administrative Service. This should aim at being increasingly advisory in its functions. It should be regarded as the temporary scaffolding round the growing structure of native self-government. African energies should be incorporated into the structure: to build them into the scaffolding would be to create a vested interest which would make its demolition at the appropriate time very difficult.

The ambitions of the educated should also be met by doing everything possible to find or create opportunities for them within the Native Administrations. This is not always easy. It is fortunate that the majority of the educated have hitherto been from the Yoruba country where the local governments are large enough to employ some, at least, of their more civilized members. But what scope, to quote a recent example, can the rudimentary Ibo groups offer to one of the tribe who has spent ten years at American universities accumulating academic qualifications? The Government does not, of course, want to encourage the hope that all those educated overseas have a prescriptive right to Government employment, yet the assistance of Government is necessary if highly educated men are to find openings in the Protectorate. When they fail to obtain encouragement in this direction, they

settle in the towns in a mood of embitterment which finds its main object in the Government's native policy. This loss or perversion of talent is so unfortunate that the British authorities would be wise to make considerable efforts to create openings for such men.

In so far as the political ambitions of the educated are centred upon the Legislative Council, they should be met not by giving them an extension of power over the more backward masses, but by increasing their responsibilities, and therefore their sense of political realities, in the Colony, and in urban and other advanced areas. Meanwhile, the Legislative Council, if Britain finds herself unable to improve upon an institution which is unsuited to present African conditions, should be restricted to its existing functions.

These suggestions are not offered in an over-confident spirit. We must be prepared for unexpected developments, and perhaps for an unexpected rate of development. Yet I believe that if scope is given progressively to the advanced groups in legitimate spheres and areas, we should be prepared to defend against African and European critics, for so long as the condition of the peoples in the Protectorate requires it, the policy of gradual development through local government.

The world of to-day presents sufficient evidence in favour of caution. We have lately come to value our representative democracy the more highly because upon all sides we see it being abandoned or threatened. We see also the reasons for its collapse among certain peoples in their inadequate training in social responsibility, and in elements of disunion too strong to be dissolved by political compromise. The alternative in our generation has been dictatorship, which we cannot, so long as we maintain our own tradition, regard as a healthy political consummation.

What, then, are the omens for Africa, with hundreds of small societies cut into arbitrary groups, and venerated with half a dozen different European cultures? This is not very ready soil for unity or democracy. Nor is there much evidence either in their own continent or outside it that Africans have yet sufficient political training to organize and maintain an independent and democratic State system in the modern world. But then they have nowhere had a favourable training for this task. It appears as though, in the absence of effective international agency, the tutelage of Africans by humane and experienced nations is the only means of supplying that train-

ing. Yet it would be a mistake to indulge in the old satisfaction at the prospect of thus prolonging our rule. I have tried to show that this tutelage, if inevitable, is yet highly defective from the point of view of the governed. There is plenty of evidence to-day to suggest that backward people are a danger to their rulers as well as to themselves. They encourage exploitation which demoralizes the exploiter. They excite the envy of other would-be exploiters. They have a sinister value as numbers in the mathematics of European general staffs.

These considerations may seem remote from Nigeria, but our Empire is to-day facing a very obscure prospect. Among many doubts and uncertainties, however, one thing is certain, that it is both our duty and our interest to assist the Africans of Nigeria to build up a sound united state. There is, perhaps, no other territory where Africans have such a favourable opportunity to achieve this end. This is not only because of the size and richness of the country, its large population and freedom from complicating factors: it is also because here there has been the least possible breach with the past. The people are being taught to adapt the political art which they undoubtedly show within their own narrow social boundaries to the larger tasks which now face them. They need never pass through the injurious phase of those peoples who feel they have been robbed of their cultural identity and vainly try to regain their social self-respect by attempts to revive it artificially.

There comes a time when the most liberal rulers can no longer help a dependent people. If we can recognize this to-day—and it is implicit in our history and principles—we may prevent Nigeria from drifting into a spurious unity in which the one bond would be resistance to our rule and which would force us to concede to the whole a constitution beyond the capacity of the component parts. For success in the difficult task of assisting the people of Nigeria to build up a successful polity, our reward will be to have introduced a stable member to the society of nations. We shall also have offered to the rest of the negro peoples not so much a model as an abiding encouragement. Of this, more than any other race, they stand in need.



## APPENDIX

### NATIVE COURTS

Assented to in His Majesty's name in so far as the provisions hereof relate to the Southern Provinces of the Protectorate, and enacted by me in so far as the provisions hereof relate to the Northern Provinces of the Protectorate this 23rd day of November, 1933.

DONALD CAMERON,  
*Governor.*

No. 44.

1933.

PROTECTORATE OF NIGERIA  
*in the Twenty-fourth Year of the Reign of*  
HIS MAJESTY KING GEORGE V  
SIR DONALD CAMERON, G.C.M.G., K.B.E.  
*Governor and Commander-in-Chief*

AN ORDINANCE TO MAKE BETTER PROVISION FOR THE ADMINISTRATION OF JUSTICE AND THE CONSTITUTION OF NATIVE COURTS IN THE PROTECTORATE.

BE IT ENACTED by the Governor of the Protectorate of Nigeria, with the advice and consent of the Legislative Council so far as the provisions hereof relate to the Southern Provinces of the Protectorate, as follows:—

1. This Ordinance may be cited as the Native Courts Ordinance, 1933; it shall apply to the Protectorate (including the Cameroons under British Mandate) and shall come into operation on a date to be fixed by the Governor by notice in the Gazette.

Short title,  
application  
and com-  
mencement.

2. In this Ordinance

Definition.

'Native Court' means a Court established under this Ordinance.

'Magistrate's Court' means a Magistrate's Court established under the Protectorate Courts Ordinance, 1933.

No. 45 of  
1933.

'High Court' means the High Court of the Protectorate established under the Protectorate Courts Ordinance, 1933.

No. 45 of  
1933.

Establishment of Native Courts.

3. (1) By warrant under his hand, and subject to confirmation by the Lieutenant-Governor, a Resident may establish within his province such Native Courts as he shall think fit which shall exercise jurisdiction, within such limits as may be defined by the warrant, over causes and matters in which all the parties belong to a class of persons who have ordinarily been subject to the jurisdiction of native tribunals, and reside or are within the area of the jurisdiction of the Court.

(2) Subject to the provisions of section 4, every warrant shall either

- (i) specify the persons who are to be, *ex officio* or otherwise, members of the Native Court, or
- (ii) authorise the Resident to select such persons, or
- (iii) specify some of such persons and authorise the Resident to select the others.

In so far as a warrant authorises the Resident to select the persons who are to be members of the Native Court the warrant may further provide that such selection shall be subject to the approval of the Lieutenant-Governor. The power to select such persons may be exercised from time to time as the Resident shall consider necessary.

(3) Subject to the confirmation of the Lieutenant-Governor, a Resident may at any time suspend, cancel or vary any warrant establishing a Native Court or defining the limits within which the jurisdiction of the court may be exercised.

(4) The Governor may direct that any or all of the powers conferred by this Ordinance shall not be exercised over such persons or classes of persons as he may designate, and so far as regards such powers the Native Court shall not be deemed to have jurisdiction over such person or persons within the meaning of this Ordinance.

Constitution of Courts.

4. (1) A Native Court shall consist of:—

- (a) Head Chiefs or a Head Chief, Chiefs or a Chief, or any other person or persons (who may include non-natives) or a combination of any such authorities and persons, and sitting with or without assessors, or
- (b) In the Northern Provinces only, an Alkali, with or without assessors (called an Alkali's Court).

(2) The Resident may from time to time appoint a President and a Vice-President of a Court.

Suspension

5. A Resident may dismiss or suspend any member of a

Native Court who shall appear to have abused his power or to be unworthy or incapable of exercising the same justly or for other sufficient reason. On such dismissal or for the period of his suspension the member shall be disqualified from exercising any powers or jurisdiction, unless and until he be expressly reinstated by the Resident.

and dismissal of members.

6. All warrants, appointments and orders issued or made by a Resident under this Ordinance which are subject to the approval of the Lieutenant-Governor shall be operative and of effect from the date thereof unless and until disallowed by the Lieutenant-Governor.

Operation of warrants, &c., issued by a Resident.

7. A Native Court shall hold sessions at such times and places as may be necessary for the convenient and speedy despatch of the business of the Court; provided that the Resident may direct sessions to be held at such times and places as he shall think fit.

Sessions.

8. (1) Every Native Court shall have full jurisdiction and power, to the extent set forth in its warrant and subject to the provisions of this Ordinance, in all civil and criminal cases in which all the parties belong to a class of persons who have ordinarily been subject to the jurisdiction of native tribunals.

Jurisdiction of Native Courts.

(2) For the purposes of the preceding sub-section the Governor may by Order grade Native Courts and prescribe the jurisdiction and power which is to be set forth in the warrants for the Native Courts of each grade.

Except in so far as the Governor may by such an Order otherwise direct, there shall be four grades of Native Courts, namely grades A, B, C and D, and the jurisdiction and power which shall be set forth in the warrants of Native Courts of these grades shall not, without the permission of the Governor, exceed those prescribed in the Schedule hereto.

(3) The Governor in Council may with the approval of the Secretary of State by Order direct that any persons or classes of persons not being persons or classes of persons who have ordinarily been subject to the jurisdiction of native tribunals shall be subject to the jurisdiction of any particular class of Native Court or of any particular Native Court, or shall be subject to such jurisdiction in certain cases or classes of cases only, or shall be subject to such jurisdiction only with their consent.

An Order made under this sub-section shall not come into force without the consent, signified by a resolution, of the

Legislative Council in so far as the Order relates to the Southern Provinces of the Protectorate.

- Power of Alkali's Court to submit homicide cases to Head Chief's Court for sentence. 9. In cases of homicide tried by an Alkali's Court, such Court may refrain from pronouncing sentence and may transmit the evidence recorded by it to the Court of the Head Chief of the area over which the Alkali's Court exercises jurisdiction; and such Court of the Head Chief, upon considering such evidence, may pronounce sentence in the case.
- Law to be administered. 10. (1) Subject to the provisions of this Ordinance a Native Court shall administer:—  
 (a) the native law and custom prevailing in the area of the jurisdiction of the Court, so far as it is not repugnant to natural justice or morality, or inconsistent with any provisions of any other Ordinance;  
 (b) the provisions of any Ordinance which the Court may be authorised to enforce by an Order under section 11;  
 (c) the provisions of all rules or orders made under the Native Authority Ordinance, 1933, or under the repealed Native Authority Ordinance, and in force in the area of the jurisdiction of the Court.  
 (2) For offences against any native law or custom a Native Court may, subject to the provisions of this Ordinance, impose a fine or imprisonment or both, or may inflict any punishment authorised by native law or custom, provided it does not involve mutilation or torture, and is not repugnant to natural justice and humanity.
- No. 43 of 1933-Chapter 73. 11. The Governor in Council may by Order confer upon all or any Native Courts jurisdiction to enforce within the local limits of their jurisdiction all or any of the provisions of any Ordinance specified in such order and to impose penalties on persons subject to the jurisdiction of the Court who offend against such provisions, subject to such restrictions and limitations, if any, as may be specified in the Order.
- Governor in Council may empower a Native Court to impose penalties under any Ordinance. 12. Subject to such rules as may be made under section 45, the jurisdiction conferred on Native Courts shall (as regards practice and procedure) be regulated in accordance with native law and custom.
- Practice and procedure. 13. (1) A Native Court having jurisdiction over capital offences shall, as soon as possible after passing a sentence of death, send to the Resident a report upon the case together with all documents, minutes and notes of evidence taken in the case,
- Procedure in capital cases.

and the sentence shall not be carried out unless and until it is confirmed by the Governor under this section.

(2) The Resident shall immediately submit to the Governor the said report, documents, minutes and notes together with a précis of the facts of the case, recording his reasons in support of the sentence or otherwise, and, where an appeal against the conviction lies to the High Court, shall notify the Registrar of the High Court of such conviction and of the date on which the case was concluded in the Native Court, and, where sentence is pronounced in another court under section 9, of the date upon which such sentence was pronounced.

(3) Where an appeal against the conviction lies to the High Court the Registrar of the High Court shall, on the expiration of fifteen days from the conclusion of the case in the Native Court, or, where sentence is pronounced in another court under section 9, on the expiration of fifteen days from the pronouncement of sentence in such other court, certify to the Governor whether or not an appeal has been entered in the High Court within such period of fifteen days, and if an appeal is entered in the High Court within the said period the Registrar shall on the determination of the appeal certify to the Governor the result thereof, and if the appeal is dismissed, the Registrar shall submit to the Governor a copy of the record of the proceedings in the High Court. If the appeal is abandoned the Registrar shall certify the Governor of such abandonment.

(4) Where the High Court dismisses the appeal the Registrar of the High Court shall notify the Registrar, Deputy Registrar, or other Chief Officer in Nigeria of the West African Court of Appeal (in this section referred to as the Registrar of the Court of Appeal) of such dismissal and of the date thereof, and the Registrar of the Court of Appeal shall certify to the Governor whether or not an appeal has been entered in the West African Court of Appeal within fifteen days of such date, and if an appeal is entered in the said Court of Appeal within the said period the Registrar of the Court of Appeal shall on the determination of the appeal certify to the Governor the result thereof, and if the conviction of the Native Court is upheld shall submit to the Governor a copy of the record of the proceedings in the said Court of Appeal. If the Appeal is abandoned the Registrar of the Court of Appeal shall certify the Governor of such abandonment.

(5) Where the person convicted in the Native Court ceases to have any right of appeal to the High Court or the Court

of Appeal and the conviction in the Native Court stands, the Governor, after considering the materials submitted to him as aforesaid, may—

- (i) order the case to be retried either by the Native Court or by any other court of competent jurisdiction; or
- (ii) order further evidence to be taken either generally or on some particular point, and in the meantime order the sentence to be suspended pending the consideration of such evidence; or
- (iii) after consultation with the Executive Council, confirm the sentence or commute it to any other punishment, or decline to confirm it, in which case the person under sentence shall be forthwith set at liberty;

and shall communicate to the Resident a copy under his hand of any order which he may make thereon.

(6) The Governor may leave the place and time at which any sentence of death is to be carried into effect and the place where the body of the person executed is to be buried to be fixed by the Resident.

(7) On receiving the copy of the Governor's order the Resident shall cause the effect thereof to be entered on the record of the Native Court; and if the sentence is to be carried into effect, shall cause a warrant of execution under his hand and seal to be issued setting out the place and time where and when the execution is to be had and the place where the body of the person executed is to be buried.

(8) Such warrant shall be addressed to the Sheriff or to such District Officer, officer of the High Court or of the Native Court as to the Resident may seem fit, and the sheriff or such officer, as the case may be, shall act in accordance therewith.

(9) If a woman sentenced to death be alleged to be pregnant, the Resident shall enquire into the fact and, if there is reasonable cause for believing it, shall order the sentence to be postponed until the result of the pregnancy be known, and shall report such order to the Governor.

(10) The forms of criminal procedure as used in the High Court or forms to the like effect may be used in proceedings under this section with such variations as circumstances may require.

Suspension  
of infliction  
of sentences  
of corporal  
punishment.

14. (1) Except in such cases as the Governor may by Order otherwise direct, no sentence of corporal punishment shall be carried out until it has been confirmed—

- (a) by the Emir or other corresponding authority, if imposed by a Native Court of Grade A, or
- (b) by the District Officer, if imposed by a Native Court of a grade other than Grade A.

(2) Where at the time when a sentence of corporal punishment is imposed the person convicted intimates his intention of appealing against such sentence and has a right of appeal, the sentence shall not in any event be carried out until such time as he ceases to have any rights of appeal.

15. Every person sentenced by a Native Court to imprisonment or taken in execution of the process of such court shall be detained in a place authorised by the Resident as a native prison; provided that where there is no such authorised native prison in which such prisoner can be detained, he may be detained in a prison established under any Ordinance of the Protectorate.

Places of imprisonment.

16. A Native Court may order that any fine which it shall impose shall be paid at such time or times and by such instalments and in kind or otherwise as it shall think just; and in default of the payment of any fine or of any instalment of the same when due, the court may order that the amount of the fine or of the instalment, as the case may be, shall be levied by the sale of any property belonging to the offender and situate within the area of the jurisdiction of the court, or the court may order the offender to be imprisoned; provided that the sentence of imprisonment passed upon the offender in default of payment of the fine or the total of such sentences passed in default of payment of instalments thereof, as the case may be, shall not exceed the maximum sentence of imprisonment which the court is empowered by its warrant to inflict, and where a term of imprisonment is imposed with the fine such term together with either the sentence of imprisonment in default of the payment of the fine or the total of such sentences in default of the payment of instalments thereof, as the case may be, shall not exceed such maximum sentence of imprisonment.

Recovery of fines.

17. A Native Court may direct any fine, or such part thereof, and in kind or otherwise, as it shall deem fit, to be paid to the person injured or aggrieved by the act or omission in respect of which such fine has been imposed, on condition that such person, if he shall accept the same, shall not have or maintain any suit for the recovery of damages for the loss or injury sustained by him by reason of such act or omission.

Compensation to aggrieved persons.

- Contempt of court.** 18. Any person subject to the jurisdiction of a Native Court who shall omit to produce or deliver up a document on the lawful order of such court, or who shall refuse to answer any question lawfully asked by the court, or to sign any statement lawfully required by the court, or who intentionally insults the court or any member thereof, or who intentionally interrupts the proceedings thereof at any stage, shall be guilty of a contempt of court and shall be liable to a fine not exceeding ten pounds, and in default of payment to imprisonment for a period not exceeding one month.
- Power to summon witnesses.** 19. (1) Every Native Court shall have power to summon before the court for the purpose of giving evidence any person within the area of the jurisdiction of the court and, subject to the provisions of any rules made under section 45, any person without such area; provided that where the person to whom the summons is directed is not subject to the jurisdiction of the court the summons shall not be deemed to be valid within the meaning of this section unless it is endorsed by a District Officer.
- (2) Any person who without reasonable excuse shall fail to obey any valid summons issued under this section may be arrested and brought before the Native Court or other court having jurisdiction over such person, and shall be liable to a fine not exceeding five pounds or in default of payment to imprisonment for a period not exceeding fourteen days.
- Reports of cases to be submitted to the Resident or District Officer.** 20. At such times and in such form as the Governor shall direct, every Native Court shall submit to the Resident or to the District Officer in charge of a Division in writing or, if so directed, orally, a report of all cases tried in such court.
- Parties to appear in person.** 21. No legal practitioner may appear or act for or assist any party before a Native Court; but a Native Court may permit the husband, or wife, or guardian, or any servant, or the master, or any inmate of the household of any plaintiff or defendant, who shall give satisfactory proof that he or she has authority in that behalf, or a relative of a person administering the estate of a native who was subject to the jurisdiction of a native court, to appear for such plaintiff or defendant.
- Executing orders of other Courts.** 22. Native Courts shall carry into execution any decrees or orders of the Supreme Court, the High Court or any Magistrate's Court directed to them, and shall execute all warrants and serve all process issued by any such Courts as aforesaid and directed to them for execution or service, and shall gene-

rally give such assistance to any of the aforesaid Courts as may be required.

23. The District Officer shall sit as President of such Native Courts (including Native Courts of Appeal) as the Governor may by Order prescribe whenever any such Native Court hears any suit or appeal relating to the ownership, occupation or possession of lands and being of a class designated in the Order, and may sit as adviser in any Native Court (including a Native Court of Appeal) in his Division.

District Officers as Presidents and Advisers of Native Courts.

24. Except in so far as the warrant establishing the Native Court may otherwise direct, a Native Court may order the transfer of any cause or matter either before trial or at any stage of the proceedings before judgment is given, to any other Native Court of competent jurisdiction.

Power of Native Court to transfer cases to another Native Court.

25. (1) Every Resident and District Officer shall at all times have access to Native Courts in his Province or Division, as the case may be, and to the records of such courts, and on the application of any person concerned or of his own motion may:—

Control of Native Courts to be exercised by Residents and District Officers.

- (a) review any of the proceedings (save and except a sentence of death) of a Native Court, whether civil or criminal, and may make such order or pass such sentence therein as the Native Court could itself have made or passed; provided that the Resident or District Officer shall not increase any sentence of fine or imprisonment or other sentence in any criminal proceeding, or make any order in any civil proceeding to the prejudice of any party in such proceeding, without first giving the accused or such party, as the case may be, an opportunity to be heard;
- (b) order any case to be re-tried either before the same Native Court or before any other Native Court of competent jurisdiction, or
- (c) order the transfer of any cause or matter either before trial or at any stage of the proceedings, whether before or after sentence is passed or judgment is given, to another Native Court or to a Magistrate's Court or to the High Court.

(2) A Resident may, on the application of any person concerned or of his own motion, annul any order made or sentence passed by a District Officer under the preceding sub-section and may substitute therefor any other order or sentence as

the Native Court could itself have made or passed; provided that the Resident shall not increase a sentence passed by a District Officer, or annul any order made by a District Officer or substitute therefor any other order to the prejudice of any party, without first giving the accused or such party, as the case may be, an opportunity to be heard.

(3) The powers conferred upon a Resident and District Officer by sub-section (1) and upon a Resident by sub-section (2) shall not be exercised after the expiration of six months from the termination of the proceedings in the Native Court, and in every case where any such power is exercised the Resident or District Officer shall record his reasons for exercising the same in writing in the Court Judgment Book.

(4) An order made or sentence passed under sub-section (1) may be amended by the Resident or District Officer within one month of his making the order or passing the sentence on recording his reasons for such amendment in writing in the Court Judgment Book.

(5) No order made or sentence passed by a Resident under sub-section (2) shall be amended, and no order made or sentence passed which has been amended by a Resident or a District Officer under sub-section (4) shall be the subject of further amendment.

(6) Where any order is made or any sentence is passed under sub-section (1), paragraph (a), by a Resident or District Officer or by a Resident under sub-section (2) there shall be the same right of appeal, if any, as if the order had been made or the sentence had been passed by the Native Court at the time of the making of such order or the passing of such sentence by the Resident or District Officer, and in any case in which leave to appeal is necessary the District Officer or Resident, as the case may be, shall have the same competence to give leave to appeal as the Court or District Officer, as the case may be, to which or whom the appeal lies, provided that where after an appeal has been begun any order made or sentence passed under sub-section (1) is replaced by another order or sentence under sub-section (2) or is amended, the appeal shall, if continued, be continued as an appeal against such latter order or sentence or against the original order as amended, as the case may be.

(7) The powers granted to a District Officer under the provisions of this section shall not be exercisable in a suit relating to the ownership, occupation or possession of lands

where the District Officer has sat as President of the Native Court during the hearing of the suit.

(8) The power granted to a District Officer under sub-section (1), paragraph (a), of reviewing any proceedings shall not be exercisable in a suit where the District Officer has sat as adviser in the Native Court during the hearing of the suit.

26. (1) A Resident may, with the approval of the Governor, by warrant under his hand, appoint the Court of a Chief Alkali, or the Native Court presided over by a head chief or a Court composed of not fewer than three of the chiefs or headmen in a Division, to be a Court of Appeal for all or any of the Native Courts in the Province.

Appoint-  
ment of  
Courts of  
Appeal.

(2) The Native Court presided over by a head chief appointed a Court of Appeal under sub-section (1) of this section shall, unless otherwise directed by the Governor, be designated a Final Native Court of Appeal.

27. (1) Any person aggrieved by any order or decision of a Native Court of first instance may, within thirty days from the date of such order or decision, appeal therefrom to the Native Court of Appeal, appointed as such under section 26 for such Native Court of first instance, or, such person—

Appeals.

(a) if there be no such Native Court of Appeal (other than a Final Native Court of Appeal) appointed as aforesaid, or

(b) if the Governor in any particular class of cases shall by an endorsement on the warrant of such Native Court of first instance so direct, and the case in which such order or decision was given is one of such class,—

may, within such period of thirty days, appeal to a Final Native Court of Appeal or to a Magistrate's Court or to the High Court as the Governor by such endorsement shall prescribe, provided always that—

(i) notwithstanding any endorsement on the warrant that an appeal shall lie in the Magistrate's Court, the person aggrieved may, if he so desires, where there is a Native Court of Appeal (other than a Final Native Court of Appeal), appeal to such Native Court of Appeal;

(ii) where there is no Native Court of Appeal (other than a Final Native Court of Appeal) and no such right of appeal to a Final Native Court of Appeal or a Magistrate's Court or the High Court is prescribed, an appeal shall lie to the District Officer in accordance with the provisions of the next succeeding section;

(iii) except in so far as the Governor may by an endorsement on the said warrant otherwise direct, no appeal shall lie to a Magistrate's Court or the High Court or a District Officer from any order or decision of a Native Court in any matter relating to marriage, family status, guardianship of children, inheritance, testamentary disposition or the administration of an estate.

(2) Any person aggrieved by any order or decision of a Native Court of Appeal (other than a Final Court of Appeal) may within thirty days from the date of such order or decision appeal therefrom to a Final Native Court of Appeal or to a Magistrate's Court as the Governor by order endorsed on the warrant of such Native Court of Appeal shall prescribe, provided always that where no such right of Appeal is prescribed an appeal shall lie from such Native Court of Appeal to the District Officer in accordance with the provisions of the next succeeding section.

(3) Any person aggrieved by any order or decision of a Magistrate's Court, whether made or given upon appeal from a Native Court of first instance or upon appeal from a Native Court of Appeal, may within thirty days from the date of such order or decision appeal therefrom to the High Court, provided always that there shall be no right of appeal to the High Court in any civil cause or matter from any order or decision of the Magistrate's Court without the leave of the latter court where the claim thereby determined shall not be of or above the value of ten pounds.

Provision  
for appeal  
in certain  
cases from  
Native  
Court to  
District  
Officer.

28. (1) Any person aggrieved by any order or decision of a Native Court of first instance or a Native Court of Appeal may, where under proviso (ii) of sub-section (1) of section 27 or the proviso to sub-section (2) of the said section the appeal lies to the District Officer and subject to proviso (iii) of sub-section (1) of the said section, within thirty days from the date of such order or decision appeal therefrom to the District Officer.

(2) Any person aggrieved by any order or decision of a District Officer, whether made or given upon appeal from a Native Court of first instance or upon appeal from a Native Court of Appeal, may within thirty days from the date of such order or decision appeal therefrom to the Resident.

(3) Any person aggrieved by any order or decision of a Resident, made or given upon appeal from a District Officer, may within thirty days from the date of such order or decision appeal to the Governor.

29. Where the District Officer has sat during the hearing of any case as President or adviser in any Native Court in his Division, any appeal which but for this section would have lain from such Native Court to the District Officer or to the Magistrate's Court, as the case may be, shall lie instead direct to the Resident or to the High Court respectively, notwithstanding that but for this section there would have been no appeal to that Court.

Procedure when appeal is from Native Court sitting with District Officer as President or adviser.

30. An appeal shall lie to the West African Court of Appeal from the order or decision of the High Court given on appeal from a Native Court of first instance subject to the conditions and in accordance with the provisions of the West African Court of Appeal Ordinance, 1933.

Appeal from High Court to West African Court of Appeal. No. 47 of 1933.

31. Notwithstanding the provisions of any preceding section of this Ordinance no appeal shall lie in a capital case after the expiration of fifteen days from the pronouncement of sentence.

Period within which appeal lies in capital cases.

32. The order or decision of a Final Native Court of Appeal under Section 27 (1) or (2), of the Governor under section 28 (3) and of the High Court under section 27 (3) or 29 shall be final and conclusive.

Finality of appeals.

33. Leave to appeal out of time to any court (including the Governor, the Resident and the District Officer, sitting in the exercise of their appellate jurisdiction under this Ordinance) may, except in the case of capital offences, be given by such court upon such terms as to such court shall seem just.

Appeals out of time.

34. The Governor may by rule prescribe that an appeal shall not lie in any specified class of case, whether civil or criminal, either at all or beyond any specified court.

Power of Governor to restrict appeals.

35. (1) A Native Court of Appeal, a Magistrate's Court, the High Court, a District Officer, or a Resident in the exercise of appellate jurisdiction in any cause or matter under this Ordinance may require the aid of such persons as assessors as such court or other authority shall think fit.

Assessors.

(2) The Chief Judge may by rule provide that the High Court shall sit with any two assessors selected from a panel of persons approved by the Governor for the purposes of this section when hearing appeals or any class of appeals from Native Courts or any Class of Native Courts or any particular Native Courts.

36. (1) A Native Court of Appeal, a Magistrate's Court, the High Court, a District Officer, a Resident or the Governor in

Powers on appeal.

the exercise of his appellate jurisdiction under this Ordinance may—

- (a) after re-hearing the whole case or not, make any such order or pass any such sentence as the court of first instance could have made or passed in such cause or matter;
- (b) order any such cause or matter to be re-heard before the court of first instance or before any other Native Court or before any Magistrate's Court.

(2) The Governor in the exercise of his appellate jurisdiction under this Ordinance may order a cause or matter to be re-heard before the High Court.

Chapter 3.  
Chapter 20.

(3) The provisions contained in the Supreme Court Ordinance and the Criminal Procedure Ordinance, relating to summoning witnesses, and to compelling their attendance and to their examination on oath, and to binding them over to give evidence, shall apply for the purposes of the exercise by the Resident and a District Officer of appellate jurisdiction under the provisions of this Ordinance.

Indemnity  
of officers  
acting  
judicially  
for official  
acts done in  
good faith,  
and of  
officers  
executing  
warrants  
and orders.

37. No person shall be liable to be sued in any court for any act done or ordered to be done by him in the exercise of jurisdiction conferred by this Ordinance, whether or not within the limits of his jurisdiction; provided that at the time of such act or order he believed in good faith that he had jurisdiction to do such act or to make such order; and no officer of any Native Court or other person bound to execute lawful warrants or orders issued or made in the exercise of jurisdiction conferred by this Ordinance shall be liable to be sued in any court for the execution of any warrant or order which he would be bound to execute, if the person issuing the same had been acting in the exercise of lawful authority.

Delegation  
of powers of  
Governor.

38. The Governor may delegate to a Lieutenant-Governor all or any of the powers conferred by this Ordinance on the Governor, and powers to grant to any offender convicted by a Native Court any remission of the sentence passed on the offender and to remit any fine, penalties or forfeitures imposed or ordered by a Native Court, and may delegate to a Resident powers to grant to any offender convicted by a Native Court any remission on medical grounds of the sentence passed on such offender:

Provided that it shall not be lawful for the Governor to delegate the powers of pardon or the commutation of sentence of death.

39. (1) Any person who shall exercise or attempt to exercise judicial powers within the area of the jurisdiction of a duly constituted Native Court, except in accordance with the provisions of any Ordinance, or who shall sit as a member of such court without due authority, shall be liable, on conviction before the High Court, a Magistrate's Court or a Native Court of Grade A, to imprisonment for a period not exceeding twelve months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine; provided that, in the case of a conviction before a Magistrate's Court, the Court shall not impose any such punishment in excess of the punishment which such Court is empowered generally to impose.

Adjudication without authority.

(2) Nothing in this section contained shall be deemed to prohibit any Chief, Headman or any other person from adjudicating as an arbitrator upon any civil matter in dispute where the parties thereto have agreed to submit the dispute to his decision.

40. Any clerk, scribe or member of a Native Court who shall knowingly render false returns of the cases tried or the penalties inflicted by such court shall be liable, on conviction before the High Court, a Magistrate's Court or a Native Court of Grade A, to imprisonment for two years, or to a fine of one hundred pounds, or to both such imprisonment or fine; provided that in the case of a conviction before a Magistrate's Court, the Court shall not impose any such punishment in excess of the punishment which such Court is empowered generally to impose.

Rendering false returns.

41. The Governor may declare that all or any Native Courts established under the Native Courts Ordinance in any specified district or area shall be deemed to be Native Courts established under this Ordinance, and to be severally of such grades as he may specify, and thereupon the jurisdiction conferred upon such courts under the Native Courts Ordinance shall be deemed to have been conferred upon such courts under this Ordinance and shall be exercised in all respects and may be determined or varied in accordance with this Ordinance, and nothing in the Native Courts Ordinance shall apply to any such courts.

Existing Native Courts. Chapter 5.

42. Where an appeal lies from the order or decision of a Native Court to a Magistrate's Court or to the High Court, the records or books of such Native Court relative to the appeal may be inspected by the Magistrate or any Judge of the High Court.

Power of Magistrates and Judges of High Court to inspect records.

- Enquiry of High Court as to whether person belongs to class of persons who have ordinarily been subject to jurisdiction of native tribunals.
43. If in any cause or matter (whether civil or criminal) proceedings have been instituted in a Native Court against a person who immediately before the trial of such cause or matter begins alleges that he is not subject to the jurisdiction of native tribunals, such cause or matter shall on the application of such person to the High Court be transferred to the High Court which shall enquire into and determine the truth of such person's allegations. Upon such determination as aforesaid, the High Court shall make such order for trial of the said cause or matter in the High Court, a Magistrate's Court or in a Native Court as in all the circumstances of the case seems just. An application for a transfer under this section shall operate as a stay of proceedings until the High Court has made such order.
- Publication in Gazette of jurisdiction of, and appeal courts for, Native Courts.
44. The Chief Secretary to the Government shall cause
- (a) the jurisdiction and power set forth in the warrant of every Native Court and any suspension, cancellation or variation thereof, and
  - (b) the appeal courts for every Native Court, to be notified in the Gazette.
- Power of Governor to make rules.
45. The Governor may make rules providing for any or all of the following matters:—
- (1) the fees to be charged in Native Courts and on appeals;
  - (2) the disposal and application of fines and fees received by Native Courts;
  - (3) the practice and procedure of Native Courts;
  - (4) the recording and perpetuation of the decisions of Native Courts in land cases by reference to plans and the fixing of landmarks, and the fees which may be charged by surveyors for any work done for the purposes of any rules made under this paragraph;
  - (5) providing for the carrying into execution of the decrees or orders of Native Courts or any class of Native Courts, and for the execution of the warrants and the service of the process of such courts or class of courts, where such decrees or orders are made or such warrants or process are issued in respect of persons or property not within the area of the jurisdiction of the Native Court making or issuing the same, and prescribing the courts or authority in the Colony or Protectorate by which the same shall be carried into execution, executed or served;
  - (6) prescribing the powers of Native Courts with regard to the imposition of corporal punishment or any kind of

such punishment and regulating the administration of the same, and providing for the detention where necessary of persons sentenced to corporal punishment pending confirmation of the sentence or pending appeal, and (7) generally for the carrying into effect the provisions of this Ordinance.

46. The Native Courts Ordinance and the Native Courts (Amendment) Ordinance, 1924 to 1930, are hereby repealed.

Repeal of  
Chapter 5,  
No. 7 of  
1924, No.  
11 of 1925,  
and No. 12  
of 1930.

## SCHEDULE

### (SECTION 8)

*Grade A.*—Full judicial powers in all civil actions and criminal causes, but no sentence of death to be carried out until it has been confirmed by the Governor.

Full jurisdiction in all matrimonial causes other than those arising from or connected with a Christian marriage as defined in section 1 of the Criminal Code.

*Grade B.*—Civil actions in which the debt, demand or damages do not exceed one hundred pounds.

In the Southern Provinces such jurisdiction in causes concerning land, or in which the title to land or any interest therein comes in question, as may be stated in the warrant or annexure thereto.

Full jurisdiction in causes relating to inheritance, testamentary dispositions, the administration of estates and in causes in which no claim is made for, and which do not relate to, money or other property, and full jurisdiction in all matrimonial causes other than those arising from or connected with a Christian marriage as defined in section 1 of the Criminal Code.

Criminal causes which can be adequately punished by imprisonment for one year, twelve strokes, or a fine of fifty pounds, or the equivalent by native law or custom.

*Grade C.*—Civil actions in which the debt, demand or damages do not exceed fifty pounds.

In the Southern Provinces such jurisdiction in causes concerning land, or in which the title to land or any interest therein comes in question, as may be stated in the warrant or annexure thereto.

Full jurisdiction in causes relating to inheritance, testamentary dispositions, the administration of estates and in causes in which no claim is made for, and which do not relate

to, money or other property, and full jurisdiction in all matrimonial causes other than those arising from or connected with a Christian marriage as defined in section 1 of the Criminal Code.

Criminal causes which can be adequately punished by imprisonment for six months, or in the case of theft of farm produce or live stock by imprisonment for twelve months, twelve strokes, or a fine of ten pounds, or the equivalent by native law or custom.

*Grade D.*—Civil actions in which the debt, demand or damages do not exceed twenty-five pounds.

In the Southern Provinces such jurisdiction in causes concerning land, or in which the title to land or any interest therein comes in question, as may be stated in the warrant or annexure thereto.

Full jurisdiction in causes relating to inheritance, testamentary dispositions, the administration of estates and in causes in which no claim is made for, and which do not relate to, money or other property, and full jurisdiction in all matrimonial causes other than those arising from or connected with a Christian marriage as defined in section 1 of the Criminal Code.

Criminal causes which can be adequately punished by imprisonment for three months, or in the case of theft of farm produce or live stock by imprisonment for six months, twelve strokes, or a fine of five pounds, or the equivalent by native law or custom.

## NATIVE AUTHORITY

Assented to in His Majesty's name in so far as the provisions hereof relate to the Southern Provinces of the Protectorate, and enacted by me in so far as the provisions hereof relate to the Northern Provinces of the Protectorate this 23rd day of November, 1933.

DONALD CAMERON,  
*Governor.*

No. 43.

1933.

### PROTECTORATE OF NIGERIA

*in the Twenty-fourth Year of the Reign of*

HIS MAJESTY KING GEORGE V

SIR DONALD CAMERON, G.C.M.G., K.B.E.

*Governor and Commander-in-Chief*

AN ORDINANCE TO PRESCRIBE THE POWERS AND DUTIES OF Title.  
NATIVE AUTHORITIES.

BE IT ENACTED by the Governor of the Protectorate Enactment.  
of Nigeria, with the advice and consent of the Legislative  
Council so far as the provisions hereof relate to the Southern  
Provinces of the Protectorate, as follows:—

1. This Ordinance may be cited as the Native Authority Short title,  
application  
and com-  
mencement.  
Ordinance, 1933; it shall apply to the Protectorate (including  
the Cameroons under British Mandate) and shall come into  
operation on a date to be fixed by the Governor by Notice in  
the Gazette.

2. In this Ordinance:—

Definitions.

'Chief' means any person recognized as a Chief by the  
Governor;

'Native' means any native of Nigeria who is ordinarily  
subject to the jurisdiction of a native court;

'Native authority' means any Chief or other native of  
Nigeria or other person or any native council or group  
of such natives or other persons appointed to be a  
native authority under this Ordinance for the area  
concerned;

'Resident' means the officer appointed by the Governor to be in charge of the Province concerned.

- Establishment of native authorities. 3. (1) The Governor, by notice published in the Gazette, may
- (a) constitute the office of native authority for any specified area;
- (b) appoint to such office so constituted any chief or other native of Nigeria or other person or any native council or group of such natives or other persons, and
- (c) may direct that any native authority appointed under this section shall be subordinate to any other native authority so appointed.
- Presumptions where persons discharging specified functions, etc., are appointed. (2) Where the person or persons for the time being discharging specified functions, or being members of a specified group are appointed to be a native authority under this section, a person shall be deemed to be lawfully discharging such functions or to be lawfully a member of such group if and so long as he is so recognized by the Governor or by such person as the Governor may direct.
- Limitation of powers of native authorities. (3) When constituting the office of a native authority, or at any time thereafter, the Governor may direct that such authority shall exercise only such of the powers conferred upon native authorities by this Ordinance as he may specify, and when any such direction shall have been given this Ordinance shall be deemed to confer upon such authority only such powers as the Governor shall have specified.
- Exceptions as regards persons over whom powers may be exercised. (4) The Governor may direct that any or all of the powers conferred by this Ordinance shall not be exercised over such persons or classes of persons as he may designate, and so far as regards such powers the native authority shall not be deemed to have jurisdiction over such persons or classes of persons within the meaning of this Ordinance.
- Revocation of orders and appointments. (5) The Governor may at any time revoke, suspend or vary any constitution, appointment, direction, or order made by him under this section, and may at any time order that any person or persons appointed to be a member or members of a native authority shall cease to be such member or members, and thereupon such person or persons shall cease to be a member or members of such native authority.
- Existing native authorities deemed to be. (6) Every chief or other person or any native tribunal who or which at the commencement of this Ordinance was a native authority within the meaning of the Native Authority Ordinance shall be deemed to be a native authority appointed under

and in accordance with this Ordinance for the area for which he or it was appointed under the Native Authority Ordinance.

appointed  
under this  
Ordinance.  
Chapter 73.

4. (1) It shall be the duty of every native authority to perform the obligations by this Ordinance imposed and generally to maintain order and good government in the area over which its authority extends, and for the fulfilment of this duty it shall have and exercise over the natives residing or being in such area the powers by this Ordinance conferred in addition to such powers as may be vested in it by any other Ordinance or by any law or custom, and, subject to any directions given by the Governor under sub-sections (3) and (4) of section 3, all such natives shall be deemed to be subject to the jurisdiction of the native authority.

Duties and  
powers of  
native  
authorities.

(2) The Governor in Council may with the approval of the Secretary of State by Order declare that native authorities or any class of native authorities or any particular native authorities shall have and exercise over any persons other than natives or classes of such persons residing or being in the several areas of the native authorities, all or any of the powers conferred upon or vested in native authorities by this or any other Ordinance, and so far as regards such powers native authorities or such class of native authorities or such particular native authorities shall be deemed to have jurisdiction over such persons or classes of such persons; provided that an Order made under this section shall not come into force without the consent, signified by resolution, of the Legislative Council, in so far as the Order relates to the Southern Provinces of the Protectorate.

5. It shall be the duty of every person subject to its jurisdiction, when thereto required by a native authority, to assist in carrying out the duties imposed upon such authority by this or any other Ordinance or, in the case of natives, by any native law or custom; and every person so required by a native authority shall be deemed to be empowered to do all that may be reasonably necessary to give effect to any lawful order given by such authority.

Duty of  
natives, etc.,  
to assist  
native  
authorities.

6. (1) It shall be the duty of a native authority to interpose for the purpose of preventing, and to the best of its ability to prevent, the commission of any offence within the area of its authority by any person subject to its jurisdiction.

Prevention  
of Crime.

(2) A native authority knowing of a design to commit an offence within the area of its authority by any person subject to its jurisdiction, may arrest or direct the arrest of such person,

if it appears to such authority that the commission of the offence cannot be otherwise prevented. Any person so arrested shall, unless he be released within twenty-four hours of his arrest, be taken forthwith before a Magistrate's Court or a Native Court having jurisdiction over him.

(3) Every native authority receiving information that any person subject to its jurisdiction who has committed an offence for which he may be arrested without a warrant or for whose arrest a warrant has been issued, is within the area of its authority, shall cause such person to be arrested and taken forthwith before a Magistrate's Court or a Native Court having jurisdiction over him.

(4) Every native authority receiving information that property of any description which has been stolen, whether within or without the area of its authority, is within such area, shall cause such property to be seized and detained pending the order of a Magistrate's Court or a Native Court having jurisdiction in the matter, and shall forthwith report such seizure and detention to such Court.

Duty to attend before Government Officers and others when so directed by native authority.

7. (1) It shall be the duty of every person subject to its jurisdiction, when so directed by a native authority, to attend before such native authority or before a Resident, an Administrative Officer or any other Government officer, or before a Native Court having jurisdiction over such person.

(2) Any such person who when so directed to attend before any such authority, officer or court, shall, without reasonable excuse, neglect or refuse to attend as and when directed, may be arrested in accordance with a warrant obtained under section 18 and taken before such authority, officer or court.

Power of native authority to issue orders.

8. Subject to the provisions of any Ordinance or other law for the time being in force, a native authority may, subject to the general or specific directions of the native authority, if any, to whom it is subordinate, issue orders, to be obeyed by such persons within its area as may be subject to its jurisdiction and to whom the orders relate, for all or any of the following purposes:—

- (a) prohibition, restricting or regulating the manufacture, distillation, sale, transport, distribution, supply, possession, and consumption of intoxicating liquors;
- (b) prohibiting, restricting or regulating gambling;
- (c) prohibiting, restricting or regulating the carrying and possession of weapons;
- (d) prohibiting any act or conduct which in the opinion of

- the native authority might cause a riot or a disturbance or a breach of the peace;
- (e) preventing the pollution of the water in any stream, water-course, or water-hole, and preventing the obstruction of any stream or water-course;
  - (f) prohibiting, restricting or regulating the cutting or destruction of trees;
  - (g) preventing the spread of infectious or contagious disease, whether of human beings or animals, and for the care of the sick;
  - (h) requiring such persons to report the presence within the area of its authority of any person who has committed an offence for which he may be arrested without a warrant or for whose arrest a warrant has been issued, or of any property stolen or believed to have been stolen whether within or without such area;
  - (i) prohibiting, restricting or regulating the migration of natives from or to the area of its authority;
  - (j) requiring the birth or death of any persons subject to its jurisdiction to be reported to it or to such person as it may direct;
  - (k) prohibiting, restricting or regulating the movement in or through the area of its authority of livestock of any description;
  - (l) prohibiting, restricting or regulating the burning of grass or bush, and the use of fire or lights in any manner likely to ignite any grass or bush in contravention of any law or regulation;
  - (m) for the purpose of exterminating or preventing the spread of tsetse fly;
  - (n) requiring any native to cultivate land to such extent and with such crops as will secure an adequate supply of food for the support of such native and of those dependent upon him;
  - (o) prohibiting, restricting, regulating or requiring to be done any matter or thing which the native authority, by virtue of any native law or custom for the time being in force and not repugnant to morality or justice, has power to prohibit, restrict, regulate or require to be done; and
  - (p) for any other purpose, whether similar to those hereinbefore enumerated or not, which may, by notice published in the Gazette, be sanctioned by the Governor, either generally or for any particular area.

Promulga-  
tion of  
orders.

9. Every order issued under section 8 of this Ordinance, other than an order directed to an individual, shall be made known to the persons by whom it is to be obeyed in such manner as is customary in the area of the native authority by which the order is issued, and where such persons include non-natives, the order shall also be made known by publication in the Gazette; and thereupon the order shall be binding on the persons by whom it is to be obeyed. Every order directed to an individual shall be binding upon him on his being notified by the native authority thereof.

Powers of  
Residents  
in relation  
to orders  
which may  
be issued  
by native  
authorities.

10. (1) Whenever in the opinion of a Resident it is expedient for the good order and government of the area of a native authority that any order should be issued which such authority is empowered to issue by section 8, the Resident may direct the native authority to issue and enforce any such order, and if the native authority shall neglect or refuse to issue the order which it is so directed to issue, the Resident may himself issue such order and thereupon such order, when made known in the manner prescribed by section 9, shall have the same force and effect as if it had been issued by the native authority.

(2) When a Resident is of opinion that any order issued by a native authority should not have been issued or should not be enforced, he may direct the native authority to revoke such order or to refrain from enforcing such order, or may himself revoke such order and may, with the consent of the Governor, require the repayment of any fine imposed by a Magistrate's Court or a Native Court or the release from custody of any person sentenced to imprisonment by any such Court for contravention of such order, whether before or after his direction to revoke or to refrain from enforcing such order, or his revocation of such order, was issued.

Breaches of  
orders  
under  
sections 8  
and 10.

11. (1) When a Native Authority issues an order under section 8 or a Resident issues an order under section 10, the Native Authority or the Resident, as the case may be, may specify a penalty for the breach thereof and may specify different penalties in the case of successive breaches, and such penalty or penalties shall be made known in the manner prescribed by section 9; provided that the penalty shall not exceed a fine of twenty-five pounds or imprisonment for six months or both such fine and imprisonment.

(2) Where no penalty is specified and made known under subsection (1) for the breach of an order issued by a Native Authority under section 8 or by a Resident under section 10,

any person who contravenes or fails to obey the order shall be liable to a fine not exceeding twenty-five pounds or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(3) Any person accused of the breach of such an order may be arrested in accordance with a warrant obtained under section 18.

12. (1) It shall be lawful for a native authority to order any person who, although subject to the jurisdiction of the native authority, is not a member of the native community living in the area of its authority, and who fails, when so required by the native authority, to produce reasonable proof to the native authority that his means and legitimate labour are sufficient for the adequate support of himself and his dependents, to leave such area within such time after the order has been communicated to him, not being less than fourteen days, as the native authority may direct;

Power of native authority to order stranger to leave its area.

Provided, however, that any person so ordered to leave such area may within fourteen days of the order being communicated to him appeal against the order to the Magistrate's Court, but the Court shall not set aside the order unless such person satisfies the Court that his means and legitimate labour are sufficient for the adequate support of himself and his dependents.

(2) Any person who fails to obey an order made under this section, or who, having left the area which he was directed by the order to leave, returns to such area without the consent of the native authority, shall be liable to a fine of twenty-five pounds or to imprisonment for six months, or to both such fine and imprisonment.

13. (1) Any person shall be liable to a fine of twenty-five pounds or to imprisonment for six months, or to both such fine and imprisonment, if—

Penalties for offences.

- (a) he contravenes or fails to obey any direction which by this Ordinance he is bound to obey;
- (b) he obstructs or interferes with the lawful exercise by a native authority of any powers conferred by this Ordinance.

(2) Any person shall be liable to a fine of fifty pounds or to imprisonment for one year or to both such fine and imprisonment if, not being a person exercising administrative functions with the approval of the Governor, or a native authority, or a chief, he shall profess to exercise administrative functions, or

hold himself out to be a chief or assume the powers of a native authority; provided that, except in so far as the Governor may by Order otherwise direct, no proceedings shall be taken for an offence against this sub-section without the consent of the Governor.

(3) Any person accused of an offence against this section may be arrested in accordance with a warrant obtained under section 18.

Penalty for  
conspiring  
against  
native  
authority.

14. (1) Any person shall be liable to a fine of one hundred pounds or to imprisonment for one year, or to both such fine and imprisonment, if he shall conspire against or in any manner attempt to undermine the lawful power and authority of any native authority.

(2) Except in so far as the Governor may by Order otherwise direct, no proceedings shall be taken for an offence against this section without the consent of the Governor.

(3) Except with the permission of the Governor no Native Court and no Magistrate's Court shall have jurisdiction to try an offence against this section.

Penalty to  
which  
native  
authorities  
are liable.

15. (1) A native authority shall be liable to a fine of fifty pounds upon conviction of any of the following acts or defaults—

- (a) if it shall wilfully neglect to exercise the powers by this Ordinance conferred upon it for or in respect of the prevention of offences or the bringing of offenders to justice, or the seizure of property stolen or believed to have been stolen;
- (b) if when required by a Resident or an Administrative Officer to give a direction to any person under section 7 it shall wilfully neglect to do so;
- (c) if when directed by a Resident to issue orders for any of the purposes specified in section 8 it shall wilfully neglect to issue the orders directed;
- (d) if it shall wilfully neglect to enforce any orders issued by it under the direction of a Resident or issued by a Resident under the powers conferred by sub-section (1) of section 10;
- (e) if it shall wilfully neglect to revoke an order when directed by a Resident under the powers conferred by sub-section (2) of section 10, or if it shall enforce or attempt to enforce any order after it has been directed as aforesaid to refrain from so doing;
- (f) if it shall wilfully neglect to enforce any lawful order

issued by a native authority to which it is subordinate;  
or

(g) if it shall be guilty of any abuse of authority conferred on it by this Ordinance or by any other law or by native custom.

(2) When a group of natives of Nigeria or other persons is collectively appointed to be a native authority proceedings may be taken against all or any members of such authority, either together or separately, in respect of any act or default punishable under this section, and upon proof of the commission of an offence by such authority every member thereof shall individually be liable to the penalties prescribed unless he shall satisfy the court that he was in no way responsible for or a party to the commission of the offence.

(3) No proceedings shall be taken in respect of an offence under this section without the permission of the Governor, and where such permission is given the proceedings shall be taken in a Magistrate's Court or in the High Court; provided that where a native authority is subordinate to any other native authority and the area for which it was appointed is within the jurisdiction of a Native Court of Grade A, such subordinate native authority or any members thereof may be tried for such an offence by such Native Court without the permission of the Governor.

16. (1) Subject to the provisions of any Ordinance or other law for the time being in force, a native authority, with the concurrence of the native authority, if any, to which it is subordinate, and subject to the approval of the Governor, may make rules providing for the peace, good order and welfare of persons within the area of its authority, including rules with regard to public services provided by the native authority in any capacity, the imposition of general or other rates in respect of the same, and fees to be paid in respect of any matter or act for which provision is made in any rule, and imposing as penalties for the breach of any rule a fine of fifty pounds or imprisonment for two years or both such fine and imprisonment.

Powers of  
native  
authorities  
to make  
rules.

Subject to any exception specified in such rules, all rules made under this sub-section shall apply to all persons who are subject to the jurisdiction of the native authority, and may apply to all other persons or to such other persons as the rules may specify.

(2) Every rule made under sub-section (1) shall be made

known in such manner as is customary in the area of the native authority by whom it is made, and where the persons by whom it is to be obeyed include non-natives the rule shall also be made known by publication in the Gazette; and thereupon shall be in force and, without prejudice to any other mode of proof, a certificate purporting to be signed by a Resident or an Administrative Officer shall be sufficient evidence of the terms of any such rule, that the concurrence of a superior native authority, if any, has been obtained, that the approval of the Governor has been given and that the rule has been made known as required by this sub-section.

(3) The Governor may at any time revoke any rule made by a native authority under this section and such revocation shall be made known in the manner herein prescribed for the promulgation of such rule and shall thereupon have effect.

(4) A person subject to the jurisdiction of a native authority who may be accused of an offence against rules made under this section may be arrested in accordance with a warrant obtained under section 18.

Preserva-  
tion of  
jurisdiction  
of courts  
concerned  
in the issue  
of orders  
and rules.

17. No Court shall be precluded from trying an offence under this Ordinance by reason of the fact that such offence, if committed, was a breach of an order, direction or rule issued or made by any member of the court as a native authority or member of a native authority.

Procedure  
for arrest  
under cer-  
tain  
sections.

18. Where a native authority desires that any person should be arrested under sub-section (2) of section 7, sub-section (3) of section 11, sub-section (3) of section 13 or sub-section (4) of section 16 the native authority shall apply to any court having jurisdiction over such person for a warrant directing the arrest of such person, and if a warrant issued by the court so directs, the native authority itself may cause such person to be arrested.

Delegation  
of powers.

19. The Governor may delegate to a Lieutenant-Governor or to a Resident such of the powers vested in him by this Ordinance as he may deem expedient, and subject to such conditions as he may impose, and may order that the exercise of any such delegated powers shall not require publication in the Gazette but shall be notified in such manner as is customary for the native community in the area concerned.

Power of  
Governor to  
make rules.

20. The Governor may make rules for all or any of the following purposes, that is to say:—

(a) for the regulation and government of prisons which are

under the control of Native Authorities, and providing for and regulating the remission of a portion of the sentence of prisoners detained in such prisons, and  
(b) for the better carrying into effect of the purposes and provisions of this Ordinance.

**21.** The Native Authority Ordinance and the Native Authority (Amendment) Ordinance, 1925-1930, are hereby repealed. <sup>Repeal of Chapter 73.</sup>

## LIST OF AUTHORITIES

### I. SHORT READING LIST

For the convenience of those who require only a short list of additional reading I have selected the following general works.

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