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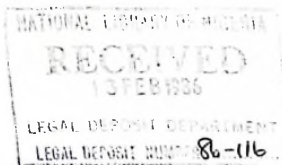
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of Kano Emirate 1900—1930



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**Government and Administration
of Kano Emirate 1900 — 1930**

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University of Nigeria Press, Nsukka

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To my indefatigable mother, Madam Agnes
Mgbokwo Ubah, and my loving and ever lovable
wife, Mrs Theodora Obiageli Ubah.

Contents

	<i>Page</i>
List of Maps	ix
List of Tables	ix
Plate	ix
Abbreviations.	x
Glossary	xi
Preface	xiii
 CHAPTER	
1. Precolonial Traditions of Government and Administration	
Major epochs of the precolonial period	1
Principles of government in the Sokoto Caliphate	5
The emirship under the Fulani	7
Administrative implications of the civil war	14
Territorial administration	17
Relations with Sokoto	20
Judicial administration	23
Revenue and expenditure	27
Islamic education	30
Administration of Kano, 1900	33
 2. Establishment and Crisis of British Administration, 1900—08	 35
Reactions to British conquest	37
Lugard's administrative principles.	38
The new administration, 1903—05	44
Territorial reorganization and the background to the crisis	50
Crisis in relationships, 1907	53
Escalation of the crisis, 1907—08.	55
The Hewby mission, 1908	60
 3. Evolution of a New Central Administration 1909—30	 65
Councillors and slaves	69
The Council of Three	74
The Council of Four	76
The central administration	80
The role of the British staff	81

Contents

4. Territorial Administration and Power Structure	8-
Kano city administration	8 ^m
Administration of the township	9 ^m
Evolution of districts	94
Politics of district headships	100
District administration	108
Village administration	116
The position of the British officials. . .	119
5. The Judicial System	122
Islamic law and the colonial situation	124
The <i>shari'a</i> courts and the provincial court. . .	126
Judicial administration of the township	131
Judicial implications of territorial reorganizations	134
Chief <i>alkali's</i> court and the judicial council: the question of supreme judicial power	137
The personnel of the courts	142
Relations with political authorities. . .	146
Practice and procedure	149
A special problem: the Maguzawa	152
6. The Fiscal System: Revenue and Expenditure	156
Changes in taxation	156
Sources for the payment of taxes. . .	171
Division of taxes between the colonial administration and the Kano Native Administration. . .	175
The <i>bait al mal</i> and the payment of N.A. personnel. . .	178
The N.A. and social services	183
7. Education and Manpower Development	188
Lugard and the education problem	188
Principles and objectives	191
Government schools, 1909—1915	193
Establishment of more schools	198
'New education policy'	200
Education and the staffing of N.A. services	202
Islamic education	205
8. Conclusion	208
Appendices	216
Sources and bibliography	232
Index	247

*Contents***Maps**

	<i>Page</i>
1. The Wards of Kano City	88
2. Districts and sub-districts, 1914	98
3. Location of districts, 1932	101

Tables

	<i>Page</i>
1. Control of districts by Fulani clans, 1907, 1930 and 1932	106
2. Evolution of districts, 1907—32	107

Plate

	<i>Page</i>
Abdullahi Bayero and his Council, 1934	84

Abbreviations

A.D.O.	Assistant District Officer
B.C.G.A.	British Cotton Growing Association
B.S.O.A.S.	Bulletin of the School of Oriental and African Studies
C.O.	Colonial Office
C.S.O.	Chief Secretary's Office
D.N.B.	District Note Book
D.O.	District Officer
G.O.K.	Governor's Office, Kaduna
H.M.S.O.	His/Her Majesty's Stationery Office
J.A.A.	Journal of African Administration
J.A.H.	Journal of African History
J.A.S.	Journal of African Society
J.H.S.N.	Journal of the Historical Society of Nigeria
KADMINEDUC.	Kaduna, Ministry of Education
Kano Prof.	Kano Province
Ms(s)	Manuscript(s)
NA.	Native Administration
N.A.I.	National Archives, Ibadan
N.A.K.	National Archives, Kaduna
P.R.O.	Public Records Office
P.W.D.	Public Works Department
S.N.P.	Secretary, Northern Provinces

A glossary of Selected Words, Titles, and Expressions

<i>Alkali</i> (pl. <i>alkalai</i>)	judge of a Muslim court
<i>Amir al-mu'minin</i>	Commander of the Faithful
<i>bait al-mal</i>	public treasury
<i>Chiroma</i>	title borne during this period usually by the eldest son of the ruling emir. The Chiroma became from 1915 the district head of Bichi
<i>dagaci</i> (pl. <i>dagatai</i>)	village head
<i>dan ijara</i> (pl. <i>yan ijara</i>)	court messenger (literally one who receives fee for summoning witnesses to court)
<i>dar al - Islam</i>	Muslim territory
<i>dar al - harb</i>	infidel territory
<i>dawa</i>	guinea corn
<i>diya</i>	blood money
<i>dogari</i> (pl. <i>dogarai</i>)	traditionally the emir's body-guard. N.A. Police during this period
<i>Fatiha</i>	opening chapter of the Qur'an
<i>fiqh</i>	the science of jurisprudence
<i>fuqaha</i> , (singular <i>faqih</i>)	jurists
<i>gatsuwa</i>	present (literally, greeting or compliment)
<i>Galadima</i>	formerly principal adviser to the emir; in the period covered by this study, firstly a territorial administrator and later one of the four chief advisers to the emir.
<i>hadd</i> (pl. <i>hudud</i>)	a fixed punishment for certain offences
<i>hadith</i>	tradition of the Prophet
<i>hakimi</i> (pl. <i>hakimai</i>)	district head
<i>hijra</i>	flight from non-Muslim territory
<i>haraji</i>	used in a special sense to refer to general tax
<i>izini</i>	authority to impart knowledge
<i>jakada</i> (pl. <i>jakadu</i>)	messenger, tax collector
<i>jangali</i>	cattle tax
<i>jihad</i>	holy war in aid of Islam
<i>ji'zya</i>	poll tax
<i>kharaj</i>	land tax
<i>kofa</i> (pl. <i>kofofi</i>)	intermediary (literally, door or gate)
<i>kudi</i>	money.
<i>kudin gida</i>	hut tax
<i>kudin gona</i> (<i>taki</i>)	farm tax
<i>kudin kasa</i>	land tax
<i>kudin karofi</i>	tax on dye-pits
<i>kudin sarauta</i>	money paid in respect of appointment to an office
<i>kudin.shuke/rafi</i>	tax on various kinds of crops grown on irrigated land
<i>limam</i>	a Muslim leader who officiates at prayer
<i>Madaki</i>	traditionally, commander of the cavalry and member of the electoral council. During this period the Madaki became a resident territorial administrator of Dawakin Tofa district

<i>magatakarda</i>	and was later appointed councillor in charge of district affairs
<i>Ma'aji</i>	emir's chief scribe traditionally the emir's private treasurer, the Ma'aji became in the 20th century the officer in charge of the public treasury and the emir's chief financial adviser
<i>maiungwa</i> (pl. <i>masu</i>)	ward head
<i>ungwoyi</i>	a hereditary title of the Jobawa clan, the Makama was traditionally a member of the electoral council and during this period he was the district head of Wudil
<i>Makama</i>	a judicial assessor in the <i>alkali's</i> court
<i>mufti</i> (pl. <i>muftai</i>)	deputy
<i>na'ibi</i>	judge of a Muslim court
<i>qadi</i>	office, title
<i>sarauta</i>	king, chief, emir
<i>sarki</i> (pl. <i>sarakuna</i>)	a hereditary title of the Dambazawa clan, the Sarkin Bai was the commander of the rearguard of the army and an electoral councillor. During this period he was the district head of Danbatta.
<i>Sarkin Bai</i>	
<i>Sarkin Dawaki Maituta</i>	traditionally the flag bearer, and a member of the electoral council, this official became in course of this period charged with responsibility for the administration of Gwarzo district
<i>Sarkin Dawaki Tsakar Gida</i>	title usually borne by a member of the ruling family. During this period it carried the headship of Gwaram district
<i>Sarkin Musulmi</i>	Commander of the Faithful
<i>Sarkin Yaki</i>	officer in charge of military affairs. Title abolished at the beginning of this period, later revived, and again dispensed with
<i>shari'a</i>	Islamic law
<i>sunna</i>	precedents, i.e. practices set or endorsed by the Prophet
<i>talaka</i> (pl. <i>talakawa</i>)	a commoner
<i>sura</i>	chapter of the Qur'an
<i>tafsir</i>	commentary on the Qur'an and the science of interpretation
<i>talaq</i>	repudiation
<i>ta'rikkh</i>	history
<i>tawhid</i>	the science of the oneness of God
<i>ujera</i>	10% charge accruing to the state for the administration of the estates of deceased persons.
' <i>ulama</i> '	the Muslim intelligentsia
<i>ushiri</i>	10% charge, accruing to the state, of judgement fee at the <i>alkali's</i> court
<i>wakili</i> (feminine <i>wakilia</i>)	representative
<i>waziranci</i>	office of Waziri
<i>Waziri</i>	principal adviser to the emir. The Waziri was the councillor responsible for judicial matters
<i>yan gadi</i>	city police
<i>zakka</i> (<i>zakat</i>)	alms tax
<i>zina</i>	illicit sexual intercourse

Preface

Since the past fifty years scholars dealing with African history have shown varying degrees of interest in colonial rule. The British system of imperial administration known as Indirect Rule has invariably attracted a great deal of attention. In 1928 R.L. Buell produced *The Native Problem in Africa*, and eight years later Lucy Mair's *Native Policies in Africa* appeared. Both authors showed interest in Indirect Rule, but in the Nigerian context the first attempt at a detailed study of the subject was Dame Perham's *Native Administration in Nigeria* which was published in 1937. As pioneer works these studies did command and still attract a lot of interest inspite of the limited facilities and techniques of investigation at the disposal of their authors.

For over two decades now African scholars have been writing on the theme of colonial rule in Nigeria. Some of these works have now been published and have added substantially to our understanding of the subject. The approach of the African authors differ in several ways from that of their expatriate colleagues. For instance, each author has limited his inquiry to a particular area of the country and thus carried out a study in depth. He has also made a more critical use of documentary sources than the earlier generation of writers ever cared to do, quite apart from utilizing in his reconstruction information retrieved from oral evidence — again a technique which was alien to the pioneer authors.

These efforts have resulted in a growing number of publications such as *The Niger Delta Rivalry* (London, 1969) by Obaro Ikime; *The Warrant Chiefs* (London, 1972) by A. E. Afigbo, who dealt with Indirect Rule in South Eastern Nigeria; *The New Oyo Empire* (London, 1973) by J. A. Atanda, who studied Indirect Rule in Western Nigeria; *Western Yorubaland under European Rule 1889—1945* (London, 1976), which is a comparative study of British and French colonialism by A. I. Asiwaju; *The Kano Civil War and British Over-rule 1882—1940* (Ibadan, 1978) by A. M. Fika, and *Benin under British Administration* (London, 1979) by P. A. Igbafe. The revised version of P. K. Tibenderana's 'Administration of Sokoto, Gwandu and Argungu Emirates under British Rule, 1900—1946' (Ph.D. thesis University of Ibadan, 1974) is already in press.

As a result of all these works it has been established that colonial rule did not mean the same thing in two different places. For there were differences in the circumstances as well as in the character and calibre of men, both white and black, whose responsibilities it was to make the system work. There were also differences in the circumstances, character, and traditions of the Nigerian peoples on whom colonial rule was imposed.

Government and Administration of Kano 1900—1930 is a revised version of a thesis which was submitted to the University of Ibadan in 1973. It is essentially a study of Indirect Rule in the Muslim emirate of Kano during the critical decades of colonial rule. The case for a work of this nature is very obvious. The Muslim emirates of

Preface

Northern Nigeria were supposed to have been the testing ground for the Indirect Rule principles which were later exported to other areas of Tropical Africa under British rule. The way this system was applied at Kano which was regarded as a model emirate under Indirect Rule principles—and its implications for the state and society—deserve a more systematic study than is available in the current literature. This book makes an extensive use of documentary sources and an equally extensive use of oral evidence which has either not been sufficiently utilized or not taken into account at all in the existing works. The study also takes into consideration to a degree that has not been attempted before the basically Islamic character of Kano state and society of the pre-conquest period and examines the changing patterns of government and administration during the period covered against this background. Because of the neglect of oral sources adequate attention was not paid in the past to the way colonial innovations affected the people of Kano and how they themselves saw the changes taking place in their midst.

The year 1900 was significant in official British theory as marking the establishment of a protectorate over Northern Nigeria, but Kano emirate remained practically outside effective control until its military subjugation in 1903. Yet our starting point is 1900 and not three years later because quite apart from the existence of a paper protectorate much of the administrative principles that were later applied to Kano was formulated during that year. The study ends in 1930, by which time the government and administration of Kano had taken a form that remained more or less in tact until the constitutional developments that followed the end of the Second World War. In fact 1930 is merely a convenient terminal date because the preceding years had already seen the emergence of an order to which nothing new was added until the postwar period.

As the following chapters will show, the common view that Indirect Rule worked smoothly in the Muslim emirates is fallacious. Also British rule at Kano was not always Indirect, and more dislocations of the pre-British system of government and administration occurred than are generally recognized.

This work has involved me in more debts than I can fully acknowledge here. However, I should express my thanks to Professor C. C. Ifemesia, formerly of the Department of History, University of Ibadan, but now of the University of Nigeria, Nsukka, and Professor J. O. Hunwick, formerly of the Department of Arabic and Islamic Studies, University of Ibadan, both of whom — but for the Nigerian crisis and civil war — would have jointly supervised the thesis out of which this work has grown but who gave me much needed advice and encouragement during my short period of association with them.

For the initial encouragement, at the end of the war, to return to Ibadan and continue my research I am grateful to Professor A. E. Afigbo of the Department of History, University of Nigeria, Nsukka. My friend, Mazi N. C. Okpareke, now the Principal of Community Secondary School, Ohakpu, Imo State, strongly supported me in moral and material terms and remained, throughout the thesis stage, a pillar of strength to me.

I am also grateful to the Department of History, University of Ibadan, for financial assistance which it made available to me to meet part of the expenses of my field work. I should also thank the Department for strongly supporting my application to the Federal Ministry of Education to visit Britain in 1971 to collect additional data needed for this study. In London I was blessed with the kind assistance of my cousin, Professor G. O. Nwankwo, now of the University of Lagos (but in the service of the Central

Preface

Bank of Nigeria as Executive Director — on leave of absence), and his wife, Mrs E. U. Nwankwo, who provided me with numerous facilities which greatly aided my researches in Britain.

To Professor Abdullahi Smith of the Department of History, Ahmadu Bello University, Zaria, I am grateful for all his help, advice, and encouragement during my severel discussions with him between 1970 and 1972. Professor Smith also made his advice easily available to me when I was dealing with the problems of revising the thesis. At Oxford I had the good fortune of meeting two old friends: Mr A. H. M. Kirk-Greene, of St. Anthony's College, Oxford, who read the first draft of all the seven chapters of the thesis and gave me general advice, and Mr T. L. Hodgkin, then of the Institute of Commonwealth Studies, Oxford, who read a redraft of my first chapter besides helping me in other ways. I am also grateful to Dr John Ballard, then of the Institute of Commonwealth Studies, University of London, who was able to read through the draft of my first four chapters and make useful suggestions. To Professor Obaro Ikime I owe a great debt for the great personal interest he showed in the thesis and for advising me on the lines of revision. I have no way of amply expressing my debt of gratitude to my supervisor, Dr R. A. Adeleye, from whom I derived considerable help and inspiration. The guidance which he provided throughout the various stages of the thesis was a great asset to me.

I wish to thank the staff of the following institutions for their assistance: the National Archives, Kaduna; the National Archives, Ibadan; the Public Records Office, London; and the British Museum. For using their libraries and other facilities I am greatly indebted to the University of Ibadan, Ahmadu Bello University, and the Universities of London and Oxford.

My indebtedness to all classes of Kano people is really very difficult to express. The Emir, Alhaji Ado Bayero, was kind enough to grant me an interview. The Madaki, Alhaji Shehu Ahmed, was deeply involved in this research. Apart from granting me interviews, he provided me with every moral and material support and encouragement without which my tour of the districts would have been impossible. All the district heads of Kano helped me in more ways than I can mention. While all of them deserve to be mentioned here, I cannot, for reasons of space, refer to more than a few names for their generous assistance: the late Sarkin Shanu, Mallam Muhammadu Bashiru, the news of whose death I received with a great shock; Sarkin Karaye, Alhaji Garba; Sarkin Rano, Mallam Abubakar; Dan Amar, Alhaji Hamid Bayero; Sarkin Gaya, Alhaji Adamu Sufyanu; Turakin Kano, Alhaji Muhammadu ('Maje Abdu'); Sarkin Birnin Kudu, Alhaji Yaqub; Makaman Kano, Alhaji Bello; Sarkin Fulani Jaidanawa, Alhaji Umoru Babura; and Tafidan Kano, Alhaji Mahmud.

I also benefited enormously from various kinds of help rendered me by the Sarkin Dawaki Maituta, Alhaji Bello Dandago, who largely made my work in Kano city possible. The Administrative Secretary of the Kano Local Government Administration, Alhaji S. A. Bayero, gave me advice and co-operation which I found very useful. The late Waziri of Kano, Alhaji Abubakar Dokaji, helped me very greatly in several ways, and I am equally grateful to his brother and successor as Waziri, Alhaji Shehu. To Mallam Hamza and other informants too numerous to mention individually throughout Kano I express my sincere thanks for the assistance they have given me in this attempt to reconstruct their history. All through my field work the devotion and commitment of my interpreters — Mallams Salih, Ali Datti, and Muhammadu Salisu gave me a great deal of satisfaction.

Preface

I should also express my thanks to Mr Femi Dada of the University of Ibadan who, in a very sympathetic way, handled the work of typing the entire thesis at various stages. For the typing of the manuscripts after revision I owe some gratitude to Mr Festus Eze of the Institute of African Studies, University of Nigeria, Nsukka. Finally, I wish to record my indebtedness to my mother, Madam Agnes Mgbokwe Ubah, and my wife, Mrs Theodora Obiageli Ubah, to both of whom this book is right-heartily dedicated. At the end of the Nigerian civil war when there was hardly anything to support her and my younger relations my mother bore with great patience and understanding the problems resulting from my return to the University of Ibadan to complete my doctoral thesis. With comparable patience and understanding my wife bore the various privations which the revision of the thesis brought to the family.

C. N. U.

University of Nigeria
Nsukka
5 December 1981

1. Precolonial Traditions of Government and Administration

The main issues in the government and administration of Kano in the early decades of the twentieth century cannot be understood except against the background of some events of earlier historical periods. In particular, they cannot be properly understood without reference to the developments of the nineteenth century. At least four major epochs can be discerned in the history of Kano up to the eve of colonial conquest in 1903. Each epoch inherited something of administrative significance from the preceding period but at the same time had a clear line of development of its own. Since much of what happened during these epochs is central to the description and analysis of the crucial developments that followed the imposition of British colonial administration, it is necessary to examine them briefly.

MAJOR EPOCHS OF THE PRECOLONIAL PERIOD

The first epoch can be referred to as the Abagayawa period which began with the foundation of the city sometime in the remote past and ended about the year 1000 A.D. According to one of the legends relating to the foundation of Kano, the nucleus of the city was laid at Dalla — the highest hill inside Kano city — by a blacksmith called Kano who had migrated from Gaya¹ in search of iron ore.² There still live in Kano city today people who claim to be, and are addressed as, the Abagayawa or descendants of the man from Gaya. Abagayawa society recognized no paramount political authority, but it found a unifying force in its religion of spirit worship.

During the second epoch Kano society began to develop centralized political institutions with the establishment of a ruling dynasty. All known accounts of the origin of the institution of chieftaincy at Kano associate it with the Bayajida legend.³ In Kano traditions the first king of what is now generally referred to as the Habe line of rulers is given as Bagauda, son of Bawa, and grandson of the legendary Bayajida. Bagauda's rule is said to have been established by the sword; an important development of this

1. Gaya town lies some forty miles east of modern Kano. There is a strong tradition in Gaya that the town was founded before Kano.
2. W.F. Gowers, *Gazetteer of Kano Province* (London, 1921), p.8.
3. The Hausa states of Kano, Katsina, Rano, Biram, Daura, Zaria, and Gobir have a common tradition of origin based on the legend of Bayajida. For different versions of this legend see E. J. Arnett, 'A Hausa Chronicle', *Journal of the African Society* Vol. 9, 1909—10, pp. 161—7; Heinrich Barth, *Travels and Discoveries in North and Central Africa* (London, 1857), Vol. 11 p. 117; Alhaji Hassan and Mallam Shu'aybu, *A Chronicle of Abuja* (Ibadan, 1952), pp. 1—4

period was the attempt by his successors to consolidate royal power and establish ascendancy over their subjects. Their effort was a success, and this success would appear to have been due to some extent to increasing contact with the outside world and to the introduction of novel instruments of coercion. Shields were first introduced and used as military weapons under Yanusa (1136—94);⁴ Yanusa's successor, Nagu (1194—1247), was the first to try the expedient of taxation when he levied a land tax on his subjects. Kanajiji (1390—1410) introduced iron helmets and coats of mail, and in the time of Dauda (1421—38) a fugitive prince from Borno, named 'Uthman Kalinwasa arrived with guns. It was inevitable that these developments should increase the effectiveness and the coercive powers of the government.

The third epoch began with the introduction of Islam which placed the state on the path of development along Islamic lines. According to the 'Kano Chronicle', Islam was introduced in the second half of the fourteenth century with the arrival of the Wangarawa during the reign of Yaji (1349—65).⁵ There is no doubt that the coming and consolidation of the new religion had profound administrative implications for Kano. It affected the principles and practices of government on the part of early Muslim rulers, but not until the time of Muhammad Rumfa (1463—99) were bold steps taken to organize the territory as an Islamic polity.

Rumfa's model of government was drawn from a variety of sources. For instance, there was the administrative legacy inherited from his predecessors, and there was also the influence of foreign courts. This legacy consisted in the existence of powerful offices of state the incumbents of which shared power with the emir in the government of the territory. The most important of these were the offices of Galadima and Madaki both of which were probably as old as the Kano monarchy itself.⁶ Traditionally the Galadima was the right hand man of the monarch while the Madaki was the commander of a major military formation, the cavalry. Part of Rumfa's contribution to the evolution of a bureaucratic system lay in his organization of a formal council of state which with himself as head formed Kano's governing body. This council, known as *Tara ta Kano* or the Council of Nine, included two slave officials one of whom was a eunuch with the title of Sarkin Bai.⁷ Smith has pointed out that the creation of this council and the appointment of eunuchs to offices were reflections of the impact of the court of Borno.⁸

Finally, there was the undoubted influence of Muslim intellectuals, above all that of one of the most celebrated jurists of his day, Muhammad b. 'Abd al-Karim al-Maghili who composed for him the *Risalat al-Muluk*, a guide on Islamic administration

4. In the matter of these dates I have followed the 'Kano Chronicle'. It is not now generally accepted that H.R. Palmer's reconstruction based on this Chronicle is accurate, but nobody has as yet provided us with a working alternative. The 'Kano Chronicle' is at present our major written source of information for the study of precolonial Kano. The full text translated from Arabic appears in H. R. Palmer, *Sudanese Memoirs* (Lagos, 1928) Vol. III, pp. 97—132.
5. Palmer, p. 104. For the view that Islam was introduced a century later see M. A. Al-Hajj, 'A Seventeenth Century Chronicle on the Origin and Missionary Activities of the Wangarawa', *Kano Studies* Vol. 1 No. 4, 1968, p. 8.
6. Both offices are mentioned by the 'Kano Chronicle' in the reign of Bagauda's successor, Warisi (1063—95).
7. M. G. Smith, 'The Beginnings of Hausa Society, A.D. 1000—1500' in J. Vansina, R. Mauny and L. V. Thomas, *The Historian in Tropical Africa* (Oxford, 1964), p. 351.
8. *Ibid.* In Borno, the ruling Saif dynasty embraced Islam as far back as 1086

which is widely known as *The Obligations of Princes*.⁹ This treatise was an attempt to explain the juridical basis of an Islamic administration, the duties of a ruler towards his subjects, his responsibilities in the organization of the state machine and in the maintenance of the Islamic religion. We are now familiar with some of the practices and innovations attributed to this reign, including the appointment of *qadis* or judges of Muslim courts, the first celebration of the Islamic '*Ids* (festivals), appointment of eunuchs to offices of state, and the introduction of slippers adorned with ostrich feathers as part of royal paraphernalia. Appointment of *qadis* and celebration of '*Ids* emphasize the increasing amount of Islamic impact, while appointment of slaves and eunuchs to state offices illustrate the growing strength of the royal household.

The overall effect of Rumfa's rule was that the position of the ruler became stronger than it was before his accession because he carried further the process of centralization of political power. The evidence available shows that his successors were generally able to maintain the effectiveness of the central power. Though power was centralized the ruler was by no means absolute because he had to take the views of his council into consideration. One fact which emerges from the 'Kano Chronicle' is that kings were sometimes made and unmade according to the conflicting interests of a factious nobility. Disagreements between king and council or between different factions within the council invariably led to political instability or even civil war. Besides, some of the territorial chiefs in the countryside such as Sarkin Gaya (King of Gaya) and Sarkin Karaye (King of Karaye) were capable of mustering sizeable armed forces to threaten the government if policies hostile to them were pursued. In order to rule at all the king of Kano had to ensure that no big interest was inadequately recognized; in particular, he had to endeavour to avoid a coalition of forces against himself.

Later rulers of the Habe period certainly lacked Rumfa's international status and his degree of commitment to Islam, but they inherited and bequeathed a tradition of administration which continued to be of relevance to Kano even after the revolution of the early nineteenth century. That there was something wrong with the state of Islam at this time there is now no doubt.¹⁰ Yet as the century opened nothing clearly suggested that there would be a fundamental re-organization of the government of Kano. Pious Muslim clerics may have secretly expressed doubts as to the legitimacy of the existing social and political order, but there were no signs that a profound revolution was in the making. Yet, in less than a decade Habe rule was swept away, and this ushered in the fourth epoch and the last turning-point in the annals of the administration of precolonial Kano.

The crisis which confronted the Habe rulers of Hausaland at the beginning of the century had its origins in Gobir where a famous Fulani cleric called Usman dan Fodio and his growing community of religious reformers had got into trouble with the ruler of that state over questions of the state of Islam.¹¹ Usman dan Fodio, popularly referred to as the Shehu, finally proclaimed a *jihad* against Gobir, and this had important reper-

9. T. L. Baldwin, *The Obligations of Princes* (Beyrut, 1932).

10. See J. H. Greenberg, *The Influence of Islam on a Sudanese Religion* (New York, 1946).

11. The biography of Usman dan Fodio has been receiving attention. See D. M. Last, *The Sokoto Caliphate* (London 1967), pp. 3—22; F. H. el-Ma'rri, 'A Critical Edition of Dan Fodio's *Bayan Wujub al-Hijra 'ala l-'Ibad'* (Ph.D. thesis, Ibadan, 1968), pp.1—96; I. A. B. Balogun, *A Critical Edition of the Ihya' al Sunna...* (Ph.D. thesis, London, 1967), pp.23—41.

cussions throughout the Hausa states and beyond.¹² Events in Gobir crucially affected Kano where the Shehu's followers reacting to pressures from the last Habe ruler of Kano, Muhammad Alwali (1787—1806), organized themselves for war and eventually succeeded in taking over political power.

The main events leading to the final collapse of Habe power are now known at least in outline and need no recapitulation here.¹³ What needs to be emphasized is the significance of this *jihad* for the administrative history of Kano. The fundamental changes brought about by this revolution and the extent to which Kano society continued to depend on accumulated historical experience will be demonstrated in the rest of this chapter. Meanwhile it is important to note that the defeat of the Habe resulted in the dispossession of their office-holders, the sequestration of their estates, and the installation of the Fulani as the new ruling class. The Fulani were no strangers to Kano by the time of the *jihad*. Their first entry into Hausaland is said to have taken place in the second half of the fifteenth century,¹⁴ and long before the beginning of the nineteenth century the sedentary type among them had settled in various places within Kano territory. Even more important than the rise of a new ruling class was the incorporation of the state in a new polity — the Sokoto Caliphate. The establishment of the Sokoto Caliphate was a major political revolution in nineteenth century Hausaland, and its impact on the Kano scene was tremendous. The leaders of the *jihad* — notably Usman dan Fodio, his brother, Abdullahi dan Fodio, and his son, Muhammad Bello — came to power with a clear idea of the kind of state and society which they wanted to establish. Their extensive study of classical Muslim authorities led them to their ideal of a properly organized *dar al-Islam* or Islamic territory as essentially distinct from *dar al-harb* or non-Islamic territory which the Hausa states were presumed to represent. Much as they admired the world of the first four Caliphs,¹⁵ this ideal was, in the main, the Abbasid Caliphate, as has been convincingly argued.¹⁶ The principles of government which were approved for the administration of the new polity are clear in their own writings. These principles deserve some examination because they vitally affected the administration of nineteenth century Kano in a number of ways. Besides, they are

12. There has been a considerable amount of writing on the subject of this *jihad*. See, for instance, H. R. Waldman, 'The Fulani *jihad*, a reassessment' *Journal of African History*, vi, 3 (1965) 33—35; Last pp. 1—29; H. A. S. Johnston, *The Fulani Empire of Sokoto*, (Oxford, 1967, pp. 26—46; R. A. Adeleye, *Power and Diplomacy in Northern Nigeria 1804—1906* (London, 1971) pp. 23—37.
13. For a brief account based partly on Muhammad Zangi b. Salih, *Taqid al-akhbar* see C. N. Ubah, 'Kano Emirate in the 19th Century: A Study of Political Developments' (thesis in part-fulfilment of the requirements for M. A. degree in African Studies, Legon 1965), pp. 10—17. The *Taqid al-akhbar* was written by Muhammad Zangi b. Salih who held the office of *qadi* in the reigns of Usman (1846—55) and Abdullahi Maje Karofi (1855—82). A very short but useful summary also based on Salih appears in D. M. Last, 'A solution to the problems of dynastic chronology in 19th century Zaria and Kano', *Journal of the Historical Society of Nigeria (J.H.S.N.)*, Vol. 3, No. 3, 1966, 462—4. The conventional narrative is contained in S. J. Hogben and A. H. M. Kirk-Greene, *The Emirates of Northern Nigeria*, (London, 1966), pp. 197—8. See also H. A. S. Johnston *The Fulani Empire of Sokoto* (London, 1967), pp. 65—9.
14. That was in the reign of Yaqub (1452—63), *vide* Palmer, p. III.
15. The first four Caliphs were 'Abubakar, 'Umar, 'Uthman, and 'Ali.
16. M. Hiskett, 'An Islamic tradition of reform in Western Sudan from the 16th to the 18th century', *Bulletin of the School of Oriental and African Studies* (hereafter abbreviated *B.S.O.A.S.*) XXV, 3, p. 592. See also M. Hiskett, *The Sword of Truth* (New York, 1973).

points to bear in mind while considering another set of administrative principles enunciated by a new set of conquerors early in the twentieth century.

PRINCIPLES OF GOVERNMENT IN THE SOKOTO CALIPHATE

Although many of the relevant texts have not been studied, we now have a fairly clear picture of the kind of state which the leaders of the *jihad* visualized. The principles of government which were considered proper for the guidance of the administrators are explicitly stated in their own works. The ideal aimed at was the establishment of a just and rightly ordered government which could cater for the spiritual and material well-being of Muslims. This basic objective had been enshrined in Muhammad al-Maghili's *Risalat al-Muluk* which remained an authoritative reference work after the *jihad*. According to Mallam Nasiru Kabara,¹⁷ the *Risalat* was a subject of discussion between Abdullahi and the Kano *ulama* when the former visited the Kano community after the expulsion of the Habe rulers.¹⁸

The leaders of the *jihad* regarded all believers in their cause as members of one community or *umma*. This community must be provided with a central leadership, and in the *Wathiqat ahl al-Sudan* the Shehu himself advocated the appointment of an *Amir al-Mu'minin*¹⁹ to whom obedience by all was mandatory.²⁰ But the community occupied areas of land which were too vast for direct and effective administration by the Caliph. This underlined the need for decentralization and delegation of powers explicitly stated by the Shehu in the *Bayan Wujub al-Hijra*.²¹ Delegation of powers to provincial governors or emirs was seen as an imperative necessity, and each emir was to be held fully responsible for the proper ordering of the affairs of the particular region to which he was appointed.²²

The principle of delegation of powers was emphasized in Abdullahi dan Fodio's *Diya' al-Hukkam* which was specially written for the guidance of the Kano community during the author's visit after the expulsion of the Habe rulers. The *Diya' al-Hukkam* was for the Kano *ulama* a major work on the principles of Islamic administration similar in its prescriptions to the *Risalat al-Muluk* written three centuries earlier.²³ The book was divided into five chapters dealing with crucial issues of the time: conditions under which migration was imperative, election of an *imam*²⁴ and his functions, the deputies of an *imam*, obligations of *jihad*, and Islamic administration.²⁵

Like al-Maghili before them the leaders of the *jihad* warned in their works that the welfare of the people was the essential goal of Islamic government. These works

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17. Mallam Nasiru Kabara, interviewed at Kano 15 June, 1972. Mallam Nasiru Kabara is still a leading member of the Kano *ulama*.
 18. In his *Tazyin al-Waraqat* (translated and annotated by M. Hiskett, Ibadan, 1963) Abdullahi makes reference to this visit to Kano and his exhortation to the Kano community.
 19. That is, 'Commander of the Faithful' or 'Caliph' (Hausa: *Sarkin Musulmi*)
 20. A. D. H. Bivar, 'Wathiqat ahl al-Sudan', *Journal of African History (J.A.H.)*, 11, 2, 1961, p. 240.
 21. El-Masri, p. 429.
 22. *Ibid.*, p. 430.
 23. J. N. Paden, *Religion and Political Culture in Kano* (Berkeley, 1973), p. 215.
 24. Abdullahi used this word in place of what Usman dan Fodio called '*amir*' (emir).
 25. Paden, p. 215.

stress the responsibilities of rulers rather than their rights and privileges. The duties which the Shehu considered incumbent on the emirs were substantially the same as those which Bello urged on Ya'qub, first Fulani Emir of Bauchi, and were similar to what Abdullahi prescribed to the holders of such appointments. These included jihad against unbelievers, war against corruption and illegalities, repair of the mosque, establishment of the five prayers in them, reading the Qur'an, pursuing knowledge and reforming the markets.²⁶ In a letter to Umar Dallaji, first Fulani Emir of Katsina, Bello stated that an emir was directly responsible for fostering the economic and social welfare of his people, and he stressed the need to support and encourage artisans to build walled towns as well as maintain roads and bridges.²⁷

The principle of delegation of powers required that not only the Caliph but also the territorial emirs should have subordinate officials or *nuwu'ab*²⁸ to assist them in the work of administration. Concentration of powers in one man must have been seen as likely to lead to inefficiency and misgovernment. In the '*Usul al-Siyasa*' Bello advised emirs to appoint eminent people to influential positions, although he did not specify what titles should be conferred on them.²⁹ The Shehu himself recommended the appointment of only four ministers to assist each Muslim ruler: the Waziri, who should be his principal adviser on general matters; a God-fearing *qadi*³⁰ to uphold divine law; a *sahib al-shurta*³¹ to protect the weak from the strong; and a commissioner with responsibility for collecting land tax.³² The Waziri and the *qadi* also rank highest in Abdullahi's list of deputies to the *imam*. These two officials were of special interest; the Waziri, because he was regarded as the right hand man of the emir; the *qadi*, because of the premium placed on the enforcement of divine law and on the prohibition of evil and injustice.

Another important question raised in the sources is the method of succession to the emirship. The jihadists were agreed that succession by hereditary right, presumed to have been the tradition of the Habe rulers, was wrong and so they commended the elective principle. To be eligible for election a candidate was expected to possess certain qualifications. For instance, he must be a mature Muslim of sound mind and judgment and he must be capable, pious, and competent in law.³³ In his *Sabil al-Salama*, Abdullahi insists that the electors should belong to the *ulama* class, that they should not be related to any of the competing candidates, and that the latter might not be of the preceding emir's family.³⁴ These provisions were explicitly aimed at preventing the emergence of dynasties and ensuring that power devolved on candidates most qualified to hold it at particular points in time. When elected, the emir should avoid harsh measures, rule with justice, and cultivate the friendship of the '*ulama*' who were the custodians of Islamic culture.³⁵

26. M. Hiskett, '*Kitab al-Farq*', *B.S.O.A.S.*, XXIII, 3, 1960, p. 570. Cf Bello's letter to the Emir of Bauchi, in *Last*, p. 56.

27. B.G. Martin, 'A Muslim political Tract from Northern Nigeria: Muhammad Bello's *Usul al-Siyasa*' in Daniel F. McCall and M.R. Bennet (eds.) *Aspects of West African Islam* (Boston, 1971), p.84.

28. Singular, *na'ib* (deputy, representative)

29. Martin, *ubi supra*, p. 85.

30. A Muslim judge.

31. A chief of police.

32. Hiskett, '*Kitab al-farq*', p. 570. also el-Masri, pp. 411—4.

33. El-Masri, pp. 404, 407, 430.

34. Paden, p. 220.

35. El-Masri, pp. 407—9.

Usman dan Fodio prescribed obedience not only to the *Amir al-Mu'minin* but also to all his deputies. Disobedience or disloyalty to a properly constituted authority was disallowed. Abdullahi makes this point unequivocally in the *Diya al-Hukkam*, and according to Bello a ruling emir could be disposed of only if he abandoned Islam or was physically incapacitated.³⁶ This respect for stability was part of their heritage. Classical theorists were of the opinion that Muslims should, in the interest of stability, rather accommodate the injustice of rulers than put up with anarchy or civil war which disobedience to authorities could generate.³⁷

Finally, rules were enunciated on the question of what could be regarded as the legitimate sources of state revenue and how these should be expended. Quoting different authorities the Shehu accepted the following sources of revenue as duly sanctioned by law: the fifth part of war booty, the tithe or *zakat*, poll tax or *jizya*, land tax or *kharaaj*, *jai'* (property taken from the infidel without fighting); surplus, or that portion of inheritance left after all legitimate claimants had taken their shares; and property whose heirs were not known.³⁸ This list roughly agrees with that given by Abdullahi.³⁹ In the matter of expenditure, the Shehu stated that the 'fifth' and the *jai'* should be spent especially on fortifications, purchase of weapons, payment of troops, payment of officials, and on works of public utility such as construction of mosques and bridges.⁴⁰

From what we have discussed, there is no doubt that the jihadists were completely dissatisfied with contemporary trends in politics and administration and were firmly resolved to bring about a new social order. It is against this background of the basic principles of Islamic administration that the developments of the nineteenth century will be examined. Our starting point is the emir, the Caliph's representative in Kano and the leader of the local Muslim community — the chief executive around whom every other office revolved and who had the supreme task of establishing the ideal society in this part of the Caliphate.

THE EMIRSHIP UNDER THE FULANI

After the expulsion of the last Habe *sarki* from Kano it became a matter of urgent necessity to appoint an emir because the local Muslim community or *umma* should have a generally acknowledged head. Victory had been won, but the war captains could not agree on an over-all leader. The leadership crisis seems to have been precipitated by the death in course of the campaigns of Mallam Muhammad dan Zabuwa who appears to have been the undisputed leader of the Fulani of Kano.⁴¹ In a move to provide themselves with an *imam* leaders of the Kano community met Muhammad Bello at Birnin Gada where one of them, Mallam Suleimanu, was appointed first Fulani

36. Paden, pp. 219—21.

37. R. Levy, *The Social Structure of Islam* (Cambridge, 1969), p. 291

38. Hiskett, *ubi supra*, p. 571. See also el-Masri, pp. 520—21.

39. For the authorized sources of revenue given by Abdullahi, see P. D. Ayegere, "The Life and Works of Abdullahi b. Fudi" (Ph.D. thesis, Ibadan, 1971) p. 354.

40. Hiskett, *ubi supra*, p. 571; el-Masri, p. 521.

41. According to Fika, dan Zabuwa was a wealthy cattle owner but was not learned. The speculation that dan Zabuwa was for this reason not appointed leader of the Jihad in Kano may be correct. See A. M. Fika, *The Kano Civil War and British Overrule 1882—1940* (Ibadan, 1978), p. 16.

emir (1806—19)⁴². Suleimanu is often said to have been one of the Fulani leaders who received a flag from the Shehu for the conquest of Kano, but the evidence for this supposition is not very strong. His political influence among the Fulani would seem to have been negligible; certainly he played no active part in the military operations which led to the fall of the Habe.⁴³ By all accounts, however, he was a man of great learning and piety, and he thus possessed important qualifications which were stipulated for the post. A member of the Modibawa clan, the new emir lacked the political status necessary to command the obedience of the leaders of the more powerful Fulani clan who appear to have regarded the bases of his selection as unnecessarily doctrinaire. Although Bello had warned the gathering of Kano mallams at Birnin Gada against the dangers of internal dissension,⁴⁴ it is clear from the 'Kano Chronicle' that the emir faced considerable difficulties resulting from the dissatisfaction of some Fulani leaders with his appointment.⁴⁵ Suleimanu's position was thus quite precarious. The emir had neither the military power to compel obedience nor the political skill to outmanoeuvre his opponents. His strength lay in the fact that the leadership of the Caliphate was not prepared to be intimidated by the opposition to his appointment, and by the willingness of the Kano Fulani to compromise once the firmness of the central government on this issue was known. Even then in relation to other Fulani leaders who held important positions under him the emir was never much more than a *primus inter pares*. Known for the simplicity of his private life, he enjoyed a great deal of reputation among all classes for his honesty and integrity in the conduct of public affairs. He was unique among the rulers of the nineteenth century as the only emir who performed the religious function of leading the Muslim community in prayer and at the same time discharged other duties of administration ascribed to the office. But to the end of his reign Suleimanu faced the jealousy of several powerful Fulani clan leaders who held political offices under him and whose services he could not dispense with. In particular, he was never reconciled to Dabo Dambazau, the head of the powerful Dambazawa clan which played a leading role in the struggle that terminated Habe rule.

Under Suleimanu's successor, Ibrahim Dabo (1819—46), the emirship was placed on a firm political footing. Dabo did not face some of the problems which nearly paralyzed Suleimanu's emirship. He was a member of a powerful Fulani clan, the Sullubawa, which was conspicuous for its role in the *jihad*. He had acquired a high degree of political experience, having held under his predecessor the office of Galadima which ranked next to the emirship in importance. Before being appointed Galadima, Dabo had founded a well known mosque in the galadanci quarter of the city and had served as its *limam*.⁴⁶ Yet the new reign did not begin without serious difficulties. Dabo Dambazau did not at first cheerfully accept the new emir, but he is said to have been neutralized by Muhammad Bello's promise that he would be successor to the Sullubawa candidate.⁴⁷ The late emir's brother, Muhammad Sani, was also alienated,⁴⁸ having

42. E. J. Arnett, *The Rise of the Sokoto Fulani* (Lagos, 1922), p. 86.

43. His name is not mentioned in the campaigns described by Salih in the *Taqid al-akhbar*.

44. Arnett, p. 86.

45. For those problems see Palmer, pp. 127—8. For a similar problem in a neighbouring emirate, see R. W. Hull, 'The Development of Administration in Katsina Emirate Northern Nigeria 1887—1944' (Ph.D. thesis Columbia University, 1968), pp. 30—2.

46. In the Kano context the special function of the *limam* was to lead the community in prayer.

47. Abubakar Dokaji, *Kano Ta Dabo Cigari* (Zaria, 1958), p. 82. Muhammad Bello had by then succeeded his father as Caliph.

48. Palmer, p. 128.

surely expected to succeed to the vacancy. Outside Kano city very many of the local chiefs were rebellious. Both the 'Kano Chronicle' and the *Taqid al-akhbar* show that the insurrection against the new emir was widespread. The most serious of the revolts was that organized by Dan Tunku of Danbatta whose allegiance to Suleimanu had been superficial and who now wanted a *de jure* independence of the Emirs of Kano.⁴⁹ Dabo was compelled to impose his authority by force — a task which was not accomplished until after several years' hard fighting.⁵⁰ Though he captured Danbatta, the emir was forced to recognize the independence of Dan Tunku who managed to carve out a new emirate for himself.⁵¹ But clearly the position of the emir had ceased to be that of a *primus inter pares*. The net result of the unco-ordinated revolts was the emergence of a strong emir whose power was feared or respected throughout Kano.

By the time Dabo died in 1846, members of the generation of the Fulani leaders who took part in the *jihad* were either very old or had also passed away. It was comparatively easy for Dabo's eldest son, Usman, to succeed to the position with no serious grumbling from any side.⁵² However, the new emir was not endowed with the energy of his predecessor, and this made it possible for his younger brother, Abdullahi, who held the office of Galadima, to assume greater responsibilities than would have otherwise been the case.⁵³ The galadimaship provided Abdullahi, just as it had provided Dabo, with essential training in the management of state affairs. When the Galadima was appointed to the emirship he was already used to the exercise of power, and he allowed none of his officials the kind of discretion which he himself had enjoyed under Usman. Through a rigid system of control and supervision, he maintained ascendancy over his officials, always dismissing those of them whom he considered incompetent, uncontrollable, or disloyal.⁵⁴ Offices frequently changed hands as one incumbent or the other fell from power. Not even the emir's own son, Yusuf, who at one stage held the office of Galadima, escaped constant surveillance. When Yusuf was in his own turn disgraced, the emir conferred the office of Galadima on his own personal secretary, Ibrahim, who did not even belong to the ruling family. The frequency and facility with which officials were made and unmade reflected the increasing strength of the emirship, and under Abdullahi the practice, begun earlier in the century, of appointing slaves to offices assumed wider dimensions.

On the death of Abdullahi, Muhammad Bello (1882—92) succeeded to a position which had been greatly consolidated. The reign began when Bello was already well

49. Alhaji Harisu, aged about 74 years, and Mallam Muhammadu, aged about 67 years, interviewed at Danbatta, 10 August, 1972. The approximate ages of informants (where available) will be indicated when they are introduced for the first time. Subsequently also the town or village in brackets represents the place where the interview was held.
50. For Dabo's campaigns which gave him the nick-name of Cigari ('conqueror of towns') see Palmer, p. 129 and the *Taqid al-akhbar* folios 19—23.
51. For what was probably Dabo's last expedition against Dan Tunku (1924) which was a dismal failure, see Clapperton, *Journal of Excursion* (London, 1926) p. 49. For the resulting emirate of Kazaure, see Hogben and Kirk-Greene, pp. 472—4.
52. Even Dabo Dambazau who, according to Salih, was still alive, seems to have accepted the change gracefully.
53. In his *Travels and Discoveries in North and Central Africa* (London 1857) Vol. II, p. 110, Heinrich Barth who actually visited Kano during this reign, notes that the Galadima enjoyed as much authority and influence as the emir.
54. The 'Kano Chronicle' (Palmer, p. 131) states that the number of those turned out of office was countless.

advanced in years, and as was the case during the time of Usman the emir showed little leadership in the management of public business. However, the government of Kano had become so stabilized that the emir's old age and infirmity did not engender armed opposition to his rule. Some of the most questionable appointments to and dismissals from state offices were made during this reign yet Bello left behind him a reputation for generosity and saintliness. An issue which consistently influenced his conduct of affairs was his desire to ensure that after him Kano was ruled by his own direct descendants. To this end he maintained very cordial relations with the Caliph, Abd al-Rahman, appointed his own sons to important offices, and dismissed from their positions those office holders whom he thought might be obstacles to the realization of his supreme objective. This explains, for instance, the removal of Ibrahim from the office of Galadima and the appointment to that position of his own son, Muhammad Tukur.⁵⁵ This pre-occupation with the future of his house was a major factor in the civil war which followed the succession of Muhammad Tukur to the emirship after his death.⁵⁶

Tukur did in fact succeed his father but his emirship ushered in chaos and ended in disaster. His appointment in 1893 was challenged by the ex-Galadima, Yusuf, and subsequent events demonstrated Tukur's ineffectiveness as emir. Totally lacking initiative and hopelessly dependent on advice from Sokoto, the emir was forced into a civil war which brought his shaky administration to an ignominious end in 1894. Aliyu, brother of Yusuf and the eventual victor in the civil war, was able to restore order and establish a strong and stable government. We shall return to the question of the civil war later in this chapter.

The crisis which led to the civil war was precipitated by the failure to appoint on the death of Bello a successor who was acceptable to all the parties to the dispute. It is interesting to note that this crisis occurred at a time when some of the views of the theorists on the subject of succession had ceased to engage the attention of the Caliphate. The line of pious and learned mallams began with Suleimanu and ended with Dabo. Usman apparently owed his appointment less to his reputation for learning and piety than to the fact that he was the eldest son of the preceding emir. By 1846 dynastic system had become so firmly established at Sokoto itself that the application of the same principle of succession to the Kano context did not seem strange to contemporaries. The appointment of Abdullahi confirmed that the Habe method of succession by hereditary right had been fully revived, but at no time was the succession of any candidate considered automatic.

In other words, although in course of the nineteenth century Fulani emirship acquired a hereditary character a choice always had to be made between two or more candidates within the established lineage. The principle of election was practised through the institution of an electoral council made up of representatives of the four leading Fulani clans which had been most actively involved in the conquest of Kano. These were the Yolawa, who held the title of Madaki; the Jobawa, who held the office of *Makama*; the Sullubawa, who acquired the title of Sarkin Dawaki Maituta; and the Dambazawa, who held the office of Sarkin Bai.⁵⁷ On the death of an emir it was the

55. For details of appointments and dismissals under Bello see Palmer, p. 132.

56. The Kano civil war is known in local literature as *basasa* or *yakin yusuhenci*. The supporters of Yusuf were referred to as the Yusufawa and those of Tukur as the Tukurawa.

57. Essentially, these titles represented military offices. For instance, the Madaki was the commander of the main cavalry formation, while the Sarkin Bai protected the rear of the army.

duty of the electors to nominate as successor a candidate who seemed to them most capable of discharging the functions attached to the office, and if the Caliph accepted the recommendation the candidate would be appointed.⁵⁸ Thus a candidate's chances might depend to some extent on the kind of image which he had built up for himself in the eyes of the Caliph. Since the first two Fulani emirs were directly appointed by Muhammad Bello it follows that the electoral college did not formally function as such until after the death of Dabo. All the electors were affected by the wholesale redistribution of offices which was effected at the end of the civil war. They were dismissed on charges of being in collusion with Tukur and the Caliph, and their positions were given to members of their own families who had been hostile to the Tukurist side.

The responsibilities of the emirs were quite considerable and the extent to which they were personally involved in executing them depended on their individual abilities and circumstances. After the reign of Sulaimanu the duty of leading the community in prayer which Muslim jurists usually recognized as a key function of the *imam* was delegated to a *liman*.⁵⁹ The *limanship* became a highly specialized function, and the emirs concentrated on matters of politics and general administration.⁶⁰ The first man to hold this position was Mallam Sulaimanu, the great grandfather of the present *liman*, Mallam Dalhatu. Apart from dealing with matters of general concern, the emirs also advised subordinate chiefs on how to handle local problems. These included military strategy, arms supply, espionage, commercial regulations, constructing of mosques, famine relief, shortage of water, and the like.⁶¹ Such problems were normally discussed when local chiefs visited Kano, but if the emirs wished to issue instructions at any other time political and other agents were sent to the *sarakuna*⁶² concerned.

Warfare was a major pre-occupation of the emirs and their officials, and it was their duty to provide some of the weapons needed for the purpose. Dabo, Abdullahi, and Aliyu frequently led military expeditions themselves and appointed high-ranking officials to assume the command if they were unable to take part.⁶³ The problem of defence greatly mounted in the second half of the century when the Ningawa became a menace to the southern areas of Kano and the people of Damagaram and Maradi terrorized the northern parts. The Ningawa were a non-Muslim people and were regarded as a special problem by the Muslim emirs. *Jihad* against them was thus a religious duty, but more often than not the Ningawa themselves were on the offensive. Since some of the local chiefs often faced enemy attacks without the participation of the central government, the emirs frequently sent consignments of arms to support them. Aliyu fought the Ningawa relentlessly and on one occasion he lost his son, the Turaki

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58. Sarkin Dawaki Maituta, Alhaji Muhammad Bello Dandago, 50, 29 June, 1972 (Kano). At the time of the interview Alhaji Dandago was in charge of Kano city administration. He was descended from a family which has had client relationship with the Sullubawa emirs.
 59. 'Limam' is the Hausa rendering of 'Imam'
 60. *Limam* of Waje, Mallam Muhammadu Dan Amu, 19 June, 1972 (Kano); *Limam* of Kano, Mallam Dalhatu, 23 June, 1972. (Kano).
 61. Mallam Hamza, 109, 25 June, 1972 (Kano); Also Alhaji Usman, 75, 8 June, 1972 (Kano). Mallam Hamza was for about twenty years associated with the administration of precolonial Kano as a messenger (*yakada*) in the household of a senior Kano official.
 62. Plural of *sarki*, king. The word will be used to refer to the subordinate chiefs in the rural districts.
 63. Mallam Nagwaram, 60, 15 June, 1972 (Kano); also Mallam Hamza, 25 June, 1972 (Kano).

Muhamma, in an unsuccessful offensive against Danyaya, Sarkin Ningi, at Tifi.⁶⁴ The southern parts of Kano were in a permanent state of war with the enemy,⁶⁵ and to the north the frontier towns of Kunchi and Babura were under regular instruction to keep Damagaram quiet.⁶⁶

Apart from all these responsibilities, the emirs devoted a considerable amount of time to dispensation of justice.⁶⁷ Also, the task of collecting and expending revenue according to the law was essentially theirs, and here as elsewhere a lot of business was done by accredited officials in the name of the emirs.⁶⁸ State officials were numerous and were often of a highly specialized type. Appointment to offices was governed by such factors as ability, social status, and hereditary privilege. For example, some offices were meant for highly skilled men, some were reserved for people of low birth, while others were exclusive to certain families. As with appointments so also with promotions, demotions, and dismissals — the emirs were expected to use their discretion judiciously.

The bureaucratic system of the nineteenth century was probably more complex than that of any period under the Habe. While the details cannot be worked out now it appears certain that some Habe offices were not revived under the Fulani and that certain offices were created by the latter to deal with the special circumstances of the nineteenth century. In the last century also, the status requirements of certain offices were altered to meet the convenience of the new rulers. For instance, in the Habe period the offices of Sarkin Bai and Wambai were held by slaves; in course of the nineteenth century it was customary to reserve both offices for men of noble birth from certain Fulani clans.

Like their Habe predecessors the rulers of the nineteenth century had a council of state which retained its name of *Tara ta Kano*. This council remained the highest policy making body in the emirate and its decision on any issue was expected to be final and binding on the emir.⁶⁹ The German Traveller, Heinrich Barth, referred to the existence of a sort of 'Ministerial Council' which acted in conjunction with the emir and which the latter could not avoid consulting in important cases.⁷⁰

The first four members of this Council about whom there was no disagreement among the best of informants on the subject were: Madaki, Makama, Sarkin Bai, and Sarkin Dawaki Maituta.⁷¹ As we have already noted, these offices made up the electoral cabinet and thus constituted a separate council within the supreme council. The Madaki was a kind of field marshal commanding the cavalry; hence his title which written

64. Mallam Abdulmini, 71, 10 September, 1970 (Kano). This informant is the eldest surviving son of the Emir, Aliyu. He spent many years with the emir at Lokoja whither the latter was exiled by the British.

65. Mallam Abdullahi (nicknamed 'Manya'), 69, 4 Aug., 1972 (Gwaram).

66. Sarkin Ya, Umoru, 50, 8 Aug., 1972 (Kunchi); Dawaki Adamu, 95, 11 Aug., 1972 (Babura).

67. Judicial administration will be discussed later. See *infra*, pp. 23—26.

68. For revenue matters *vide infra* pp. 27—30.

69. Galadiman Kano, Alhaji Muhammad Sanj Bayero, district head of Gwarzo, 47, 11 July, 1972 (Gwarzo); Sarkin Shanu, Mallam Muhammadu Bashiru, district head of Kiru, 68, 14 July, 1972 (Kiru); Turakin Kano Muhammadu, district head of Jahun, better known as Maje Abdu, 58, 29 July, 1972 (Jahun); Wamban Kano, Alhaji Abubakar Sanusi, 42, 8 Aug., 1972 (Bichi).

70. Barth, pp. 144—5.

71. Maje Abdu, 29 July, 1972 (Jahun); Mallam Hamza, 25 Aug., 1972 (Kano); Mallam Isyaku, 60, 27 Aug., 1972 (Kano).

in full would read *maidawaki* (owner of horses)⁷². The Makama was a senior military official and it would seem that he took his position just in front of the emir when the army was going or returning from an expedition.⁷³ The Sarkin Bai led the rear-guard of the army,⁷⁴ and the Sarkin Dawaki Maituta had the custody of the flag which had been received from Usman dan Fodio by leaders of the Kano *jihad*.⁷⁵ It is said that if the first three of these senior officials called on the emir he must leave whatever he was doing and attend to them with all speed.⁷⁶

A very important member of the council was the Galadima. In the nineteenth century Kano hierarchy the Galadima retained his position as next to the emir in importance at least before the creation of the office of Waziri late in the century, but he did not enjoy the same privilege as the first three senior members of the council because the holder of the title was usually a member of his own clan and might be his own son or brother. If the Sarkin Dawaki Maituta, the Galadima, and the Barde (or according to some other accounts the Sarkin Dawaki Tsakar Gida) called on the emir, he was bound to come out and see them, but he would do so at his own convenience. The Barde was a senior military official and marched with his men behind the emir; before the civil war the title could be conferred on any free man of ability, but after the civil war it was held for the first time by a member of the royal family in the person of Abdu, Aliyu's senior brother.⁷⁷ The Sarkin Dawaki Tsakar Gida was closest to the emir among the senior officials who came behind him in the battle field and thus provided him with necessary security. If for any reason the emir left his position it was immediately taken over by him and during this time he was entitled to all the respects due to the emir.⁷⁸

The remaining three members of the council were the Wambai, the Chiroma (according to other accounts the Turaki or the Dan Iya) and the Waziri (according to some informants, the Sarkin Yaki — when there was no Waziri). If these three officials wanted to see the emir he might come out to meet them but only at his own convenience and he might even refuse to see them altogether.⁷⁹ These distinctions within the council gave rise to the popular saying that three members were above the emir, three his equal, and three his junior.⁸⁰ The Wambai was a senior official ranking, outside the council, fourth in the hierarchy — that is, after the emir, Galadima, and Madaki.⁸¹ Like the Wambai, the Chiroma was a member of the royal family and was usually a senior son of the reigning emir. The office of Waziri is not of long standing in Kano; it came into existence after the civil war when Aliyu conferred the title on

72. Madakin Kano, Alhaji Shehu Ahmad, 65, 24 June, 1972 (Kano). Alhaji Shehu Ahmad, whose office co-ordinates the activities of all district heads, is currently the second most powerful man in the emirate, next only to the emir himself.

73. Makaman Kano and district head of Dawakin Tofa, Alhaji Bello, 65, 9 Aug., 1972 (Dawakin Tofa).

74. N. A. K. Kano Prof. 6/1, No. 39, Danbatta Gazetteer.

75. Sarkin Dawaki Maituta, Alhaji Bello Dandago, 29 June, 1972 (Kano).

76. Galadiman Kano and district head of Gwarzo, Alhaji Muhammad Sani Bayero, 11 July, 1972 (Gwarzo); Sarkin Shauu, 14 July, 1972 (Kiru); Turakin Kano, 29 July, 1972 (Jahun).

77. Barden Kano, Alhaji Ibrahim Bayero, district head of Gwaram, 40, 3 Aug., 1971 (Gwaram).

78. Sarkin Dawakin Tsakar Gida, Alhaji Isa Abbas, district head of Sumaila, 60, 30 July, 1972 (Sumaila).

79. Turakin Kano, Maje Abdu, 29 July, 1971 (Jahun).

80. Mullah Habu, 78, 30 July, 1972 (Jahun).

81. Wamban Kano, Alhaji Abubakar Sanusi, district head of Bichi, 42, 8 Aug., 1972 (Bichi).

his senior brother, Ahmadu.⁸² It would seem that the respective standings of the Galadima and the Waziri were not clarified by Aliyu, hence there have been differing views among informants as to which of the two was the new emir's deputy.

The problem of determining who were the members of the Council of Nine is difficult to solve. While the number seems from all indications to have been fixed, it was not impossible that each emir decided who the members should be. On the other hand, it is evident that there were offices which were permanently included in the list. Whatever the case, the more important thing was that the ruler was assisted by such a council whose advice he was not supposed to ignore. But in spite of this, personal or autocratic government was not rendered impossible. There was no local machinery for ensuring that the emirs were called to order if they exceeded or abused their powers. However, informants insisted that any major issue affecting the emirate must be brought to the attention of the councillors: questions of war and peace, and instructions from the Caliph were among matters which ordinarily had to be raised before them.⁸³

It would appear, however, that the actual role of the council in the government of the emirate depended at least to some extent on the personality of the ruling emir. Under a weak emirship such as that of Sulcimanu and Usman the ruler would seem to have been guided by the advice of his council to a greater extent than was the case in the time of powerful emirs like Dabo and Abdullahi. Informants' accounts strongly suggest that Aliyu at times ignored his council or acted on its behalf in important matters. Aliyu's undue freedom resulted in part from the enormous powers which he acquired following his complete victory in the civil war.

ADMINISTRATIVE IMPLICATIONS OF THE CIVIL WAR

The Kano civil war is a major theme of a recent study,⁸⁴ and although the subject deserves more attention than it has hitherto received we shall be mainly concerned here with its consequences for the administration.⁸⁵ On the death of Bello the Waziri of Sokoto, Muhammad Bukhari, who was then at Kano, appointed Tukur to the emirship on the instruction of the Caliph who had not sought the opinion of the electoral council. But the ambitious ex-Galadima, Yusuf, who considered that he had a better title to the emirship than Bello's son refused to recognize the proceedings. Followed by a large number of supporters including his numerous brothers, family slaves, clients, and sections of the lawless and criminal elements within the city, he left the city for Takai which had been a base of his military operations during his days in office under his father. There he was proclaimed emir, and to all intents and purposes the civil war had broken out.

This war was in fact imposed on the people of Kano. Outside the house of the fourth Emir, Abdullahi, all who held offices of note under Bello took the side of authority

82. Mallam Abdulmini, 7 Sept., 1970 (Kano).

83. Turakin Kano, 30 July, 1972 (Jahun); Mallam Isyaku, 25 Aug., 1972 (Kano).

84. Fika, pp. 50—83.

85. For some other accounts of the civil war *vide* Hogben and Kirk-Greene, pp. 202—204; Last, pp. 134—6; Ubah, pp. 90—117; Paden, pp. 261—66; Adeleye, pp. 97—103.

and supported the appointment of Tukur. In the countryside, virtually all the *sarakuna* also accepted the succession of the new emir.⁸⁶ In a society like Kano, the voice of the rulers was invariably that of their subjects. This show of massive support for Tukur is not consistent with the often repeated view that his cause was unpopular. At all events it means that the generality of the people of Kano preferred stability to chaos such as would result from any acts challenging to the authorities.

Yusuf died in course of the war of natural causes and this threw the command into the hands of his hardly less energetic brother, Aliyu. The subsequent siege of Kano, Tukur's flight into Katsina emirate, his final defeat and death at Tafashiya (March, 1895) brought matters to a decisive end. At long last the Sarkin Musulmi had no real choice but to recognize Aliyu's accession by right of conquest and for the first time in the nineteenth century Sokoto had absolutely no say in the making of an Emir of Kano.

That the Yusufists should have had not only their say but also their way was for the office-holders a fact no less critical in its implications than the original Fulani victory over the Habe nine decades earlier. In some respects, the Kano civil war brought about changes almost as far reaching as the displacement by the Fulani of the Habe office holders. Never before had a Fulani emir found himself in as strong a position to dispose of offices. Not surprisingly, every office and headship of importance changed hands since the victorious faction could not pardon those officials who had fought against its cause.

A crucial result of the war was that practically all the royal offices were taken over by the victors. Usman's branch of the royal lineage, which had teamed up with Bello's sank with it in defeat. The survivors of the Bello line mostly went into voluntary exile.⁸⁷ By the time hostilities ended, the major positions had been disposed of as follows. The office of Waziri was held by Aliyu's senior brother, Ahmadu, and for the first time the offices of Galadima and Waziri were clearly separated and Ahmadu took over the position of primacy which the Galadima had hitherto occupied among the emirs' officials. The former Wambai, Shehu, became the Galadima; another senior brother, Isiyaku, was made Wambai and later promoted Galadima on the death of the Galadima, Shehu. A junior brother, Abbas, became Sarkin Dawaki Tsakar Gida and was later promoted Wambai after another junior brother, Mahmud, who had been appointed Chiroma and later Wambai, had succeeded Isiyaku as Galadima. Another senior brother, Usman, held the office of Dan Mokoyo, and the former Chiroma, Musa, sacked by Bello, was appointed Magajin Mallam - the first time a prince of the blood held the title. Another senior brother, Muhammadu, was made Dan Iya, a title hitherto held by the Danzabuwa family. A large number of other offices were also appropriated by the sons and grandsons of Abdullahi.

All the electors were also affected. The Madaki, Ibrahim, who had married Rahinatu, a daughter of the emir, Abdullahi, but who remained loyal to Tukur lost his title to his brother, Muhammadu Kwairanga, who had embraced the Yusufist cause.⁸⁸ The Makama,

86. See the 'District Note Books', Ministry of Local Government, Kano. Information contained in these 'Note Books' agrees with oral data collected extensively from the field.

87. Aminu, *Faid al-qadir* (folio 21) mentions that the supporters of Tukur fled to various places such as Borno, Zaria, Bauchi, Kazaure, and Damagaram.

88. N.A.K. Kano Prof 6/1 No. 43, Dawakin Tofa district (gazetteer) Vol. 11.

Iyasu, who had supported Tukur, was replaced by his brother Hamza who had been on the side of the rebellion.⁸⁹ On the death of Hamza not long afterwards, the *makarfi* was given to Umoru, a member of the Juhawa family through his grandmother, Fatima, the sister of Mallam Bakasine, through whose influence the latter reportedly ruled under the Shehu. Significantly, Umoru was the chief of Takal at the time when he made the Yusufist headquarters and recruiting ground.⁹⁰ The title of Sarkin Bida was given to Abdu Salami in place of his cousin, Muhammadu Bashari, generally known as Alhaji, who had received a niece of the Emir, Bello, in marriage and thus had strong reasons for remaining loyal to the Tukurist side. Bashari survived the final battle back to Katsina emirate where he died in exile.⁹¹ The Sarkin Dawaki Mallam Ali son of Mallam Jango, was also deprived and his place was given to Muhammadu, generally known as Mallam, son of Muhammad Lawal who was a son of Mallam Jango Kano. Muhammadu was later deposed by Aliyu but no successor was appointed before the collapse of his own regime.

Changes were also effected in the headship of the rural districts. Before a *sarki* fell from power someone else from within his family had been designated as his successor. In many cases appointments were made without any regard for tribal connections at all. Two examples might suffice. The strongly anti-Yusufist town of Gaya slipped out of Tukur's control early in the war. With the flight of Sarkin Gaya Dabo, to join Tukur in the city, Yusuf appointed Sarkin Takal, Umoru, in his place and when Aliyu offered Umoru the *makarfi* he gave the *barzans* of Gaya to one of his most capable warriors, the Juma Dilla, a politico-military adventurer from Babura. It was Dilla who as Yusuf's enemy had skilfully detached the important town of Dawaki Kudu from its allegiance to the Emir.⁹² At Kura, where the population seems to have favoured the cause of Yusuf, and the *sarki*, Sa'udu, had died fighting for Tukur in the final battle, Aliyu gave the headship to a soldier of fortune from Bornu, Muhammadu bin Dama.⁹³

The civil war also resulted in the creation of new offices and entailed some changes in the fief system. As we have already noted, the office of Waziri became clearly established as a royal title quite distinct from that of Galadima. Aliyu also created some new offices such as that of Shettima which he bestowed on a certain Shekarau, one of the royal slaves under his father. Since the new offices had to be endowed with fiefs, it meant that some of the fiefs attached to certain offices had to be assigned to the new offices. For instance, the towns of Rano and Jahun which were formerly under the Galadima were given to the Shettima, and the Waziri received Gaya among other territories. Besides, the new Emir made additions or reductions to the fiefs normally associated with a few other offices, depending on whether he wanted to emphasize or play

89. Sumaila District Note Book, Ministry of Local Government, Kano. Iyasu died at Kamri in Katsina before the decisive battle of Tafashiya.

90. *Ibid.*

91. Kano Prof. 61 No. 35, History of Dambatta.

92. Kano Prof. 61, No. 42, History of Dawakin Kudu district and of the galadimas of Kano.

93. Kura District Note Book.

94. For all this see Ubah, pp. 120-21.

down their importance. The fact that all important officials of the emirate administration owed their positions less to hereditary claims than to their proven ability or loyalty to the Yusufist cause considerably strengthened the emirship under Aliyu. Even then decentralization, implied in the principle of delegation of powers, remained an important element in the administration of Kano. The extent to which power was delegated in the nineteenth century will become clearer in course of this chapter. Perhaps nowhere was this principle more evidently at work than in territorial administration.

TERRITORIAL ADMINISTRATION

The city of Kano (*birnin* Kano) was the centre of the administrative system of the whole emirate. It seems to have been directly under the emir himself who appointed officials to handle specific arms of the administration. Thus, for example, there was an *Alkali* to deal with judicial matters, a Sankurmi to take charge of the market, and a host of other functionaries. If the emir was absent from the city, control was vested in a trusted official with the title of Sarkin Shanu. Administration of rural Kano involved two sets of officials. First, there were those officials resident in Kano city who received specific portions of Kano territory as fiefs in return for services associated with their positions. These included the big officers of state such as members of the *Tara ta Kano*; holders of offices requiring specialized knowledge such as the Sarkin Yaki (Chief of War), Ma'aji (Treasurer), *Alkali*, and *Linam*; and even titled slave officials of the emir such as the Dan Rimi (chief of protocol), Shamaki (who was in charge of the stables), and Sallama (whose responsibility it was to usher visitors to the presence of the emir). Each of these officials had his own staff (also resident at the capital) who had clear and definite responsibilities with regard to the administration of the countryside. Then in the second place there were the administrators resident in the countryside itself, the heads of territorial units and their own subordinates. Every fiefholder was responsible to the emir for the affairs of his fief. Each fiefholder for his part held the head or *sarki* of his fief responsible for its good government, using his staff as the link between himself and his fief. Fiefs were attached to offices irrespective of the personalities involved, so that while the fief holders came and went the fiefs attached to particular offices always remained, subject to such changes, whether reduction or aggrandisement, as the emirs saw fit to make from time to time.

The fief holders ruled their territories through specialized agents known as *jakadu*.⁹⁵ The duty of the *jakadu* was tax collection, but they were also accredited political agents. In the latter capacity it was they who carried to the districts all administrative orders emanating from Kano and it was their duty to report the state of the districts to the fief holders. In case of trouble it was they who were sent to investigate matters, and they could handle minor problems on the spot.⁹⁶ Certain territorial units, however, came directly under the emir himself who administered them through the royal household officials.⁹⁷

95. Singular, *jakadu*.

96. Dagacin Gwarzo, Mallam Bello, 84, 11 July, 1972 (Gwarzo); Mallam Ibrahim, 78, 18 Aug., 1972 (Gabasawa).

97. Such was the case, for example, with Fanisau, where the emirs had their summer residence

This form of organization meant that every *sarki* had an overlord in Kano to whom he was subject in the first instance, unless he happened to be directly under the emir. And although the fief holder resided at Kano and administered his estate through his agents, he could not be accused of absenteeism since the system itself implied non-residence. It was also unusual for him to own a set of contiguous towns and villages. The holdings were generally scattered to the extent that fief holders or *hakimai*⁹⁸ knew some of the holdings only by name. Residence at the capital placed each fief holder under the watchful eyes of the emir and his retainers. He was thus in every sense denied a territorial power base and the danger that he might be tempted to use the resources of his fiefs against the emir was thus eliminated.

The local rulers, who were the resident territorial administrators, varied in importance, depending on their history or on the amount of territory under their control, their contribution to revenue, or on the role they played in protecting Kano against her enemies. Their titles also varied considerably; some were called after the names of the founders of the units;⁹⁹ some adopted the titles of Magaji,¹⁰⁰ Dawaki, Madaki, and so on. The commonest title was *sarki*. The most important of the local administrators was Sarkin Rano, who is still regarded as Autan Bawo,¹⁰¹ the last of the seven sons of Bawo. From the time the state was made an integral part of Kano, rulers of Rano were treated with special respect by the emirs. Three other *sarakuna*—those of Gaya, Dutse, and Karaye—were also of great importance; along with Rano they controlled enormous territories and enjoyed special privileges which were denied to other chiefs.¹⁰²

A peculiar title was that of Sarkin Gabas,¹⁰³ which was used to designate the rulers of Babura.¹⁰⁴ Babura was more or less a military outpost, and the same was true of Kunchi: both towns were founded to defend Kano against the attacks of the people of Damagaram.¹⁰⁵ A number of rulers adopted the title of Sarkin Fulani of this or that town, which emphasized their ethnic background: these were those of Bebeji, Jahun, Sankara, Danbatta, Shanunu and Kunchi. Their importance lay generally in the fact that they controlled most of the cattle emanating from Kano.¹⁰⁶ The rulers of Bebeji, Sankara, and Kunchi were besides very well known warriors. It is said that one of the primary duties of any Sarkin Bebeji from the second half of the nineteenth century was warfare against the Umutawa, a section of the Ningi confederation, using as a base the fortress of Birnin Bako founded for the purpose.¹⁰⁷

The *sarakuna* lived in walled and strongly fortified cities which served as refuge against the enemy in times of danger. Like the emirs, they had a hierarchy of officials of their own whom they were free to appoint, promote, or dismiss as they saw fit. Many of the titles found in Kano city also existed in the countryside and were conferred by the

98. Singular, *hakimi*.

99. Hence we have Dan Gwarzo (son of Gwarzo) and Dan Sumaila for the rulers of Gwarzo and Sumaila respectively. The ruler of Ungogo was simply styled 'Ungogo'.

100. 'Successor', that is, of the founder of the town.

101. Sarkin Rano, Mallam Abubakar, '63, 19 July, 1972 (Kano)

102. Sarkin Rano, 19 July, 1972 (Kano); Sarkin Karaye, Mallam Garba, 58, 12 July, 1972 (Karaye).

103. Literally, 'King of the East'.

104. Dawaki Adamu, 95, 11 Aug., 1972 (Babura).

105. Sarkin Fulani Kunchi, Alhaji Isyalu, 55, 8 Aug., 1972 (Kunchi); Dawaki Adamu, 11 Aug., 1972 (Babura).

106. Alhaji Muhamma, 50 15 July, 1972 (Bebeji); Mallam Sa'id, 76, 13 Aug., 1972 (Garki).

107. Alhaji Muhamma, 15 July, 1972 (Bebeji).

sarakuna on their sons, relations, servants, and slaves. Outside their walled towns, the chiefs also exercised authority over subordinate villages, whose rulers they were free to appoint and dismiss without any reference to Kano. Their officials, who were also *hakimai* at their own level, were charged individually with responsibilities over specific subordinate units but, like their counterparts in Kano city, they were non-resident administrators. Some of those subordinate villages could be walled, but the *sarki* must first of all seek the permission of the emir who, however, would normally grant it.¹⁰⁸

The duties of the *sarakuna* were clearly defined. They were responsible for the maintenance of law and order throughout their territories and for the collection of taxes.¹⁰⁹ They were under obligation to meet any demand from Kano for the supply of *talakawa* (commoners') labour and such building materials as were not available in Kano city for the building or repair of town walls, mosques, emir's palace or the private houses of the *hakimai*. It was their duty also to cater for the welfare of their subjects by maintaining their own town walls, mosques and markets, by mediating in disputes among their subjects while referring major cases to Kano and to co-operate fully with the visiting *jakadu*. They were expected to visit Kano occasionally to pay their respects to the emirs and the *hakimai* and if asked to do so to accompany the emirs on their annual visit to Sokoto to greet the Caliph. Finally, the *sarakuna* were under obligation to defend their subjects in time of war, and to support the emirs militarily with the troops under their command.¹¹⁰ The local chiefs provided their warriors with the necessary weapons—spears, swords, bows and arrows, guns etc.—if the latter had none, but the central government at Kano also supplied these weapons from time to time. Kano kept a place like Babura supplied with practically everything it needed—including food, horses, and clothing: the situation there was such that the major pre-occupation of the inhabitants was warfare.¹¹¹

In some of the towns the *sarakuna* succeeded in establishing a dynastic rule; in some the succession by members of the ruling lineage was interrupted by the appointment of outsiders, while in others there were no discernible ruling families. Where there was no strong tradition of hereditary rule, the emirs, whose prerogative it was to appoint and dismiss subordinate chiefs, could appoint to any vacancy anybody from anywhere who was of proved ability and loyalty. Here and there one finds examples of people of Borno origin and even from Damagaram being appointed *sarakuna*. This seems to have been especially the case in the time of Aliyu who rewarded many supporters with such headships. Dismissal of a *sarki* would normally follow if evidence established that he was no longer reliable or that he was incapable of effectively discharging his functions. There were many examples of *sarakuna* who were dismissed on grounds of cowardice or desertion in the battle field,¹¹² and of others who lost their positions for

108. Sarkin Karaye, Mallam Garba, 13 July, 1972 (Karaye).

109. For the roles of the *sarakuna* in the legal administration and in the collection of revenue see the relevant sub-sections below.

110. This is a synthesis of the materials collected throughout the places visited, especially from Dagacin Gwarzo, 11 July, 1972 (Gwarzo); Magajin Gari, Mallam Abubakar, 58, 12 July 1972 (Karaye); Mallam Iro, 72, 18 July, 1972 (Rano); Dagacin Jahun, Mallam Abdulhamid, 78, 28 July, 1972 (Jahun) and Alhaji Harisu, 74, 10 Aug., 1972 (Danbatta).

111. Dawaki Adamu, 11 Aug., 1972 (Babura).

112. For instance, Sarkin Gaya, Ahmadu, after the battle of Tetarawa between Sarkin Kano, Aliyu, and Sarkin Damagaram, Ahmadu; Sarkin Gwarzo, Abubakar, who was alleged to have deserted Aliyu in one of his wars with Ahmadu of Damagaram.

being on friendly terms with enemy states.¹¹³ In the border areas in particular emirs could not tolerate disloyalty, inefficiency or incompetence.

In several respects the relations between the *sarakuna* and the emirs and the responsibilities of the one to the other resembled those which prevailed between the emirs of Kano and the Caliphs at Sokoto. It is necessary at this stage to examine briefly the relations between Kano and Sokoto for these were significant factors in the administrative history of nineteenth century Kano.¹¹⁴

RELATIONS WITH SOKOTO

The appointment of Sulimanu as the Emir of Kano at Birnin Gada was a major event in the history of nineteenth century Kano. Thenceforth, successive Caliphs exercised this function of appointing the Emirs of Kano. Although the council of electors could recommend a candidate for confirmation by the Caliph the final word in the matter of succession was his own.¹¹⁵ In theory at least the Caliph had to satisfy himself that the candidate presented to him was the most suited to carry out the responsibilities of the office. Whether in practice the Caliphs always insisted on this is doubtful, but what is certain is that they did not get into any serious trouble over succession questions in Kano until the death of the Emir, Bello, in 1892.

When this event occurred the Waziri of Sokoto duly informed the Caliph, Abd al-Rahman, that the question of succession to the emirship had raised serious problems. The latter ordered the appointment of Tukur, even if trouble and strife would follow. In giving the order the Caliph was, strictly speaking, within the letter of the constitution of the Caliphate. The decision of the ex-Galadima, Yusuf, to withdraw to Takai and that of his followers to proclaim him their emir were a clear case of rebellion and defiance of authority which, as some writers have shown,¹¹⁶ are forbidden in Sunni Islam. But as we have seen, the rebels eloquently demonstrated that might was right, and although Aliyu ultimately obtained his pardon from the Caliph, the relations between Kano and Sokoto for the rest of the century appear to have remained somewhat strained. The new emir is said to have refused to honour a five-point agreement under which the Caliph agreed to recognize him as emir. This included a demand that the Tukurist supporters whose houses and other forms of property had been confiscated should be taken back and their estates restored.¹¹⁷ Aliyu's refusal to comply with this order is said to have considerably annoyed the Sarkin Musulmi and to have been responsible

113. For example, Sarkin Dal, Sambo, a great warrior whom Aliyu later deposed for allegedly being friendly with the Ningawa. Sulimanu of Gwaram had earlier suffered the same fate in the reign of Bello. For his deposition see Adeleye, pp. 82.

114. For details of the relations with Sokoto see C. N. Ubah, 'The Emirates and the Central Government, the case of Kano—Sokoto Relations' in Y. B. Usman (ed), *Studies in the History of the Sokoto Caliphate* (Lagos, 1979), pp. 296—319.

115. Sarkin Dawaki Matuta, 29 June, 1972 (Kano); Mallam Hamza, 25 Aug. 1972.

116. R. Levy, p. 291; Majid Khadduri, *War and Peace in the Law of Islam* (Baltimore, 1965) pp. 12—13. Classical Muslim theorists preached obedience to authorities—however despotic or unjust—in the interest of political stability. The result of disobedience might be civil war which they deprecated.

117. Muhammad al-Amin, *Faid al-qadir*, Folio 21.

for the migration of many of those affected to other parts of the Caliphate.¹¹⁸ Perhaps Abd al-Rahman never fully pardoned the emir whom harsh circumstances compelled him to accept into the fold.

The aversion seems to have been mutual. On his part Aliyu may have sought a reconciliation with the Caliph merely to show his faith in the Caliphate and not necessarily in the person of Abd al-Rahman whom, according to some informants,¹¹⁹ he continued to the end of his rule to regard as a malicious individual. It is significant that the emir did not visit Sokoto for the rest of the Caliph's reign.¹²⁰ According to custom, the emirs of Kano were supposed to visit Sokoto once annually to pay their respects to the Caliph.¹²¹ Such visits provided opportunities for each emir to give to the Caliph a vivid account of the general state of the emirate, including such details as wars, the economy, famine, drought, plague, and so on.¹²² The Caliph would then give advice on general or specific issues and encourage the emir to do his best to overcome his problems. However, even in the years before the civil war these annual visits were not always possible: if the emir was too old and infirm - as was the case in the last years of Bello - or was otherwise militarily engaged - as sometimes happened under Abdullahi - he obviously could not fulfil this duty. In such cases a representative could be sent to show that allegiance had not been repudiated.¹²³ In principle, appointment of emirs was revocable if the incumbent became disaffected or incompetent, but the situation in Kano never called for the exercise of this power.

According to custom also Kano contributed immensely to Sokoto's exchequer. Adeleye has shown that the payment of tribute by the emirates subject to Sokoto had in course of the nineteenth century become something in the nature of obligation which could not be broken with impunity.¹²⁴ According to the celebrated Muslim writer, al-Mawardi, if the proceeds from *kharaaj* showed any surplus after the deduction of expenses it was proper for the emir to send it to the Caliph for use in works of public utility.¹²⁵ The works of the nineteenth century European travellers show the varieties of the articles which could form part of the tribute—horses, cowries, and items of clothing, including turbans.¹²⁶ We do not know whether this tribute was fixed as regards size; whether what was remitted to Sokoto depended on the state of each emir's treasury or on how much he cared to give out. It would seem to have been highest in the time

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118. *Ibid.* Two of those affected were the author of the manuscript under reference who served as *magatakarda* (court secretary) under Bello and Tukur, and Tukur's brother, Ibrahim, who had been given the title of Sarkin Shanu. Ibrahim took refuge in Damagaram.
119. Mallam Hamza, 22 Aug., 1972; Mallam Usman, 8 Aug., 1970.
120. Mallam Hamza, 20 Aug., 1964; Mallam Isa, 18 Aug., 1964 (Kano); This is also implied in Dokaji, p. 70.
121. For the general annual gathering of the emirs at Sokoto *vide* Adeleye, p.84.
122. Sarkin Dawaki Maituta, 29 June, 1972 (Kano). According to Al-Mawardi, the emir should intimate the Caliph with current affairs in his territory and act on his orders as a sign of his loyalty, unless delay would be dangerous in which case he might take some measures while awaiting instruction. See Fagnan, *Les Statuts Gouvernementaux* (Alger, 1915), p.66. Fagnan's work is a translation of al-Mawardi's *Ahkam al-Sultaniyya*.
123. Last, p. 170 refers to the sending of the Wambai by the Emir Abdullahi.
124. Adeleye, pp. 84—5.
125. See E. Fagnan, p. 60.
126. Clapperton, pp. 215—6; C. H. Robinson, *Hausaland* (London, 1896), p. 105.

of Bello.¹²⁷ Aliyu did not repudiate this obligation, but he is said to have cut Kano's contribution, saying that but for the memory of the Shehu Usman dan Fodiyo he would not have given the Caliph anything at all.¹²⁸ As part of Kano's contribution to the treasury at Sokoto Adeleye has mentioned *khums*, the 'fifth' of booty, taken by Bello in battle with the infidel.¹²⁹ It is not impossible that Aliyu, who gave much trouble to the enemy than Bello ever attempted to do, continued this practice, although a number of informants denied that he ever did so.¹³⁰

More important, perhaps, than the whole question of tribute was Kano's participation in Sokoto's war efforts. It was an aspect of the obedience expected of the emirs that when called upon to do so they should support the Caliphs with troops and materiel to fight the cause of the Caliphate. Nineteenth century European travellers gave a favourable account of Kano's military prowess.¹³¹ The emirs' troops, in conjunction with those from some other emirates, were at various times involved in military actions either to maintain the Caliph's authority against the forces of internal revolt,¹³² or against the external enemies of the Caliphate.¹³³ But though Kano could muster a large fighting force, the whole military might of the emirate was never at any one time placed at the service of the Caliphate. The emirs had their own defence problems at home and the fortified out-posts in the north and south had to be manned against the enemies who were always prepared to take advantage of any sign of military weakness or relaxation of vigilance. The Argungu war of 1892 in which the Galadimams of Tukur led a contingent was the last in the series.

Provided that they identified themselves with the Caliphs in these various ways the emirs controlled their own affairs with little or no interference from Sokoto. Generally speaking the appointment, promotion, dismissal, and control of their subordinate officials were their own responsibilities. However, the reign of Bello and Tukur demonstrate that even in such matters the authority of Sokoto could be brought to effect. Thus, for instance, Bello referred a disputed succession in Gwaram to the Sarkin Musulmi, Umaru, asking for advice,¹³⁴ and the Caliph, Abd al-Rahman, ordered Tukur to give the galadimaship to Malanta, son of former Emir, Usman.¹³⁵ However, these were exceptions rather than rules, and circumstances favoured Sokoto's interference. Bello was very devoted to the Caliph and never hesitated to ask for guidance, and instruction to Tukur came at a time when his position was extremely precarious and Abd al-Rahman was trying to rally support for him.

But there was a basic principle that the Emirs of Kano should consult the Caliphs on important matters of policy and seek their advice and enlightenment.¹³⁶ Apart

127. See Adeleye, p. 86 (foot note 38) for the amount remitted on two occasions by Bello.

128. Mallam Hamza, 15 Sept., 1970 (Kano).

129. Adeleye p. 86.

130. For example, Mallam Hamza, 25 Aug., 1972. (Kano).

131. See for instance, Clapperton, p. 186; Barth, Vol. IV, p. 155.

132. One clear case is the expedition against Buhari of Hadejia. For details of the Buhari revolt see Hogben and Kirk-Greene, pp. 478—9, 488; Last, pp. 159—60; Adeleye pp.61—2.

133. For instance, the expeditions against Cobir (1825) and Argungu (1892).

134. Details are to be found in Adeleye, pp. 81—2; Last, pp. 200—201.

135. This information comes from a translation of the Waziri's account of his part in the Kano civil war. It was made available to me by Dr D. M. Last.

136. Sarkin Dawaki Maituta, 29 June, 1972 (Kano)

from the opportunities offered by the annual journey to Sokoto, Kano envoys were sent to the Caliph or the Waziri of Sokoto whenever there were issues requiring consultation with the central government. Besides, the occasional visits of the Waziri of Sokoto to Kano also facilitated the process of consultation. The Waziri had become in course of the nineteenth century charged with responsibility for the supervision of the affairs of Kano.¹³⁷ Ranking high on the agenda during such consultations was the question of peace and war which was also discussed in correspondence.¹³⁸ The Sokoto *waziranci* (office of waziri) was thus a machinery for control and supervision and much as the degree varied with the circumstances of individual emirs its reality during the century is not open to any shred of doubt.

It remains true, however, that there were certain departments of government where Sokoto's overlordship was scarcely felt. This was the case not only with judicial administration but also with the fiscal system. While the Caliphs retained ultimate responsibility for the conduct of affairs, the essential role of the emirs in these spheres was to ensure that what was done was in conformity with the law.

JUDICIAL ADMINISTRATION

Earlier in this chapter we observed that the aim of the leaders of the *jihad* was the establishment of a properly ordered Islamic society and that the supreme task of the Emirs of Kano as the representatives of the Caliphs was to realize this objective.¹³⁹ It was considered that such a society could only be brought about through the enforcement of divine laws and the prohibition of evil. According to al-Mawardi, dispensation of justice was one of the most important functions of the emir.¹⁴⁰ In Islamic states, therefore, the executive and the judicial arms of government were not separated as in Western societies.

For this reason Kano emirs always deemed it necessary to hold courts in their palaces. During the sessions of the courts the emirs adjudicated in all sorts of cases such as theft, divorce, debts and homicide. The rulers thus had jurisdiction over all types of cases which arose from all parts of their territory. The procedure for collecting evidence and for arriving at decisions in respect of each case was established in the law books, and what was needed was impartiality in the handling of cases. Though all the emirs were to varying extents acquainted with Islamic law and judicial procedure they made full use of the services of the *ulama*, who had specialized knowledge of these matters.

Outside Kano city local chiefs also handled judicial matters. Some of these chiefs actually had a reputation for being learned in law and other Islamic sciences. But they were rarely as well guided by expert advice or as predisposed to accept learned counsel as their emirs. The result was that they were more concerned with customary law and

137. Last, p. 158

138. For example, Bello would not negotiate truce with the Ningi until the opinion of the Caliph was known. See Last p. 203. According to Al-Mawardi, the emir ought to embark on holy war only with the agreement of the Caliph. See Fagnan, p.65.

139. *Supra*, pp. 5—7

140. Fagnan, pp. 59—60. See also pp. 30—1 for his tabulation of the duties of an Islamic ruler.

procedure than with the fine points of Islamic law. The terms frequently used by informants in describing the judicial role of the *sarakuna* was the Hausa word *shiriki* (mediation, reconciliation). Thus, for instance, the rulers of Dawaki, one of the *farfesa* of the Madaki, mediated in disputes among individuals and imposed fines in appropriate cases.¹⁴¹ If divorce suits were taken to local chiefs the latter are said to have usually attempted to reconcile the two parties, even when a strong case had been made (for instance cruelty or neglect) and ordered separation only when no other ruling was possible.¹⁴² But here and in other places it was not unusual for such cases to be dealt with privately by the families concerned through the same process of *sulhu*. Cases of theft, which might carry the punishment of loss of limbs prescribed by the law as well as those of murder were outside the competence of any local chief and were always referred to Kano. Otherwise any other kind of case - such as debt, personal injury, disputes over houses and farms, division of estates - could be settled in the districts but appeals might be lodged at Kano.¹⁴³

In Kano city judicial power was also held by trained legal experts (*alkalai*). But since the emirs held all powers in their own hands the judges functioned under the principle of delegation. Thus they were necessarily *nustevab* of the emirs and held no independent commissions.¹⁴⁴ How long they held office depended on their performances: provided the emirs had no cause to question their conduct or loyalty they retained their positions so long as they were not physically or mentally incapacitated. With regard to qualifications, they were always free born, male, Muslim, and of unquestionable sanity. They evidently varied in character and integrity but there was never a question of any of them not being sound in his knowledge of the four sources of the law.¹⁴⁵ In other words, the qualifications which Muslim jurists recommended for qadis^{hip} were usually taken into consideration by the emirs in making their appointments.¹⁴⁶ Field informants usually stressed, as an additional requirement, 'fear of God'¹⁴⁷ and again some Kano judges are said to have possessed this quality to a considerable extent.¹⁴⁸

The *Alkali* of Kano was not just concerned with Kano city. He could also handle litigation from any other part of the emirate. However, he was excluded from trying murder cases which were the exclusive concern of the emir. Besides, appeals against the *Alkali's* decisions could be made to the court of the emir. In the districts, many of the *sarakuna* appointed their own *alkalai* who held offices at their own pleasure; the latter were also excluded from trying cases of murder and serious cases of theft. In a

141. Makaman Kano, Alhaji Bello, 10 Aug., 1972 (Dawaki).

142. Mallam Bello, 62, 24 July, 1972 (Wudil). Also informants in several other places.

143. Magajin Gari, Mallam Abubakar, 58, and others, 12 July 1972. (Karaye) etc.

144. Emile Tyan, 'Judicial Organization' in Majid Khadduri and Herbert J. Liebesny, *Law in the Middle East* (Washington, 1955), p. 236.

145. The four sources of the law are the Qur'an, *Hadith* (Tradition of the Prophet), *ijma'* (consensus), and *qiyas* (reasoning by analogy).

146. For these qualifications see Fagnan pp. 131—4. See also F. H. Ruxton, *Maliki Law* (London, 1916), pp. 273—4. This work is a rough translation of the *Mukhtasar*, a famous work on Maliki Law.

147. For example, Limam of Waje, Mallam Muhammadu Dan Amu, 58, 19 June, 1972 (Kano); Limam of Bebeji, Mallam Salisu, 72, 15 July, 1972 (Bebeji).

148. The first *alkali* of the Fulani period, Mallam Usman, is said to have been particularly distinguished. It is remarkable that he was the first Hausa to hold an important position in the administration set up after the *jihad*.

number of places *limamai*¹⁴⁹ also functioned as *alkalai* and in some others it was possible to promote a *limam* to the post of *alkali*. Appeals lay from the districts to Kano, to the *alkali's* or emir's court - whichever was more convenient. The inhabitants of towns and villages which had no *alkalai* of their own could present their complaints to the nearest *alkali*. That is, local *alkalai* could exercise extra-territorial jurisdiction. For instance, it is said that the *alkalin* Gaya could send for a man in Kano city to defend himself in a suit filed against him in the local court.¹⁵⁰

Both in the city and in the countryside the *alkalai* had no special court buildings and so they held their sessions in their own houses.¹⁵¹ Abdullahi dan Fodio had insisted that the judges should sit in a place which should be accessible to both the weak and the strong and not in their lodgings.¹⁵² The procedure adopted in the emirs' and *alkalai's* courts was the same. Let us take the example of a case of debt. If a man brought a suit against another, a member of the *alkali's* following would be sent to bring the plaintiff. Should the latter admit the claim then judgment would be given against him and he would be required to pay the debt. If he said that he had no money and on investigation this was found to be correct he would be given some time within which to meet his obligation.¹⁵³ But if he disputed the claim the *alkali* would ask the complainant whether he could produce two witnesses.¹⁵⁴ If two witnesses testified in his favour judgment would be given against the defendant. Should only one person give evidence judgment would still be pronounced in favour of the complainant provided that he agreed to take an oath to supplement the evidence. But if he produced no witness at all the defendant would have to take the oath and he would be discharged.¹⁵⁵ The same procedure was adopted in dealing with other cases but there could be some modifications. For instance in the case of *zina* (illegal sexual intercourse) the evidence of four eye witnesses would be required to establish that the offence was committed.¹⁵⁶

This brings us to the question of the sort of punishment inflicted for various kinds of offences. Islam had reached Kano in its orthodox (Sunni) form and the version of the law accepted was the Maliki code.¹⁵⁷ For the *hadd* offences, that is, those whose punishments have been prescribed by the Qur'an, the statutory punishments were generally followed. Thus, the penalty for wilful murder of a believer was death, unless the next of kin of the deceased was prepared to accept blood money (*diyya*) instead. The punishment for unintentional homicide was payment of *diyya* and for theft it was loss of *limb* - right hand for the first offence and left foot for the second offence. The prescribed punishment for drinking intoxicating liquor was eighty strokes of the cane. With regard to *zina*, although the Qur'an lays down that the penalty should be a hun-

149. Singular, *limam*.

150. Limam of Gaya, Mallam Illyasu, 68, and others 26 July 1972 (Gaya).

151. Mallam Hamza, 25 June, 1972 (Kano). This is also clear from information collected in the districts outside Kano.

152. P. D. Ayagere, p. 302. An example of a place given by Abdullahi as accessible to all was the mosque.

153. Limam of Waje, 19 June, 1972 (Kano).

154. According to the law, these witnesses must be *udul* (singular *adl*), that is they must possess a quality of moral and religious probity which alone could make their evidence admissible.

155. Limam of Waje, 19 June, 1972 (Kano).

156. Alhaji Ahmadu Boppa, Principal Area Court Judge, 30 June, 1972 (Kano).

157. The four major schools of law in Sunni Islam are the Maliki, Hanafi, Shafi'i and Hanbali. The Maliki school centred around the Medinan scholar, Maliki ibn Anas who died in A. D. 796.

dred strokes of the cane,¹⁵⁸ all my informants maintained that the practice at Kano was to inflict death by stoning.¹⁵⁹ In the case of personal injuries the law allowed retaliation and compensation. In a place like Danbata, many people preferred *karashi* (compensation)¹⁶⁰ But if the wound was mortal it was usual to detain the accused pending the recovery or death of the injured person. Should death result then the offender would be tried for homicide.¹⁶¹ As a class slaves suffered legal disabilities they could neither sue nor be sued and were not regarded as competent to give evidence at court. The murder of a slave by a free born was not a very serious offence and the punishment was payment of blood money, never a death sentence.

Execution of the judgments of the courts especially in the sphere of mutilation and capital sentence was the work of Sarkin Dogarai, chief of the emir's body guard.¹⁶² The Sarkin Dogarai was thus the Kano equivalent of the *sahib al shurta*, one of the four offices recommended by the Shehu.¹⁶³ It does not seem however that the Sarkin Dogarai exercised the wide powers of the *sahib al-shurta*.¹⁶⁴ To carry out a death sentence the criminal was tied to a pole in the city market and the head was cut off with a sword. The executioner was the *hanni*, a slave official under the Sarkin Dogarai who was himself also a slave. Amputation of the limb was the work of the *dan jawal*, another slave official under the Sarkin Dogarai.¹⁶⁵

One can see from the above that the legal system of nineteenth century Kano was basically Islamic and that there was an effective machinery for the enforcement of the decisions of the courts. The evidence of informants cannot leave anyone in any doubt that there were grievances over the way the judicial system was operated. The view was expressed here and there that there were sometimes difficulties in getting access to the law officers and that unjust acts by members of the administrative class, their relations and clients were left to Allah.¹⁶⁶ But there is in fact no reason to suppose that throughout the nineteenth century the ideal of a rightly guided government was ever completely abandoned although it became, in course of the century, increasingly difficult to realize. However, the standard of justice and the quality of life generally would seem to represent an improvement on Habe ideas and practices.

158. Qur'an, 24 v. 2.

159. These informants include the well known mallam, Nasiru Kabara, 15 June, 1972 (Kano) and the Principal Area Court Judge, Alhaji Ahmadu Boppa 30 June, 1972 (Kano). According to the former, ditches were dug to take the guilty persons up to the belly and then the criminals would be stoned to death.

160. Mallam Muhammadu, 67, 10 Aug., 1972 (Danbatta).

161. Mallam Muhammadu Lawal, 99, 10 Aug., 1972 (Danbatta); Mallam Mummadu, 67, 10 Aug., 1972 (Danbatta).

162. Mallam Nasiru Kabara, 15 June, 1972 (Kano.)

163. *Supra*, p. 6

164. The official designated *sahib al-shurta* is said to have emerged in the early Umayyad period. Apart from giving effect to the decision of the courts he also disposed of a number of cases in a summary manner. Vide Maurice Gaudesfroy — Demobynes, *The Caliphate* (London, 1950), p. 154.

165. Mallam Hamza, 22 Aug., 1972 (Kano).

166. Anonymous informants in both Kano city and the countryside.

REVENUE AND EXPENDITURE

The importance of revenue in any administrative system needs no exaggeration. In the case of an Islamic administration an important issue was not so much revenue as the type of revenue, and the manner of its expenditure. Muslim rulers had no discretion as to the manner of raising money for their treasuries: only such sources of revenue as were duly authorized by the law could be tapped. Then money, so realized was not to be spent arbitrarily but on legitimate ends. According to eminent Muslim authorities the raising of authorized revenue was one of the principal functions of an Islamic ruler.¹⁶⁷ In the case of Kano this function was delegated to the emir by the Caliph, and Usman dan Fodio warned that whatever was demanded from the subjects by way of dues should be canonically sanctioned. The *jihad*, after all, had been waged because among other reasons, Habe rulers had allegedly been collecting monies not authorized by the *shari'a*, and pains had been taken to advise the rulers on what they could legally collect.¹⁶⁸ The most important source of state revenue in nineteenth century Kano was direct taxation.

Probably the most important tax in Islam, because it was one of the pillars of the faith, was the *zakat*,¹⁶⁹ the tithe or alms tax. According to al-Mawardi, the *zakka* was levied in Islamic polities in order to purify the balance retained by the believers,¹⁷⁰ and it was payable on four kinds of property: crops, date palms and other fruit trees, livestock, and minerals (especially gold and silver).¹⁷¹ This list agrees with that given by Abdullahi.¹⁷² In Kano the *zakka* was levied on farmers who grew millet (*gero*) and guinea corn (*dawa*) which were the two staple grains produced by agriculturists. It was collected once annually in bundles of *gero* and *dawa* from producers who were required to surrender one tenth of their total harvest. If a man's total harvest was not up to a certain quantity, he was not expected to pay anything and his statement with regard to the size of his produce was believed because, it is said, people of those days were very honest.¹⁷³ The tax on date palms were known as *kudin dabino*, which was levied at a fixed rate per date palm, although informants did not mention it under *zakka*.¹⁷⁴ The only other collection made under this heading was the tax on cattle known as *jangali*. The Shehu had denounced *jangali*,¹⁷⁵ but he may have been concerned with its name and incidence rather than with the principle of taxing cattle which, he must have known, was accepted in Islam.

According to the law, the *zakka* on cattle should be collected according to certain fixed rules, with thirty cattle as the taxable minimum on which a six-month old calf

167. For instance, al-Mawardi. See Fagnan, p. 31.

168. *Supra*, p. 7.

169. Hausa, *zakka*.

170. Fagnan, p. 266.

171. Fagnan, pp. 239—252. See also N. A. Faris, *The Mysteries of Almsgiving* (Beirut, 1966), p. 5. This work is a translation of al-Ghazzali's *Kitab Asrar al-Zakah*.

172. See Ayagere, p. 354.

173. Many informants e.g. Mallam Said, 76, and Dagacin Garki, Mallam Muhammadu, 60, 13 Aug., 1972 (Garki).

174. According to Barth, vol. II p. 145 the rate was 600 cowries per tree.

175. Hiskett, *ubi supra*, p. 567.

was payable.¹⁷⁶ In several places visited, especially within the major cattle areas of nineteenth century Kano, informants said that it was paid in kind at the rate of one in every thirty and that those with less than this number were not required to pay anything.¹⁷⁷ But it would seem that in most areas payment was made in cowries at fixed rate per head of cattle. This tends to confirm H. R. Palmer's¹⁷⁸ statement that after the *jihad* a small number of the more powerful cattle Fulani obtained a privilege which allowed them to pay the cattle tax at the low rate authorised by the law.¹⁷⁹

The non-Muslim subjects of the emirs paid the *jizya* or poll tax. This was collected in cowries at rates which varied from one part of the emirate to another. The non-Muslim elements, known in Kano as the Maguzawa, were found throughout the emirate but were not allowed inside the walls of the big towns. In the southern areas, some of the Warjawa, a section of the Ningi people, were conquered by or had agreed to follow the emirs and were granted *amana* (peace) in the second half of the century.¹⁸⁰

Another important tax was the *kudin kasa* or land tax, which was undoubtedly the Islamic *kharaj*. It was paid in cowries by farmers in respect of their farms, even if these lay fallow. The amount varied from place to place, although Bello is said to have fixed it at a uniform rate of 4,000 cowries.¹⁸¹ More easily remembered than *kudin kasa* by informants in many towns was the *kudin shuke-shuke*, a tax of a certain amount in cowries on any other type of product grown in the farm apart from guinea corn and millet. The crops usually affected included onions, cassava, pepper, groundnut, and so on. Each of these commodities had a rate at which it was taxed. A single exception was cotton which, according to the vast majority of informants, was free from taxation. The explanation usually offered for this was that cotton was so important in the industrial life of Kano that the emirs decided not to tax it in order to encourage its cultivation.¹⁸² Some informants mentioned *kudin rafi* — tax on irrigated crops such as sugar-cane, but generally it was regarded as part of *kudin shuke-shuke*. In a number of places, the existence of any tax called *kudin kasa* was either denied altogether by informants or it was said to be the same thing as *kudin shuke-shuke*. However, there appears to be no doubt that throughout the emirate the *kudin kasa* and the *kudin shuke-shuke* were two separate taxes.¹⁸³ Finally, there was a *kudin karofi* which, according to practically all informants, was paid at the rate of 700 cowries per dye-pit.¹⁸⁴

176. For details *vide* Fagnan, pp. 243—4.

177. For example, Alhaji Muhamma, 15 July, 1972 (Bebeji); Barde Adamu, 75, 8 Aug., 1972 (Kunchi); Sarkin Fulani Jahun, Mallam Abdulhamid, 78, 28 July, 1972, (Jahun); Dan Gwarzo, 12 July, 1972 (Gwarzo).

178. H.R. Palmer, a lawyer by training, joined the Northern Nigerian Service in 1904 and was posted to Katsina as an Assistant Resident.

179. N. A. K. Kano Prof. 6/2, No. C111/1908 — Palmer's report on *Jangali* dated 25 Aug., 1908.

180. Mallam Hagovo, 76, Mallam Manga (Abdullahi), 69, Mallam Umoru, 70, 4 Aug., 1972 (Gwaram).

181. Secretariat, Northern Provinces (S.N.P.) 17/12 No. 491/1921, assessment report, Dan Mokoyo sub-district. All S.N.P.s. refer to N.A.K. materials.

182. For instance by Alhaji Muhamma, 15 July, 1972 (Bebeji).

183. Barth did not mention *kudin shuke-shuke*, but he was quite aware of *kudin rafi* and *kudin kasa*. The early British political officers in Kano treated the *kudin kasa* and *kudin shuke* as different taxes. See for example, C.L. Temple's report, S.N.P. 7/10, No. 3635/1909.

184. Barth, p. 145, mentioned *kudin karofi* at the same rate.

The collection of all these taxes was the special duty of the *jakadu*. The *jakadu* were very powerful agents, and each of them had his own staff. Many of them had houses of their own in the areas under their authority, while others were provided with accommodation by the local *sarakuna* when they arrived in the districts. Each *jakada* then received from the *sarki* the consignments of taxes as these arrived. The actual work of collecting from the payers was undertaken by the officials of the *sarakuna* acting in conjunction with the head of the smaller subordinate units. Any problems would be reported to the *jakada* who would despatch his *yara* (clients) to investigate or, in very important cases, go to the spot himself. The *zakka* in kind was tied in mats and conveyed by the local *talakawa* to the *hakimi*'s house in Kano city. The cowries were in the same way carried to Kano, in mats each of which contained 20,000 cowries.¹⁸⁵ Thus, each *sarki* knew exactly how much tax he had remitted to Kano and the *jakada* who no doubt had received some gratification on the spot could rarely run the risk of interfering with it were he even so disposed. For the collection of *jangali*, the local *sarki* would send his *yara* to the *ardo*, the head of each Fulani cattle encampment (*ruga*) to collect the tax. The *sarki*'s men would follow the *ardo*, wherever he might be within or outside the emirate, and then the tax thus collected would be handed over to the *jakada*.¹⁸⁶

Of the remaining sources of revenue recommended by the Shehu only the *khums* would seem to have been substantial in Kano. There is a considerable degree of disagreement among informants as to how the booty taken in wars was shared. But there was unanimity on the view that the booty formed an important part of revenue.

But revenue was also derived from other sources than those which the jurists considered legitimate. A few examples will suffice. Certain dues were imposed in the city market, and caravans passing through Kano did not escape imposts. Prominent visitors and traders having business connexions in Kano were expected to make presents in cash and kind to the emirs. Though these presents were not compulsory they helped to ensure protection and goodwill on the part of the rulers. Also, the emirs occasionally accepted gifts in the form of *gaisuwa* from prominent subjects who had received favours and wished to express their gratitude or who wanted to ask for favours. Finally, recipients of titles or offices usually expressed their appreciation of such favours by paying a kind of tribute known as *kuɗin sarauta*, literally money for taking up an office. These sources of revenue probably did not account for more than a small proportion of the funds at the disposal of the emirs.

The various taxes authorized in Islam had definite roles to play in the maintenance of the state and the Muslim society. Thus it is laid down in the Qur'an that the *zakka* is for eight classes of people, including the poor and the needy and the wayfarer,¹⁸⁷ and al-Mawardi emphasized that it was obligatory to divide this tax among the categories

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185. Maiungwa Dan Muni, 83; Mallam Baso, 79; 17 July, 1972 (Tundun Wada); Dagacin Zakirai, Mallam Muhammadu dan Kona, 57; Mallam Sa'ad, 72; Mallam Hashimu, 77 18 Aug., 1972 (Zakirai); Limam of Gabasawa, Mallam Muhammad, 85, 18 Aug., 1972 (Gabasawa).
186. Barde Adamu, 8 Aug., 1972 (Kunchi); Mallam Yusuf and others (group interview), 17 Aug., 1972 (Sankara). Mallam Hamza, 25 June, 1972 (Kano); Alhaji Muhammad, 15 July, 1972 (Bebeji).
187. Qur'an IX⁶⁰

of persons concerned.¹⁸⁸ The fifth of the booty is intended for 'Allah and the Messengers and those close to him and to orphans and the needy and the wayfarer',¹⁸⁹ although the Shehu wanted it, along with the *fai*, to be used particularly for the fortification of dangerous areas, accumulation of weapons, payment of officials, and the building of mosques and bridges.¹⁹⁰

The method of expenditure in Kano was straight-forward. All taxes collected were taken to the city. The emir, his officials, and the *sarakuna* had their own shares. The emir's share was handed over to his treasurer, who bore the title of Ma'aji. From this fund the emir withdrew money as he liked for both private and public expenses. Items of expenditure in the interest of the community included purchase of arms, ammunitions and horses for warfare as well as purchase of materials for the construction, repair, and maintenance of mosques, city walls, and prisons.¹⁹¹ Abdullahi and Aliyu are said to have accumulated the largest numbers of arms and horses of all the Emirs of Kano.¹⁹² The poor and the needy occasionally received presents distributed by the emir's agents such as the Sarkin Shanu, but they perhaps did not receive in full what the Qur'an provided for them. In fact, some of the *ulama* who spoke on the subject alleged that *zakât* was almost used up by the emirs and their officials instead of being given to the poor and the needy.¹⁹³

In spite of all that has been said, the revenue system in Kano would seem to have largely followed the lines laid down by the law. What the law said with regard to various aspects of administration as well as what the emirs did was a matter of great concern to the *ulama* who were brought up under the same kind of educational system as produced the intellectual leaders of the revolution. We shall now turn our attention to the examination of the system of education which produced this important class of citizens without which Islamic administration and religious life would have been impossible.

ISLAMIC EDUCATION

The essential purpose of Islamic education was to prepare people for life within a community of believers. It was natural that Islam and its system of education went hand in hand. Islamic education was of long standing in Kano which from time to time attracted the attention of Muslim scholars of whom al-Maghili was only one.¹⁹⁴ The standard of Islamic education at Kano on the eve of the *jihād* was possibly quite high. Kano's problems at the time was not want of scholars but that those who possessed knowledge lacked the power to enforce the Word of God. As already noted, the first two emirs were scholars of repute, and the men who, in course of the generation following the

188. Fagan, pp. 268—9.

189. Qur'an 842

190. Hiskett, *ibid.* supra p. 571.

191. Madakin Kano, 24 June, 1972 (Kano); Mallam Nagwaram. 60. 14 June, 1972 (Kano); Mallam Hama, 22 Aug. 1972 (Kano).

192. This is quite understandable. The Ningi problem was a very serious one under Abdullahi. It was no less serious under Aliyu who also had the British to prepare for.

193. Anonymous informants, 10 and 22 June, 1972 (Kano).

194. Another intellectual who visited Kano in the time of Rumsfa was Alhaji Ahmad, grandfather of the well known Songhay scholar, Ahmad Baba.

jihad, occupied the sensitive positions of *qadi* and *limam* had been brought up in the tradition of learning that produced the leaders of the revolution.

In several works¹⁹⁵ the Shehu understandably stressed the importance of Islamic education. He obviously regarded ignorance as a danger to the Muslim community and called on the emirs and the *fugaha* or jurists to strive for knowledge and promote learning. Kano society of the nineteenth century attached a great deal of importance to Islamic education.

At the age of seven but often much earlier, a child was deemed ready to receive instructions. If he came from a scholarly family he could study under his father, brother, or other relations. Otherwise he would be attached to any teacher or *mallam* approved by the parents. The starting point of Islamic education was the Qur'an. The child was taught the *fatiha*, the first *sura* or verse of the Qur'an, and encouraged to memorize the first ten *suras*.¹⁹⁶ The *fatiha* was written on the child's slate and he was then taught how to chant it. Under the guidance of the *mallam* the child chanted one verse after another and committed same to memory. The ideal aimed at in teaching the Qur'an was to make the pupil know it by heart, a feat achieved by very few students of advanced Quranic studies.¹⁹⁷ The learning of the Qur'an could be completed within a few years after which enthusiastic and devoted students embarked on advanced Islamic studies of one kind or another.

The Qur'an was taught along with Islamic religious instruction. The child learnt how to perform his ablution, how to say his prayers and, in appropriate cases, how to manage his marital life. At the same time, he was intimated with those actions which were allowed or forbidden by his religion as well as those which were obligatory either on him as an individual or on the community as a whole.¹⁹⁸ These cardinal values were central to the Islamic system of education as they were supposed to govern the daily life of each believer.

What we have said above represents more or less the general forms of education at what we might call the elementary level, but the pupil had opportunities of taking advanced lessons by passing from one *mallam* to another and of finally specializing in one or more of the various branches of knowledge of which the Qur'an was only one. Apart from the latter, other studies which were also pursued with dedication are *tafsir*, or commentary on the Qur'an and the science of interpretation; *fiqh*, or jurisprudence; *tawhid*, or the science of the oneness of God; *hadith*, or the study of the traditions of the Prophet; *tarikh*, or history; and of course Arabic grammar and syntax.¹⁹⁹

A large number of interesting books were involved in these studies. The Qur'an itself was about the first book in the library of each *mallam*. Common also was the *Hayyat a-Islam*, an elementary book on the Prophet, the revelation, and *tawhid*, and there were other works on *tawhid* such as the *Sanusi al-Burhan*.²⁰⁰ An important book on the methods of prayer and ablution as well as on the obligations of the individual was the *Ashmawiyya*.²⁰¹ Selections on *fiqh* included the *Risala* of Ibn Abi Zayd, and of course Khalil b. Ishaq's *Mukhtasar*, the leading authority on Maliki law.²⁰² There

195. For instance in Hiskett, *ubi supra*, p. 579; El-Masri, pp. 598-9; Balogun, pp. 99-100

196. Alhaji Abdu, 55, 14 June, 1972 (Kano); Alhaji Abubakar, 59, 17 June, 1972 (Kano).

197. None of my numerous informants claimed to know the Qur'an by heart.

198. Alhaji Abdu, 14 June, 1972 (Kano).

199. Wazirin Kano, Alhaji Shehu, 62, 2 July, 1972 (Kano).

200. Alhaji Abubakar, 17 June, 1972 (Kano).

201. Alhaji Faruk Abdullahi Salga, 58; Alhaji Abubakar, 17 June, 1972 (Kano).

202. Limam of Dambazau, Mallam Shehu, 66, 22 June, 1972 (Kano).

were then no printed books; all the works were copied from the texts brought to Sahara by caravans from Egypt and other parts of North Africa.²⁰³

It was this kind of study which produced the *alkalai*, *limamai*, their *marra* and other members of the intelligentsia. Whatever else they did to earn their living, they were involved in teaching. The point must be emphasized that education was limited to Kano city alone but was pursued in every town and village of any importance outside the metropolitan area. Scholars were paid no fees but they received encouragement by way of presents out of the *zakka* occasionally given to them by the rulers and chiefs, and unofficial support by way of *sadaqa* (charity) presented to them from time to time by the parents of their pupils.²⁰⁴ Students in search of knowledge moved from one teacher to another to have the benefit of being taught by the leading authority on each branch of study. The search for the best authority frequently took them to Zaria, Borno, and Katsina and also brought students from those places to Kano to study under prominent Kano mallams. It was not unusual for a student who had successfully completed his advanced studies to receive from his master an *izini* which was his authority to impart his knowledge to others.²⁰⁵

Nineteenth century Kano produced scholars of repute. The greatest authority on *fiqh* by the end of the century was Mallam Suyuti Madabo, who held the title of Babban Mallamai or leader of the *ulama*.²⁰⁶ Another study has shown that the title of Babban Mallamai existed under the Hausa rulers of the Muslim period.²⁰⁷ After the advent of *jihad*, the title of Babban Mallamai was conferred on a certain Mallam Umaru by Sarkin Kano, Dabo. The title has since remained in the family of Mallam Umaru, and each successive holder was in his time a leading authority on *fiqh*.²⁰⁸ Mallam Muhammad Gidado taught both *fiqh* and *hadith*. Other *hadith* scholars of nineteenth century fame are said to include Mallam Abubakar, a migrant from Katsina, and Mallam Habu, who migrated from Miga in the eastern part of Kano.²⁰⁹ In the field of Quranic studies, there were in the late nineteenth century a Mallam Usman dan Abba and Mallam Muhammad Salga. A certain Mallam Ibrahim was the leading authority on *tafsir*. Sarkin Kano Aliyu had a reputation of being one of the learned men of his time.

The style of education which is described above bears a close resemblance to that system under which the leaders of the *jihad* were brought up.²¹⁰ It shows the essential continuity of that tradition which, in the days of the Shehu, was remarkable for its militancy. The point must be stressed that in Kano considerable premium was placed on education, and the *ulama* enjoyed a distinct prestige of their own. While it is difficult to estimate the degree of literacy within the emirate, the existence of numerous schools in the thickly populated city and the countryside positively suggests that the number

203. Alhaji Abubakar, 17 June, 1972 (Kano).

204. Limam of Yola, Mallam Nuhu. 71, 22 June, 1972 (Kano).

205. Alhaji Abubakar, 17 June, 1972 (Kano).

206. Limam of Yola, 22 June, 1972; Limam Dambazau, 22 June, 1972 (Kano).

207. Paden, p. 48.

208. Babban Mallamai, Mallam Ibrahim. 80, 16 June, 1972 (Kano). Mallam Ibrahim has been

209. Babban Mallamai for thirty years.

210. I. W. Chamberlin, 'The Development of Islamic Education in Kano City, Nigeria, with Emphasis on Legal Education in the 19th and 20th Centuries' (Ph.D., Columbia University, 1975), pp. 95—6.

This tradition was described by Abdullahi dan Fodio. See M. Hiskett, 'Material relating to the state of learning among the Fulani before their jihad' *B.S.O.A.S.*, XIX, 1957, pp. 550—78.

of educated elements must have been quite high. This body of intelligentsia provided the society with the world-view based on Islam and made it possible for the ideals and values on which the Caliphate had been founded to be sustained to a great extent. It would appear that the offices to which the *ulama* could be appointed did not ordinarily require them to have a particular kind of political affiliation or to meet some other status requirements. It is true that Aliyu replaced the *liman* and the *Alkali* who served under Tukur for being indifferent or hostile to the Yusufist cause during the civil war,²¹¹ but such a measure was quite unusual. Provided that a man had clearly distinguished himself in learning he was not unlikely to obtain official recognition whenever opportunity occurred. Even when they held no official appointments, distinguished scholars enjoyed a great deal of social recognition, and as teachers and religious advisers their influence in society was quite considerable. It was this essentially Islamic tradition of education which, at the end of the first decade of the twentieth century, was challenged by a new system imposed by alien conquerors. But it was not just this tradition of education but the whole body of Kano's administrative principles and practices which was called to question.

ADMINISTRATION OF KANO, 1900

It can be seen that in 1900, the year British rule was declared over Northern Nigeria, the administrative system of Kano possessed the following characteristics. The emirate was an integral part of a much larger polity with political and spiritual direction emanating from Sokoto. The principles on which the state was administered were basically Islamic. At the head of the government was an emir aided and advised in all important matters by a council of state. His powers were quite considerable, making him no doubt the dominant force in the administration, but he lacked the authority to behave as an irresponsible autocrat.

Because the administration was basically Islamic, the emir combined in his own hands both executive and judicial authority. In keeping with Islamic tradition of administration, the legal and the fiscal systems were largely, though not entirely, based on the *shari'a*, and there was an educational system designed not only to teach the citizens the canons of their faith but also to provide experts in various disciplines of Islamic studies. Finally, territorial administration was based on a system of fiefs which ensured that while ultimate responsibility rested with the emir each fief was under a resident chief who was responsible for its good governance to a fief-holder living in Kano city.

After the military collapse of Kano in 1903 the question being asked was no longer whether the just society promised by the leaders of the *jihad* had been, or was even capable of being, established but how much of the prevailing tradition of administration could survive the harsh reality of the time, that is, the imposition of an alien government with an entirely different cultural background. The implications of the meeting of the two cultures will be examined in subsequent chapters.

211. Limam of Kano, Mallam Dalhatu, 23 June, 1972 (Kano).

2. Establishment and Crisis of British Administration, 1900 — 1908

In the last chapter we saw how the administrative system of Kano evolved through the centuries, and in particular we discussed the principles and practices of government which arose out of nineteenth century conditions. Because of its acceptance of Islamic institutions, Kano society of 1900 knew no better system of government than the one in operation. There were of course both open and secret critics of the government at the time. The critics were the unreconciled losers of the civil war who were concerned with men and issues arising from that war. They still nursed grievances, doubted the legitimacy of Aliyu, and were not convinced that the victors had behaved well in the matter of the property of the vanquished. But whether as exiles or as secret critics within Kano they had no alternative system of government in mind. Since the prevailing system was one in which all sections of Kano society, notwithstanding their political differences, had faith it is not a surprise that the attempt by the British to subvert this system at the beginning of the twentieth century created serious difficulties in every department of the administration. The crisis which developed within the first few years of British occupation was the direct result of the contradiction between British administrative principles and the system in force at Kano. The purpose of the present chapter is to examine the critical events of that period.

Before Aliyu obtained the emirship, European traders had already established themselves along the banks of the Niger and the Benue, but their presence, being primarily commercial, was not seen as constituting a political danger to the Caliphate. But the crushing of Nupe and Ilorin in 1897 by the forces of the Royal Niger Company, a British commercial concern which had been doing business for many years in the Niger-Benue area, made the dangers of European penetration much more obvious. Then in 1900 Lord Lugard issued a proclamation which arrogated to the British claims of suzerainty over the 'Protectorate of Northern Nigeria' which came into being following the abrogation of the charter of the Royal Niger Company. Before the end of 1899 Lord Lugard, then Commander of the Company's West African Frontier Force, was appointed High Commissioner for Northern Nigeria, with the task of organizing an administration. On 1 January, 1900, the Protectorate of Northern Nigeria was formally proclaimed. It was divided into three provinces - Kano, Middle Niger, and Benue: the province of Kano was made up of most of the eastern half of the Sokoto Caliphate, Sokoto itself inclusive.¹ Thus, with a single stroke of the pen Fulani rule stood liquidated in official British theory.²

1. *Northern Nigeria Gazette* Vol. 1, No. 1, 1 January, 1900.

2. As Robert Heussler aptly put it, the protectorate 'represented intention and determination rather than fact.' See *The British in Northern Nigeria* (Oxford, 1968), p. 19.

As far as Aliyu was concerned, the proclamation establishing the British administration was a meaningless piece of paper. But the British were determined to fulfil their claims, mainly through the establishment of effective rule over the city and this was a fact which the emir could not ignore. By early 1903 Sokoto and Bauchi had fallen; Calabar had welcomed the invaders; a British Resident installed at Keffi, a vassal state of Zaria; Zaria itself had had a Resident imposed and it seemed as though Kano was also going to fall. Before then Aliyu had fulfilled the defences of the city,³ and it seemed clear that he was determined at least in self-defence.

Kano's position in this matter remained and caused serious concern to the administration, and by March, 1902, the High Commissioner had come to the conclusion that Kano should be crushed militarily,⁴ but for various reasons he was not disposed to do so immediately. However, by late 1902 massive troop movements connected with the expedition against Kano began in Zaria. By January, 1903, mobilization complete and the hostile gathering of nearly 300 troops, 4 guns, and 4 maxims started its long march to Kano. Contrary to the prevailing opinion, it is now known that the administration had information in advance that the emir had left for Sokoto before the expedition set out.⁵ This led the British to expect that Kano could be occupied without fighting. Kano, however, was determined to fight. The walled town of Bida, close to the Zaria frontier, was the first to enter the war but was immediately evacuated. The British then continued their advance towards the capital city itself without delay. They had what Abadie called 'an agreeable surprise' in which according to him 300 defenders fell on 3 February.⁶ The great walls no longer offered security from external attacks as they had done for centuries, and as the British pressed forward their victory the defeat of Kano turned into a bloody rout.

There still remained the problem of dealing with the emir who was understood to be heading towards Kano in force, and on 16 February British troops set out against him. Aliyu's desertion of his army at Birnin Goga, the incident at Kotorkwashi in which many of the Kano notables lost their lives, and the eventual surrender to Lugard of the Wambai, Abbas, are more or less familiar matters which need no recapitulation here.⁷ It is necessary, however, to note the relevance of these developments to subsequent administrative history. The occupation of Kano by right of conquest made it possible for Lugard to impose what terms he wished without having to negotiate with anybody. The flight of Aliyu created a vacancy in the emirship which, as we shall see, was filled in a manner quite unprecedented in the political annals of Kano. Though the emir was finally captured and exiled, his subjects demonstrated that they shared the sentiments for which he lost his position.

Lugard, F. D., *Annual Reports Northern Nigeria 1900-1911*, p. 75.

N.A.K. KADCAPTORY G. O. K. 1/1/14, Lugard to Colonel Morland, 24 Mar., 1902.

Captain Abadie, 'Nigerian Letters 1897-1904' (Colonial Records Project, Oxford), p. 179, in a despatch of 21 January reports that the emir left Kano on 12 January and boasted that he would be back within two months.

Ibid., pp. 179-80.

For some accounts of the military occupation of Kano see especially D. J. M. Muffett, *Concerning Brave Captains* (London, 1964), pp. 88-104, Ubah, pp. 128-141; A. O. Anonim, 'The British Occupation and the Development of Northern Nigeria, 1897-1914' (Ph.D. thesis London, 1965), pp. 61-81; Adeleye, pp. 259-79; Obaro Ikime, *The Fall of Nigeria* (London, 1977), pp. 190-7; Fika, pp. 74-75.

REACTIONS TO BRITISH CONQUEST

Contrary to all that Lugard had written about the welcome which Kano people would extend to the British as their liberators from the so-called 'tyrannical oppressions', the fall of Kano on 3 February filled the political atmosphere with gloom. The conquest of the Muslim emirate by a Christian power was regarded as a disaster of the first order.⁸ In desperation, some people moved towards the country districts where, it was supposed, the British would not touch, while others ran across the borders into other emirates, particularly Katsina, which were as yet unaffected by alien conquest.⁹ Within the first few days of the occupation many thousands of people had evacuated.¹⁰

The fear which prevailed among the population was that the British having killed hundreds of soldiers and seized the palace of their emir might soon turn attention to all and sundry.¹¹ But the position of the British was far from enviable. The great city had fallen, but that was all. The British had mastered neither their circumstances nor their environment. Captain Abadie, the political officer who accompanied the expedition, earnestly complained to Lugard that his position was extremely difficult because he was getting no co-operation from Kano people.¹²

The British were aware that it was impossible to hold a people by force alone for any considerable length of time. Efforts at conciliation were initiated from the first day of the conquest when a proclamation by Lugard was displayed in its vernacular translation in the city.¹³ This confirmed the annexation of Kano by the British, urged all the people to return to their various professions - with assurances of personal safety; and it called on all slaves maltreated by their masters to lodge reports with the Resident. Finally, possession of fire arms was declared prohibited and all who had them were asked to surrender them within three days or face punishment and confiscation.¹⁴ In terms of its effect on the population this proclamation did not amount to much, if in fact anybody bothered to read it. The second measure was that all soldiers and carriers were quartered in the emir's palace to prevent their taking to looting in the town.¹⁵ Eye witnesses state that both looting of property and molestation of the people did in fact take place but not to the extent most people had feared.¹⁶ Probably the worst case of misconduct by soldiers was the killing of a man in the main market. For this crime the culprit was made to face a public execution.¹⁷ Such a measure possibly had some salutary effect on the people.

8. Mallam Nuhu, 15 Sept., 1970 (Kano).

9. Mallam Alu, 17 Sept., 1970. Alu was then aged about 13.

10. Figures collected from informants varied from 9,000 to 30,000.

11. Alhaji Sowude, 82, 7 Sept., 1970 (Kano).

12. Abadie to Lugard, quoted by Muffett, p. 113. See also S.N.P. 17/12, No. 16976, Abadie to Lugard, 15 February, 1903.

13. A copy of this proclamation will be found as Appendix I.

14. C. O. 879/80, enclosure 2, in High Commissioner to Chamberlain, 23 Jan., 1903, 'C.O.' materials refer to the holdings of the Public Records Office, (P.R.O.) in London.

15. N.A.I. (National Archives, Ibadán) C.S.O. 1/27/3, High Commissioner to Chamberlain, 6 Feb., 1903.

16. For instance, Mallam Alu, 17 Sept., 1970.

17. Lugard, *Annual Reports*, p. 89.

The main problem remained that large numbers of people were still refugees as yet unconvinced that all was going to be well. All the office-holders had to get out with the emir and in their absence there could be nothing like a settled administration. However, after the complete destruction of Kano's military power following the kwashi incident, it became more manifest than ever that Kano could not force the men to leave nor persuade them to withdraw voluntarily. The Wambai, Abbas, sent a messenger to the High Commissioner saying he was anxious to return and make his order. Lugard enthusiastically sent Kiari, an African political agent, to convey his intentions and conduct him and his following.¹⁸ The return of Abbas with some of the refugees paved the way for the establishment of a new administration. But before returning to this it is necessary to discuss the principles of government which the conqueror brought with him.

LUGARD'S ADMINISTRATIVE PRINCIPLES

Like Usman dan Fodio, Lugard wanted his principles of administration to apply to the whole of his new conquests, not just to Kano. Of fundamental importance was his desire to rule through the emirs,¹⁹ but these emirs must be made to observe what he called 'the fundamental laws of humanity and justice'.²⁰ By implication Lugard meant that the pre-conquest governments within the Caliphate were unjust and inhuman. His own background certainly prejudiced him against any system that was not modelled on Western culture.²¹ It should be noted that the High Commissioner and his staff had as yet had little or no time to study the emirate system. But the facts were not important. As a conqueror, Lugard badly needed this kind of statement in an attempt to rationalize both his overthrow of the existing regimes and the imperative necessity of retaining the Fulani - for the time being at any rate - as emirs.

In this new arrangement, there was no room for ambiguities. Each emir would be given a letter of appointment which, as Lord Hailey rightly observed,²² meant that he was not an independent ruler, and if he did not prove amenable to threats and persuasion he would lose his position.²³ Sokoto was not taken into account in all this for the very existence of the colonial regime was inconsistent with the preservation of the Caliphate as a political unit, and the position of the Caliph was badly impaired. Obedience to the Caliph was to be replaced by obedience to the colonial regime, and what was worse the emirs were to swear oath of allegiance to a non-Muslim power.²⁴

18. C.O. 446/30, Lugard to Chamberlain (confidential), 7 March, 1903.

19. MSS, Brit. Emp. S. 65, 'Lugard Papers', Rhodes House Library, Oxford.

20. Lugard, *Annual Reports*, p. 126.

21. This point was ignored by Fika. His statement (p.105) that British rule 'humanized' the pattern of traditional authority at Kano 'in certain fundamental respects' and 'reformed the worst instances of injustice' represents the view point of a foreign culture.

22. Lord Hailey, *Native Administration in the British African Territories* (H.H.S.O., 1951). Part III, p. 48.

23. Lugard, *Annual Reports*, p. 26.

24. For the oath of allegiance, see Lugard, *Political Memoranda* (1906) pp. 191—2.

One important question still remained unanswered. How much power would the emirs be allowed to exercise under the altered circumstances? Here, nothing was worked out in advance, and even by 1903 Lugard had still no fixed ideas on this subject.²⁵ But by 1906 when his *Memoranda for the Guidance of Political Officers on Matters Chiefly Political and Administrative*²⁶ was published matters had become much clearer. The *Political Memoranda* provides, in the words of Lugard's latest critic, 'a unique source of evidence of his dominant ideas on administration'.²⁷ In it was embodied the principle of ruling indirectly through 'native authorities'.²⁸ Here he made it clear that the prestige and influence of the chiefs would be upheld, that this could best be done by making their subjects understand that the former were an integral part of the whole machinery of colonial administration. Here also he warned the chiefs that they had no right to their positions unless they rendered their 'proper services to the state'.²⁹ The great importance of the *Political Memoranda* to this study will be obvious from the frequent references we shall be making to it. Meanwhile, it suffices to note that by the time the High Commissioner left Northern Nigeria in 1906, government through 'native institutions' had definitely become his policy, even though a number of connected issues still awaited final decision.

Scholars have rightly asked whether there was anything original in the idea of ruling a subjugated people indirectly through their own institutions. Answers supplied by historians and political scientists alike all agree that Lugard was by no means an innovator in this sense.³⁰ Writers on the subject recognize that historically the principle of Indirect Rule is as old as the idea of empire itself.³¹ Lord Hailey calls attention to earlier British experience in dealing with the Indian states,³² and Lugard himself alluded to this precedent in connexion with the letter of appointment given to the Emir of Bida in 1901. Sir George Goldie of the Royal Niger Company is known to have advocated 'the general policy of ruling on African principles through native

25. Mary Bull, 'Indirect Rule in Northern Nigeria, 1906—1911' in K. Robinson and F. Madden (eds) *Essays in Imperial Government* (Oxford, 1969), p. 50

26. Usually referred to in brief as the *Political Memoranda*

27. I. F. Nicolson *The Administration of Nigeria 1900 to 1960* (Oxford, 1969), p. 135.

28. He defined 'native authorities' as (a) native chiefs who had been recognized by letter of appointment (b) recognized office holders, and (c) native courts established by warrant.

29. Lugard, *Political Memoranda*, p. 191.

30. See, for instance, C. S. Whitaker: 'Retaining for the conqueror's own use the political techniques, institutions, and influence of an ostensibly vanquished regime was an inspiration that obviously originated neither with Lugard nor in Northern Nigeria'. See *The Politics of Tradition* (Princeton, 1970), p. 27; A. H. M. Kirt-Greene and J. G. Davis, 'The Development of Local Government in Northern Nigeria' (unpublished work in typescript), p. 88. I am very indebted to Mr. Kirt-Greene of St. Anthony's College, Oxford, for kindly allowing me access to this material.

31. For an examination of the origins and concept of Indirect Rule see N. N. Egbuonu, 'Indirect Rule and Its Application in Southeastern Nigeria' (unpublished Ph.D. thesis, Columbia University, 1964), pp. 94—110.

32. Lord Hailey, *An African Survey* (London, 1951), p. 416; Perham, *Lugard, The Years of Authority 1898—1945* (London, 1960) p. 142, also refers to British experience in Fiji and to a statement by Sir Ralph Moor of the Niger Coast Protectorate that insufficiency of British staff rendered rule through native chiefs necessary.

rulers' in the interest of peace and stability.³³ And as far back as 1898 the Select Committee had recommended to Joseph Chamberlain the need to keep down administrative expense by pursuing a policy which made use of existing African institutions.³⁴ Lugard may not have had much to borrow from Goldie since he himself much earlier urged his countrymen to rule Uganda 'through its own executive government'.³⁵

Yet, it is generally recognized that there was, after all, something unique about Lugard's Indirect Rule. This lay in the special way he applied the principle³⁶ built Indirect Rule into a philosophy of government for Britain's administrative colonial territories;³⁷ and such was the success he was presumed to have achieved that one of the earliest writers on colonial administration regarded Nigeria as the 'original home' of Indirect Rule and therefore the most obvious place to study the system and all its ramifications.³⁸ But it is clear from what has been said that Northern Nigeria, and in particular the Nigerian emirates, can be regarded as the homeland of Indirect Rule only in so far as one is referring specifically to the Lugardian system. And the admirers of this system can easily overlook its limited success elsewhere in British colonial Africa and the failure which accompanied its application in Southeastern Nigeria.³⁹

The factors which influenced or compelled the particular policy which Lugard pursued can be summarized as follows: the satisfactory (and therefore commendable) results of the similar principles applied in the Indian states,⁴⁰ the practical impossibility of following a contrary policy in face of inadequate personnel and a parsimonious exchequer, and the total folly of embarking on radical changes when neither he nor his small staff had acquired more than a superficial knowledge of the customs and the character of the people. In other words, the High Commissioner was not in a position to pursue the opposite policy of direct rule. Considerations of self interest much more than any questions of principle guided his decision.

Retention of the chiefs in the scheme of government would greatly weaken the opposition to colonial control; in this sense, Indirect Rule was part of the process of settlement.⁴¹ This point must be emphasized; victory in the battle field, which theo-

33. Goldie's introduction to Vandeleur's book, *Campaigning on the Upper Nile and Niger*, quoted by Perham, *Native Administration in Nigeria* (Oxford, 1937), p. 35. See also J. E. Flint, *Sir George Goldie and the Making of Nigeria* (London, 1960), pp. 258—9.

34. J. H. Ballard, 'The Constitutional Impact of Administrative Structure: Nigeria 1914—1945', paper presented at the Institute of Commonwealth Studies, University of London, 30 Nov., 1970. I am grateful to Mr T. L. Hodgkin for calling my attention to this paper.

35. Lugard, *The Rise of Our East African Empire*, quoted by Perham, *Native Administration in Nigeria*, p. 36.

36. Perham, *Lugard, The Years of Authority*, p. 143; Also Don Taylor, *The British in Africa* (London 1962), p. 92.

37. Michael Crowder, *The Story of Nigeria* (revised edition, London, 1966), p. 220.

38. I. P. Maur, *Native Policies in Africa* (London, 1936), p. 118. That Nigeria was a model in theory at least is a common view in the literature of Indirect Rule. See for example, L. H. Gann and P. Duignan, *The Burden of Empire* (London, 1968), pp. 220—21; Michael Crowder, 'Indirect Rule - French & British Style', *Africa*, XXXIV, No. 3, 198.

39. For the disaster in Southeastern Nigeria see especially A. E. Afigbo, *The Warrant Chiefs* (London, 1972), pp. 207—42; H. A. Gailey, *The Road to Aba* (London, 1971), pp. 97—133.

40. Kirk-Greene & Davies, p. 89.

41. D. A. Low, and R.R.C. Pratt, *Buganda & British Overrule 1900—1955* (Oxford, 1960), p. 164; Hailey, *Native Administration*, p. 47.

retically placed everything at the disposal of the British, was not enough. For the emirs, unrecognized or ignored, would have suffered from a double frustration of being placed under non-Muslim rule and excluded from all semblance of political power. No situation could have been potentially more dangerous to the conquerors. Seen from this point of view, Lugard was compelled by circumstances to make a virtue out of political necessity. And, finally, the characteristic traditional system of the Muslim emirates - as illustrated by their centralized authority, fiscal system, and judicial organization - worked in Lugard's favour and provided him with an ideal laboratory in which to carry out his experiments.⁴²

Lugard conceived the idea that at the capital of each of the provinces of the protectorate it would be necessary to appoint as 'adviser' to the emir and head of the local European staff an official whom he designated as 'Resident'. That the Resident could exercise too little or too much power in the whole scheme of Indirect Rule is illustrated by the fact that although his duties were supposed to be political rather than administrative he could at his own discretion take upon himself an unspecified amount of administrative work if the emir was not capable.⁴³ And the best judge of the emir's ability was the Resident himself. Thus, he might find himself discharging too few or too many administrative functions, and in the latter case the possibility of tensions developing between him and the rulers of Kano could not be ruled out. The position of the Resident was, therefore, of crucial importance.

To say that the Resident was the emir's 'adviser' is to misunderstand the issue since it fails to bring out the exact relationship between the two men. Lugard left no doubts at all that it was part of the duties of the emir to carry out the 'lawful commands' of the Resident.⁴⁴ This means that the emir had to choose between obedience and co-operation on the one hand and deposition and disgrace on the other. The assumption was that the colonial administration had no alternative between forcing the emir to co-operate and getting rid of him as a ruler. This policy did not apply just to the emirs. Their officials, except those who would be allowed to stay at the capital as officers of state, should choose between going to live in their fiefs and remaining unrecognized by the colonial regime.⁴⁵ No problems were anticipated. The emirs would have to abolish such offices on their own initiatives or else pay them out of their own pockets.⁴⁶ In the nineteenth century there was no office that did not serve a specific purpose, and the intimation here that some offices could be abolished because they did not suit British plans and intentions was a clear warning that new concepts would be introduced and that the traditional system would be dislocated. Lugard was aware that the abolition of these offices would cause some disaffection, but in his characteristic manner he wanted to have it both ways: if the emirs were unable to pay these ex-officials and their slave bureaucracies out of the resources allowed them by the administration then the High Commissioner could not be held responsible since he had directed that they should be paid. But if the emirs acting under financial pressure abolished these offices then so much the better, but Lugard would not be held responsible for any unpleasant consequences. On the other hand, should the emirs, anxious to sustain the officials thus

42. Hailey, *An African Survey*, p. 417; Taylor, p. 91.

43. Lugard, *Political Memoranda*, p. 7.

44. *Vide* the oath of allegiance to be sworn by the emirs, *Political Memoranda*, pp. 191—2.

45. Lugard, *Annual Reports*, pp. 109, 221.

46. Lugard, *Memorandum on the Taxation of Natives in Northern Nigeria* (H.H.S.O., Feb., 1907), p. 9.

declared redundant, attempt to raise money in any way not authorized by the colonial administration they would get into political difficulties because the British would regard any such effort as maladministration.

This takes us to the highly vital matter of finance. In 1901 Lugard claimed his government 'absolute right' to levy what taxes it pleased as reward for 'benefits brought'.⁴⁷ In course of time it was laid down that government would aim at simplification by merging a number of taxes.⁴⁸ Furthermore, the fief holders who were to be exiled to the countryside would be responsible for the collection of taxes: this would involve a re-organisation of the emirates into consolidated districts in place of the scattered fiefs. This meant also that the *jakada* system would be abandoned.⁴⁹ Again no problems were foreseen. The fact was not realized - or was ignored - that the principle of merging taxes, so meaningful to the Western mind because of its simplicity, made no sense within the Caliphate where each of the taxes authorized by the law had special religious significance of its own. We saw in the last chapter that in Islam the levying of the authorized taxes was a function of the emirs. Though the emirs were retained their letters of appointment stipulated that they had lost this right to tax their subjects.⁵⁰ The 'Land Revenue Proclamation' of 1904 required the emirs to pay one quarter of the taxes they collected into colonial revenue: this proportion was later raised to one half under the 'Native Revenue Proclamation' of 1906 which also made the collection of all other taxes not authorized by it illegal and punishable.⁵¹ All this confirmed the disruption of the scheme of things in the pre-conquest Caliphate. For the first time the emirs were to pay tribute to a Christian power and Sokoto, hitherto the receiver of tribute, was totally left out.

Finally, there was the judicial aspect of Indirect Rule. A warning as to Lugard's intention was contained in what he wrote even before the formal proclamation of the protectorate: 'by the system of law introduced certain matters become illegal even though sanctioned by native law or religion'.⁵² Muslim courts would be maintained but it was the Residents who were directed by the 'Native Courts Proclamation' to establish by warrant with the consent of the emirs, local courts at such points as they considered suitable in their respective provinces.⁵³ The initiative must come from the all-powerful Resident even in the location of purely Muslim courts. At the same time there was a proclamation establishing provincial courts to be presided over by Residents. The Muslim courts were to enforce laws sanctioned by custom and tradition so long as these were not contrary to 'natural justice and humanity' as seen through British eyes. The provincial courts would deal with cases which the Muslim courts could not or would not handle. Yet it is clear that the existence in the same territory of two types of courts based on two different systems of values was not unlikely to give rise to problems. For the thing, at least, dispensation of justice to the believers was of Muslim law no business of any non-Muslim authority, and the establishment of the provincial court might look like a strange way of upholding and supporting tradi-

⁴⁷ Lugard, *Annual Reports*, p. 41.

⁴⁸ *Ibid.*, p. 22; 186 *Political Memoranda*, p. 106.

⁴⁹ Lugard, *Memorandum on Taxation of the Natives*, p. 6.

⁵⁰ Lugard, *Political Memoranda*, p. 85.

⁵¹ C.O. 44645, Lugard to Lyttelton, 26 April, 1905.

⁵² *Mem. Brit. Emp.* S.65, 'Lugard Papers'.

⁵³ C.O. 55: 1, *Northern Nigeria Proclamations 1900-1904*, No. 5 of 1 Jan., 1900.

tional authorities. Sufficient indication was given that Islamic law was going to be undermined in important particulars by colonial presence.

Whichever way one looks at the matter, these administrative principles and those enunciated a hundred years before⁵⁴ were in sharp opposition to each other. This was by no means an accident. The Shehu Usman dan Fodio saw the state as a means to an end, as an instrument for the realization of a divine purpose. By means of the state machine the *imam* was to pursue the material and spiritual well being of his subjects along lines prescribed by the *shari'a* through whose observance believers would ultimately find eternal salvation. Eternal salvation was of no concern to Lugard: his principle of 'natural justice and humanity' and his notions of an efficient revenue system subverted the basic principles of Islamic administration. His Indirect Rule was an exercise in local government, as has long been recognized,⁵⁵ and it was worked out as a convenient method of colonial domination and nothing more. As is also well known, this system of rule had no goal at this stage.⁵⁶ The *Political Memoranda* tells us about the duties of emirs and their officials of all grades, their emoluments, and of the responsibilities of the Residents. We are told that the peasants should pay their taxes the burden of which the government would try to make lighter; the thought of what practical benefits they would get in return was strange to Lugard.⁵⁷ No mention is made of social amenities. Above all, the *Political Memoranda* fails to indicate the direction towards which the colonized people would eventually move. Improved and more efficient administration (seen especially from the stand point of revenue), highly hoped for, looked like an end in itself. Lugard did not see his system either as a development administration or as one that could place the Africans on the road to independence.

Inevitably, the Lugard system fundamentally affected the government and administration of Kano between 1900 and 1930. The three aspects of government around which the system of Indirect Rule was constructed on the African side were: the executive (Native Authority) by which we mean not merely the emir but also his recognized subordinate officials (councillors, district heads and village heads);⁵⁸ the judiciary, that is to say, the Muslim courts; and the financial, that is, revenue. These are what can be called 'the three pillars of Indirect Rule'.⁵⁹ Their existence as the legal framework of Indirect Rule was sanctioned by three different proclamations.⁶⁰ Thus they do in fact provide us with the relevant branches of the new administrative system on which

54. *Supra*, pp. 4-7

55. See, for instance, Perham, 'Some Problems of Indirect Rule in Africa', *Journal of the Royal Society of Arts*, Vol. 82, 1934, p.690; Obaro Ikime, 'Reconsidering Indirect Rule: The Nigerian Example', *J.H.S.N.* Vol. 4 No. 3, 434; Michael Crowder & Obaro Ikime, *West African Chiefs* (Ife, 1970), p. xix.

56. Kirk-Greene and Davies, p. 160; L. C. Cowan, *Local Government in West Africa* (New York, 1958), p. 25.

57. His claim, explicit or implicit here and there in his writings and despatches, that British presence would save the *talukawa* from 'oppression', 'extortion', and 'injustice' does not affect the argument.

58. The 'Enforcement of Native Authority Proclamation' gave legal sanction to the position of native chiefs and recognized office holders. See the *Political Memoranda*, p. 191. See also *Laws of the Protectorate of Northern Nigeria*, 1910, p. 611.

59. Reference here is to the areas where the Africans themselves were involved in the administration. It is clear, of course, that the British personnel and the provincial courts were part of the whole structure of Indirect Rule.

60. The 'Native Courts Proclamation', the 'Native Revenue Proclamation', and the 'Enforcement of Native Authority Proclamation'. See Lugard, *Political Memoranda*, p. 191.

our study will be focused. Since these pillars coincide with the main features of traditional administration at Kano it is obvious that examining them in detail is the best way of finding an answer to the question of the impact of British rule on this traditional administrative system. But meanwhile it is necessary to see how the Lugard system worked in practice during the first few years.

THE NEW ADMINISTRATION, 1903—1905

With the return of the Wambai Abbas, the way was cleared for the appointment of a new emir. Succession presented no problem. The ex-emir's elder brother, the Waziri Ahmadu, perished at Kotorkwashi; his younger brother, the Galadima Mahmud and his own son, the Chiroma, Abdu, had not yet returned from Sokoto.⁶¹ Abdu son of former Emir Tukur, had come back from Damagaram immediately after the fall of Kano and obviously had his eyes on the emirship.⁶² He had no strong following so Lugard easily set aside his claims. The Wambai Abbas, on the other hand, had been well spoken of by Abadie's informants soon after the capture of the city.⁶³ Abbas was undoubtedly popular: he was reserved and well-headed, while Aloya appeared proud and boisterous.⁶⁴ He was said to have been the 'unanimous choice of all parties'; consequently, there was no difficulty in selecting him provisionally.⁶⁵ There was no reference to Sokoto, and this was in keeping with the policy of making both the rulers and their subjects understand who had the last word in this matter under the new circumstances. Thus the British flouted the constitution of the Caliphate as the Yusufists had done but recognized the retention of power by the usual descendants of the second Fulani Emir, Ibrahim Dabo, and therefore made no alteration to the emirship in dynastic terms.

The formal installation of Abbas as the new Emir of Kano was made on 3 April. He was later recognized as a first class chief.⁶⁶ The classification of the emirs was an unknown practice during the nineteenth century. Although the emirs varied in importance depending on the size of their territories, their military strength, and their revenue, they were not formally graded. The same day as Abbas was selected Lugard addressed him and six of his principal chiefs stating the conditions of British rule.⁶⁷ His speech illustrates the main points of Indirect Rule and needs no elaborate discussion here.⁶⁸

61. Mallam Hamza, 15 Sept., 1970. The Galadima and the Chiroma went to Sokoto after it had become clear that the emir had fled.

62. S.N.P. 172, No. 16976, Abadie to Lugard, 12 Feb., 1903.

63. *Ibid.*

64. Mallam Hamza, 15 Sept., 1970.

65. Lugard, *Annual Reports*, pp. 92—3.

66. *Northern Nigeria Gazette*, Vol. IV, No. 6, 30 June, 1904. Other chiefs of the first grade gazetted on the same day were the Sarkin Musulmi, the Shehu of Borno, the Emirs of Zaria, Nupe, Ilorin, Yola, and Sarkin Kaiama. Abbas came after the Caliph and the Shehu of Bornu in order of precedence.

67. Lugard, *Annual Reports*, p. 92.

68. The speech at Kano is enclosed as Appendix II.

He claimed for himself the right to appoint not only the emir but also his principal officials, and he ordered Abbas to reinstate in their former positions all office holders who had already returned to Kano. It is clear that if the emir could no longer appoint and dismiss his officials his authority would be greatly undermined. It is in fact questionable whether, notwithstanding Lugard's claim that 'they appeared well satisfied', Abbas and his people understood the full implications of what they had been told. Nor was Lugard aware of the difficulties of making good his claims. However, on the very day the new emir was installed Captain Abadie was withdrawn and Dr. Featherstone Cargill was appointed Resident in his place. Cargill was formally a medical officer in the service of the West African Frontier Force and was appointed Assistant Resident in Lugard's political department in October 1900.⁶⁹ He was promoted second class Resident a year later.⁷⁰

The first task of Abbas as emir was to appoint his own officials. Those who had held offices under his brother and who had returned were confirmed in their positions, but a number of fresh appointments were made to fill the places of those who had either perished in battle or had so far not returned to Kano. Thus, to mention only some of the most senior officials: the office of Waziri was given to a man nicknamed Waziri Sarki, a grandson of the fourth Emir, Abdullahi. The Galadima, Mahmud, who did not return to Kano until much later was replaced by Umoru, a brother of the new emir. The place of Abbas as Wambai was taken by his senior brother, Shehu Usman, who was until then Dan Mokoyo. Aliyu's son, the Turaki,⁷¹ Abdulkadir, who was still away at Sokoto was replaced by Salhi, elder brother of Abbas while the eldest son of Abbas, Abdullahi Bayero, took the place of Aliyu's son, Abdu, as Chiroma. The Barde, Abdu, retained his office, while Idrisu, another senior brother of Abbas, was appointed Sarkin Dawaki Tsakar Gida. Of the electoral offices, the Madaki, Muhammad Kwairanga, who had had some disagreement with Aliyu during the journey to Sokoto and was later killed at Burni, was replaced by Husseini, a nephew of the new emir but a member of the Yolawa family.⁷² The Makama, Umoru, the Sarkin Dawakin Maituta Malam, and the Sarkin Bai, Abdulsalami, were all confirmed in their positions. The Council of Nine was in this way reconstituted. In addition, Abbas set up his own hierarchy of household slaves. The most significant of the slave appointments was the Dan Rimi, Ala bar Sarki, about whom much will be said in due course.⁷³ The officials as usual stayed at the capital: the days of conflict over the question of residence in the districts were yet to come.

It was not long before the loyalty of Abbas and his staff to their British overlords, and in fact of the acceptance of the colonial regime by the *talakawa*, were put to a severe test. The expedition which proceeded from Kotorkwashi against Sokoto succeeded as the British expected, but the Sarkin Musulmi, Attahiru, had no intention of sitting down complacently under the British regime. On 20 April, less than two months after the accession of Abbas, the Caliph, accompanied by some one hundred horse and foot, crossed into Beli in the extreme south-west of Kano. According to the Resident, the

69. *Northern Nigeria Gazette*, Vol. I No. 10, 31 Oct., 1900.

70. *Northern Nigeria Gazette*, Vol. II, No. 11, 30 Nov., 1901.

71. The titles 'Turaki', 'San Turaki', and 'Turakin Many' were alternative ways of saying the same thing. They were usually held by members of the royal family.

72. See the 'District Note Book' of Dawakin Tofa.

73. *Infra*, pp. 56—57 *passim*.

Barkin Musulmi's following must have increased four-fold within two days of his sell-out into Kano territory, he called on the faithful to leave what he now saw as an infertile territory and follow him to Mecca. Consequently on that Sultan Haraya, Abdullat and a host of minor *sarakuna* as well as up to half the population of virtually every town he traversed packed up their belongings and joined in the exodus.⁷⁴ Cargill felt reported that Attahiru called on his co-religionists not to live in peace with the infidels, that he informed some of them that he was going to collect an army and march on Adonawa where the Mahdi was being expected, while to others he stated that he was going to Mecca.⁷⁵ It hardly need be emphasized that the situation thus precipitated was a grave danger to the colonial administration. To Abbas it presented a crisis. For some time now he had been facing undignified criticism from both sides by complying with European wishes such as their demands for labour and materials to construct barracks and other buildings he was aiding the cause of the infidels.⁷⁶ Not to heed the call might confirm this view; on the other hand, if Abbas had joined the fugitive Caliph most of the urban population as well as that of the rural districts would probably have followed suit. British troops would have been unleashed against them if not immediately still events later - and Kano would probably have witnessed another blood-bath. Abbas seems to have decided that he had had enough of treason.

Understandably, the British sought the emir's active participation in the effort to restore calm and normalcy. According to one source, when the Resident asked for the assistance of his eldest son, the Chisoma Bayero, in the erection of barracks at strategic points to prevent people from deserting the emirate, he favourably responded.⁷⁷ In fact, of the personal loyalty of the emir to the British Cargill was firmly convinced. Abbas was rather seriously disturbed by growing signs of dissatisfaction among both the *hukumi* and the *talabawa*, and he was probably as enthusiastic as the British that Attahiru should be captured. For unless he could by his own position prevent further disaffection he would constitute a serious embarrassment to the British who would regard him as a political liability. He told the Resident that the *hukumi* princes were restless and were watching the course of events. Cargill called together the *hukumi* and warned them that anybody whose loyalty to the British was shaken would have his property confiscated.⁷⁸ This was a very desperate move, but no chances were to be taken. Once again the British bitterly learnt what the population thought of their rule.

Threats and intimidation were not directed at senior officials only. The Resident claimed that wherever a *sarki* had deserted he himself immediately filled the vacant post as a deterrent to others, thus performing himself part of the functions of the emir. He warned that all those officials who owed their restoration to the British but who now abandoned their positions would be tried for treason.⁷⁹ The emir himself sent circular messages throughout his domain threatening, as he was apparently instructed to do, all who left their farms and joined Attahiru with punishment on their return.

74. C.O. 879/80, Cargill to Wallace, 24 April, 1903, enclosure 2 in Wallace to Chamberlain, 19 May, 1903; also Magajin Gari, Mallam Abubakar, SS, 12 July, 1972 (Karaye). See also Mullett, p. 152, and Adeleye, p. 300.

75. C.O. 879/80, Cargill to Wallace, 15 May, 1903, No. 18 03, enclosure in Wallace to Chamberlain, 4 June, 1903.

76. Anonymous informants, 20 Aug., 1970 (Kano).

77. Mallam Hamza, 15 Sept., 1970; 22 June, 1972 (Kano).

78. C.O. 879/80, Resident of Kano to High Commissioner, 3 May, 1903, No. 1 of 5 03, enclosure in Wallace to Chamberlain, 27 May, 1903.

79. *Ibid.*

The Resident did not see the crisis as one which could be resolved by mere verbal suasion or through the application of mild measures. Immediately he became aware of the situation he wrote Captain Sword of the Kano garrison to pursue and capture the Caliph. The Resident of Zaria was requested to send up his mounted infantry to Faki (on the Kano-Zaria border), and Bauchi was also urged to co-operate. Cargill considered harsh measures necessary because 'to allow Attahiru to sit down even for a week unmolested in Kano territory would practically mean the population joining him en masse'.⁸⁰ For his part Attahiru continued his journey through the southern parts of Kano, people flocking to his banner. As he passed through Birnin Kudu the Sarkin Kudu, Masadu, wavered but finally decided not to follow, although a large number of people including some of his officials did so.⁸¹ At Iggi, not very far away, where the Sarkin Musulmi passed the night a large number of people including Sarkin Iggi, Abdulsalami, joined him.⁸² When news of the exodus reached Sarkin Dutse, Abdulkadir, he too and some of his people packed up their things and followed suit.⁸³ The battle of Burmi which settled the Attahiru affair does not concern us here;⁸⁴ it suffices to say that a large number of Kano people, including some of the nobility, lost their lives in the encounter.

The Attahiru episode removed any doubts the British might still have entertained regarding the basis of their rule in Kano. The people had made it manifest that as far as they were concerned British presence was still something to be greatly deprecated and if possible avoided. The opinion that Kano had become a land of the infidel from which *hijra* on the part of the faithful was obligatory was widely accepted and what kept people in their homes was the state of physical fear to which they had been subjected by the fact of military occupation, intimidation, and harassment. While Abbas was obviously estranged from a large number of his subjects for playing what, in their opinion, was a dubious role, it seems clear that his policy was statesmanlike. He had saved Kano from another military confrontation with the British. That the local British staff regarded him as loyal is borne out by the Resident's report to the High Commissioner: 'He was the first to warn me of the danger of ex-Sultan Attahiru's crusade, and to urge me to take immediate action. He has always exerted himself to make his chiefs accept the situation created by the British occupation in the proper spirit'.⁸⁵ For the rest of his tenure of office as High Commissioner Lugard did not forget the incalculable service which the emir rendered to them at that critical period when all was at stake.

Later in the year Cargill assured the High Commissioner of the total confidence he had in Abbas and of the high opinion he had with regard to his character. Up to the end of 1904 things continued to move tolerably well but for one political situation early in the year. In the atmosphere of fear and suspicion which continued to prevail between the people and British troops it was predictable that any small rumour could heighten tension. Within the garrison it was rumoured early in 1904 that the people of Kano were contemplating an attack, while the Kano people themselves accused the

80. *Ibid.*

81. Mallam Haruna, 76, 2 Aug., 1972 (Birnin Kudu)

82. Mallam Lukumaua, 102, 2 Aug., 1972 (Iggi).

83. Alhaji Abubakar, 70, Alhaji Dawaki, 70, 1 Aug., 1972 (Dutse) Abdulkadir survived the battle of Burmi but did not return to Kano.

84. For this event see especially Adeleye, pp. 288—313; Muffett, pp. 178—212.

85. Cargill to Lugard, quoted in the *Annual Reports*, p. 173.

declared redundant, attempt to raise money in any way not authorized by the administration they would get into political difficulties because the British would not support any such effort as maladministration.

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47. Lugard, *Annual Reports*, p. 41.

48. *Ibid.*, p. 222; also *Political Memoranda*, p. 106.

49. Lugard, *Memorandum on Taxation of the Natives*, p. 6.

50. Lugard, *Political Memoranda*, p. 85.

51. C.O. 446/45, Lugard to Lyttelton, 26 April, 1905.

52. *Mem. Brit. Emp.* S.65, 'Lugard Papers'.

53. C.O. 581/1, *Northern Nigeria Proclamations 1900-1904*, No. 5 of 1 Jan., 1900.

tional authorities. Sufficient indication was given that Islamic law was going to be undermined in important particulars by colonial presence.

Whichever way one looks at the matter, these administrative principles and those enunciated a hundred years before⁵⁴ were in sharp opposition to each other. This was by no means an accident. The Shehu Usman dan Fodio saw the state as a means to an end, as an instrument for the realization of a divine purpose. By means of the state machine the *imam* was to pursue the material and spiritual well being of his subjects along lines prescribed by the *shari'a* through whose observance believers would ultimately find eternal salvation. Eternal salvation was of no concern to Lugard: his principle of 'natural justice and humanity' and his notions of an efficient revenue system subverted the basic principles of Islamic administration. His Indirect Rule was an exercise in local government, as has long been recognized,⁵⁵ and it was worked out as a convenient method of colonial domination and nothing more. As is also well known, this system of rule had no goal at this stage.⁵⁶ The *Political Memoranda* tells us about the duties of emirs and their officials of all grades, their emoluments, and of the responsibilities of the Residents. We are told that the peasants should pay their taxes the burden of which the government would try to make lighter; the thought of what practical benefits they would get in return was strange to Lugard.⁵⁷ No mention is made of social amenities. Above all, the *Political Memoranda* fails to indicate the direction towards which the colonized people would eventually move. Improved and more efficient administration (seen especially from the stand point of revenue), highly hoped for, looked like an end in itself. Lugard did not see his system either as a development administration or as one that could place the Africans on the road to independence.

Inevitably, the Lugard system fundamentally affected the government and administration of Kano between 1900 and 1930. The three aspects of government around which the system of Indirect Rule was constructed on the African side were: the executive (Native Authority) by which we mean not merely the emir but also his recognized subordinate officials (councillors, district heads and village heads);⁵⁸ the judiciary, that is to say, the Muslim courts; and the financial, that is, revenue. These are what can be called 'the three pillars of Indirect Rule'.⁵⁹ Their existence as the legal framework of Indirect Rule was sanctioned by three different proclamations.⁶⁰ Thus they do in fact provide us with the relevant branches of the new administrative system on which

54. *Supra*, pp. 4-7

55. See, for instance, Perham, 'Some Problems of Indirect Rule in Africa', *Journal of the Royal Society of Arts*, Vol. 82, 1934, p. 690; Obaro Ikime, 'Reconsidering Indirect Rule: The Nigerian Example', *J.H.S.N.*, Vol. 4 No. 3, 434; Michael Crowder & Obaro Ikime, *West African Chiefs* (Ife, 1970), p. xix.

56. Kirk-Greene and Davies, p. 160; L. C. Cowan, *Local Government in West Africa* (New York, 1958), p. 25.

57. His claim, explicit or implicit here and there in his writings and despatches, that British presence would save the *talakawa* from 'oppression', 'extortion', and 'injustice' does not affect the argument.

58. The 'Enforcement of Native Authority Proclamation' gave legal sanction to the position of native chiefs and recognized office holders. See the *Political Memoranda*, p. 191. See also *Laws of the Protectorate of Northern Nigeria*, 1910, p. 611.

59. Reference here is to the areas where the Africans themselves were involved in the administration. It is clear, of course, that the British personnel and the provincial courts were part of the whole structure of Indirect Rule.

60. The 'Native Courts Proclamation', the 'Native Revenue Proclamation', and the 'Enforcement of Native Authority Proclamation'. See Lugard, *Political Memoranda*, p. 191.

our study will be focused. Since these pillars coincide with the main features of the traditional administration at Kano it is obvious that examining them in detail is the best way of finding an answer to the question of the impact of British rule on this traditional administrative system. But meanwhile it is necessary to see how the Lugard system worked in practice during the first few years.

THE NEW ADMINISTRATION, 1903—1905

With the return of the Wambai Abbas, the way was cleared for the appointment of a new emir. Succession presented no problem. The ex-emir's elder brother, the Waziri Ahmadu, perished at Kotorkwashi; his younger brother, the Galadima, Mahmud, and his own son, the Chiroma, Abdu, had not yet returned from Sokoto.⁶¹ Abdu, son of former Emir Tukur, had come back from Damagaram immediately after the fall of Kano and obviously had his eyes on the emirship.⁶² He had no strong following, so Lugard easily set aside his claims. The Wambai, Abbas, on the other hand, had been well spoken of by Abadie's informants soon after the capture of the city.⁶³ Abbas was undoubtedly popular: he was reserved and cool-headed, while Aliyu appeared proud and boisterous.⁶⁴ He was said to have been the 'unanimous choice of all parties'; consequently, there was no difficulty in selecting him provisionally.⁶⁵ There was no reference to Sokoto, and this was in keeping with the policy of making both the rulers and their subjects understand who had the last word in this matter under the new circumstances. Thus the British flouted the constitution of the Caliphate as the Yusufists had done but recognized the retention of power by the lineal descendants of the second Fulani Emir, Ibrahim Dabo, and therefore made no alteration to the emirship in dynastic terms.

The formal installation of Abbas as the new Emir of Kano was made on 3 April. He was later recognized as a first class chief.⁶⁶ The classification of the emirs was an unknown practice during the nineteenth century. Although the emirs varied in importance depending on the size of their territories, their military strength, and their revenue, they were not formally graded. The same day as Abbas was selected Lugard addressed him and six of his principal chiefs stating the conditions of British rule.⁶⁷ His speech illustrates the main points of Indirect Rule and needs no elaborate discussion here.⁶⁸

61. Mallam Hamza, 15 Sept., 1970. The Galadima and the Chiroma went to Sokoto after it had become clear that the emir had fled.

62. S.N.P. 17/2, No. 16976, Abadie to Lugard, 12 Feb., 1903.

63. *Ibid.*

64. Mallam Hamza, 15 Sept., 1970.

65. Lugard, *Annual Reports*, pp. 92—3.

66. *Northern Nigeria Gazette*, Vol. IV, No. 6, 30 June, 1904. Other chiefs of the first grade gazetted on the same day were the Sarkin Musulmi, the Shehu of Borno, the Emirs of Zaria, Nupe, Ilorin, Yola, and Sarkin Kaiama. Abbas came after the Caliph and the Shehu of Borno in order of precedence.

67. Lugard, *Annual Reports*, p. 92.

68. The speech at Kano is enclosed as Appendix II.

He claimed for himself the right to appoint not only the emir but also his principal officials, and he ordered Abbas to reinstate in their former positions all office holders who had already returned to Kano. It is clear that if the emir could no longer appoint and dismiss his officials his authority would be greatly undermined. It is in fact questionable whether, notwithstanding Lugard's claim that 'they appeared well satisfied', Abbas and his people understood the full implications of what they had been told. Nor was Lugard aware of the difficulties of making good his claims. However, on the very day the new emir was installed Captain Abadie was withdrawn and Dr. Featherstone Cargill was appointed Resident in his place. Cargill was formally a medical officer in the service of the West African Frontier Force and was appointed Assistant Resident in Lugard's political department in October 1900.⁶⁹ He was promoted second class Resident a year later.⁷⁰

The first task of Abbas as emir was to appoint his own officials. Those who had held offices under his brother and who had returned were confirmed in their positions, but a number of fresh appointments were made to fill the places of those who had either perished in battle or had so far not returned to Kano. Thus, to mention only some of the most senior officials: the office of Waziri was given to a man nicknamed Waziri Sarki, a grandson of the fourth Emir, Abdullahi. The Galadima, Mahmud, who did not return to Kano until much later was replaced by Umoru, a brother of the new emir. The place of Abbas as Wambai was taken by his senior brother, Shehu Usman, who was until then Dan Mokoyo. Aliyu's son, the Turaki,⁷¹ Abdulkadir, who was still away at Sokoto was replaced by Salihi, elder brother of Abbas while the eldest son of Abbas, Abdullahi Bayero, took the place of Aliyu's son, Abdu, as Chiroma. The Barde, Abdu, retained his office, while Idrisu, another senior brother of Abbas, was appointed Sarkin Dawaki Tsakar Gida. Of the electoral offices, the Madaki, Muhammad Kwairanga, who had had some disagreement with Aliyu during the journey to Sokoto and was later killed at Burmi, was replaced by Husseini, a nephew of the new emir but a member of the Yolawa family.⁷² The Makama, Umoru, the Sarkin Dawakin Maituta Malam, and the Sarkin Bai, Abdulsalami, were all confirmed in their positions. The Council of Nine was in this way reconstituted. In addition, Abbas set up his own hierarchy of household slaves. The most significant of the slave appointments was the Dan Rimi, Ala bar Sarki, about whom much will be said in due course.⁷³ The officials as usual stayed at the capital: the days of conflict over the question of residence in the districts were yet to come.

It was not long before the loyalty of Abbas and his staff to their British overlords, and in fact of the acceptance of the colonial regime by the *talakawa*, were put to a severe test. The expedition which proceeded from Kotorkwashi against Sokoto succeeded as the British expected, but the Sarkin Musulmi, Attahiru, had no intention of sitting down complacently under the British regime. On 20 April, less than two months after the accession of Abbas, the Caliph, accompanied by some one hundred horse and foot, crossed into Beli in the extreme south-west of Kano. According to the Resident, the

69. *Northern Nigeria Gazette*, Vol. 1 No. 10, 31 Oct., 1900.

70. *Northern Nigeria Gazette*, Vol. II, No. 11, 30 Nov., 1901.

71. The titles 'Turaki', 'San Turaki', and 'Turakin Manyà' were alternative ways of saying the same thing. They were usually held by members of the royal family.

72. See the 'District Note Book' of Dawakin Tofa.

73. *Infra*, pp. 56—57 *passim*.

Sarkin Musulmi's following must have increased four-fold within two days of his setting foot into Kano territory; he called on the faithful to leave what he now saw as an infidel territory and follow him to Mecca. Consequent on this, Sarkin Karaye, Abdulkarim, and a host of minor *sarakuna* as well as up to half the population of virtually every town he traversed packed up their belongings and joined in the exodus.⁷⁴ Cargill further reported that Attahiru called on his co-religionists not to live in peace with the unbelievers; that he informed some of them that he was going to collect an army and march on Adamawa where the Mahdi was being expected, while to others he stated that he was going to Mecca.⁷⁵ It hardly need be emphasized that the situation thus precipitated was a grave danger to the colonial administration. To Abbas it presented a crisis. For some time now he had been facing undisguised criticism that by complying with European wishes such as their demands for labour and materials to construct barracks and other buildings he was aiding the cause of the infidel.⁷⁶ Not to heed the call might confirm this view; on the other hand, if Abbas had joined the fugitive Caliph most of the urban population as well as that of the rural districts would probably have followed suit. British troops would have been unleashed against them if not immediately at all events later - and Kano would probably have witnessed another blood-bath. Abbas seems to have decided that he had had enough of troubles.

Understandably, the British sought the emir's active participation in the effort to restore calm and normalcy. According to one source, when the Resident asked for the assistance of his eldest son, the Chiroma Bayero, in the erection of barricades at strategic points to prevent people from deserting the emirate, he favourably responded.⁷⁷ In fact, of the personal loyalty of the emir to the British Cargill was firmly convinced. Abbas was rather seriously disturbed by growing signs of disaffection among both the *hakimai* and the *talakawa*, and he was probably as enthusiastic as the British that Attahiru should be captured. For unless he could by his own position prevent further disaffection he would constitute a serious embarrassment to the British who would regard him as a political liability. He told the Resident that the Kano princes were restive and were watching the course of events. Cargill called together the *hakimai* and warned them that anybody whose loyalty to the British was shaken would have his property confiscated.⁷⁸ This was a very desperate move, but no chances were to be taken. Once again the British bitterly learnt what the population thought of their rule.

Threats and intimidation were not directed at senior officials only. The Resident claimed that wherever a *sarki* had deserted he himself immediately filled the vacant post as a deterrent to others, thus performing himself part of the functions of the emir. He warned that all those officials who owed their restoration to the British but who now abandoned their positions would be tried for 'treason'.⁷⁹ The emir himself sent circular messages throughout his domain threatening, as he was apparently instructed to do, all who left their farms and joined Attahiru with punishment on their return.

74. C.O. 879/80, Cargill to Wallace, 24 April, 1903, enclosure 2 in Wallace to Chamberlain, 19 May, 1903; also Magajin Gari, Mallam Abubakar, 58, 12 July, 1972 (Karaye). See also Muffeti, p. 152 and Adeleye, p. 300.
75. C.O. 879/80, Cargill to Wallace, 15 May, 1903, No. 18/03, enclosure in Wallace to Chamberlain, 4 June, 1903.
76. Anonymous informant, 20 Aug., 1970 (Kano).
77. Mallam Hamza, 15 Sept., 1970; 22 June, 1972 (Kano).
78. C.O. 879/80, Resident of Kano to High Commissioner, 3 May, 1903, No. 1 of 5/03, enclosure in Wallace to Chamberlain, 27 May, 1903.
79. *Ibid.*

The Resident did not see the crisis as one which could be resolved by mere verbal suasion or through the application of mild measures. Immediately he became aware of the situation he wrote Captain Sword of the Kano garrison to pursue and capture the Caliph. The Resident of Zaria was requested to send up his mounted infantry to Faki (on the Kano-Zaria border), and Bauchi was also urged to co-operate. Cargill considered harsh measures necessary because 'to allow Attahiru to sit down even for a week unmolested in Kano territory would practically mean the population joining him en masse'.⁸⁰ For his part Attahiru continued his journey through the southern parts of Kano, people flocking to his banner. As he passed through Birnin Kudu the Sarkin Kudu, Masadu, wavered but finally decided not to follow, although a large number of people including some of his officials did so.⁸¹ At Iggi, not very far away, where the Sarkin Musulmi passed the night a large number of people including Sarkin Iggi, Abdulsalami, joined him.⁸² When news of the exodus reached Sarkin Dutse, Abdulkadir, he too and some of his people packed up their things and followed suit.⁸³ The battle of Burmi which settled the Attahiru affair does not concern us here;⁸⁴ it suffices to say that a large number of Kano people, including some of the nobility, lost their lives in the encounter.

The Attahiru episode removed any doubts the British might still have entertained regarding the basis of their rule in Kano. The people had made it manifest that as far as they were concerned British presence was still something to be greatly deprecated and if possible avoided. The opinion that Kano had become a land of the infidel from which *hijra* on the part of the faithful was obligatory was widely accepted and what kept people in their homes was the state of physical fear to which they had been subjected by the fact of military occupation, intimidation, and harassment. While Abbas was obviously estranged from a large number of his subjects for playing what, in their opinion, was a dubious role, it seems clear that his policy was statesmanlike. He had saved Kano from another military confrontation with the British. That the local British staff regarded him as loyal is borne out by the Resident's report to the High Commissioner: 'He was the first to warn me of the danger of ex-Sultan Attahiru's crusade, and to urge me to take immediate action. He has always exerted himself to make his chiefs accept the situation created by the British occupation in the proper spirit'.⁸⁵ For the rest of his tenure of office as High Commissioner Lugard did not forget the incalculable service which the emir rendered to them at that critical period when all was at stake.

Later in the year Cargill assured the High Commissioner of the total confidence he had in Abbas and of the high opinion he had with regard to his character. Up to the end of 1904 things continued to move tolerably well but for one political situation early in the year. In the atmosphere of fear and suspicion which continued to prevail between the people and British troops it was predictable that any small rumour could heighten tension. Within the garrison it was rumoured early in 1904 that the people of Kano were contemplating an attack, while the Kano people themselves accused the

80. *Ibid.*

81. Mallam Haruna, 76, 2 Aug., 1972 (Birnin Kudu)

82. Mallam Lukumana, 102, 2 Aug., 1972 (Iggi).

83. Alhaji Abubakar, 70, Alhaji Dawaki, 70, 1 Aug., 1972 (Dutse) Abdulkadir survived the battle of Burmi but did not return to Kano.

84. For this event see especially Adeleye, pp. 288—313; Muffett, pp. 178—212.

85. Cargill to Lugard, quoted in the *Annual Reports*, p. 173.

ways of harbouring that intention.⁸⁶ The Resident and the emir reassured the two peoples that the rumour had no truth whatsoever. The situation was serious enough to make the emir undertake a journey to Zungeru to declare his loyalty personally to the High Commissioner. With the treatment meted out to him still very fresh in everybody's mind, many people strongly felt the journey was also the end of Abbas. The emir set out in March 1904 with a force of about 700 people, 300 of whom were mounted, to cover the long distance of about 700 miles to Zungeru.⁸⁷ The emir brought along with him as tribute to his new sovereign fifty-five horses and one camel, and is said to have done so voluntarily.⁸⁸ According to Lugard, this visit cemented the friendship and mutual trust between him and Abbas.⁸⁹ On the occasion of this visit, the emir obtained from the High Commissioner permission to depose the Waziri and appoint the Chiroma, Abdullahi Bayero, as Waziri.

At the end of 1904 the High Commissioner paid the emir a visit and seized the opportunity to complain to him about the strained relations between the emir of Kano and the colonial administration. Lugard suggested that Abbas should be advised to point out the folly of adopting a hostile attitude towards the government. Abbas is reported not to have been particularly anxious to play this role of mediator but to have loyally co-operated. Thus far the British had every cause to feel satisfied with the head of the Kano Native Administration. They had so far found in Abbas an emir who could be said to be a willing instrument of their rule. Yet it was far from true that practically everything was moving the way the British would have it. Real serious problems still lay ahead. For whatever may be said of Abbas he was about a man of the old order, as we shall later see.

Since the fall of Kano, some secret debate was said to have been going on among the mallams as to the proper attitude to the British administration. The mallams were said to have been divided into two groups, one group favouring co-operation on the ground that it was the only reasonable thing to do in the new circumstances, and the other favouring non co-operation.⁹⁰ In the end no uniform policy towards the British prevailed among the mallam class, and each one of them had to follow the dictates of his conscience. Even up to the end of the period covered by this study, there were still mallams who were not prepared to take up appointments under the Native Administration supervised by the British.

By the end of 1905, the worst of the fears which the people of Kano had entertained at the time of British conquest had not come true, but here and there were indications of the dawn of a new era. To be sure, Islamic religious worship was unaffected: *limams* continued to perform their functions and Islamic education continued. The challenge from Western-style education had so far not arisen. The revenue system had been partially dislocated. With the cessation of warfare there was no question of *ghanima* and *ikhumi* any more but traditional taxes continued to be levied and collected with no alterations in the machinery. Tribute to Sokoto was discontinued and the British took

⁸⁶ Lugard, *Annual Reports*, p. 214.

⁸⁷ E. J. Lugard, 'Journal Jottings, Northern Nigeria, Dec., 1903—March 1905' in 'Lugard Papers', *Mss. Brit. Emp. S.* 61.

⁸⁸ *Ibid.*

⁸⁹ Lugard, *Annual Reports*, p. 241.

⁹⁰ Mallam Nagwaram, 14 June, 1972 (Kano). The names of those involved in the debate were not disclosed.

a portion of the taxes. There seems to have been no serious opposition in principle to the question of paying tax to the British. Many mallams interviewed said they were unaware that the British received any portion of the revenue collected. According to others there was nothing wrong in paying such a tribute at a time when the Muslim community had been defeated in war and there was no immediate possibility of a change in fortunes.⁹¹

On the judicial side there were signs of continuity as well as those of change. After the fall of Kano Lugard abrogated the emir's power to deal with cases of murder but this was restored in 1904.⁹² The original abrogation, though void in Islamic law, does not seem to have produced in the emir the same amount of bitterness (coming as it did immediately after conquest) as a similar measure generated at a later date. Changes were introduced in the sphere of *hadd* offences to bring them in line with British notions of justice.⁹³ Otherwise, Muslim courts continued to function as before, adopting their own procedure and rules of evidence and executing their own judgments. Organization of new courts in the countryside remained up to now no more than a statement of what should be done.

An important innovation was the provincial court. It was here that the British themselves tried cases of murder, slave dealing and such other cases as were brought to their attention. This court was unpopular. It was considered by most people that what disputes existed among the Muslims were not a matter for the British to know or decide. From the very beginning people who took complaints to this court were generally viewed with disapproval.⁹⁴ They were normally people who had problems with the local authorities and were regarded as dubious characters.

As far as taxation and territorial administration were concerned the British seemed to have been more of spectators than actors on the Kano stage. It has to be emphasized that this question involved fundamental issues relating to Kano's administrative traditions—territorial re-organization, introduction of residence by *hakimai* in their fiefs, abolition of the *jakala* system, joint responsibility on the part of district and village heads for the collection of taxes, and so on. Up to the end of 1904 the British had not succeeded in introducing any changes at all. In that year an attempt was made by Cargill to find out what taxes were paid by the *talukawa* but he was compelled to give up the effort because he did not receive much co-operation during his tours. There seems to have been a firm determination on the part of many members of the Kano ruling class and their subjects to keep the British, as far as possible, in their place. But time seemed to be running out and it was decided to do something about the fief system. This was the beginning of a chain of events which brought the two sides face to face. Crisis was in the air.

91. For example, Mallam Nagwaram, 14 June, 1972. (Kano) This view agrees entirely with M. Khadduri, *War and Peace*, p. 136.

92. Lugard, *Annual Reports*, p. 244.

93. For details see below, p. 124.

94. Mallam Nagwaram, 14 June, 1972 (Kano), Dafu Galadanci. 68, 14 June, 1972 (Kano); Salisu Dogari, 74, 13 June, 1972 (Kano)

TERRITORIAL RE-ORGANIZATION AND BACKGROUND TO THE CRISIS

An essential purpose of territorial re-organization was to destroy the fief system and create units of administration which could easily be managed by resident officials appointed to *hakimai* living in Kano city and operating through numerous agents. One important step towards realizing this objective was to form compact districts which also would make residence possible. The scheme introduced in 1908 made it possible for a fief-holder to be given responsibility for the administration of a district as the district headman, and for this purpose he was allowed to retain his title. The task of dividing the whole emirate of over 12,000 square miles of territory among a few dozen *hakimai* was not easy. After a prolonged tour Cargill effected a re-distribution of territories which resulted in the creation of thirty-four districts. The method adopted was that of taking the principal town of each *hakimi* and grouping around it a number of smaller units in such a way that the taxable capacity of the new consolidated district would be equal to the total revenue yielded by the former fiefs put together.⁹⁵ The most important of the *hakimai* were said to have been allocated territories farthest from the capital, while those within the immediate neighbourhood of the city were placed directly under the emir.⁹⁶ Out of deference to tradition and in order to overcome the emir's opposition to the new scheme he was allowed to place some of his own districts under three of his principal slaves as a temporary expedient.⁹⁷ Of the thirty-four units, eight were large districts which were given to the most important of the *hakimai*, while the remaining twenty-six smaller districts were given to the minor officials.

This re-organization was administratively sound, but it was quite unpopular. In many cases certain bonds of sentiment had developed between fiefs and fief-holders to the extent that the fiefs could not be re-organized without causing resentment on both sides. This measure, which involved the 'seizure' of a large number of fiefs formerly belonging to different *hakimai* to form each new district, gave to Resident Cargill the nickname of *maigunduma* by which he is still known all over Kano. With the completion of this scheme, Lugard indulged in a certain amount of self-congratulation, claiming that the new system had dealt a death blow on the slaves who were previously 'all powerful', that the new district heads would be able to work unhampered by their influences.⁹⁸

But there was nothing to justify this feeling of optimism. The attempt to deal with the fundamental implications of re-organization that is, to enforce residence and

95. Lugard, *Annual Reports*, p. 375

96. *Ibid.*

97. British policy was that before a slave could be allowed to hold a public office he must first of all be emancipated. See Lugard, *Political Memoranda*.

98. S.N.P. 7/10, No. 472/1909, Annual Report, Kano Province, 1908. These districts were named after the titles of the officials to whom they were assigned. Our rather incomplete list of the new districts is as follows: Shamaki, Dan Rimi, Saliama, Waziri, Magajin Mallam na Chedi, Magajin Mallam na Hausawa, Ma'ajin Wateri, Ma'aji, Alkali, Dan Isa, Tafida, Dan Amar, Galadima, Wambai, Dan Buram, Dan Iya, Dan Mokoyo, Sarkin Fulani jaidanawa, Maiungwar Kutumbawa, Barde Kereriyá, Dan Tube, Chirama, Sarkin Bai, Madaki, Sarkin Dawaki Maituta, Turakin Manyá, Barde, Makama, Sarkin Dawakin Tsakar Gida, Maiungwar Mundubawa, Limam, Sarkin Shanu, and Magatakarda.

99. Lugard, *Annual Reports*, pp. 375—6.

therefore eliminate the *jakadu* by making the new district heads responsible for tax collection, sparked off opposition from all concerned. To drive every *hakimi* away from the capital was contrary to custom and it would mean that the emir was going to rule without a council and without advisers.¹⁰⁰ Further, it was considered an insult to exile the sons of emirs and senior officials to the countryside,¹⁰¹ quite apart from the fear on the part of Abbas that he would lose control and supervision over them. The discontent of the *jakada* class which the new system sought to sweep away and render jobless was equally understandable. There were also practical difficulties. Apart from the Madaki and a few others the *hakimai* had no houses in their new districts, houses which would make residence in their new districts feasible.¹⁰² Oral evidence from the field shows that everywhere the new scheme was detested by the chiefs of the countryside who feared that their prestige would suffer if the fief holders were now to reside among them.

In face of this unarmed but vehement opposition to the idea of direct district administration by the *hakimai*, the protectorate government's policy was modified to suit the special circumstances of Kano. The rule regarding residence was relaxed: if the *hakimai* could go to the districts and remain there for sometime to collect the taxes they could still retain their positions provided that they did not use the *jakadu*.¹⁰³ A timid policy, it was one which attempted to reconcile the policy of drastic changes with the political sensibilities and prejudices of the Fulani rulers. A cautious policy, it tried to take into consideration the vested interests of the various groups being dealt with as well as the established customs and traditions which were being trampled upon. From the very beginning even this new order also remained a dead letter as the *jakadu* neither lost their jobs nor were the district heads compelled to live in their territories. The situation remained quite unsatisfactory: from the British standpoint because the district scheme was largely a sham, and from the point of view of the Kano people because they did not agree that the district policy was a necessary measure. Nothing, therefore, had been resolved.

Nevertheless, by the time Lugard left Northern Nigeria in 1906¹⁰⁴ he felt convinced that Abbas had fulfilled the promises he made at the time of his appointment.¹⁰⁵ It would seem that the departure of the Arch Priest of Indirect Rule brought the uneasy situation at Kano to a head. Only two measures could be taken and these were mutually exclusive. The first was to maintain the compromise under which much of the new administrative measures was rendered null and void. From the British point of view this was clearly impossible. The second was to try to enforce the changes; there was, however, a possibility that the alienation of the Native Authorities might produce very unpleasant consequences. However, the British officials on the spot, supported initially by the protectorate government, chose to go ahead with the policy of drastic changes, and the two years 1907—08 brought a severe crisis in the relations between the British and the emir.

100. Mallam Hamza, 25 Aug., 1972 (Kano).

101. Mallam Hamza, 21 June, 1972 (Kano)

102. Madakin Kano, 24 June, 1972 (Kano); Makaman Kano, 9 Aug., 1972 (Dawakin Tofa).

103. Lugard, *Political Memoranda* p 125

104. He was later posted to Hong Kong and did not return until 1912 when he was assigned the task of amalgamating Northern and Southern Nigeria.

105. *Mss. Brt. Emp.* s.77, *Lugard Papers*, Lugard to Abbas (received at Kano, 3 January, 1907).

Of the British officials involved in the crisis, Cargill was only thirty-six, and had been a first class Resident since 1904. Major 'Arthur Festing who acted as Resident on a number of occasions was also just thirty-six and was appointed second class Resident in September 1906.¹⁰⁶ H. R. Palmer, the Assistant Resident at Katsina, was only twenty-nine.¹⁰⁷ Youthfulness was not the only thing they had in common: not one of them was a trained administrator. Cargill was a medical officer, Festing an army officer, and Palmer a lawyer. To a greater or lesser extent they were impatient with the doctrine of Indirect Rule as so far applied. Palmer's position deserves special attention. Although only an Assistant Resident at Katsina, his influence with the British political officers in Kano was quite considerable in the period 1907—08. Palmer was very distrustful of the competence of the Fulani as a ruling class and did not believe in the theory of government as laid down by Lugard. Certainly he did not accept the role assigned to the Resident in the *Political Memoranda*.¹⁰⁸ He told the Governor, Sir Percy Girouard,¹⁰⁹ bluntly: 'A native man can no more understand the idea of joint rule of Emir and Resident than he can understand the doctrine of the Trinity'. For a few years Palmer was a strong advocate of direct rule, but before 1907 his influence among his countrymen in Kano, it would appear, counted for little or nothing.

By the end of 1906, the relations between the emir and the British officials had shown no open cleavage. Abbas was still fully co-operating in the matter of supplying human transport and other forms of labour force.¹¹¹ Festing, as Acting Resident, merely regretted the failure of the policy with regard to residence of district heads in the countryside, but he hoped that Cargill, who had proceeded on leave, would remedy the situation on his resumption of duty. The *hakimai*, he argued, could not defy British rule, and, should they attempt defiance, he claimed, British hold on the *talakawa* was so firm that the district heads could do little harm while the removal of one or two of them would serve as a useful lesson to the rest.¹¹² The point which Festing failed to appreciate was that the feelings of both the rulers and the ruled on the subject of British policy were the same and that there could be no question of the *talakawa* supporting the British in any eventuality.

The argument usually put forward by the British as a case against the *jakada* system was that it was oppressive and wasteful,¹¹³ but in reality its capacity for evil was exaggerated. Festing repeated these allegations of wholesale injustice by the *jakadu* and accused the *hakimai* of doing nothing but engaging in 'mild intrigue'. It was understood that the district heads often discussed and ridiculed British policy among themselves and this must have caused great concern to the political officers. It was also the case

106. *Northern Nigeria Gazette*, Vol. VII, No. 12, 31 Dec., 1906.

107. I have in every case followed the date of birth given by Robert Heussler on pp. xv, xvi and xix respectively.

108. C.O. 446/82, Girouard to C.O., 17 Feb., 1909.

109. Sir Percy Girouard replaced Lugard in Northern Nigeria and was designated Governor, not 'High Commissioner'.

110. C.O. 446/82, Girouard (quoting Palmer's statement during the Governor's visit to Katsina) to C.O. 17 Feb., 1907.

111. S.N.P. 7/8, No. 1545/1907, Kano Province report No. 31 for quarter ending 31 December, 1906.

112. *Ibid.*

113. For instance, Lugard, *Political Memoranda*, pp. 95—6. Following British records, Fika says (p. 121) that the *jakadu* exercised 'power without responsibility.'

that the same topic was freely discussed and ridiculed by some politically active groups among the *talakawa*.¹¹⁴ The British approach to administration was as strange to them as theirs was to the British. In effect, what Festing was saying was that it was necessary to pursue a more aggressive policy than had hitherto been the case, but he doubted whether he could bring this about since he was in an acting capacity. The Acting High Commissioner, William Wallace, advised that he should go ahead, and in reply to the Resident's claim that the emir was opposed to the introduction of any new measures which would adversely affect his power and income, Wallace commented that Abbas must either comply with orders or give way to somebody else who would.¹¹⁵ Wallace was right within the strict letter of Indirect Rule, but the matter was not as simple as he supposed. Nevertheless, he had made his point and it was plain that the British officials at Kano now had a directive to enforce their measures.

CRISIS IN RELATIONSHIPS, 1907

The forward policy was first put into effect in 1907 when the *hakimai* were driven out to their districts and told that thenceforth they were responsible for the collection of taxes.¹¹⁶ The people of Kano were made painfully aware of the fact that the white-men really meant to have not only their say but their way as well. In March, 1907, Festing reported an attitude of passive resistance on the part of the emir,¹¹⁷ but he did not say what form this took. The man who had something to say about it was Palmer who, throughout the period of this crisis, left a poor image of himself in the eyes of the people who were aware of his activities. The opinion generally expressed of him at the time was that of a mischief-maker.

With the expulsion of the *hakimai* Abbas and his officials recognized that the British were on the war path. They felt themselves humiliated, and their subjects once more saw how powerless their rulers had become. Abbas is said to have been highly inflamed and incensed but to have been unable to take any strong measures because there was nothing he could do to a people who had driven out Sarkin Kano, Aliyu, and killed the Sarkin Musulmi.¹¹⁸ Thus, the final submission of the emir and his officials on this issue was understood by their people as a surrender to superior force. Obviously, every body in Kano was becoming increasingly aware of the real implications of military defeat. However, Abbas was still the recognized Emir of Kano and he did not bow down to realities without putting up some fight. He tried to isolate the British, warning the *talakawa* to keep away from them and secretly punishing by detention, imprisonment or by some other means anybody who gave them information.¹¹⁹ In a more direct way, he would often refuse to carry out any instructions given him by the British.¹²⁰

114. Mallam Salisu Dogari, 13 June, 1972 (Kano); Datti Galadanci, 14 June 1972 (Kano).

115. S.N.P. 7/8, No. 1545/1907, Kano Province Report No. 31 for quarter ending 31 Dec., 1906.

116. S.N.P. 7/10, No. 472/1909, Kano Province Annual Report for 1908.

117. S.N.P. 7/8 No. 2393/1907, Kano Province Report No. 33 for Mar., 1907.

118. Mallam Hamza, 21 June, 1972 (Kano).

119. Mallam Datti Galadanci, 68, 14 June, 1972 (Kano)

120. Mallam Salisu Dogari, 13 June, 1972, (Kano)

Palmer was quite aware of the emir's increased hostility to the British, for he a circle of informants and secret agents. He alleged that the emir was using them to enlist all Kano on the side of opposition to the British, that he kept spies in the barracks and that Africans working under the British administration were under pay.¹²¹ Palmer also charged that the *magatakarda*, the emir's personal secretary, had a number of mallams to pray for the destruction of the British regime. A certain Mallam Adams, one of Palmer's agents, allegedly told him that Abbas had stopped all relations between the *hakimai* and the *sarakuna* thus, Palmer said, the district was a fiasco.¹²² The conclusion logically followed that all this was a blow to the emir's prestige and should no longer be tolerated.

Unfortunately for Abbas, time was not on his side. Every day that passed made his position more difficult than ever. Although all the *hakimai* at first unreservedly favoured being sent out, once they were expelled some of them in course of time began to see some advantage in co-operating with the British in whom they now saw the hope of power. The Mallama and the Mal'aji were firmly loyal to the emir,¹²³ and so was his son, the Waziri Abdullahi Bayero. On the other hand, some influential district heads such as the Madaki, Sarkin Bai, Maiungwar Kutumbawa, Turakin Manya, and Dan Iya were in close association with the British. The Maiungwar Kutumbawa Abdu, was a descendant of the old Habe dynasty and had the status of a district head.¹²⁴ Both the Turakin Manya and the Dan Iya were, like Abbas himself, sons of the Emir Abdullahi.

Some of the *sarakuna* also dealt direct with the British, bringing one kind of complaint or another to them.¹²⁵ All these people, who formerly owed everything to the emir's good wishes, now allied with the British to destroy his powers. These growing signs of alienation represented a potentially dangerous state of affairs. Besides those who owed their positions to him, there were other influential elements who were prepared to seize any opportunity such as the rift between the emir and the British to embarrass him politically. These included a few people who had held offices under Aliyu but whom Abbas had excluded, as well as supporters of Tukur. The pro-Aliyu faction had gone to the extent of spreading a rumour that Abbas was about to be deposed in favour of the ex-emir. Festing was compelled by the possible consequences of such a rumour to deny it publicly.¹²⁶

Palmer, the uncrowned head of the anti-Abbas faction, was an advocate of drastic actions. His solution to the British difficulties was *divide et impera*, a policy of divide and rule (which he had personally been pursuing all along), and he wondered whether it was not through the 'malcontents' that the British could make any headway.¹²⁷ He had also expressed an opinion that 'progress' could not be expected in the districts until the emir had accepted British policy in both theory and practice and until a blow

121. S.N.P. 15/3, A12, Palmer to Festing, 2 Sept., 1907.

122. S.N.P. 15/3, A12, Palmer to Festing, 5 Sept., 1907.

123. *Ibid.*

124. Maiungwar Sheshe, Mallam Tankuo, 68, and Mallam Wada Bakutumbe 65, 28 June, 1972 (Kano).

125. S.N.P. 15/3 A12, Palmer to Festing, 5 Sept., 1907.

126. S.N.P. 7/8, 2393/1907, Kano Province report No. 33, Mar., 1907.

127. S.N.P. 15/3, A12, Palmer to Festing, 5 Sept. 1907.

had been dealt on what he called 'the despotic power of the emir'. The solution he proposed was a more direct administration and the disbandment of the emir's slave bureaucracy - the body which he as well as Festing held largely responsible for the emir's passive attitude. Palmer's role in the crisis was well known to Abbas through his own intelligence agents such as the Chiroman Shamaki (a slave official under the Shamaki) and this made him intensely hostile to Palmer and to anything from Katsina. Festing duly endorsed and communicated to the governor the suggestion that the emir's slaves be dispersed.¹²⁸ But Sir Percy Girouard was too new to endorse a drastic measure. Moreover, neither Palmer nor the Resident had made any proposals as to how this could be effected.

ESCALATION OF THE CRISIS 1907 - 08

Cargill returned to Kano in October, 1907, and subsequently he initiated a number of aggressive measures which led to a further deterioration in emir-British relations. The first was a major re-organization of the districts. It was his view that no scheme of re-organization should ever be regarded as final because experience would always dictate what size of territory a particular *hakimi* could be entrusted with. Moreover, he wanted to do away with the three slave districts which he regarded as a concession that should now be terminated and generally to reduce the number of districts.¹²⁹

Fourteen principal districts emerged out of the original thirty-four, six of which were placed under members of the royal family.¹³⁰ Several aspects of the new district system badly exasperated the emir. He could only have regarded the abolition of the districts under the Dan Rimi, Shamaki, and Sallama as a deliberate breach of faith. Then, the Waziri's district was abolished and the office of Waziri was bestowed on Dan Rimi, his own head slave. To make chance for Dan Rimi, the emir's son, Abdullahi Bayero, was demoted to the office of Chiroma. The former Chiroma, Abdulkadir, another son of the emir, was left without any appointment and told to go to school.¹³¹ It is said that this action shocked opinions at Kano because it was the first time a ruling emir watched helpless while his sons were sacked from office.¹³² Answers were slowly being found to the question of who wielded what powers under the new dispensation.

Even the official account of the procedure adopted confirms that the emir was conveniently ignored in the decision making process. According to Major Festing, the Resident summoned all the headmen and, guided by his personal knowledge and official reports about each of them, he re-distributed the emirate among them.¹³³

128. S.N.P. 6/3, No. 136/1907, Festing to Governor, 15 Sept., 1907.

129. S.N.P. 15/3, A12, Cargill to Governor (undated). The new scheme was presented in a confidential despatch entitled 'Kano Emirate and the policy laid down in memo 5'.

130. These were those of the Galadima, Wamba, Sarkin Dawaki, Tsakar, Gida, Turakin Manyar, Barde, and the Chiroma. The first five of these were brothers of the emir, while the last was his eldest son.

131. S.N.P. 15/3, A12, Cargill to Governor (undated). This was confirmed by informants' accounts.

132. Datti Galadanci, 14 June, 1972 (Kano); Salisu Dogari, 13 June, 1972 (Kano).

133. S.N.P. 7/10, No. 472/1909, Annual Report for Kano Province (1908).

Since appointments to offices had been traditionally one of the cardinal functions of the emir, the consequence for the emirship of the Resident's arrogation to himself of the entire role of re-distributing offices and functions were serious. It was an attempt to discourage loyalty to the emir by officials who now owed him nothing and by whom implicitly, they could not be dismissed on any grounds. As he could neither reward nor punish any longer, Abbas easily became an object of pity by his friends and of mockery by his enemies.

The district policy modified the Kano system of offices in one very crucial respect. The title of Waziri was conferred on Dan Rimi, who was for this purpose formally liberated. Dan Rimi, whose name was Ala bar Sarki, belonged to the Warjawa tribe of the Ningi confederation, was taken prisoner in war and carried into servitude by the Kano army. He was appointed to his post by Abbas in 1903 and was recognized as the intermediary between him and the Resident.¹³⁴ The revolutionary nature of this appointment can be gauged from the fact that the *waziranci* so far as it existed in Kano was a royal title. It had never been held by a *talaka*, much less by an individual of slave status. This appointment therefore was a departure from customary practice, and the Resident admitted being quite aware of this fact.

The function of the new Waziri was defined first as the emir's 'businessman' and principal councillor, but in practice the Waziri had little or nothing to do with counsel. He performed the function of receiving and paying in the colonial government's share of the revenue, contrary to the principle of Indirect Rule that this was the duty of the emir. In addition, he became the only officially recognized channel of communication between the emir and the *hakimai* as well as between the latter and the colonial administration.¹³⁵ The emirship had thus ceased to exist as a serious factor in the administration of Kano. From this stand point, Indirect Rule had become a fiction. According to some informants, the appointment of Dan Rimi not only infuriated the emir but also frightened people who now became convinced that the British could do anything, and nobody knew what they would do next. It was believed that besides promoting Dan Rimi Cargill told all the *hakimai* that anybody who did not co-operate with the new Waziri would be dismissed.¹³⁶

Cargill's explanation of this appointment was that as he wanted the Waziri to become the emir's chief adviser he did not think that the emir's son would be able to exercise sufficient influence over his father while, on the other hand, the emir would be jealous of any of his brothers being given the position. *Per contra*, he would feel no jealousy towards a trusted slave of his, even though the appointment was not in accordance with Kano precedents.¹³⁷ This argument does not sound convincing. It is difficult to believe that if the Waziri was really found wanting the emir could not pick from among his large number of brothers a *hakimi* on whom he could rely to discharge the responsibilities of the office. Bayero would appear to have been dismissed because he did not use his key position to assist those who were undermining his father's powers.

It would seem that Cargill's real motivation was the dominant principle of 'divide and rule'. The Resident probably considered that as Dan Rimi was a leading member

134. S.N.P. 7/10, No. 6415/1908, Annual Report, Kano Province, 1909; also Salisu Dogari, 13 June, 1972 (Kano).

135. N.A.K. Kano Prof. 6/2, No. C111/1908, Hewby to Governor, 30 Oct., 1908.

136. Datti Galadanci, 14 June, 1972 (Kano).

137. S.N.P. 7/9, No. 1538/1908, Cargill's reply to comments on Annual Report for 1907.

of the powerful slave organization which the British regarded as the makers of all their troubles, there was no ostensible reason why he should not show some gratitude by helping to realize the aims of the administration if the British could detach him from that body and offer him a more attractive position. In any case things worked out that way. The new Waziri forgot all allegiance to the emir and completely identified himself with the British administration.¹³⁸ Within a short while he built up a personal following which rivalled and behaved with arrogance towards that of the emir himself – or as Temple later claimed,¹³⁹ the respective followings of the emir and the Waziri abused each other in the streets of Kano. He also followed the British in ignoring the emir and dealing direct with the *hakimai*. The people of Kano feared the Waziri for he wielded more powers than the emir: many sang his praise and flattered his pride in order to get his favours, even though they still regarded him as a man unworthy of his position.

Two other measures were the appointment of the Ma'ajin Wateri, Adamu, as the administrator of Kano city and the dismissal of the head of the treasury, Ma'aji Sadi. Adamu seems to have been one of the *hakimai* who had learnt to adopt an anti-Abbas posture, and the appointment of such a man as head of Kano city can be understood only in the context of the systematic efforts to humiliate the emirship. As things turned out, the two men could not work together. Sadi, on the other hand, had been loyal to Abbas, but Cargill alleged that he had led the emir into drunken habits, and he therefore sentenced the Ma'aji to deportation.¹⁴⁰ The senior Resident in charge of Borno, Major Hewby, who later investigated the report, said that he saw no signs, and heard nothing, of drunkenness.¹⁴¹ Both actions were very galling to the emir who saw himself as the victim of too many indignities.

Another serious cause of friction was revenue, its assessment, and the question of the protectorate government's share. Up to this time British administrators were ignorant of the emirate's revenue capacity and all the instructions about the proposed changes in taxation remained no more than an adornment in the Resident's office. Then at last Festing decided to go into the matter and he instructed Palmer to assess the taxable capacity of the districts of Madaki, Turakin Many, and Dan Iya. Abbas was opposed both to the scheme and to its being carried out by Palmer who was his open enemy, but as usual he was overruled. Abbas may have opposed the whole scheme on the ground that assessment of taxes was his own prerogative and not the business of the British. The latter obviously took it to mean that he had something to hide and in any case opposition symbolized that spirit of non-co-operation which was unbecoming of a native ruler under their system.

The hitherto accepted assessment of the Madaki's district was £3000. Palmer's work raised it by 300%. Towards the end of 1907 Cargill sent another party which went into minute details and had by the first months of 1908 completed the assessment of 70,000 farms. The tax was then calculated at 20% of the *dawa* each farm could produce, whether it was actually planted with *dawa* or not. For the first time the principle of merging taxes was applied. The amalgamation had been effected against the opposition of the emir and the mallams,¹⁴² but the British were not going to be intimidated

138. S.N.P. 6/5, No. 44/1909, Kano Province Report No. 39.

139. *Ibid.*

140. S.N.P. 15/3, A12, Cargill to Governor (undated).

141. N.A.K. Kano Prof. 6/2, No. C111/1908, Hewby to Governor (?), Oct., 1908

142. N.A.K. Kano Prof. 6/2, No. C111/1908, Hewby's report.

by opposition where a fundamental principle was involved. On the Kanawa side however, much more than abstract principle was at stake: the amalgamated tax was null and void in Islamic law and was therefore not one which Muslims could properly be called upon to pay.

Success in the Madaki's district would almost certainly have led to the extension of this method of assessment. However, the results were very far from satisfactory. The new figure which the people of the district were called upon to pay was £33,000, an increase of over 1,000%. It looked as if expropriation rather than revenue was the aim. An enraged population rejected the assessment, an agitation followed, and troops were called in to bring about a 'pacification',¹⁴³ the usual euphemism for brutal acts of terror by colonial armies. For their own convenience British officials attributed the failure not to their tactless demand, but to such fanciful factors as the 'trunculence' and 'ignorance' of the *talakawa* and machinations within the emir's palace.¹⁴⁴ The result of attempting to squeeze too much money out of the *talakawa* was that nothing was obtained in the end as the revenue for the year lapsed.

Finally, the abolition of the emir's court, which the British styled 'judicial council', played no small part in deepening the crisis of those two years. By 1907, the judicial council of Kano was the only one still functioning within the Muslim emirates.¹⁴⁵ Cargill was now of the view that this council also was worse than useless. He argued that the emir was not a trained legal expert and that although he had the services of a number of mallams he was not for this reason better than the *Alkali* of Kano. He charged that the emir and his slaves were misusing the powers of the court and that they could not be relied upon to behave well under the new system. The British were in fact aware that through the judicial council Abbas could to some extent neutralize the attempts to undermine his powers. Therefore, Cargill recommended that the council should be abolished and the *Alkali's* court made the final court of appeal for other Muslim courts in the emirate.¹⁴⁶ The Resident claimed that he did not wish to prevent the emir from deciding matters of administrative nature such as the misconduct of headmen but that he did not want him to become a 'criminal judge'.¹⁴⁷ Early in 1908 the powers of the judicial council were suspended.

The full implications of the abolition of the judicial council will be understood if one remembers that the power of dealing with all sorts of cases (civil or criminal) traditionally belonged to the emir and was one of the foundations on which the structure of any Muslim society was erected. If Abbas could no longer fully discharge his functions in this regard he had certainly been placed in a very false position as emir. He could no longer hold consultations with the *ulama* which was binding on him as a ruler and the new doctrine of limited jurisdiction which removed the *Alkali* from executive control and nullified the principle of delegation of powers made nonsense of his office as hitherto understood at Kano. In this context, the elevation of the *Alkali's* court was wholly unacceptable to the emir and raised the question of the separation of powers which had some meaning in the Western world but was totally void in the Islamic legal system. This action aggravated the alienation of the emir who now lost

143. *Ibid.* The ringleaders were sentenced to various terms of imprisonment, but most of the sentences were later quashed.

144. See, for instance, Hewby's report and S.N.P. 7/10, No. 472/1909, Annual Report, 1908.

145. Lugard, *Annual Reports*, p. 489.

146. S.N.P. 15/3, A12, Cargill to Governor (undated)

147. *Ibid.*

interest in whatever was left to him, saying that he had no powers to do anything or to order anybody.

Cargill left Kano early in 1908 never to return. He had developed mental disorder, a fact which must have affected his work at Kano, and was declared unfit for the position of Resident. Before he left he had to contend with charges from the Governor's office that he had subverted the protectorate's policy on the methods of administration. Cargill issued what was rather an explanation of his methods than a denial of the charges. Here he stated that he had always endeavoured to co-operate with the emir whenever he found him disposed to act along the lines of government policy. There he admitted that on occasions he found it necessary to work outside the emir because of the overt opposition shown by him to the district policy and the efforts of his palace slaves to make it unworkable.¹⁴⁸ The emir's resistance to his proposed reforms, he said, his dislike of any of his chiefs going to the European barracks, and his desire to concentrate powers in his own hands, made it necessary for him to act in opposition to the emir to a greater extent than he cared.

There is no doubt, then, that the essential part of the Indirect Rule principle which demanded that the emir's powers should be supported and upheld did not work at Kano during this period and that direct actions prejudicial to the emir's position had been resorted to. In September 1907 Festing had asked for clarifications: would the British in the near future introduce direct administration or would they continue the policy of 'trying to govern' through native chiefs? His opinion was that the more one read the memoranda of Lugard the more one became convinced that direct rule was the ultimate aim he had in view.¹⁴⁹ Sir Percy Girouard shuddered at such an unorthodox view. He sent a circular letter to all Residents emphasizing that the time had not yet come, if it would ever come, for the supplanting of the Native Authorities by a direct British administration. No change, he declared, could be entertained in the declared policy of the protectorate: even if that meant that one had to put up with a number of irregularities.

Notwithstanding their disagreements with Abbas, British officials were generally of the view that he was the best man available for the emirship. In September, 1907, Festing almost gave a notice that he might be recommending the dismissal of the emir sooner or later,¹⁵⁰ but Girouard warned him that 'unless a ruler was incapacitated by disease or hopelessly incompetent' his removal would serve no useful purpose since his successor was unlikely to do better.¹⁵¹ Cargill, in agreeing with this view stated that he had seen all possible successors and had come to the conclusion that in Abbas the British had the most capable man of his family.¹⁵² Lugard had assumed that an emir must either comply with orders or give way. But here was an emir who could not be got rid of even though, in the opinion of the colonial officials, he was giving the regime no co-operation.

148. S.N.P. 7/9, No. 1538/1908, Cargill's reply to comments on the Annual Report for 1907.
149. S.N.P. 15/3, A8, Resident of Kano to Governor, 1 Sept., 1907.
150. S.N.P. 6/3, No. 156/1907, Resident to Governor, 15 Sept., 1907.
151. S.N.P. 15/3, A11 Governor to Resident, 3 Oct., 1907.
152. S.N.P. 15/3, A112, Cargill to Governor (undated).

By early 1908 very much had gone wrong in Kano. A confidential report of the emir at the end of 1907 stressed the antagonism of Abbas to the British more than ever, and Festing went as far as saying that his own position was sometimes untenable.¹⁵³ Relations on both sides remained severely strained.

THE HEWBY¹⁵⁴ MISSION

Such then was the general state of affairs when in July 1908 the Governor sent Resident Hewby to take temporary charge of Kano province.¹⁵⁵ Hewby was instructed to inquire into and report on the general condition of the administration, especially the causes of alienation and discontent. The overriding principle he was asked to bear in mind was that 'anything like personal British rule' was contrary to the Governor's policy. The proper method was 'that of acting as advisers to the emir and affording such help as will gradually lead him to a greater appreciation of his duties towards his people'.¹⁵⁶ He was to look into the new organization of districts, the appointment of a slave as Waziri, the abolition of the emir's judicial council, and to make recommendations on the future of taxation in Kano. Wallace had suggested to the Governor that Hewby might be instructed to inquire into the possibility of restoring the Habe emirship which, he believed, could be the solution to the Kano problem.¹⁵⁷ This particular issue was not mentioned to Hewby, apparently because the Governor himself did not think that a Habe restoration was an answer to the problem.

Abbas must naturally have been delighted with the arrival of an entirely new man. In a skilfully worded letter he complained that he had no work to do and requested that he should be given some work that would be of use to the government.¹⁵⁸ Abbas felt that his powers had been so ruthlessly reduced that he was retaining nothing more than an empty form of majesty. And he still entertained a hope that by writing this highly passionate letter he might be able to obtain some substantial concessions - such as the restoration of the judicial council, and greater control of the *hakimai* - with which to rebuild his shattered powers and save himself from extinction as a political force in the administration of Kano.

If these were his calculations, he was gravely disappointed. Hewby told him that his great work was to investigate and remedy the grievances arising from disputed ownership of land, to improve Kano town and its environs by compelling various off-

153. S.N.P. 15/3, A12, report dated 29 Dec., 1907.

154. Hewby was then the Resident of Borno province and was especially selected to report on the Kano situation. *Vide* C.O. 446/82, Girouard to Secretary of State, 17 Feb., 1909.

155. Hewby, formerly of the Royal Niger Company, joined Lugard's administration in Jan., 1900, as third class Resident. He was promoted to the first grade in 1901 and at the time of his mission he was the most senior of the first class Residents.

156. N.A.K. Kanor Prof. 6/2, No. C111, 1908. Governor to Resident Hewby, 10 July, 1908.

157. S.N.P. 7/3, No. 1538/1908, Wallace to Governor, 29 Jan., 1908. Wallace claimed that he had studied the policy which guided the restoration of the Habe to the Daura emirship and that he considered it was the right one to pursue.

158. This letter may have been addressed to the Governor or to Hewby.

cial holding definite appointments in the town to do their duties and thus improve the market, sanitation, and suppress thieves. He threatened that should Abbas fail to do so he would himself carry out the assignment but by employing measures which the emir would not like and which could further reduce his authority.¹⁵⁹ Hewby would seem to have met the emir with his mind already biased. In any case, his approach was not conciliatory and his reply to Abbas appears to have little or nothing to do with his terms of reference. Hewby did not say how the emir should discharge these elaborate duties in the circumstances under which he had been placed.

By October, 1908, Hewby had prepared his report. He recognized that the position of the Waziri was highly detested by the emir but he tried to persuade him to retain the Waziri as intermediary since he had no intention of instituting any other channel for the purpose and of altering the *status quo* generally. This the emir declined to do and bitterly complained that his position and that of the Waziri caused confusion in the districts, that he did not see why he should not summon any *hakimi* without the Resident's consent, and that he would rather have no defined intermediaries.¹⁶⁰ Hewby then pointed out to the Waziri that his was a position of power but that he should not construe himself as being a bigger man than the emir himself; that his function as receiver of government's share of revenue was in itself an onerous responsibility and that he was not prepared to leave him with much more duties beyond conveying to the emir any request by government for labour supplies or contracts.¹⁶¹

Hewby rightly regarded as impossible a situation under which Abbas could not transact matters directly with his *hakimai*. He advised that the Waziri should be the right handman of the emir and remarked that the experiment was not successful partly because the Kano nobility did not welcome an ex-slave as the emir's deputy and partly because Abbas himself was not prepared to make use of a 'watcher-assistant' nominated by the British. He felt therefore that while the British were 'trying to support and reassure the emir' it would not be easy to force him to accept a functionary to whom he strongly objected. Strangely, there was no recommendation that the Waziri be dismissed or redeployed. On the other hand, Hewby expressed a hope that the British would continue to find him useful but recommended that he should not be allowed to run an 'opposition clique' to that of the emir. Hewby was only a little less unrealistic than his predecessors for he retained the principle of no 'interference' by the emir in the affairs of the districts.¹⁶² The simple truth remained that if Abbas could not discuss directly with the district heads his position as emir had been seriously compromised.

Hewby's views on the judicial council did not differ from those of Cargill. He maintained that 'under the circumstances' the abolition of the emir's judicial powers was a necessary measure, and he had already told Abbas during their meeting that he would not restore the council. There ought to be a council for advisory and executive purposes, he told the Governor, but the time still lay in the future and for the time being the emir should function in a non-judicial capacity on the advice of the Resident.¹⁶³ He had earlier reminded Festing that this advice must be 'of a definite character and offered firmly'.¹⁶⁴

159. *Ibid.* interview held by Hewby with the emir, 6 Sept., 1908.

160. N.A.K. Kano Prof. 6/2, No. C111/1908, Hewby to Governor, 30 Oct., 1908.

161. *Ibid.*

162. N.A.K. Kano Prof. 6/2, No. C111/1908, Hewby to Governor, 30 Oct., 1908.

163. *Ibid.*, Hewby's report.

164. *Ibid.*, Hewby to Festing, 16 Oct., 1908.

In other respects Hewby confirmed the actions and opinions of his predecessor. He believed that the district re-organization, though effected against the wishes of the emir, was an essential step and that the districts should be retained as then constituted. On the emir himself he submitted that he was 'incapable of being really useful to government', but he was not dangerous since under the existing system his power for injury was of no account. His removal would not be beneficial to government; he had better be tolerated so long as it was understood that the Resident was the person who really mattered and his advice must be followed.¹⁶⁵ The Resident recommended that Palmer should be taken to Kano as a man with local knowledge to point out to Abbas that though he was the head of the most important state in the protectorate, he had during five years of rule shown no justification for his appointment. He had not acted up to the letter of his appointment nor lived up to opinions expressed of him in earlier reports. Therefore it suited the convenience of the government to retain him as emir but his future 'should depend on something more substantial than lip service'.

Hewby then addressed himself to the future of taxation. In the Kano city market he noted the prevalence of dues, on almost everything marketable, levied by petty officials. He mentioned especially the slaughter fee paid to the *sarkin pasca*,¹⁶⁷ which amounted to over £100 per annum, and which he wanted to be retained for the upkeep of the market. By an agreement with the emir it was decided that the fee exacted from corn brokers should be abolished. All other dues, not specified, were to be abolished except tolls demanded by the gate keepers from owners of loaded transport animals passing through the gates; the keepers were regarded as an important part of the machinery of government. A poll tax of 5/- to 10/- per head to be collected by the *Ma'ajir* Wateri was proposed on urban dwellers according to their circumstances, if they were not already subject to any land taxes.

As regards the main taxes — *kuli kasa*, *kudin karofi*, *kudin shuke*, *kudin rafi*, *zakka* and *jangali*—Hewby reported that they were not bad in themselves but he claimed that in each case there was room for extortion and embezzlement.¹⁶⁸ A number of proposals to effect immediate improvement in the system were put forward. He considered and dismissed a scheme for a three year 'settlement'¹⁶⁹ of the *zakka* on the ground that there were no reliable data to go by. He recommended the merging of the *zakka* in two years' time,¹⁷⁰ but he was of the view that the amalgamation of taxes as laid down in the *Political Memoranda* was, on the whole, not practicable in Kano because of the strong tradition behind the prevailing system. Having ruled out as basically unsound any attempt to merge taxes, Hewby recommended the establishment of a definite incidence for each kind of tax, with rates varying from district to district. To achieve

165. N.A.K. Kano Prof. 6/2, no. C111/1908, Hewby to Governor, 30 Oct. 1908.

166. *Ibid.*

167. That is, the head butcher. For the role of *sarkin pawa* in organizing meat supplies see M. G. Smith, 'Exchange and Marketing Among the Hausa' in P. Bohannon and G. Dalton, *Markets in Africa* (Northwestern University, 1962), p. 307.

168. N.A.K. Kano Prof. 6/2, No. C111/1908, Hewby's Report.

169. That is, to fix a certain amount to be paid annually for three years, in place of the nominal one-tenth. Hewby was of the opinion that the main objection to the *zakka* was that the greater the produce grown by the farmer the higher the amount of the *zakka* he was expected to pay. This objection looks rather strange.

170. It was claimed that the merging would do no injury to the Muslim community, while the inclusion of the *jizya* would be of benefit to the 'pagan' communities.

this, he urged that there should be a series of meetings in the headquarters of the various districts at which should be present the Resident, Waziri, the district and sub-district heads, and some of the more important village heads, to make a five-year settlement of the amount of *kudin kasa* per farm to be paid by each head of a family (*maigida*). It was suggested that the rates might vary between 1/6 and 3/- per farm and should affect every producer, whether he was Fulani, Habe, Maguzawa, or others. A similar settlement might be made for *shuke* and *karofi* but at a uniform rate. He was convinced that his findings were so vital that they should be implemented without any delay. On *jangali*, however, he saw no hope for an immediate change and left its future to time.

These recommendations turned out to be no more than an academic exercise. The Governor rejected the idea of merging the *zakka*, but if he accepted the rest of Hewby's suggestions, especially the principle of immediate 'settlement' of the *kudin kasa*, there is no indication to that effect.

Hewby had no instruction to examine the judicial structure generally. Cargill's recent re-organization of territories purported to have 'established' an *alkali's* court at the headquarter of each of the principal districts. In reality, only six new courts were established. Field investigation revealed that courts already existed in most of the new district headquarters and the courts which had existed outside these headquarters were swept away to the annoyance and dismay of the people in these areas. This matter will be discussed in greater detail in due course.

In the light of the above, the Hewby mission cannot be regarded as a significant event in the story of the British administration of Kano. Probably conceived originally as an inquisition the mission ended up without any achievement and merely ratified the *status quo*.

Up to the end of 1908 Indirect Rule was a failure at Kano. That harmonious co-operation which Lugard insisted must exist between the Africans and the Europeans who worked the system was conspicuously absent. There was in fact no basis for harmony. British theory and Kano practice were diametrically opposed to each other, and the former could not have been imposed on the latter without generating bitterness and frustration. Part of the problem was that before executing the policy of drastic changes the British did not undertake a careful study of Kano society and its institutions and traditions of government with a view to understanding the rationale behind the principles which seemed repugnant to their own system of rule. The attempt to undermine the emirship brought about confusion and chaos in the administration, and this emphasized the fact that in spite of the colonial regime a strong emirship was still vital to the administration of Kano. It is clear that since 1903 Kano leaders had lost the power to determine policy on essential matters affecting the administration of their emirate. The crucial question by the end of 1908 was whether even in the execution of policy the emirship was to remain relegated to the background. This matter will be examined in the next chapter.

3. Evolution of a New Central Administration 1909 — 1930

It should be clear from what has been said in the last chapter that by the end of 1908 an effective central administration headed by the emir virtually did not exist in Kano. By the time of Hewby's mission order had given way to a near state of anarchy.¹ This was undoubtedly the resultant of a situation in which the emir, almost entirely pushed out of the administration, withdrew to his palace and literally told the British to do everything themselves or ask their Waziri to do so. The emir's sense of his own role and responsibilities had been compromised. This chapter deals with efforts made between 1909 and the rest of this period to rehabilitate the emirship and to create a new council that would work in conjunction with and not in opposition to it.

The need for a new policy towards Abbas was recognized by Governor Girouard who strongly sympathized with the emir's feeling of neglect. In principle, he was strongly committed to Lugard's policy of Indirect Rule and in favour of retaining Abbas in office, at least for the time being. As he told the Colonial Office, 'the policy of native rule' would be continued until such a time as absolute need for direct rule arose in which case the emir would be removed.² The Governor attributed the ills of Kano to lack of continuity and direct dealings by British officials with the emir's subordinates. This practice, he was convinced, had lowered the emir's prestige. Since he also observed a tendency towards subversion of policy in some other provinces he planned to have a conference of Residents in October 1909 to discuss the whole question of Indirect Rule.³ Meanwhile it was considered necessary to find yet another man to deal with the situation at Kano — a man who by his undeviating adherence to the policy of the protectorate could prevent the undermining of the emir's powers and bring to an end a situation that might have been embarrassing even to the British themselves. Captain Orr was nominated to take over Kano from Hewby who preferred to return to his more tranquil province of Borno. But ill health prevented Orr from taking up the appointment and C.L. Temple⁴ was sent in his stead.⁵

Temple was not simply an apostle of Indirect Rule, he was one of its chief theorists and architects.⁶ On one of the principal issues which divided the British in Northern Nigeria — whether Fulani rule was to be replaced by Hausa dynasties or not — Temple stood unswervingly in favour of Fulani establishments. He was convinced that it would

1. N.A.K. Kano Prof. 6/2, No. C111/1908, Hewby to Governor Oct., 1908.

2. C.O. 446/82, Governor to Secretary of State, 17 Feb., 1909.

3. *Ibid.*, The conference was not held because the Governor himself left the protectorate earlier than the time scheduled.

4. Temple joined the Northern Nigeria service on 1 May, 1902, as second class Resident and was promoted to the first grade on 1 April, 1906.

5. It had always been considered necessary that a first class Resident should be in charge of Kano.

6. According to Heussler, pp. 59—60, Temple was one of the principal contributors to the *Political Memoranda*.

not only be unjust to reverse the hitherto accepted policy of the protectorate question but also the government would be saddled with the great responsibility of making the Fulani 'under dog' to the Habe, since the Native Administrations were supported, if necessary by force, whether they were Fulani or Habe.⁷ Having been at Bauchi and later at Sokoto, one of the major centres of traditionalism, Temple had valuable experience behind him. To the emir Abbas his arrival looked like a personal victory. From the Governor, Temple received elaborate instructions on the administration of the emirate. The policy to be pursued was that of dependence on 'Native Administration,' but 'the advice of the Resident must at times amount to instructions if the improvements sought are to be carried out within any reasonable period'.⁸

The Governor himself visited Kano on 25 December, 1908, and on 1 January 1909, in keeping with the Lugardian tradition, a great durbar was held and was attended by the Emirs of Gumel, Katagum, and the Chirorna of Hadejia who was later to become emir. He took this opportunity to re-affirm his government's policy — bearing in mind, doubt, the situation in Kano particularly in mind. The colonial administration was not, he warned, tolerate disloyalty or disaffection towards the emirs. He also stressed the importance of observing and respecting the order of precedence among local government officials as well as the need to recognize the principle of delegation of authority. Temple's first report on Kano shows that the political situation on the occasion of his visit was very grave indeed. The personal relations between the emir and the district heads, among the district heads themselves, and between the latter and the minor officials were generally strained.¹⁰

Temple bitterly criticized his predecessors who 'rightly or wrongly' had come to the conclusion that the emir was so determined to offer them passive resistance that they had to detach him altogether from the administrative process and deal directly with the *hakimai*. He denied the possibility of a *via media* between Direct and Indirect Rule and he insisted that change could be introduced with greater effectiveness if pushed through the existing machinery 'guided, advised, and criticized by European political officers'.¹¹

Temple's first step was the deposition of the Waziri. Already his position no longer fitted into the new scheme of things. The Resident had been strongly advised to appoint as Waziri a free born who was not a *dan sarki*.¹² People believed that according to European view-point it was wrong for a son to be his father's Waziri.¹³ It is said that when Abbas and his officials returned from a later visit to the European quarters at Bompai, the first indication to the public that the Waziri had fallen from power was that he came back on foot, not on horse back. After this deposition he reverted to his

7. S.N.P. 15/3, A11, Memorandum dated 18 May, 1908.

8. N.A.K. Kano Prof. 6/2, No. C111/1908, Governor to Resident of Kano (Confidential), 2 Jan., 1909.

9. S.N.P. 6/5, No. 44/1909, Report No. 39 for March, 1909.

10. *Ibid.*

11. S.N.P. 7/10, No. 3635/1909, Report No. 40, June, 1909.

12. That is, who was not a member of the royal family.

13. Salisu Dogari, 13 June, 1972 (Kano); Datti Galadanci, 14 June, 1972 (Kano).

original position of Dan Rimi,¹⁴ and the *Alkali* of Kano, Muhammad Gidado, was promoted to fill the vacancy. Gidado was a mallam of outstanding integrity and reputation, but the Barnawa clan of which he was a member had never held any political office.¹⁵ Although this new appointment was not in keeping with Kano tradition it was very easily accommodated by the nobility. Temple put forward the argument that relations between the emir and his *hakimai* had become so strained that, with the experience of Dan Rimi still fresh in his mind, Abbas would not welcome any of them being given this important position. His son, the Chiroma, who was an exception, was still too young and inexperienced for the position.¹⁶ It will be recalled, however, that Cargill had put up a similar argument in defence of the original promotion of Dan Rimi.

The restoration of the judicial council then followed as a matter of course. Temple did not see its abolition in any other light than as one more step in the succession of measures designed to eliminate the emir from the administration. The restored council he styled 'the emir's judicial and executive council' which consisted of the emir, the Waziri, the Ma'aji, the *Alkali*, and five other mallams of high standing.¹⁷

The meaning of the new administration soon began to dawn on all Kano people both high and low. The emir was assured that provided he did all that he could possibly do the colonial administration would give him all support and assistance. Temple hammered into the ears of the emir's officials that the presence of a European administration should not be understood as putting an end to the allegiance which they owed the emir nor should it affect their established patterns of relations.¹⁸ The Ma'ajin Wateri was later deposed because the emir said he no longer wanted him. He had accused the Ma'ajin Wateri of having embezzled the tax he collected; the Ma'aji pleaded that he had not been able to collect all that was required of him. Temple's view was that it was no use entering into the rights and wrongs of the case, and since he was certain that the bad relations existing between the two men were amounting to a scandal he decided to do away with the Ma'ajin Wateri.¹⁹ The Turakin Manyā, Salhi, a brother of the emir, was soon suspended, ostensibly for interfering with some of his sub-district heads; the Sarkin Dawaki Maituta was also suspended from office, again on charges of interfering with his juniors.²⁰ The popular view seems to have been that these officials were removed because the emir no longer wanted them.²¹ They had all been members of the faction that acted in opposition to the emir during the period of crisis and it surprised nobody that they got into trouble with the rehabilitation of Abbas. The direc-

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14. This was a most curious arrangement. Dan Rimi was by tradition a slave but since Ala bar Sarki had been emancipated he was no longer qualified to hold this appointment. His retention of office may have been a nominal affair since Temple regarded him as 'a good man lost' and stated that up to the moment of writing the report Dan Rimi had made no attempt to regain the emir's confidence.
 15. Waziri of Kano, Alhaji Abubakar Dokaji, 24 Aug., 1970 (Kano). Alhaji Abubakar was the son of Muhammad Gidado.
 16. S.N.P. 6/5, No. 44/1909, report, No. 39 for Mar., 1909.
 17. S.N.P. 7/10, No. 6415/1909, Kano Province Annual Report, 1909 (Report No. 41).
 18. S.N.P. 6/5, No. 44/1909, Report No. 39 for Mar., 1909.
 19. S.N.P. 7/10, No. 3635/1909, Kano Province report No. 40, June, 1909.
 20. *Ibid.*, The emir is said to have told Temple that he had no confidence in the Turakin Manyā.
 21. Datti Galadanci, 14 June, Hamza, 21 June; Wakilin Gabas (Murabus), Alhaji Maizango, 78, 26 June, 1972 (Kano).

tion in which things were moving was too apparent to be ignored. The Turaki and Sarkin Dawaki were among the most influential *hakimai*, and if they could receive the kind of treatment who else, in similar circumstances, could be spared?

Temple was proud to call his methods 'conservative', and within the first three months of his administration he boasted that he neither met with passive resistance nor traced any signs of obstruction. His disagreement with the policy of his predecessor is particularly evident from his comments on Hewby's report. He found it strange that the emir after being deprived of all power and influence should have been blamed because orders which were neither his own nor issued through him were not executed. Hence it was improper to hold Abbas personally responsible for his failure to live up to the letter of his appointment. Hence also, with all minor officials encouraged to flout the emir's authority and business with the political staff run by 'worthless intriguing rascals', it was impossible that the emir could have rendered to the government anything more substantial than 'lip service'. Temple's judgment was that if there was anarchy in Kano, as Hewby indicated, British officials were entirely responsible for it.²²

With his powers restored by a high-ranking official of the British administration who had strongly argued the case for retaining the Fulani in power and who was quite prepared to practise the Indirect Rule principle as then enunciated, Abbas reciprocated by co-operating in the new district scheme. He had seen enough of troubled times and moreover he recognized that the new Resident himself had no intention of going back on those measures. The coming of Temple, nick-named Dogon Lamba, was generally popular in Kano, although he was bitterly hated by the enemies of Abbas.²³ With the end of this crisis a new picture of the emir emerged in popular imagination. Abbas came to be regarded as a very skilful and calculating emir who patiently slept over his problems and only struck at the right moment, removing from their positions all those Europeans who had created problems for him in the affairs of Kano.²⁴ Whatever the historian can now say, the people had the truth before them: Cargill, Festing, Hewby and, for a while Palmer, all disappeared from the Kano stage. To the masses, nothing more was required to substantiate the point.

Temple undoubtedly owed some debts to earlier administrators. Their handling of the emir taught him lessons which he never forgot. On his own part, once he was convinced of their good intentions Abbas was prepared to meet the British at least half way. But the achievements of Resident Temple cannot be underrated. He arrested the centrifugal tendencies which had tended to destroy the emirship and with it much of the traditions of administration in Kano. He inaugurated a new phase in the administration of Kano and put in motion certain trends which were not again arrested. For his own methods came to be accepted as guidelines for the future administrators of Kano and other emirates. The main feature of this model was that nothing should be allowed to stand between the British on the one hand and the loyalty and power of the emir on the other. Indirect Rule had come to stay. The administrators came to the conclusion that there

22. S.N.P. 6/5, No. 44, 1909, Report for Mar., 1909.

23. Mallam Audu, 77, 20 June, 1972 (Kano); Salisu Dogari, 13 June, 1972 (Kano); Hamza, 21 June, 1972 (Kano).

24. Mallam Audu, 77, 20 June, (Kano); Salisu Dogari, 13 June, 1972 (Kano); Hamza, 21 June 1972 (Kano).

had been so much passive resistance in the past that anything which might directly or indirectly force the emir to the same or similar attitude was a disaster to be deprecated and avoided at all costs. This explains why for long after 1909 the use of palace slaves, a very sensitive point in the emirate system, in the administration was not even questioned again until the institution of an effective council in 1925—26.

COUNCILLORS AND SLAVES

The organization of a council loyal to and not competing with the emirship was part of the effort to rehabilitate the institution. It was Lugard's policy that apart from the officials administering rural districts and resident in them each emir should have a council on which he could rely for advice at the capital and that each councillor should be given some responsibility of a definite character.²⁵

From what we said in the first chapter it follows that the idea of an emir listening to the opinions of influential persons who held offices under him was nothing new to the Kanawa.²⁶ However, the conciliar idea as it was understood in Kano did not survive either because the British were not fully aware of it or because they were not interested in it.

Before the district heads were forced out of the capital, the emir still discussed important affairs of state with his senior officials.²⁷ This means that the *Tara ta Kano* was not automatically dissolved by British conquest. However, a new situation appears to have developed with the enforcement of the policy regarding residence in the districts. The senior officials were either not always available or disloyal to the emir and in these circumstances the *Tara ta Kano* as a working reality seems to have ceased to exist. Necessarily, Abbas turned to his slave officials, the only ones who were always available and in whom he had absolute confidence, for the discussion of the various issues affecting the emirate.²⁸ Thus, British policy had the practical result of retaining the slave element by making it indispensable to the emir - a situation which was anathema to their own way of thinking. The British for their part lamented this slave power, holding it largely responsible for all their difficulties in Kano.

Whether Cargill was aware of what had been destroyed or not, he proceeded, in his last re-organization, to relieve four district heads of responsibility for district administration and made them office holders in Kano city. Of these we have already noted in some detail the promotion of the Dan Rimi to the office of Waziri, his designation as the principal councillor to the emir, and how in practice he identified himself with the personnel of the British administration. The *Alkali* of Kano, Mallam Muhammad Gidado, began to deal entirely with legal administration and his court became the final court of appeal for Kano emirate. With the deportation of the Ma'aji Sadi, another Arab, Auta, was appointed in his place; the Ma'aji was expected to concern himself with financial matters only. Responsibility for the supervision of Kano city

25. Lugard, *Political Memoranda*, pp. 199—200.

26. *Supra*, p. 12.

27. Mallam Hamza, 21 June, 1972 (Kano); Mallam Kwarai, 72, 23 June, 1972 (Kano).

28. Salisu Dogari, 13 June, 1972; Mallam Hamza, 1972; Mallam Kwarai, 23 June, 1972 (Kano).

was entrusted into the hands of the Ma'ajin Water.²⁹ As already said was anti-Abbas in behaviour. To this list were later added the Imam of mosque and the Magazabarda.³⁰ In view of the strained relations between the emir and some of these officials especially his own principal councillors, it is doubtful if this council served much useful purpose. Abbas may have consulted them whenever he saw the need, but there appears to be no indication that they ever met as a body to discuss anything.

The first serious attempt to establish a conciliar system was that instituted by the emir in 1909 when he instituted what he called a 'judicial and executive council' consisting principally of the Emir, the Waziri, the Ma'aji, the *Alkali*, the *Liran*, and the *mallams*.³¹ This council constituted the supreme court of appeal for all cases within Kano emirate.³² Before the appointment of the Waziri, Temple had decided that the council should consist of the Emir, Waziri and Ma'aji and that it should deal with cases in which Native Administration³³ officials were involved so as to avoid conflicts with the *Alkali's* court.³⁴ The inclusion of the *Alkali* in the council was probably designed to achieve the same end. At all events, this was no substitute for the *Tara ta Kano* which was a supreme council of state quite distinct from the emir's judicial tribunal in which other senior officials were not necessarily involved in its judgments. The fortunes of this council are not clear. Abbas would seem to have handled most executive matters with his slaves who, as the intermediaries between him and the district heads, were far better informed on administrative matters than the new Waziri. The *Alkali* does not appear to have remained for long as a member of the council which at any rate was more useful to the emir as a judicial rather than as an executive body.

In 1915, the Acting Resident, Palmer, referring to the Governor-General's views on the emirs' councils argued that it was the latter's wish that such councils be of an executive nature, while the judicial functions would be of an incidental and supplementary nature.³⁵ Palmer then argued that no emir's council could be regarded as having been properly constituted if it did not include certain officials whose titles warranted their presence in any such body. In addition to the Waziri and the Ma'aji, Palmer recommended the inclusion of the following: Madaki, Mita, Barde, Galadima, Wamba, Turaki, and Ma'ajin Wateri.³⁶ But Temple, then Lieutenant-Governor, Northern Provinces, replied that it was impossible in practice to have an executive council made up of the senior district heads.³⁷ Until the year 1925 the ques-

29. S.N.P. 131, A12, Kano Province Report No. 30

30. S.N.P. 10, No. 2049 1908, Kano Province Report No. 37 (Mid-year report for 1908).

31. S.N.P. 10, No. 6418 1909, Kano Province Annual Report, 1909.

32. *Ibid.*

33. Subsequently, 'Native Administration' will be abbreviated 'N.A.' in appropriate cases.

34. S.N.P. 63, No. 44 1909, Report for Mar. 1909.

35. S.N.P. 101, No. 591 1915, Resident to Lieutenant-Governor, Northern Provinces, 11 Oct. 1915.

36. Of these men recommended from districts, the Madaki was Mallam Mahmud who had married a daughter of Abbas; the Makansa, Dabira, was a descendant of Mallam Bakasine; the Turaki, Abubakar, was the nephew of the emir; while the Barde, Abdu, the Wamba, Usman, and the Galadima, Usman, were all his own brothers.

37. S.N.P. 101, No. 591P 1915, Temple to Palmer, 10 Oct. 1915. Temple was Lieutenant-Governor during the period 1914-15.

tion of selecting councillors from the district heads was not again raised. Even then it was not until the role which the emir's slaves played in the administration had brought to the fore the whole question of their existence as an institution.

From 1909 Abbas, undoubtedly endowed with great energy, brought this to bear on general administration of Kano. His slave bureaucracy remained intact as the British were unwilling to interfere with it and exasperate him, since he was known to be doing his best for them. Each district head had a kind of agent or *makkadas* to represent him in the city, and matters relating to each district were communicated to the emir through the particular slave intermediary (*kofa* plural *kofofi*) recognized for the purpose. In this way the slaves possessed a full grasp of both current affairs and administrative details. According to Palmer, Abbas continued to use them as effective agents and advisers, while the Waziri remained so only in name.³⁸ Abbas, however, was able to keep the slaves under full control and they ceased to be a source of serious concern to the British.³⁹ The situation was transformed when the emir died in 1919. His elder brother, Usman, who succeeded him was a man of considerably less ability and besides remained throughout his reign a chronic invalid. This gave rise to a resurgence of slave power in a manner unknown since 1909. The Waziri, Gidado, thought that the removal of the strong hand of Abbas was an opportunity for him to assert his position as adviser in the proper sense of the word, but he found himself opposed by the palace slaves.⁴⁰ During the period of their working together, Abbas respected the Waziri for his profound learning, accepted him as an adviser in matters of law, but allowed him little or no place as an executive official.

The seventeen years of the regime of Abbas was full of intricate problems. The emir bore the major part of the burden of ruling Kano in the most difficult period of this century—the first two decades of British colonialism with its contempt for the administrative ideals and traditions of the pre-conquest era. In spite of the problems and frustrations of those long years his reign was generally popular and he showed a remarkable ability for managing the British. By and large he succeeded in maintaining intact a large proportion of his traditional position as emir in spite of British theories and attitudes.

Sometime during his reign he made efforts to come to terms with members of the opposition to his regime, especially the Tukurist elements some of whom he recalled from exile and rehabilitated.⁴¹ To some his reign was ruthless because of the very large number of depositions that took place in the administration, but this opinion is due to inadequate understanding of the forces to which he himself was subjected. The emir normally had his way in getting rid of officials in whom he had lost confidence, but he also dismissed officials whose conduct the British would not tolerate even if he still had faith in those officials. By all accounts he was a man naturally endowed with a

38. S.N.P. 10/9, No. 120P/1921, Palmer's comment on Kano province report No. 59 (Jan. 1920 Mar., 1921).

39. *Ibid.*

40. *Ibid.* Palmer was then Acting Lieutenant Governor, Northern Provinces, but he seems to have been quite in touch with the developments at Kano.

41. Mallam Sani Abbas, 67, 27 June, 1972 (Kano) Mallam Abbas is the son of the Emir, Abbas.

considerable amount of energy and intelligence. This was his greatest asset in his dealings with the personnel of European administration.

Abbas was one of the few emirs in the Northern system who escaped the disgrace of deposition. But in the end the emir met his death at the hands of a British police officer. The story is related how Abbas, summoned to the residency at Nassarawa, became involved in a bitter argument with the District Officer (D.O.) over the general state of the administration. Then at a certain stage the emir reportedly put his hands in a manner which made the D.O. imagine that he was trying to draw his sword from his robe to stab him. So to forestall him he quickly gave the emir a ferocious kick on the stomach with his boot. Abbas stumbled and fell and was carried away to his Nassarawa residence by members of the Kano nobility who had been looking helplessly on. He died a few days later.⁴² The details of what actually happened and why it happened are far from clear. What is certain is that the emir perished at the hands of a British official. This embarrassing incident does not appear in any official records, and the British officer got away without even a charge of manslaughter. The mid year report for 1919 which mentioned the emir's death simply states that he died 'unexpectedly after a week's illness.'⁴³

Under Usman, the slave intermediaries had more freedom of action than had previously been the case. The emir was often sick throughout his reign, but the business of government had to be carried on. Thus, the *kofofi* began to handle matters from the districts themselves since these could not be held up until the emir was well enough to give attention to them. Even if the emir was not indisposed they still had to decide whether a particular case was the type that should go to him or whether they could take their own decisions and give instructions as necessary. Strictly speaking, this was not an entirely new development, but it became more marked under Usman. As far as could be ascertained, the *kofofi* did not always handle cases or refer same to the emir without expecting gratification of one kind or another, and their position seemed inviolable. The British for their part easily blamed anything wrong in the administration, whether in the city or in the district, on the actions or omissions of the slaves. Put crudely, official British opinion was that slaves were literally trying to seize power. Informants at Kano admitted that under Usman slave officials became considerably more influential than before and that the emir himself did not play much active part in affairs. However, they said that this was not the fault of Usman himself because apart from his constant ill-health he was already about eighty years by the date of his appointment.⁴⁴ In other words, power was given to a man who was in no condition to exercise it. By conferring power on Usman the British did not know that trouble of some kind lay ahead. A fundamental difficulty faced the British: on the one hand it was necessary to change what they saw as an unsatisfactory state of affairs either by dismissing the emir or by taking strong measures against the slave bureaucracy, or both; on the other hand, the emir was neither disloyal nor resistant to the British - he was simply incapacitated by ill health.⁴⁵

42. Sarkin Kano, Alhaji Ado Bayero, 29 June, 1972 (Kano); Datti Galadanci, 14 June, 1972 (Kano); Hamza, 21 June, 1972 (Kano); Dan Rimi Kano, Mallam Nuhu, 26 Aug., 1970 (Kano)
43. S.N.P. 10/7, No. 318/1919, Mid year report, 1919.
44. For instance, Wakilin Gabas, Mallam Muhammadu Mansur, 58, 24 June, 1972 (Kano).
45. However, the general opinion among British officials was that apart from the question of ill-health Usman was a far less able man than his predecessor.

Gowers declared himself unable to recommend the dismissal of the emir whom he himself had chosen to fill the vacant emirship in 1919 — under the usual plea that a worthier successor could not be nominated. This time the argument that Usman was indispensable was an obvious fallacy.⁴⁶ The view that there was little or no advantage to be derived from dismissing a ruling emir had hardened into a political doctrine.⁴⁷ The British later blamed the existing state of affairs partly on the emir's ill health and natural weakness and his lack of contact for many years with the personnel of European administration, but they also assigned a portion of the responsibility to inadequacy of political officers and consequent lack of touring and supervision.⁴⁸

As the concern of the British increased over the slave question, they decided to study the slave system and find out exactly who was doing what. Investigation revealed that there were ten head slaves including Dan Rimi, Shamaki, Sallama, Kilishi, Jakadan Garko, Kasheka, Alhaji Baba, and Sarkin Fada. There was a large number of others, and each of the big ten had subordinate slave officials under him.

As already noted, relations between the emir and the district heads were maintained through the slave intermediaries. Thus, for instance, Dan Rimi had the largest number of district heads including the Chiroma, Sarkin Dawaki Maituta, Barde, and Wambai; Shamaki was the intermediary for Makama, Sarkin Karaye, and Sarkin Gaya; Sallama, for Galadima, Sarkin Bai, and Turaki—among others—and so on.⁴⁹ British officials had been blaming themselves for having not seized the opportunity presented by the death of Abbas to tackle the slave problem at its root. But now it was considered that nothing could be done and that it was a sounder policy to watch and wait. The continual ill health of the emir offered hope that he would soon pass away and thus provide another opportunity for dealing with the slave question.

Palmer, now Acting Lieutenant Governor, took a great interest in the matter. His position regarding slave officials considerably softened after the disengagement brought about by Temple's administration. But in 1921 he could not help pressing again that time had come to part way with the slave system and do away entirely with slave intermediaries. This view was fully endorsed by the Governor of Nigeria, Sir Hugh Clifford.⁵⁰ But no immediate or drastic action was taken, and up to 1925 every British official knew what to do about the system but nobody seemed to know how to do it. E. J. Arnett, the outgoing Resident, had strongly recommended that on the death of the emir it should be impressed on his successor that the slaves should deal only with matters of personal concern to him and not interfere in the administration. But nobody was prepared to wait much longer.

46. His closest rival for the emirship in 1919, the Chiroma, Abdullahi-Bayero, was highly spoken of by British officials.

47. It is interesting to remember Lord Hailey's opinion that 'The principle of Indirect Rule has, in particular, passed through three stages, first of a successful administrative device, then that of a political doctrine, and finally that of a religious dogma'. See 'Some Problems Dealt with in the "African Survey"', *International Affairs* Vol. XVIII, 1939, p. 202.

48. S.N.P. 10/7, No. 3168/1920, Gowers' 'handing over notes' to E.J. Arnett, in Kano Province report for half year, 1921.

49. S.N.P. 10/9, No. 120P/1921, Kano Province report No. 59 for Jan., 1920 - March, 1921

50. *Ibid.* Lugard returned to Nigeria in 1912 as Governor-General of the Northern and Southern Provinces and finally left in 1919 to be succeeded by Clifford with the title of Governor.

THE COUNCIL OF THREE

Only two months after the departure of Arnett the patience of the administration reached a point of explosion and the first serious effort was made to destroy the slave bureaucracy. The invalid emir still showed signs of life and it looked as if waiting was going to be for an indefinite length of time. The palace slaves were all removed from their positions in July 1925 and a new council consisting of the Waziri (as the senior member), the Madaki, and the Sarkin Bai was set up to advise the emir.⁵¹ The Madaki Mahmud, and the Sarkin Bai, Abdulkadir, were recalled from their districts for this purpose. Mahmud had been appointed to the district of Dawaki ta Tofa in 1914, and Abdulkadir to that of Danbatta in 1908. The Waziri was placed in charge of judicial matters, the Madaki of general affairs pertaining to the districts, and the Sarkin Bai of Kano city and its various institutions such as schools and prisons. The recall of the Madaki and the Sarkin Bai was regretted in their districts where both men had built up a certain amount of goodwill and popularity. In Kano their return was taken as a signal that at last the British had realized the mistake of driving the *hakimai* out, and a gradual return of the rest was expected.⁵² The British on the other hand encouraged the emir to believe that the new system was not aimed at destroying his powers, but he naturally detested this attack on the slave bureaucracy. The change was pushed through without active opposition; already the emir's fast deteriorating health was a sufficient guarantee against serious resistance. On the part of the slaves themselves this measure generated a great deal of bitterness and frustration.

Less than a year later, in April 1926, the long awaited death of Usman at last occurred. Lieutenant Governor Palmer telegraphed that a complete list of the emir's slaves be made with a view to total manumission.⁵³ The Chiroma Abdullahi Bayero, who was nominated to succeed his uncle was summoned to the residency and told that the traditional system of administration through household slaves was now dead and was on no account to be revived in any shape or form.⁵⁴ He was told that if an emir must rule at all he should recognize that he could not rule unaided or dispense with a council, for the activities of the emirate had so much expanded that public business could no longer be conducted through palace functionaries. The Chiroma assented to every particular and gave an undertaking that should his candidature be approved he would abide strictly by his promises.⁵⁵

On 15 May news arrived from Lagos confirming the appointment of the Chiroma and at the residency a ceremony was held formally proclaiming the appointment amidst a scene of public enthusiasm. Palmer visited Kano a few days later and expressed satisfaction with the measures taken. The new emir in keeping with the pledge given

51. S.N.P. 17/8, No. K. 105 Vol. I, Kano Province Annual Report for 1925.

52. Mallam Hamza, 21 June 1972 (Kano).

53. N.A.K. Kano Prof. box 29 No. 4161, Palmer to Resident of Kano, 26 April, 1926 (telegram). The emir died on 23 April, 1926.

54. S.N.P. 17/8, No. K. 105 Vol. III, Kano Province Annual Report, 1926.

55. *Ibid.*

decided to set free all the palace slaves. The services of some of them including the eunuchs were dispensed with while pensions and gratuities were arranged in appropriate cases.⁵⁶

Abdullahi Bayero ascended the throne at the age of forty-five. It will be recalled that he was appointed Chiroma in 1905, promoted Waziri a year after and then reduced to his previous rank in the district re-organization of 1907. Later an experiment was tried under which he assumed control of the ten districts surrounding Kano city and with the creation of Bichi district in 1915 he was posted to that place as the district head. A confidential report on him in 1921 claimed that he had a reputation of being somewhat lazy and indifferent,⁵⁷ but most political officers were satisfied with his devotion to duty. For about a quarter of a century before his accession he had dealt with successive British officials and his accession was as welcome to the British as it was popular among his own subjects. The emir was formally installed by the Governor of Nigeria, Sir Graeme Thomson, on 14 February, 1927.⁵⁸ A short biographical sketch written later in his reign described him as the most popular emir Kano ever had.⁵⁹

Taken together, the administrative measures of 1925—26 are quite significant in the history of Kano. The abolition of such ancient institution as the slave system was, of course, in itself a radical measure, but it should be noted that the institution was outmoded in the context of the twentieth century. The functions which some of the slaves performed such as participation in warfare were no longer relevant to the needs of Kano. Denied of other positions such as district headships the slaves concentrated on what they could make out of their role as the intermediaries between the emir on the one hand and officials and the rest of the population on the other. Informants were unanimous in the view that the palace functionaries were often more concerned with what was meant for their pockets than with ensuring orderly and efficient administration. That drastic action against them was not taken until after more than two decades of British rule is indicative of their strength as an organization.

The disorganization of the slave system shocked nobody, although it left bitter feelings among those affected. The British had, since 1903, shown that unless it was administratively unprofitable they could do whatever they meant to do. The elimination of slave power was not as violent a measure as, say, the expulsion of the *hakimai*. However, this was not how all Kano people saw the measure. To some the return of the Madaki and the Sarkin Bai to the city was an act of vengeance on the part of the British

56. *Ibid.* Field work carried out on this question shows that practically all these offices were revived by Bayero's son, Alhaji Muhammadu Sanusi, Emir of Kano 1953—63, but the holders of these titles are not regarded as slaves. A few of the titles are now extinct because the present Emir, Alhaji Ado Bayero, did not appoint new officials on the death of the holders, but the important offices of Shamaki, Dan Rimi, Sallama, and Kilishi, among others are still current. The present Shamaki, Alhaji Inua, was appointed by Muhammadu Sanusi soon after Nigeria's independence in October, 1960, and his duties were as they still are to follow the emir whenever he is on tour and is the liaison officer between him and the district heads. The present Dan Rimi, Mallam Muhammadu, was appointed by the ex-emir Sanusi about eleven years ago. He is the son of the last Dan Rimi and was just fifteen when his father was retired to a farm following Bayero's measures in 1926. The Sallama is an old man of about eighty and was appointed about nine years ago. A stranger to Kano, he was captured a slave at the beginning of the present century.

57. S.N.P. 15/1, No. 225, Report on office holders and district heads, 1920—21.

58. S.N.P. 17/8, No. K. 6892, Kano Province Annual Report for 1927.

59. For this see file No. Pub. 21, Madaki's office, Local Government Central Office, Kano.

against the emir. It is said that the former always felt disappointed that the state of the emir's health made it impossible for him to accord them the kind of respect they considered was due to them. For instance, if they came to see the emir he might not be able to come out, and if they sent for him to come to the residency he might not be able to meet them with the imposing number of cavalry with which Abbas had appeared on similar occasions. Therefore, they decided to split his powers.⁶⁰ According to some informants, the emir's working relationship with the British was never a healthy one and they never treated him with any appreciable amount of dignity.⁶¹ However, it has to be remembered that the policy of doing away with the slaves was one which predated the accession of Usman. And while the British certainly did not regard this reign as a success they fully understood the emir's problems, although this did not prevent them from occasionally embarrassing him by confronting him with the question of the position of his slaves.

To many people the importance of the reign lay in the belief that in the time of Usman a great deal of money circulated in Kano especially as a result of the groundnut trade, and it is said that many people became rich. It should be borne in mind, however, that the export of groundnuts had begun within the first decade of the reign of Abbas but cultivation of the product increased in post-war years. This notable increase in money was connected with the currency depreciation which also followed the end of the First World War. Informants recalled the vast circulation at this time of the first West African currency notes which they called *kudin takarda* (paper money). The currency notes were said to have been extremely unpopular.⁶² This was so much the case that black market deals entered into business life and people showed themselves prepared to accept ten shillings in silver coins in place of a note of nominally twenty shillings in value. This was of course illegal but it was an open secret that traders including European firms placed different prices for the same articles and the prices were high or low depending on whether the consumer was going to pay in notes or in silver.⁶³ To combat this the emir issued an executive order making such actions and transactions illegal and punishable. But the constitutionally significant date of the reign was 1925 and after the elimination of the slaves at the beginning of the following reign significant developments did not occur until two years later.

THE COUNCIL OF FOUR

During the rest of our period two significant developments occurred within the council. The first was that in 1928 the Galadima, Abdulkadir, the younger brother of the new emir, was brought into the council to replace the ageing Sarkin Bai. He was until then the district head of Fogolawa district to which he had been appointed in 1927 following the death of his cousin, the Galadima, Muhammad Bello.⁶⁴ Abdulkadir

60. Sarkin Shanu, 14 July, 1972 (Kiru); Sani Abbas, 27 June, 1972 (Kano)

61. Mallam Audu, 20 June, 1972 (Kano); Hamza, 21 June, 1972 (Kano); Sani Abbas, 27 June, 1972 (Kano).

62. Hamza, 21 June, 1972 (Kano); Sarkin Shanu, 14 July, 1972 (Kiru).

63. Sarkin Shanu, 14 July, 1972 (Kiru); Kano Prof. 4/11 No. 216/1926 Kano city re-assessment report.

64. Bello was the son of the Galadima, Umoru, a brother of Abbas appointed by him in 1903. Umoru died in 1917 and was succeeded by his son.

was previously Dan Iya and district head of Dawaki ta Kudu. Another reason for relieving the Sarkin Bai of responsibility for Kano city was that his district of Danbatta had been in a bad state since his leaving it, and it was considered that he could do more useful work in his old district. His successor at Danbatta, the Dokaji, had not found it easy to manage the affairs of the district, and there had been a kind of power vacuum since his departure.⁶⁵ The initiative for bringing the Galadima into the city came from Palmer who visited Kano in June, 1928, and was much concerned that the energies of the ablest of the younger men should be utilized to ensure the success of the new system.⁶⁶ Probably, the removal of the Sarkin Bai was also politically motivated. It may have been considered necessary to bring a relation of the emir into the council and in order to give him a suitable position the services of the Sarkin Bai were terminated. Palmer and the emir agreed between them that the Madaki should be senior to the Galadima in the council; the emir correctly stated, but Palmer did not believe, that traditionally the Galadima came before the Madaki in the order of precedence.⁶⁷

The next development was the inclusion within the council of the Ma'aji, Abdallah, in 1930. Abdallah, son of Alhaji Abande, a well known Tripolitan Arab in the time of the Emir, Abdullahi, was a man of considerable ability and had been associated with the *bait al-mal* or public treasury as deputy Ma'aji since its inauguration in 1909. He was appointed to the substantive office of Ma'aji in 1919. In 1929, it was decided that as finance was playing an increasing role in discussions between the Resident and the council the latter could not be said to be complete without the presence of this exchequer official. Palmer agreed to the attendance of the Ma'aji at the meetings, and when the idea was mentioned to the emir he raised no objection; it was however still felt that his definite inclusion could not be postponed for long.⁶⁸ The following year he became a full member of the council.

The purpose of this new system was to secure an efficient administration which, in the view of the British at least, had been paralysed in the past by slave influences. Political officers were satisfied that this new system rested on a more rational basis than the one which it displaced and that it functioned infinitely better. At the end of 1925 it was reported that many of the problems associated with the slave system had been overcome and that the position of the Waziri had been strengthened.⁶⁹

Reports for subsequent years encouraged the hope that the new machinery was adequate for the progressive development of Kano along modern lines. Although by the end of this period, 'interference' in executive matters by the *mallamai* members of the judicial council, 'timorously assented to' by the councillors, caused the British administrators some concern, steady improvement in the acceptance of greater responsibility by councillors was reported⁷⁰. What appears to have passed as 'interference' was the traditional custom of consulting with the *ulama* even over purely political issues.

65. Maikano (Abdullahi). 76; Muhammad Inuwa, 69, 10 Aug., 1972 (Danbatta).

66. S.N.P. 17/1, No. 9043 Vol. I. Kano Province Annual Report for 1928.

67. S.N.P. 17/8, No. 1675, 'Notes on His Honour's visits'.

68. S.N.P. 17/2, No. 12004 Vol. I. Kano Province Annual Report for 1929.

69. S.N.P. 17/2, No. 16687 Vol. I. Kano Province Annual Report for 1931.

70. S.N.P. 17/2, No. 14686, Vol. I. Kano Province Annual Report, 1930. Efforts were made to check this 'interference', but the British were often diffident over this kind of problem and were always afraid that if the *mallamai* were dealt with in a strong manner they might incite whole communities to disaffection.

It is interesting to note here briefly the position of the emir under the new constitutional arrangement. No doubt, the formation of the executive council and the decentralization of executive authority necessarily meant a reduction of his powers. Yet, in spite of this, his position by 1930 was very far from uncomfortable. Under the 'Native Authority Ordinance' of 1916, the emir was responsible for the maintenance of order within the emirate. He was free to appoint whom he liked to assist him in this; he could make 'orders' provided that these did not conflict with the laws of the protectorate, and to flout such orders was a punishable offence.⁷¹ Therefore, all N.A. officials were his own employees, not those of the British, and the councillors were not an exception to this rule. The power of appointment to all offices in the emirate was still vested in the emir (though the concurrence of the Resident in the appointments was necessary) and the councillors, like all other N.A. officials, owed their positions in the first instance to his own good wishes, and like others were subject to dismissal by him. He presided over the council and he alone in the emirate possessed temporal and spiritual powers.⁷² Besides, in theory at any rate, the councillors were advisers only; the emir was not necessarily bound by their advice and in the final analysis he remained sole executive and every act was performed in his name.⁷³ Though it was maintained that the emir was above his council, it is difficult to see what this meant in practice. The policy pursued and enforced in Kano was British policy. This left both the emir and his council with little or no initiative of their own. Therefore, the emir was not in a position to impose his views on the council were he so minded. According to Alhaji Ado Bayero, the present Emir of Kano, while the formulation of policy was the business of the British, the emir could express his own feelings on issues.⁷⁴ This opinion was arrived at through the process of discussion by emir and council. The important issue was not who was going to overrule the other but what was the best answer Kano could present to the British. There was no struggle for supremacy between emir and council and such a struggle was at the time quite inconceivable. In practice, therefore, the emir enjoyed no increase in powers under the British.

On the other hand, his powers actually decreased. Quite apart from the now irrelevant fact that he could no longer make war and peace, he had lost the right of taxation. The existence of a provincial court meant that contrary to what had been the case in the past century the emir's freedom of action in judicial matters had been circumscribed. Besides, no appointments or dismissals made by the emir could take effect unless they were confirmed by the British. Although British assent could at times be nominal the fact that it had to be sought constituted some check against despotic and arbitrary actions. And while he remained the chief executive of Kano emirate the emir's powers were limited, during this period, by the fact that he had no control over all classes of persons resident within his domain. Apart from the large number of European officials and traders who claimed exemption from the authority of the emir, there were thousands of other residents, especially from southern Nigeria, whom the protectorate law did

71. *Nigeria Ordinances, 1916* (Lagos, 1917), pp. 142—3. *The Nigeria Gazette*, No. 38, Vol. 4, 2 Aug. 1917, announced the appointment of all chiefs of the first and second grades as Native Authorities. The Native Authority Ordinance of 1916 superseded the 'Enforcement of Native Authority Proclamation' of 1907. For this Ordinance and its provisions vide Appendix V.
72. Alhaji Ado Bayero, Emir of Kano, 29 June, 1972 (Kano). The young and dynamic-emir (appointed 1963) is the son of Abdullahi Bayero.
73. S.N.P. 17/2, no. 16687 Vol. I, Kano Province Annual Report, 1931.
74. Alhaji Ado Bayero, Emir of Kan., 29 June, 1972 (Kano)

not recognize as being under him administratively. These so-called 'alien natives' were largely Christians by religious persuasion, living in what was, notwithstanding British conquest, still a Muslim territory. They were settled in the Kano township, or in that part of it which is better known as the *sabon gari* (new town).

Constitutionally, Christians living in a Muslim territory had a recognized status as *dhimmis*. The *dhimmis* were the *ahl al-kitab* or people with a revealed scripture⁷⁵ who lived in a Muslim territory, accepted the political authority of the Muslim ruler, agreed to pay the *jizya*, were entitled to protection by Muslim authorities, and had recognized rights and obligations.⁷⁶ Before the coming of the British, non-Muslims who entered and stayed in Kano territory without the permission of the authorities did so at their own risk,⁷⁷ and it was not attempted — not even by European travellers.

The coming of the British, and especially the arrival of the railway, brought a great influx of non-Muslims into Kano. These people did not come at the invitation of the emir or even with his permission. Many openly ridiculed Islam and denied that they were subjects of the emir.⁷⁸ The weight of British authority was somewhat on their side. In 1913 the area which was designated as the township was taken out of the control of the Native Administration and placed under a Station Magistrate responsible to the Resident for the affairs of the area. The argument put forward by the Resident, Gowers, in defence of this measure was that it was impossible that the Native Administration 'should exercise full and effective control over native foreigners in accordance with Muhammadan law and native custom'.⁷⁹ From what has been said already it is not open to doubt that this argument was not valid in Islamic law.

The question of the township will be discussed in appropriate places as far as it concerns this study.⁸⁰ Meanwhile, it is only necessary to note the implications of the foundation of the township on the emir's position. Neither Abbas nor Usman performed executive or judicial functions within this enclave which was nominally part of Kano. This absence of jurisdiction represented a further curtailment of their powers as Muslim rulers. It was not until 1940 that *sabon gari* was fully placed under the emirate authorities,⁸¹ although steps towards this end had been going on since the thirties. Until this was done the position of *sabon gari* had been irritating to the emirs and in a sense to the Muslim population in general.

By 1930, executive authority within the Kano Native Administration was exercised at four levels: the emir, the executive council, the district head, and the village head. Exercising their influence over all ranks yet standing structurally outside the whole system were the British officials: the Resident, the District Officer, and the Assistant District Officer (A.D.O.). An understanding of the position occupied by each of these in the machinery of government is necessary for the understanding of Indirect Rule as it worked in practice.

75. Literally, 'People of the Book'. This usually refers to Christians and Jews especially.

76. Majid Khadduri, pp. 176—7, 195—8; Choucri Cardahi, 'Conflict of Law' in Khadduri and Liebesny, p. 335.

77. Mallam Haruna, 73, 27 Aug., 1972 (Kano).

78. Mallam Haruna, 27 Aug., 1972 (Kano)

79. S.N.P. 10/2, No. 98P/1914, Annual report, Kano Province, 1913.

80. *Intra*, pp. 92—94, 131—134.

81. S.N.P. 17:1 (?) No. 33147, Annual Report, Kano Province, 1940

Broadly speaking, the issuing of instructions to the districts on policy decisions was the concern of the central administration in Kano city. The execution of policy was the function of territorial administrators — the district heads and the village heads. The work of co-ordination was also essentially the responsibility of the central administration, while touring and supervision by British officials were designed to ensure that instructions issued were being complied with. It was characteristic of the Indirect Rule system at Kano that it was not always those who issued orders to the districts that undertook tours of inspection. The explanation is simple: the British did not believe that the N.A. could work efficiently (in their own sense of the word) without their own direct intervention.⁸² Nonetheless, the central administration was a fundamental cornerstone of the whole system.

THE CENTRAL ADMINISTRATION

As we have observed, this consisted of the emir and his four most senior officials. The order of precedence observed among the councillors was as follows: the Waziri, Madaki, Galadima, and Ma'aji. The Waziri was not formally designated prime minister. His position as chief councillor did not amount to this: he was a *primus inter pares* and did not exercise executive control over other members. It was probably feared that to invest him with such title would tend to make him very powerful, at the expense of the emir's own prestige. The Dan Rimi episode was still very fresh in the minds of officials. The executive council was only part of a larger body—the emir's council of which the judicial council was also only a part. The Waziri was the principal legal adviser. When the council functioned in its judicial capacity, it had an addition of the other legal members and the Waziri, because of his sound knowledge of the law, played the leading role.⁸³ The judicial role of the Waziri will be dealt with more appropriately in a subsequent chapter.⁸⁴

The Madaki was charged with responsibility for the general administration of the districts and he dealt direct with the *hakimai* in the name of the emir.⁸⁵ He undertook tours of districts either alone or in the company of a British officer; in the latter case matters arising on the spot were discussed between the two and in all cases decisions reached were subject to the emir's confirmation. Appointment and dismissal of territorial administrators were no concern of the Madaki. Also he had no powers to punish a district head, all this being the absolute prerogative of the emir. However, he was the only councillor who could give direct executive instructions on behalf of the emir.⁸⁶ Orders to and reports from the districts passed through his office and all despatches in connexion with district administration were written in the name of the emir. The revenue office came under the Madaki and the annual revisions of taxes were prepared there upon data sent in from the districts. The Madaki thus acquired new specialized functions and a third place in the political hierarchy; his old position as 'commander of

82. *Vide infra*, p. 121.

83. S.N.P. 17/2, No. 16687 Vol. I, Kano Province Annual Report, 1931.

84. *Infra*, p. 131.

85. S.N.P. 17/2, No. 14686 Vol. I, Kano Province Annual Report, 1930. Part of the responsibility for city administration also devolved on the Madaki because of the ineptitude of the Sarkin Bai, but when the Galadima joined the council the Madaki was able to devote his whole attention to the affairs of the districts.

86. S.N.P. 17/2, No. 19729, 'Instructions to administrative officers'.

the cavalry was no longer relevant to the needs of the emirate, though the administrative title did not change.

Administration of Kano city itself was the responsibility of the Sarkin Bai, which was later taken over by the Galadima. The various departments in the city—prisons, sanitary, police, education, medical, survey, printing, water and electricity, as well as the city market came under his control. Each department had a head who was answerable for its management to him. Thus, the Galadima also acquired new functions and was pushed to the fourth place in the hierarchy. At least until the creation of the office of Waziri by the Emir, Aliyu, he was the emir's deputy, but his duties then were of a general character.

The Ma'aji remained by definition a treasurer and financial adviser to the emir. Because of the developments in the Native Administration since 1909 with the institution of the *bait al-mal* the office of Ma'aji acquired greater specialization. He was no longer personal treasurer to the emir which he had been before the coming of the British and for some time after; he became an accredited official responsible for the whole N. A. funds. He was now expected to possess much of the knowledge of a professional accountant, for all financial year estimates and authorisation to incur expenditure had to pass through his office. We shall have cause to return to this point later in this study.⁸⁷

The meetings of the emir and his councillors and their relationships with the personnel of the British administration provide an illustration of how government was carried on. The position of the British in relation to administration in general will further elucidate the working of the new bureaucracy.

ROLE OF THE BRITISH STAFF

The council held two sessions daily. At the morning meetings the emir conferred privately with the executive members and with the addition of the legal members later the council then deliberated as a judicial body.⁸⁸ At this stage the Madaki and the Galadima left the council to attend to routine duties. The Ma'aji being sufficiently engaged in the mornings usually attended only the afternoon session when the council functioned again in an executive capacity.

Contacts were maintained almost daily by the District Officer⁸⁹ with the councillors, especially the Madaki and the Galadima, either in his own office or in the N. A. central office in the city. Any matter arising was discussed with the particular councillor in whose port folio it lay, and it was the duty of the latter to brief the emir on the conclusion reached.⁹⁰ The emir would then give his approval or, if he had cause, suggest an amendment and the matter would in the latter case be put down by the D. O. for discussion at the weekly meeting between the emir-in-council on the one hand and the Resident and the D. O. on the other. Outside the routine weekly meetings, both British officials could hold informal discussions with the emir as need arose or send messages

87. *Inya*, p. 179.

88. S.N.P. 17/2, No. 16687, Vol. I Kano Province Annual Report 1931. This point was noted by Margery Perham, *Native Administration in Nigeria* (Oxford, 1937), p. 87.

89. The District Officer was the official who was immediately in charge of the emirate under the general control of the Resident in charge of the province.

90. S.N.P. 17/2, No. 18955 Vol. II, Resident Kano to Lieutenant Governor, 14 June, 1933.

through the emir's representatives.

A criticism of Kano's constitution came unexpectedly from Lagos. Sir Donald Cameron, the Governor of Nigeria,⁹¹ regretted that the tendency in Kano had been 'to attach undue weight to the formation of a council and the devolution of authority by that means': the idea of a council was not bad *per se*, but the councillors required training and supervision in the complex mechanisms of government along 'civilized' lines and from this point of view it was a serious omission that neither the Resident nor the D. O. was a member of the council.⁹² Noad, the Acting Resident, replied that under the existing arrangement there was every opportunity for the councillors to develop initiative since no action was taken on any issue without the emir and council being encouraged to put forward their own proposals and if these views widely diverged from the action contemplated British approach was then explained. On the question of European membership of the council Noad denied that it would serve any useful purpose. So far from providing a training to Africans it would kill their initiative and arouse a feeling that the emir's authority was being subverted.⁹³

These views were duly transmitted to Lagos. The Lieutenant Governor expressed general agreement with the Resident of Kano that the system inaugurated was actually advancing those objectives which the Governor had in mind and asserted that no other method could work better.⁹⁴ He remarked that if in addition to using the Madakari and the Galadima in executive capacities the District Officer should also become a member of the Council the 'cramping effect' on the emir and council would be considerable. If there were communities where such a system could function, he said, Kano was not one and for the time being there was no need to alter the existing conditions.⁹⁵

The initial disagreement between Lagos on the one hand and Kano and Kaduna on the other represented basically no conflict of divergent principles. Both shared a common ideal of decentralizing executive responsibility in order to avoid concentration of power in the emir's hands. Differences of opinion lay on how to give the Africans training and supervision necessary to make them appreciate the advantages and usefulness of the new institutional framework and guide them along proper lines. The fears on the part of the British officers at Kano about the probable effect on the emir's position of European membership of the council is quite understandable, but so also is Cameron's concern for strong European influence. Noad's argument was that the European view point on issues, without being hurriedly imposed, prevailed in the end through a careful schooling of the emir and his councillors. Although this could be a slow process, it gave the Africans some feeling of their own role and importance in the various administrative processes.

91. Sir Donald Cameron, Governor of Nigeria (1931—35) is generally credited with modernising the concept of Indirect Rule. See for instance, A.H.M. Kirk-Green, *The Principles of Native Administration in Nigeria* (London, 1965).

92. S.N.P. 172 No. 18956 Vol. II, Governor (Lagos) to Lieutenant Governor (Kaduna), 6 May, 1933, endorsed to Resident Kano by S.N.P. in memo No. 18956.92 of 29 May, 1933.

93. *Ibid.* Resident of Kano to Lieutenant Governor, 14 June, 1933.

94. *Ibid.* Lieutenant Governor to Governor, 4 July, 1933. Before the original memorandum was transmitted to Kano, Kaduna had come to a conclusion that if the suggestion were accepted it would be difficult to obtain independent opinions from the African members of the council.

95. It is not known what happened next, but it would seem that Lagos did not press the issue further.

It must be clear by now that British interference with the working of the emir and his senior officials in the city was a routine duty. Two senior British officials were permanently involved in this business: the Resident in charge of the whole province and the District Officer who was in charge of Kano emirate. Because of the size and importance of Kano, every Resident personally gave some attention to the affairs of the emirate, however busy he was with matters affecting the whole of the province. Temple preferred to administer the emirate himself in addition to his responsibilities as Resident of the province.⁹⁶ Gowers who succeeded Temple later complained that the rate of developments in Kano, especially with the arrival of the railway, was such that he could not personally direct the emirate and at the same time run the province, and in 1912 changes were effected accordingly. In 1915 Lugard suggested a reversion to Temple's methods, but two years later the office for Kano emirate was removed to Nassarawa (just one mile outside Kano city) and the Resident considered that he had not much time to devote to Kano affairs personally. In 1925 it was felt that there was an absolute necessity for the Resident to play the leading role in the administration of the emirate instead of deputing this position to a subordinate, even if it meant reducing the size of the province in order to make this possible.

In 1926 the change was effected by transferring the emirate of Katsina to Zaria province and Katagum, Misau and Jema'are emirates to Bauchi province.⁹⁷ In keeping with the new policy the provincial office was moved to Nassarawa which was much closer to the city. The rationale of the new policy as explained by Kaduna exactly coincided with the views held by Temple sixteen years earlier: 'the personal influence exerted by the Resident on the Emir is the key of our indirect methods, and whatever we do or say, the Emir will not take the same notice of a subordinate, than he will take of the Resident'.⁹⁸

Supervision of the city administration was the most important duty of the District Officer. Whether he did the work alone or with the assistance of one or more officers depended on how much staff was available for the whole of the emirate. The rest were then put into the field under his general control. In the city, the judiciary, treasury, and revenue office were given great attention, and it was usual to detail one officer to look into the affairs of each department from time to time.

A subject of considerable importance which none but the Resident himself dealt with was succession to the emirship. Lugard was in favour of having an heir apparent formally recognized by both the government and the people during any reign so that on the death of the emir there would be no interregnum.⁹⁹ In 1907 Cargill proposed that the Chiroma, Abdullahi Bayero, should be accorded this position, but it is doubtful whether this was ever done. Temple was optimistic that the Chiroma would make a good emir when his father died,¹⁰⁰ but on the death of Abbas it was his elder brother.

96. S.N.P. 6/5, 44/1909, report No. 39, Mar., 1909. Elsewhere Temple argued that big emirates should be administered by the Resident himself because big emirs would always feel belittled if any other than the most senior officer dealt with them.

97. S.N.P. 17/8, No. K105, Vol. III, Annual Report, 1926. Kano Province as reconstituted was then made off the emirates of Kano, Kazaure, Daura, Hadejia, and Gumel.

98. S.N.P. 17/2, No. 17496, Lieutenant Governor, Northern Provinces, to Governor, 12 June, 1925.

99. Lugard, *Political Memoranda*, p. 197.

100. S.N.P. 15/3, A12, Report No. 36.

101. S.N.P. 7/10, No. 3635/1909, Report No. 40, June 1909.



(Taken from the *West African Review*, June, 1934)
Standing from left to right were: Mi'ajin Kano, Sulaimanu; Wazirin Kano, Muhammadu Gidado; Barkin Kano, Alhaji Abdullahi Bayero, Madakin Kano, Mahmud and Galadwan Kano, Abdukkadir

The Emir of Kano

Usman, who was chosen. The traditional electors were strengthened in number by the addition of the Waziri. The latter had never acted in this capacity, so his inclusion probably reflected the importance which the British attached to his position as the emir's right handman. Gidado strongly backed the candidature of Usman, then Wambai, against the claims of the Chiroma.¹⁰² As the council was unable to agree on any candidate Resident Gowers selected the Wambai on his own responsibility.¹⁰³

Before the death of Usman his successor had become more or less well known. Arnett openly advocated that if the electoral council decided in favour of any other candidate than the Chiroma the decision should be set aside. When Usman died, his council consisting of the Waziri, Madaki, and Sarkin Bai went down to the residency and intimated their desire to deal with the nomination of the successor. But they were overruled by the Resident who sent for the other traditional members of the electoral council—the Makama and the Sarkin Dawaki Maituta.¹⁰⁴ Even then, the inclusion of the Sarkin Dawaki represented another dimension of change since the Dutsawa holder of that title did not belong to any of the old electoral families. The Chiroma was unanimously selected against the explicit wishes of the Wambai, the late emir's oldest surviving son, who expected that he would be his father's successor. Usman's line has since then been excluded from succession.

Viewed against the background of the nineteenth century the importance of the developments of 1909—30 lies mainly in the particular form they took. The strong emirship which emerged from the severe stress that terminated with the end of 1908 still had to put up with colonial interference in the administration of Kano. The emir controlled his council but both emir and council were subject to British control. The highest policy making authority in the emirate was not the Emir-in-Council but the British. Though policy was announced to the people as having emanated from the emir it is clear that quite often the only thing the latter had to do with it was that it had been explained to him. The British, therefore, dominated the administration to a far greater extent than Sokoto was ever disposed to do in the last century. Within this overrule, however, the emirship managed to retain a large proportion of its powers. The experience of the British during the crisis period suggested to them that the strengthening of the institution was necessary for their overall control of the territory. As the reign of Usman once more taught them, a weak emirship was not in their own interest, although in this case it was a personal weakness of the incumbent and not of the institution itself.

Both as a body and individually the councillors were an instrument for colonial control. The British had their own opinions on what a council should be and how it should function. The Council of Four which emerged by 1930 was the nearest substitute for *Tara ta Kano* which their district policy had brought to an end. This new council had no power to bind the emir, but in practice this was not an important issue in the relations between emir and council. The notion of functional specialization of bureaucracy which was explicit in it was not new as nineteenth century emirs had been served by specialized officials (Makaki, Ma'aji, Sarkin Yaki and so on). What the British

102. S.N.P. 15/1, No. 225, Report of office holders.

103. S.N.P. 10/7, No. 318P/1919, report No. 57, 30 June, 1919.

104. S.N.P. 17/8, No. K105 Vol. III, Annual Report, 1926.

tried to do was to mould the councillors to their own way of grappling with issues in the various departments and to use them as effective instruments of rule. In other words, the Central Administration of Kano as a whole was an effective instrument for central control of the emirate.

4. Territorial Administration and Power Structure

In this chapter we shall be examining what changes took place in the sphere of territorial administration and how the various segments of authority interacted to ensure the working of the new system. This means that we shall be dealing with the question of who exercised what functions and with what consequences for the system. Judicial matters, which were an aspect of administrative activities, are not discussed here as they will be given a separate treatment.¹ Fiscal measures are also left out in this chapter and will be treated fully later.²

Necessarily, our starting point is Kano city, where all administrative activities in their various ramifications were co-ordinated. Within the N. A. it was here that major decisions were taken; it was here that many of the territorial administrators had been brought up in the administrative traditions of the nineteenth century, and it was here also that most of those who fell from grace retired. Moreover, it was here that almost every new administrative measure was given a trial before it was introduced in the country districts. Evidently, the city had to be given one kind of re-organization or another to be able to cope with both growth in population and the need to serve as a model for the administration of the rural districts. One point to note about the changes in the organization of territories whether in the city or in the districts is that they were proposed and enforced by colonial officials after discussions with the emirs.

KANO CITY ADMINISTRATION

Before the time of Temple, organization of Kano city does not seem to have received much attention apart from the appointment of officials responsible for its administration. It was first the Sankurmi, the official traditionally in charge of the market, then the Ma'ajin Kano, and finally the Ma'ajin Wateri. In course of 1909 Temple detailed a third class Resident, Dupigny, and two assistants to map and divide up the city into wards. Ten wards were marked out and each was placed under a ward head or *maiungwa* (plural *masu ungowoyi*), whose duty it was to collect taxes from members of his ward.³ It could be said that the Arabs formed the eleventh ward since they had their own *maiungwa* by whom they were supervised in their scattered settlements within other wards,⁴ but an Arab ward in a territorial sense did not exist. The ward heads were each told to prepare a kind of Doomsday Book showing total population and list of

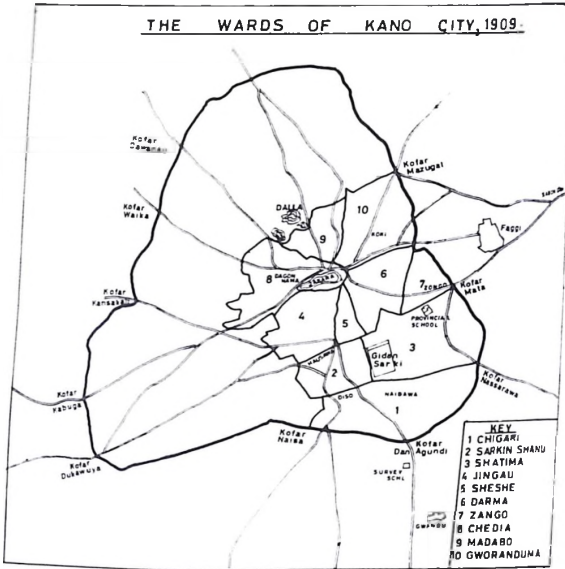
1. *Infra*, pp. 122—155

2. *Infra*, pp. 156—187

3. S.N.P. 7/10, No. 365/1909, Report No. 40, Mid year, 1909. The wards were: Chigari, Sarkin Shanu, Shatima, Jinguu, Sheshe, Darma, Zango, Chedi, Madabo, and Gworanduna. See map.

4. S.N.P. 7/12, No. 2109/1911, Re-assessment Report on Kano city; and Fagge.

THE WARDS OF KANO CITY, 1909.



property.⁵ Temple wanted to place the *masu unguoyi* directly under the emir, rightly pointing out that it was impossible to administer the town through an official who was hostile to the emir.⁶ However, after the dismissal of the Ma'ajin Wateri, his successor, Muhammadu, a member of the Mundubawa clan, remained the chief urban official but unlike his predecessor he enjoyed the confidence of the emir.⁷ The wards and gates of the city were directly under him and so was the prison. He acted as the emir's representative when the emir and the Waziri were not in the city. A few years later, in 1915, he was recommended for a seat in the judicial council and to rank after the Ma'ajin Kano in that body.⁸ In 1916 he became a member of the council.⁹

With the formation of the executive council in 1925 the city passed over to the control of the Sarkin Bai and the ward heads became his lieutenants.¹⁰ The Ma'ajin Wateri and the Sankurmi had been dismissed following a case of murder in the city market: their conduct in connexion with this matter was said to have fallen short of expectation.¹¹ The withdrawal of the Sarkin Bai from the control of the city and his replacement by the Galadima did not entail any other changes until 1931 when there was a further decentralization in the Galadima's office. The decision on a further devolution of powers was necessitated by a feeling that the Galadima might break down under the strain of enormous duties. The city was then divided up into four sections: north, south, east, and west, each under a deputy (*wakili*) directly responsible to the Galadima.¹² Thus there were Wakilin Arewa, Wakilin Kudu, Wakilin Gabas, and Wakilin Yamma—denoting respectively administrators in charge of the northern, southern, eastern, and western sections of the city.

The first Wakilin Arewa was Mallam Sani Abbas, one of the author's informants; the first Wakilin Gabas was Mallam Ibrahim; and the first Wakilin Yamma was Hamidu Abbas, brother of the emir.¹³ Each *wakili* was responsible, within his zone, for the maintenance of law and order, collection of revenue, settlement of such disputes as lay within his competence and such as could be settled by administrative action, and the welfare of the people generally.¹⁴

Each *Wakili* was in charge of a group of ward heads who did the collection of taxes and referred to him matters in respect of each of the above items. He co-ordinated the activities of the wards, referred important issues to the Galadima who used his discretion to decide what to handle personally and what to refer to the emir.¹⁵ It seems

5. S.N.P. 6/5, No. 44/1909, Report No. 39, Mar., 1909.

6. *Ibid.*

7. Muhammadu was the father of one of my informants, Alhaji Maisango, the retired Wakilin Gabas.

8. S.N.P. 10/4, No. 170P/1916, Report No. 51, 1915.

9. S.N.P. 10/1, 326P/1916, Temple to Lugard, 7 April, 1916, and Lugard's reply, 15 April, 1916.

10. Kano Prof. 4/11, No. 216/1926, Kano city re-assessment. By this time the town of Fagge which had been growing outside the city walls had become practically the twelfth ward.

11. Wakilin Gabas, Muhammadu Mansur, 24 June, 1972 (Kano)

12. S.N.P. 17/2, No. 18956 Vol. I, Annual Report 1932.

13. Wakilin Yamma, Isa Bayero, 21 June, 1972; Wakilin Arewa, Muhammadu Wada, 22 June, 1972; Wakilin Kudu, Alhaji Tijani Bayero, 26 June, 1972; Wakilin Gabas, Muhammadu Mansur; Wakilin Gabas (Murabus), Alhaji Maisango, 26 June, 1972 — all at Kano; and Dan Meje, Muhammadu (son of Sarkin Kano Aliyu), District Head of Minjibir, 20 Aug., 1972 (Minjibir).

14. As above, in respect of Wakilin Yamma, Wakilin Arewa, and Wakilin Gabas

15. Maiungwar Sheshe, Mallam Tankuo, 65, 28 June, 1972 (Kano); Maiungwar Gimi, Mallam Umaru, 76, 26 June, 1972 (Kano). Umaru has been *maiungwa* for forty-four years.

certain that all this definition of roles was the function of the British officials and that the various changes as well as their implications were discussed in advance with the emir and his consent obtained. This arrangement definitely worked smoothly and made for an effective day-to-day administration of the city. It is an indication of the effectiveness of the system that it has survived to this day.¹⁶

By the end of this period Kano city had become the scene of much more complex activities than it knew since the beginning of the colonial period. A number of departments each under a European departmental officer¹⁷ had sprung up. The departmental officers worked through the Galadima but were not under his executive control. They had no direct link with the emir except through the Galadima. Of the various departments, survey and printing units were about the earliest to be set up, and they dealt with mapping and assessment works. A superintendent of education was supervising educational activities of a literary and technical nature, while the public works department in 1931 completed gigantic electricity and water supply schemes. For these and other institutions of the city the Galadima was personally accountable to the emir—not to the council, though any problem confronting him could be discussed by that body. In 1925 a new police force known as *yan gadi* was formed in Kano city ostensibly for the maintenance of law and order but really to boost up the prestige of the emir. The colonial administration was also interested in the *yan gadi* as local militia which could be easily brought into action in the event of a European war. Colonel Badham of the West African Frontier Force and the Lieutenant Governor, Palmer, agreed between them, for different reasons, that such a force was necessary. Badham wanted to augment the reserve of the Northern Regiment by raising a force on a territorial basis. Apart from considerations of military strategy should war break out in Europe, Palmer wanted the bigger emirs—those of Sokoto, Borno, Kano and Katsina—to be allowed to build up small bodies of local militia which would greatly increase their prestige.¹⁸ As organized in 1925, the Kano *yan gadi* consisted of a body of 151 men under an executive head, the *Sarkin Gadi*, Musa, an ex-regimental sergeant-major of the West African Frontier Force.¹⁹ The duties of the *yan gadi* were to maintain order in Kano city and Fage and suppress theft and other crimes.

At the conference of Residents in 1928 Palmer stressed the necessity for raising the authority and prestige of such force in the eyes of the *talakawa* and suggested the appointment of a member of the ruling family as its nominal head.²⁰ In the same year the Galadima of Kano assumed the executive control of the city-based *yan gadi*. It was considered that the Galadima's special position in the council would ensure a close liaison between the *yan gadi* and the emir. While the Galadima dealt with routine matters of petty character more important matters such as new appointments to or

16. The four administrative zones are still retained but there are now 126 wards and the same number of wardheads.
17. Departmental officers were differentiated from political officers by their possessing technical knowledge. The latter generally saw themselves as a superior type of Europeans since they were the men who controlled the government.
18. S.N.P. 16/3, No. 0023, Minute by Palmer to Colonel Badham, 1925. The Lieutenant Governor argued that if war broke out the emirs would have a sense of vested interest against the French—but only in their positions as leaders of Fulani, Kanuri etc. since any 'artificial sentiment as Nigerian nationality would count for less than nothing'.
19. S.N.P. 17/8, No. K105, Annual Report, 1925. Fifty of the original membership were recruited from the ranks of ex-soldiers.
20. *Record of Proceedings of Conference of Residents Northern Provinces 1928* (Lagos, 1928), p. 11

dismissal from the force were always to be referred for the emir's formal approval.²¹

Organization of the *yan gadi* was by no means the first attempt to boost up the prestige of the emir by a display of police force. At the end of Lugard's tenure of office in Northern Nigeria the Acting High Commissioner, Sir William Wallace, proposed a scheme for the replacement of the British troops as a law enforcement agency by bodies of unarmed local police (*dogarai*) in the more important emirates.²² Lugard had earlier told Abbas and his nobles, while stating the conditions under which he was to recognize their positions, that the old tradition of *dogarai* (body-guards) should cease and that if the emir had a legitimate ground to exercise force he should appeal to the Resident.²³ Whether the *dogarai* were ever totally abolished in Kano appears doubtful, since it is unlikely that the emir was entirely without a body-guard at any time. At all events, their retention later came to be considered as a necessary step towards the establishment of Indirect Rule, once the loyalty of the emirs to the British had been assured.²⁴ Early in 1908 Cargill raised the question of organizing a *dogarai* force which would have the responsibility of effecting arrests as an emblem of civil authority.²⁵ It seems that the Resident was referring here to the need to recognize and expand the existing force to make it capable of meeting the demands that would be made on it from the districts. In a later memorandum to the Governor on the subject of emoluments, Cargill made provision for the expenditure of the sum of £500 per annum for the maintenance of an unspecified number of *dogarai*.²⁶ Hewby in his report maintained this figure and stated definitely that the force should be placed under the control of the emir.²⁷

It is not quite clear when this organization was definitely effected, but by 1909 the *dogarai* were already in the district headquarters.²⁸ They seem to have been recruited exclusively or largely from the enormous body of the emir's slaves. As late as 1922, the District Officer, Hale Middleton, stated that the *dogarai* were recruited from the *yara* ('boys' or personal followings) of the leading slave officials.²⁹ The head of the *dogarai* was referred to as *Sarkin Dogarai*. When the *yan gadi* was formed in 1925 its ranks were recruited chiefly from the *ex-dogarai*. The two forces co-existed but operated in different spheres. The *dogarai* were used as couriers and escorts; they were attached to railway stations and important centres of commerce, and each district head usually had a number attached to his capital. The *dogarai* were employees of the N.A., but they were above all emir's men. Thus the ruler had at his disposal all

21. S.N.P. 17/2, No. 14686 Vol. I. Annual Report 1930, The *Sarkin Gadi* dealt with such matters of organization, discipline etc. as the Galadima left to him. In 1930 the *yan gadi* was made up of about 170 men.

22. Mary Bull, *ubi supra*, p. 58.

23. Lugard, *Annual Reports*, p. 93.

24. I am grateful to Dr. John Ballard of the Institute of Commonwealth Studies, University of London, for this information.

25. S.N.P. 15/3, A12, Cargill to Girouard (undated)

26. S.N.P. 15/3, A12, Resident to Kano to Governor, 6 July, 1908.

27. N.A.K. Kano Prof. 6/2, No. C111/1908, Hewby to Girouard, 30 Oct., 1908.

28. Evidence for this appears in assessment report of districts. For instance, H.Q. Glenn who assessed Barde's district in 1909 mentioned three emir's slaves posted to the district as *dogarai* (*vide*, S.N.P. 7/10, No. 6166/1909, Barde district assessment report).

29. N. A. I. C.S.O. 26, No. 09560, Annual Report, Kano Province, 1922. The District Officer complained that these *yara* of the chief slaves even after being recruited placed allegiance to their masters before that to the commander of the force.

over the districts a body of loyal police force ready to play their part in making him effective. But just a few hundred yards away, within the township, neither the *yau* nor the *dogarai* were free to operate.

ADMINISTRATION OF THE TOWNSHIP

Before the advent of the British, the area now known as the township was uninhabited but had contained a large number of plots of land farmed by the *talakaza*.³⁰ The only settled area immediately outside the city was Fagge, east of *Kofar Mata*, one of the city gates. Fagge was a settlement of strangers who are said to have been at first mainly of Damagaram origin.³¹ Their leader received the title of *Galadima* Fagge and was responsible to the emir for the affairs of the settlement in much the same way as the *sarakuna* were in the countryside. This area gained a new influx of population as a result of British conquest.

With the establishment of British rule a special reservation was marked out which came to be known as the European quarter. A cantonment was also established for the settlement of troops. A certain Captain E. C. Hides was appointed Cantonment Magistrate and was granted commission to serve as a Justice of the Peace in addition to his military duties.³² The reservation and the cantonment formed the nucleus of what later came to be designated as the 'township'. It was not until 1913 that the first attempt was made to establish a reservation whose primary purpose was to provide residence for that section of the growing population of Kano which had been classified as 'native foreigners.' These so-called 'native foreigners' were always further referred to as those 'not ordinarily subject to the jurisdiction of the Native Authority'.³³ Originally those so designated were the clerks, artisans, traders, and the like whom the changing times had brought to Kano and who had until then resided at Fagge.³⁴

The new settlement, styled the 'native reservation' by the British was initiated with the allocation of two hundred and fifty plots of land to 'alien natives'.³⁵ This was the origin of *sabon gari* which was destined to play a crucial role in the history of Kano. The people of the Northern Provinces were at first not allowed to settle in this area: it was a high policy decision that they should live in the city and be subject to the Native Authorities.³⁶ The Kano township as later defined included the railway station, *sabon gari*, European trading and residential areas, and the so-called Asiatic quarters occupied especially by Syrian settlers.³⁷ It was this five-mile area of land

30. Mallam Nagwaram, 14 June, 1972 (Kano); Hamza, 22 Aug., 1972 (Kano); Sarkin Shanu, Muhammadu Bashiru, 16 July, 1972 (Kuru).

31. Dan Lawal, Alhaji Munammad Bashir, 19 Aug., 1972 (Gezawa).

32. S.N.P. 7/7 No. 1768/1906, 'Kano Government Station Cantonment: Creation of'.

33. N.A.K. Kano Prof. 5/1, No. 4292.

34. *Ibid.*

35. S.N.P. 10/2, No. 98P/1914, Kano Province Annual Report, 1913

36. *Ibid.*

37. S.N.P. 17/2, No. 16687. Kano Province Annual report, 1931.

which in 1917, under Lugard's Township Ordinance, was recognized as a second class township. As we have already noted elsewhere, the township was placed under the administrative control of a Station Magistrate directly responsible to the Resident. The difference between Fagge in the nineteenth century and the township in the early twentieth century is that the latter was an aspect of colonial policy from which the emir's authority was at first totally excluded.

Oral evidence confirms that originally *sabon gari* was inhabited by non-natives of Kano. The earliest arrivals were the Yoruba and the Nupe (the Nufawa, in Kano parlance). They were followed by Sierra Leonians and people from what was then known as the Gold Coast. Among the latest to arrive were the Igbo who later dominated life in the enclave, especially from the forties.³⁸ There had been some Yoruba in Kano city before the advent of British power. Their number appreciably increased after the conquest, but the new arrivals did not adhere to the canons of the society, for instance as regards liquor and rigid separation of sexes, and so alarmed the authorities. The emir did not hesitate to send them to *sabon gari*.³⁹ According to other sources, Abbas allowed those Yoruba who were prepared to submit without any reservations to Muslim law and to his own executive authority to live in the city.⁴⁰

At first the colonial authorities seem to have been quite determined that *sabon gari* in particular should not be allowed to leave any impact on Kano society around it. An order apparently signed by the Governor-General in 1914 stated that 'Any person who is directly subject to the Native Authority who should reside within a native reservation in the township should be guilty of an offence and on conviction shall be liable to a fine not exceeding £5'.⁴¹ This law evidently became a dead letter after some time with the inevitable result that the enclave started to attract a sizeable number of Hausa-Fulani elements. However, the rate at which *sabon gari* grew in population during the first two decades of its existence was very slow. In 1931 the whole of the township had a population of only 7,347 of whom 4,900 lived in *sabon gari*. Out of this latter number about 3,000 were of Northern origin.⁴² The population explosion of late fifties and early sixties was as yet many years away.

The executive head of the township was regarded as a kind of Local Authority. He ruled with the help of a committee known as the 'Kano Township Advisory Board' in which *sabon gari* was represented. Taxes were levied and collected on the individual according to his income, and the proceeds were paid to the N.A. and eventually divided in agreed proportion between the Native Administration and the colonial authorities.

The first major attack on the *sabon gari* system was made by the Northern Residents at their first general conference in 1926. The Resident of Kano, C.W. Alexander, strongly put forward to the conference the view that the Native Authorities of Kano were capable of governing the 'immigrant natives' from the South.⁴³ In a resolution proposed by the Resident of Zaria, E. B. H. Laing, and supported by the Resident of

38. Mallam Nagwaram, 15 June, 1972 (Kano); Sarkin Shanu, 16 July, 1972 (Kano); Chief B. A. Omoshebi, Sarkin Yarabawa, 77, 23 Aug., 77, 23 Aug., 1972 (Kano).

39. Sarkin Yarabawa, 23 Aug., 1972 (Kano).

40. S.N.P. 10/3, No. 139p/1915, Annual Report, Kano Province, 1914.

41. S.N.P. 9/1, No. 1774/1914.

42. S.N.P. 17/2 No. 16687, Kano Province Annual Report. 1931.

43. *Record of Proceedings of Conference of Residents Northern Provinces 1926* (Lagos, 1926), p.4

Kano the conference agreed that "there is now no justification for the 'enclaves' which have been established in the Northern Provinces known as 'sabon gari' and consider that the control of them should revert to the Native Authorities."⁴⁴ H. R. Palmer, now Lieutenant Governor, recommended that there should be no sudden change, that the Station Magistrates should continue to administer the areas, but that the authority of the emirs should be gradually extended.⁴⁵

The resolution had no immediate effect in Kano, but it seemed certain that sooner or later changes in the status of *sabon gari* would be brought in. In 1931 the first executive head of the reservation was appointed in the person of E. G. France, a well known African businessman who had been representing *sabon gari* in the Township Advisory Council since 1927.⁴⁶ On the death of France in 1938 T. P. Barlett-Hughes, a Sierra Leonean, was appointed and at the same time two ward heads, one Igbo and the other Yoruba, were selected to assist him in collecting revenue.⁴⁷ It would seem that the executive officials were turbaned by the emir — Christians though they were — but it is improbable that they were formally recognized as belonging to the official Kano hierarchy.

The N.A. fully took over control of the area in 1940 and later Alhaji Ahmadu, now Dan Maje and present district head of Minjibir, was appointed Wakilin Waje and he set up a temporary office at *sabon gari*.⁴⁸ While the status of the township was for a long time uncertain, in the districts outside Kano there were no such doubts, and there were no 'alien' settlers to be taken care of in establishing a firm administration.

EVOLUTION OF DISTRICTS

One territorial re-organization after another was a consistent feature of British administration throughout this period. The fourteen districts which had emerged from the re-organization of 1907 were soon declared to be inadequate and for the rest of our period there was a reversed trend towards a proliferation of districts, until by 1930 there was a total of twenty-nine districts, excluding Kano city. The district headmen were, as conceived by Lugard, directly responsible to the emir for the affairs of their districts. After the critical period of 1907—08, a great deal of effort was devoted to mobilizing the *hakimai* as effective agents of the emir in the countryside.

In the district changes of 1907 an intermediate position between the village headman and the district head was instituted. This official was styled 'sub-district headman'. Each district was sub-divided into a number of convenient units under sub-district headmen. The principle which the British laid down to govern recruitment to this class was that where a local *sarki* of sufficient influence was found he was appointed to the post; otherwise the *hakimi* was asked to nominate some one else, usually a brother or a son.⁴⁹ Thus, for instance, the three sub-district heads in Sarkin Dawaki Tsakar Gida's

44. *Ibid.* p. 5

45. *Ibid.*

46. N.A.K. Kano Prof. 5/1, No. 4292.

47. *Ibid.*

48. Dan Maje, 20 Aug. 1972 (Minjibir).

49. S.N.P. 15/3, A12, Cargill to Girouard (undated). A single exception was the Makama district which was not sub-divided. For the fourteen districts and the various sub-divisions see map

district were local chiefs while the seven sub-heads of the Madaki's district were relations of the Madaki himself. However, some of the sub-district heads were district headmen under the old arrangement but were now absorbed in new units.⁵⁰ Both the district headman and the sub-district head owed their existence to the much felt need on the part of the British to eliminate the *jakada* class and abolish the system altogether.

The sub-district heads were supposed to occupy the position of tax collectors and render accounts to the district headmen who then sent the collections to Kano. The formation of sub-districts was completed before or by 1914. But as a body the sub-district heads did not survive later administrative programmes; in 1912 it was laid down for future action that they should be gradually phased out. Whenever opportunity arose following the death or dismissal of a *hakimi* his deputies would become district heads and deal direct with the central administration in the city.⁵¹ When in charge of the emirate in 1909 Temple had put forward a scheme for gradually building up sixty districts by detaching the larger sub-districts and constituting them into separate districts under the emir; the proposal received the Governor's endorsement.⁵² In 1915 Temple decided that not all sub-district heads should eventually be promoted; some would disappear as such and their territories would have to be broken down into the component villages responsible to the district head.⁵³ In the Wambai's, Barde's, and Turakin Many's districts their existence was described as a source of 'embarrassment'. By 1920 only Bichi and Dawakin Tofa districts still had sub-district heads and with the death of Chiroma Bello of Dawakin Tofa district in 1923 sub-district heads practically ceased to exist.⁵⁴

In 1915 the experiment under which the Chiroma was placed in charge of the ten 'home' sub-districts was terminated when he was given the three northern sub-

50. S.N.P. 7/10, No. 472/1909, Report No. 38. The ten sub-heads of the Chiroma's district viz. Dan Buram, Dan Amar, Barde Kereriya, Dan Kade, Dan Iya, Dan Isa, Tafida, Dan Mokoyo Sarkin Fulani Jaidanawa, and Maiungwar Mundubawa were formerly district headmen by their own right.

51. S.N.P. 10/1, No. 134p/1913, Annual Report, 1912.

52. S.N.P. 6/5, No. 44. 1909, Report No. 39.

53. S.N.P. 10/4, No. 170P/1916, Annual Report 1915, No. 51. Some of them were reduced to the status of village heads.

54. In 1914 when the sub-districts had become fully established the following were the sub-districts and it is necessary to note them as an aid in understanding how later districts were evolved. The numbers in brackets indicate the number of sub-districts under each district. Galadima (3): Makadas (Fogolawa), Garki, Babura; Wambai (6): Sankara, Ringim, Buduru, Taura, Majia, Dabi; Madaki (7): Lamido, Dawakin Madaki, Barua, Turakin Madaki; Chiroma Bello, Sintali, Yelwa; the Makama district was not sub-divided; the three sub-districts of Sarkin Dawaki Maituta were divided between the Madaki and the Sarkin Karaye—both men of proved ability—when a state of maladministration existed there in 1910, the Madaki receiving Yelwa and Sarkin Karaye Kobo and Godiya; Sarkin Dawakin Tsakar Gida (4): Birnin Kudu, Gwaram, Buji, Fagam; Chiroma (10): Dan Iya, Maimundubawa, Tafida, Dan Isa, Dan Amar, Dan Kade, Jaidanawa, Dan Buram, Barde Kereriya, Dan Mokoyo; Turakin Many (4): Kura, Gora, Kiru, and Bebeji; Sarkin Bai (4): Danbatta, Kunchi, Mahuta, Baushi; Barde (3): Aujera, Jahun, Miga; Dutse (4): Madaki, Barde, Tafida, Makama; Sarkin Gaya (4): Sarkin Fada, Kwado, Galadima, Barua; Sarkin Karaye (6): Godiya, Kobo, Karaye, Rogo, Gwangwan, Getso; Sarkin Rano (5): Bonkuri (Madaki), Waziri, Makama, Burumburum, Tudun Wada. *Vide* S.N.P. 10/2, No. 150P/1914, Gowers to Temple, 25 March, 1914.

districts of the Madaki's territory. With this change, the 'home' districts came directly under the emir's control,⁵⁵ and the Chiroma's new territory became known as Bichi district. The arrival of the Chiroma at Bichi is said to have aroused considerable popular interest. It was being gradually realized that the residence of a district head in a town would bring some material benefits to the local population.⁵⁶ In the same year the sub-district of Tsakuwa under Dan Kade in the home area was incorporated in neighbouring Dawakin Kudu,⁵⁷ and in 1916 all of the surviving nine sub-districts became full-fledged districts, bringing the number of districts by that date to twenty-four. Before they became autonomous, the nine sub-district heads had already settled in their territories which came to be known after the names of the district headquarters rather than after the titles borne by the officials, thus: Dan Iya, Dawakin Kudu; Maiungwar Mundubawa, Gezawa; Barde Kereriya, Zakirai; Dan Amar, Gabasawa; Dan Buram, Minjibir; Sarkin Fulani Jaidanawa, Kunya; Dan Mokoyo, Kuru; Tafida, Ungogo; and Dan Isa, Kumbotso. Dawakin Kudu was the biggest of the ten sub-districts and had been the administrative headquarter of the Chiroma.

The next district to be created was Tudun Wada, which was carved out of Rano. On the death of Sarkin Rano, Abubakar, in 1916 his territory was split into two and the sub-districts were abolished. The Waziri of Rano was given charge of the former sub-district; while Tudun Wada and Burumburum were set up as the district of Tudun Wada and placed under Also, Sarkin Tudun Wada, who was given the title of Dan Kade.⁵⁸

The inclusion of Tudun Wada within Rano district had enraged the people of the town since traditionally the *sarakunan* Tudun Wada had been independent of those of Rano. At Rano naturally it was welcomed as a further recognition of the high status of the chiefs of Rano as Autan Bawo. The formation of the new district provoked opposite feelings at both Rano and Tudun Wada, the people of Rano naturally resenting the measure and those of Tudun Wada with equal fervour welcoming it.⁵⁹ At Tudun Wada there was the additional satisfaction that the new status of the ruler had implicit advantages for the people of the new district, such as the establishment of an *alkali's* court which was not allowed to exist in a sub-district. Previously the people had been compelled to go to Rano for this facility.⁶⁰

The dismemberment of Rano district was followed in 1920 by the splitting of the Sarkin Dawakin Tsakar Gida's district. This district was very large and was ethnically heterogeneous and therefore difficult to control. The first district head, Idrisu, a brother of the emir, had been considered a failure and was consequently removed. His successor,

55. S.N.P. 10/4, No. 170P/1916, Kano Province Annual Report, 1915.

56. Sarkin Bichi, Mallam Abubakar, 64; Liman of Bichi, Abdurrahman Suyuti, 56; Mallam Sani, 70; Mallam Ma'aru, 61 7 Aug., 1972 (Bichi).

57. Dawakin Kudu was originally made up of two parts, the territory of Dan Iya (Dawaki) and that of Dan Tube (Tamburawa) but when Dan Tube Ahmadu who succeeded his father Abdullahi Kogo was deposed about 1912 Dawaki and Tamburawa were merged under Dan Iya.

58. N.A.K. Kano Prof. 4/4, No. 202/1917, Kano Province Annual Report, 1916.

59. Sarkin Tudun Wada, Adamu, 72, 16 July, 1972 (Tudun Wada); Mallam Iro, 72, 18 July, 1972 (Rano).

60. Maiungwa Dan Muni, 83; Maiungwa Baso, 79, 17 July, 1972 (Tudun Wada).

Isa, the emir's nephew, did not do much better. Therefore, the district was divided into two and Gwaram, its southern portion, became the headquarter of a new district of the same name, while the northern half was constituted into a separate district under Sarkin Birnin Kudu, Masadu, who was until then a sub-district head.⁶¹ In the same year and for the same reasons, the Wambai's district was also divided into two. The emir's brother, Zakari Yau, was sent to the new district of Taura with the title of Dan Maje, while Maibindiga, who had succeeded his father as Wambai in 1919, retained the other half as the district of Dabi.⁶²

In 1922 the Makama, Aminu, who had succeeded his father Dahiru was tried and convicted by the emir's council on charges of misappropriating the taxes he had collected.⁶³ Opportunity was taken of his deposition and imprisonment to split the district into two portions: one half, named Sumaila, was given to Isa, a great grandson of the first Makaman Kano, with the revived title of Dan Darma.⁶⁴ The other half retained its headquarters at Wudil, where another Isa succeeded Aminu as Makama in 1922. At the same time the district of Kiru was carved out of Turakin Manyà's territory and given to Sarkin Kiru, Ali, with the resuscitated title of Sarkin Yaki, while Kura, the remaining part of the old district, was retained by Turakin Manyà, Abubakar, son of the ruling emir.⁶⁵ The promotion of Ali to the rank of a district head is attributed to his success in organizing a group of people who hunted down and killed a notorious highway robber who had been leading a gang of criminals that had committed havoc throughout Kano, including the capital city itself. The emir is said to have put a price on the head of the criminal and to have rewarded Sarkin Kiru with the title which was traditionally given to a brave warrior.⁶⁶

Dutse passed through an experience that was in more than one way without parallel. In 1908 Sarkin Dutse, Halidu, was appointed *hakimi* but was deposed two years later on charges of embezzling taxes. Of his two first successors, Halilu was dismissed within a year and Hamidu died five days after taking up his appointment. In 1916 Ahmadu, the Maiungwar Mundubawa and district head of Gezawa, was sent to Dutse to help Hamidu's successor, Abdullahi, in the supervision of taxes, following reports that the latter was slack in the exercise of his duties. Not long after, Ahmadu superseded Abdullahi as the district head of Dutse and was given the revived title of Dan Lawan. Meanwhile, Abdullahi was reduced to the status of a mere village head with the responsibility for the capital city only. Friction and confusion ensued not only because the ex-district head resented the treatment given to him but also because the people of Dutse generally did not want to co-operate with the new comer. Feelings in favour of the traditional ruling house were so strong that Abdullahi was summoned to Kano city but was not allowed to return to Dutse again.⁶⁷ For sometime the Dutse *sarauta* remained virtually

61. S.N.P. 10/9, No. 120P/1921, Kano Province Annual Report, 1920.

62. *Ibid.* Ringim later replaced Dabi as headquarter when the arrival of the railway and the growth of trade combined to make Ringim more suitable than Dabi as a district capital.

63. Dan Daudu, Muhammad Mahmud, 68, 25 July, 1972 (Wudil) 'Dan Daudu' was traditionally the title of the rulers of Wudil. See also S.N.P. 9/7, No. 603/1924, Sumaila district, re-assessment report.

64. S.N.P. 9/7, No. 603/1924, Sumaila district re-assessment report.

65. Ministry of Local Government, Kano, Kura District Note Book (D.N.B.)

66. Sarkin Shanu, 14 July, 1972 (Kiru).

67. Alhaji Abubakar, 70; Alhaji Dawaki, 70, 1 Aug. 1972 (Dutse).

abolished. The same year (1918) Dan Lawan himself was deposed and a Yolawa nominee, Umoru, formerly the sub-district head in Bichi, was transferred to Dutse with the title of Dan Lawan. But Umoru's lot was not better because his appointment did not deal with the basic problem of people's hatred of outsiders. This increased the normal difficulties of a district head: his taxes were often late and in 1923 he was declared incapable of ruling the whole Dutse district which was then split into two, Kiawa and Dutse. Simultaneously the emir raised the question of restoring the Dutse *sarauta* to the rank of district headship. Dan Lawan retained the headship of Kiawa, while the dignity of the Dutse ruling house was restored with the appointment of Suleimanu.⁶⁸ This measure went far in meeting the opposition of the people. The new district head was until his appointment a teacher in the provincial school in Kano city. He was thus not just a new district head but a new type of district head, one of the first products of Western education to join government service at this level. After initial difficulties he was able to build up Dutse into one of the best administered districts in the emirate. It was a tribute to his ability that in 1932 the independence of Kiawa was abolished and it was amalgamated with Dutse under the authority of Sarkin Dutse.

The last districts to be created were those of Garki and Babura which emerged out of the splitting of the Galadima's district (Fogolawa) in 1928 when the Galadima Abdulkadir, Bayero's younger brother, took up a seat in the emir's council. The newly appointed head of Zakirai district, the Barde Kereriya, Abubakar dan Bashiri, grandson of the Galadima Yusuf, was transferred on promotion to Garki. Then on the return of the Sarkin Bai to his old district, his cousin, Muhammad Dikko, who had been placed in charge of Danbatta as Sarkin Fulani Dokaji, was transferred to Babura with his title.

Thus, by 1928 eight of the original fourteen districts had given rise to sixteen through sub-division; one district ('home' district) had given way to nine new ones; and five others — Karaye, Gaya, Barde (Jahun), Sarkin Dawaki Maituta (Gwarzo), and Sarkin Bai (Danbatta) — remained more or less intact. Later in 1928, these thirty districts gave way to twenty-nine following the amalgamation of Gabasawa and Zakirai, and in 1932 the incorporation of Kiawa in Dutse and of Kunya and Kuru in Minjibir during a major re-organization further reduced the number of districts to twenty-six. This arrangement remained practically unaltered until 1944 when Taura and Garki were merged with Ringim and Babura respectively.

Though the emirs were bound to support British administrative measures there was at least one reason why they would usually not oppose the splitting of districts or the removal of district heads on charges of misconduct. A new district or a dismissal meant a vacancy in the N.A. and for this it was the emirs who had to nominate a candidate. Since a son, a relation, or a client of the emir could be among those involved in the ensuing competition, the latter was still in a position to bestow favour on favourites, even if he had to seek the consent of the D.O. or the Resident for the appointment. This was one of the ways in which the emirs maintained the power of rewarding and of showing favour, which was traditionally associated with the institution. It seems natural enough that district heads who lost parts of their territories through sub-divisions found the experience very bitter. Not only did they lose political prestige but also loss of revenue was involved because invariably their salaries were cut down to meet part of the emoluments of the new district head.

68. *Ibid.* See also D.N.B., Dutse.

The districts around Kano were, on the whole, subject to more frequent changes of headship than others. They shared certain common characteristics of being small in size and population; their revenue yielding capacity was therefore lower than that of the bigger districts in the countryside. In general also, and because of this, they were ruled by lesser *hakimai* whose chances of becoming big men lay in their being able to obtain a transfer whenever any vacancy occurred in the outlying districts.⁶⁹ And because of their smallness in size and population of their districts these *hakimai* on the whole had much less administrative problems to tackle than the controllers of extensive and populous areas. Again because of their proximity to the city of Kano the district heads were subject to more effective control and supervision than their counterparts elsewhere.

It seems certain that this resulted, on the whole, in better and more stable administration than was the case in the districts farther away from the capital. It was from their midst that personnel for some of the newly created headships were recruited. Transfers were often from one of the home district headships to another in the countryside as well as within the group. Within the home area, almost all the headships were poorly paid; consequently, a transfer to the outdistricts usually involved increase in stipend. On the other hand, a transfer from one of the rural districts to a home district headship was generally a sign that the particular official had failed and was therefore a definite relegation and disgrace. It was a deposition in its mildest form.

POLITICS OF DISTRICT HEADSHIPS

In the nineteenth century, a man's birth and the title or office which he held were among the primary criteria by which his importance in society was assessed. Appointment to an office or title (*sarauta*) therefore represented a position of great distinction and involved the incumbent directly in the politics of Kano. In the twentieth century, titles remained symbols of political power and were used to designate the new district heads. They were now employed in the common work of district administration irrespective of their previous functions. Inevitably, the old titles continued to be highly prized and struggled for as bestowing high social status.

In connexion with appointments to district headships, one finds ample indication of the survival of the practices of the past. For example, the emirs once appointed tried to ensure that their sons were not left out in the scheme of things. In fact, oral evidence at Kano was emphatic on the point that a ruling emir would ordinarily not exclude his sons from offices for this was a necessary step on their way to eventual succession.⁷⁰ We have seen how Abbas gave the office of Chiroma to his son, Bayero, just as his predecessors had done. His second son, Abdulkadir, was appointed Dan Iya and district head of Dawakin Kudu in 1916. After his accession Usman nominated his son, Audu (Maibindiga) to take up the vacant title of Wambai. In 1920, the second son of Usman, Abubakar, was appointed Turakin Manyā and district head of Kura and was later promoted Wambai when Maibindiga died in 1924. Another son, Muhammadu,

69. A significant exception was Dawakin Kudu ruled by Dan Iyas. It was bigger than Kura in size and in population larger than many rural districts. The Dan Iya therefore was a big *hakimi*.

70. Mallam Alu, 30 Sept. 1970 (Kano); Abdulmini, 9 Sept. (Kano) Hamza, 16 Sept., 1970 (Kano).

had been appointed Tafida and district head of Ungogo; he was now given the vacant title of Turaki and the emir's youngest son, Mahmud Malle, became the Tafida and district head of Ringim.⁷¹ According to Mahmud, who is still holding this office, the British at first opposed his appointment because he was then only sixteen and was still a school boy at Kano. But they finally gave way and agreed to the appointment of the Makaman Wambai, Tankuo, to act as *wakili*. He assumed personal responsibility two years later.⁷²

In the same way the first appointment Bayero made was to give his eldest son, Muhammad Sanusi, the office of Chiroma and district headship of Bichi rendered vacant by his own accession.⁷³ Sanusi was until then an unofficial mallam in his father's district of Bichi. The Resident, C. W. Alexander,⁷⁴ after seeing Sanusi who was then only twenty-three told the emir that since Bichi was a large district it would be better to postpone the appointment. He was, however, vetoed by the emir, who replied that his son was equal to the task and that he would give him initial help and guidance. Alexander then arrived at the opinion that it would be 'impolitic' to oppose the appointment.⁷⁵ In 1927, with the death of the Galadima, Muhammad Bello, Bayero appointed to the office of Galadima, his brother Abdulkadir, until then Dan Iya, and the vacant title of Dan Iya and headship of Dawakin Kudu was offered to the second son, Muhammad Aminu.⁷⁶ In 1932 the emir's son, Hashimu, was appointed Dan Buram and district head of Kumbotso in succession to the emir's uncle, Haruna, who had been dismissed. In the same year, another of Bayero's sons, Isa, was given the headship of Ungogo with the title of Dan Mokoyo, following the promotion of the emir's brother, the Turaki, Muhammad Inuwa, to Minjibir. He was later transferred to Garki when he proved incapable of administering Ungogo. Thus, by 1932, four of the twenty-six districts were directly controlled by the emir's sons.

Though every appointment to a district headship required the concurrence of the British, from 1909 Abbas and his successors learnt that Residents and D.O.s were unlikely to oppose them very strongly in matters of appointment and they made the best out of the situation. On many occasions Abdullahi Bayero forced the Resident to ratify his proposals.⁷⁷ The role of the British had almost been limited to formal assent.

71. S.N.P. 9/12, No. 635/1925, Annual Report, 1924.

72. Tafidan Kano and District Head of Ringim, Albaji Mahmud, 64, 17 Aug., 1972 (Kerna). The Tafida has been in office for 48 years.

73. S.N.P. 17/8, No. K105 Vol. III, Annual Report 1926; also S.N.P. 9/8 No. 3802/1921, Resident of Kano to Lieutenant Governor, 15 June, 1926.

74. C. W. Alexander became Resident in 1925 in succession to E. J. Arnett.

75. S.N.P. 9/8, No. 5802/1921, Alexander to Palmer, 15 June, 1926. It was generally expected that Bayero would follow the precedent set by Usman and appoint his son to that position.

76. S.N.P. 17/8, No. K6892, Annual Report, 1927; also S.N.P. 9/8, No. 3802/1921, Kano to Kaduna, 22 Sept., 1927.

77. For instance, in 1928 the district headship of Gwaram fell vacant and the emir, Bayero, proposed to promote the Barde Kereriya, Muhammadu, to Gwaram with the title of Sarkin Dawaki Tsakar Gida. The Resident pointed out to the emir that the Dan Isa, Umoru, who was also aspiring to the same position, had a better claim to Gwaram. He even entertained doubts whether the Barde Kereriya had the ability to administer a district as difficult and remote as Gwaram. In both cases the emir told him that he had made up his mind firmly, and the matter ended there. In 1930 Muhammadu's inability to administer Gwaram was proved beyond doubts, but rather than depose him the emir again convinced the Resident that he could do well in the district of Kunya under his old title of Barde Kereriya. The Barde was consequently transferred.

With regard to dismissals, the rule was laid down early in the British period that the emir would have power of deposing subordinate officials subject to the Resident's approval.⁷⁸ As with appointments so also with dismissals—the emirs' sons were in a favourable position. From 1909 no son of the emir was deposed in his father's life time, as was the case in the last century, with the conspicuous exception of the Galadima Yusuf.⁷⁹ British officials showed themselves quite ready to co-operate with the ruling emirs in such matters as affected their own branches of the reigning dynasty. The British placed high premium on integrity, honesty, and ability as necessary conditions for retaining officials in their positions. The Fulani rulers were sometimes baffled by the way the British understood these qualities, and the district heads had to face new challenges posed by the fact that they were now resident territorial administrators. How long they held offices depended not only on the extent to which they measured up to the high standards required of them but also on how much protection they received from the emirs in case of trouble with the British. On the other hand, the British were not infrequently on the alert to make sure that the emirs did not sack their officials on any other grounds than lack of those qualities already stated.

Another relevant factor in the appointment of officials which survived conquest was hereditary privilege. The British, themselves familiar with the hereditary principle, supported it. In 1927, for example, the Resident declared that 'connection with the ruling family adds very materially to the prestige of the district head, and is a district asset'.⁸⁰ There was therefore a conscious effort to preserve, as far as possible, the traditional ruling houses as a ruling class. Where a vacancy occurred and a successor could not be selected from the late incumbent's relations one was usually chosen from another ruling house.

In spite of the more difficult conditions of the twentieth century, a number of influential ruling houses managed to hold their headships without the intrusion of elements from the outside. At Dawakin Tofa the Yolawa, and at Danbatta the Dam-bazawa, retained their traditional strongholds; and at Rano, Gaya, and Karaye the local ruling houses held their own. In Dutse as we have seen after some period of uncertainty during which the Mundubawa and the Yolawa intruded upon the scene the old ruling house succeeded in re-uniting the whole district under its control.

Evidently the most unfortunate family was that of the Sullubawa leader, Mallam Jamo, to whom traditionally belonged the hereditary office of Sarkin Dawaki Maituta. The first holder of this office during the British period was Mallam (Muhammadu), a grandson of Mallam Jamo.⁸¹ Following the district policy, Mallam set up his capital at Yelwa and established as his *wakili* at Godiya the Magajin Kutumbawa, Nata'ala, but both of them were disposed of on charges of extortion and corruption.⁸² His brother Abdulkadir, was appointed to succeed him but he too and all his sub-district heads were deposed in 1910. The sub-district heads of Kabo and Godiya had large tax deficits in *zakha*, *kudin hasa*, and *kudin gida* which they were unable to account for; investigation

78. Lugard, *Political Memoranda*, p. 195.

79. This presents a striking contrast with Zaria where it was possible for the ruling emir's sons to lose their offices on various grounds. *Vide* Smith, pp. 208—9, and Heussler, p. 47.

80. S.N.P. 17/8, No. K6892, Annual Report, 1927.

81. Mallam Hussein, 2 Sept., 1970. According to this informant, Mallam was the son of Muhammadu Lawal, son of Mallam Jamo, who never succeeded as Sarkin Dawaki Maituta though he attained a subordinate rank as Madakin Sarkin Dawaki.

82. N.A.K. Kano Prof. 5/1, No. 2757, 'Gwarzo district notes'.

is said to have revealed that the taxes were collected from the peasants.⁸³ Both of them were tried and convicted under the revenue proclamation.⁸⁴

Arnett concluded that this unsatisfactory state of administration could not be eliminated by making any further appointment, and so he took up the matter with the emir. Abbas then decided that the district should be divided between the Madaki and the Sarkin Karaye by whose territories the district was bounded in the north and south. The arrangement lasted for a few years and as it became increasingly difficult to control parts of the district from Karaye decision was again taken that the Sarkin Dawaki's district should be restored. This was effected by offering the headship to Muhammad Nata'ala who, it will be recalled, was at the time Dan Iya and district head of Dawakin Kudu. He was the first man to acquire rudimentary Western education before his appointment as district head. A descendant of the Dutse ruling family, Nata'ala started his new appointment by reclaiming the sub-districts, establishing a capital at Gwarzo and at the time when the Dutse family at home had been considered incapable of holding office he gave Gwarzo district a firm, stable, and relatively efficient administration which it had never known.⁸⁵ Two members of his house succeeded him with the result that the Sullubawa remained permanently excluded from their former heritage.⁸⁶

While the British were committed to the hereditary principle, they did not consider that all district heads should of necessity be the former fief-holders at Kano or their descendants. The appointments of the chiefs of Rano, Dutse, Gaya, and Karaye as *hakimai* in 1907 represented a triumph of the local nobility over the traditional fief-holding families in Kano city. In 1916 the policy which had proved successful in those four districts was applied to the newly created district of Tudun Wada. But Sarkin Tudun Wada, Also, who was given the administrative title of Dan Kade, lost his position to a Dambazawa candidate four years later. The latter, the son of Sintali of Sarkin Bai's family, was replaced almost immediately by a Sullubawa candidate, Muhammadu, brother of a former Dan Kade, Maibindiga. In 1921 Muhammadu was deposed following his failure to account for over £820 tax shortage, and the emir proposed as successor one Ibrahim dan Hassan, nephew of the former Madakin Kano and thus a member of the Yolawa family.⁸⁷ The new Dan Kade was the first success story in Tudun Wada where he remained district head until his death in 1930.

The experiment was tried again in 1920 when the newly created Birnin Kudu district was placed under Sarkin Birnin Kudu, Mazadu, who had been a sub-district head. Mazadu's position became a very difficult one. His authority was defied by Sarkin Buiji who had been a brother sub-district head and who now resented his elevation. The new *hakimai* would seem to have been a man of timid character; it is even

83. S.N.P. 7/12, No. 952/1911, Annual Report, 1910. The sub-district head of Yelwa did not account for his *zakka*.

84. By section 19 (c) of this proclamation, any district or village head who might 'defraud, embezzle, or otherwise use his position so as to deal wrongly either with the government, or with the chief, shall on conviction be liable to a fine not exceeding £50 with or without imprisonment not exceeding three years.' See *Laws of the Protectorate of Northern Nigeria*, 1910 (London, 1910), p. 608.

85. He was continuously in office until 1942.

86. The present holder of the office since 1952, Alhaji Bello Da'ndago, comes from a family which has been consistently loyal to the Sullubawa emirs.

87. S.N.P. 9/8, No. 3802/1921, Resident of Kano to Lieutenant Governor, 18 Feb., 1922.

said that he never visited either Buji or Gantaa except in the presence of a British officer.⁸⁸ The Emir came to his rescue, invited all concerned to Kano, and warned that further evidence of disobedience would be met with dismissal. He was himself deposed in 1929, having been charged with malpractices and with failure to keep down thieves in his district, but his son and successor, Saliku, had a much longer tenure (1929-52).⁸⁹

With signs that the experiment in Birnin Kudu was a success, it was again emphasized in 1920 that on the occasion of the creation of any new districts local chiefs with commanding influence should, if they could be found, be appointed district heads in preference to officials from Kano city.⁹⁰ The principle was applied for the last time at Kiru in 1922 when Sarkin Kiru, Ali, was given the title of Sarkin Yaki which he retained until 1932 when he was dismissed. His family lost the headship of the district to the Yolawa in the person of Umoru, who left Kiawa for Kiru with the title of Dan Lawan.

The constant changes in district headship affected the distribution of power among the major Fulani clans who shared control of the districts at the beginning of 1908. These clans were: the Sullubawa, Yolawa, Jobawa, and Dambazawa. The other two clans which were of significance in the nineteenth century - the Modibawa (or Mundubawa) and the Danejawa - were by 1908 no longer a very serious political factor. In 1907 the Modibawa were able to keep the title of Maiungwar Mundubawa which carried the headship of Gezawa sub-district; they lost this about 1914 to the less known Indp-rawa clan. For a brief period 1916-18 they ruled Dutse under the title of Dan Lawan before they were displaced by the Yolawa. In 1908 also they held the title of Sarkin Fulani Jaidanawa with the headship of Kunya sub-district; they also lost this in 1925. And with this they ceased entirely to be a force in territorial administration. The Danejawa had a much sadder fate. They did not even appear in the re-organization of 1908, but in 1912 or so they obtained the title of Dan Iya at Dawakin Kudu. This they lost about two years later and with this also came their exit from the political stage. The number of districts held by the various clans in the three years 1907, 1930, and 1932 is shown in Table 1.

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88. N.A.K. Kano Prof. 4/9, No. 501/1924, 'Birnin Kudu Assessment: Annual Revision of'. Mazadu had been Sarkin Kudu for eighteen years and was reportedly the 49th *sarki* of the place.
89. Sarkin Birnin Kudu, Alhaji Yakubu, said (2 Aug., 1972, Birnin Kudu) that the deposition followed false accusations brought against the *sarki* by his enemies.
90. S.N.P. 10/6, No. 3162/1920, Arnett's 'handing over notes' to A.C.C. Hastings.

<i>Clan</i>	1907	1930	1932	<i>Net Gain/Loss</i>
Sullubawa	7	10	10	+3
Yolawa	1	5	4	+3
Jobawa	1	2	2	+1
Dambazawa	1	2	2	+1
Modibawa	—	—	—	—
Danejawa	—	—	—	—
Others—	4	10	8	+4
Totals	14	29	26	12

Table 1

It is evident from this that in terms of the number of districts under them the main gainers from the depositions and the creation of more districts—and therefore the main beneficiaries in terms of territorial power, from the imposition of British rule—were the Yolawa who lost only one district head by deposition. On the other hand, they acquired positions outside their traditional power base of Dawakin Tofa; Kuru (1918) which they lost in 1932; Dutse (1981), which they lost in 1923; Kiawa (1932) which they lost in 1932; Jahun (1922) and Kijir (1932). Of the three local dynasties which obtained district headships after 1907 only one (Birnin Kudu) survived. The other two were taken over by the Yolawa.

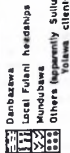
To a certain extent the Sullubawa, the clan that held the emirship, were losers from depositions and amalgamations of districts. Gwarzo was lost about 1912; Jahun (1922), and Zakirai (1928). Table 2 shows when the various districts were created between 1908 and 1930. It is thus easy to see which clan held each district by the end of each year. In 1908 the Sullubawa held seven or 50% of the district headships; in 1932 they controlled ten districts but the percentage fell to 38. The Yolawa on the other hand held four districts in 1932 as against one in 1908. In other words the Yolawa increased their participation in district administration at the expense of other clans, including the Sullubawa. In the nineteenth century this would not have been allowed to happen and it is doubtful that the Sullubawa were unaware of their declining participation in district administration. Probably British support of their emirship was taken by the Sullubawa as an adequate safeguard against any threat to this supreme position.

We can summarize the factors that influenced the allocation of districts to individuals or clans at various times and determined their tenure of office. It does not appear that any definite pattern of allocation was followed, but it seems clear that certain factors were in operation. Firstly, we have already noted that a reigning emir naturally used

TABLE 3. EVOLUTION OF DISTRICTS AND DISTRIBUTION OF HEADSHIPS, 1908 — 1932

NO	DISTRICT	1910	1911	1912	1913	1914	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924	1925	1926	1927	1928	1929	1930	1931	1932	
1	BABURA																								
2	BICHI																								
3	BIRANIN RUDU																								
4	BANBATA																								
5	DAWARIN RUDU																								
6	DAWAKIN TOFA																								
7	DUTSE																								
8	FOGOLAWA																								
9	GABASAWA																								
10	GARKI																								
11	GEWA																								
12	GEZAWA																								
13	GWARAM																								
14	GWARZO																								
15	HOME DISTRICT																								
16	JAINUN																								
17	KARAYE																								
18	KIAWA																								
19	KIRU																								
20	KUMBOTSO																								
21	RUNYA																								
22	KURA																								
23	KURU																								
24	MINJIBIR																								
25	RANO																								
26	RINGIM																								
27	SUMAILA																								
28	TALUA																								
29	TUBUN WADA																								
30	UNGOGO																								
31	WUDIL																								
32	ZAKIRAI																								

Districts not in existence or abolished



his position to secure offices for favourites, irrespective of their clan affiliations. Secondly, there was the factor of hereditary privilege, also already noted, which recognized that certain key titles and territories belonged to particular clans. The loss of Gwarzo by the Sullubawa was rather unique. Whether these clans succeeded in obtaining territories outside their traditional strongholds may well have depended on the amount of pressure they were able to exert on the emir. The gains recorded by the Yolawa may not look spectacular, but it is not surprising that these gains were made at all because the Yolawa were the most powerful clan in Kano after the ruling Sullubawa. Finally, there was the principle of merit. The acquisition of Gwarzo by the Dutsawa was undoubtedly based on this consideration. This is clear not only from the records but also from oral evidence.⁹¹ How long a particular district head held office depended not only on how much protection he could get from the emir against charges of inefficiency but also on his own ability. The Yolawa holder of the title of Dan Kade, Ibrahim dan Hassan, remained in office at Tudun Wada for nearly twenty years (1921—39) after three of his predecessors had been dismissed, all within a period of five years. This was attributed to his success in handling the affairs of the district.⁹² This factor of merit and ability deserves emphasis because it is often assumed to be absent in the administration of the emirates even during the period.

Another point of interest is how the administrative titles of some districts changed from time to time. Some districts were administered by as many as between two and four titles at various times. It was in this way possible for a clan to lose a particular district while retaining the title originally attached to it and vice versa. It must have been noted that a number of titles which went out of use in or before 1907 (Dan Lawan, Dan Darma, Sarkin Yaki, Magajin Mallam, Sarkin Shanu) were revived as the number of districts increased, while some others (Sarkin Fulani Jaidanawa, Barde Kereriya, Dan Maje, Sarkin Yaki) went out of use in or before 1932.⁹³ There was nothing like a permanent abolition of the titles assigned to the various Fulani clans because those which were discontinued at a particular point in time might be resuscitated when new roles were created.

DISTRICT ADMINISTRATION

When the *hakimai* were driven out of the city to go and live in their new districts, their most urgent problem was how to settle down and get used to their new situations.⁹⁴ Not a few of the district headquarters were separated from Kano city by a distance of over one hundred miles and this meant several days' riding on horseback. Many of them arrived with sighs, unimpressed by their new surroundings. Accommodation was a serious problem except in very few places like Dawakin Tofa where the *hakimai* had houses and farms in the nineteenth century. In the vast majority of cases each local *sarki* had to make arrangements of some sort to provide the district head and his

91. SarkinDawaki Maituta, Albaji Bello Dandago, 27 June, 1972 (Kano).

92. Dan Kade, Albaji Muhammadu Inuwa, 16 July, 1972 (Tudun Wada); Sarkin Tudun Wada, Adamu, 16 July, 1972 (Tudun Wada).

93. Some of these were later revived, for instance, Sarkin Fulani Jaidanawa. A bearer of this title was one of the author's informants in 1972.

94. Madakin Kano, Albaji Shehu Ahmed, 24 June, 1972 (Kano).

following with lodgings. In some places the *sarakuna* gave up their own lodgings or made some prominent citizens give up theirs and find alternative accommodations for themselves. Everywhere the large followings of individual *hakimai*, sometimes numbering over a hundred, were distributed among those who were in a position to shelter them—as a temporary measure. In some places the inconvenience of lodging, and sometimes of feeding, these city men created a feeling of bitterness among those affected.⁹⁵ Obviously, it took sometime before the *hakimai* and their men could provide themselves with permanent lodgings.

The next problem was relationship with the local chiefs. Initially the *hakimai* felt frustrated in two ways: firstly they were sent to the countryside where they did not want to live and secondly in these areas many of the local chiefs were at best secretly hostile. The reaction of the *sarakuna* to the coming of the *hakimai* was natural enough. Here were men who previously had held all local powers in their own hands but who now had to submit to higher authorities living permanently with them. Bitterness was not limited to this level. The followings of the *sarakuna* and those of the district heads were invariably mutually hostile, resulting, in a few places, in minor clashes. Generally also feelings among the *talakawa* were in favour of the local chiefs. The once powerful *sarakuna* hardly anticipated in those early days that their loss of prestige and influence would be almost as total as it really turned out to be.

For the *hakimai*, housing difficulties and jealousy on the part of the traditionally resident territorial administrators were not the end of their immediate problems. In official British theory the *jakada* system had been systematically liquidated, but generally lacking in the knowledge of their new districts how would the headmen do their duties—the most important of which, from British point of view, was tax collection? The *hakimai* had to maintain contacts with sub-district and village units, and they had no officially approved messengers. There was much to do and they could not be everywhere at the same time. Inevitably, in the early years, they used their followings, - many of whom were slaves belonging to the *jakada* class, - to liaise with their subordinates and even to collect taxes.⁹⁶ There was simply no other way of getting things done. These followings were often styled *yara*, ('boys') but this seems to have been a device to keep the British ignorant.

For example, in Jahun the Barde, Abdu, maintained a firm hold on the district by employing his court officials as envoys; his Shamaki was reportedly a man of the greatest influence.⁹⁷ Each of these court officials operated within a definite territorial unit: his own *galadima*, a nephew of his, was in charge of the sub-district of Aujera; the *madaki*, a freed slave, looked after Jahun; the *makama* and the *dawaki*, both slaves, were employed in various capacities.⁹⁸ The colonial administration had as a matter of policy outlawed the *jakadu* and forbidden the use of slaves in the administration, but a wide gulf often lay between the law and its enforcement. It was baseless to expect

95. All this information comes from materials collected in the various places visited in the rural districts.

96. To mention only a few informants: Hamza, 21 June, 1972 (Kano); Dan Kade, 16 July, 1972 (Tudun Wada); Magaji, 16 July, 1972 (Tudun Wada); Alhaji Abdulkarim, 28 July, 1972 (Jahun); Abdullahi, 4 Aug. 1972 (Gwaram).

97. S.N.P. 7/10, No. 6166/1909, Barde's district, assessment report.

98. *Ibid.* This agrees almost entirely with information collected from Sarkin Fulani Jahun, 28 July, 1972. The Barde originally lived at Gwunka for one year before he transferred his headquarter to Jahun which was more central.

that the mere posting of a district head to reside in his capital would in itself soon ensure automatic liquidation of Kano's centuries-old administrative traditions.

Initially some of the duties of the *hakimai* were those which had been traditionally performed by resident chiefs. For instance, they were expected to maintain law and order and attend to the general welfare of their people. Thus many *hakimai* saw their responsibilities as including the improvement of mosques, maintenance of the daily prayers, and the extension of markets. Mosques were expanded to cater for the growing number of urban dwellers, and markets were also expanded to deal with the changing economic situation. Other immediate assignments had more to do with British conquest. Rest houses were built to accommodate touring officers. Construction of roads was also undertaken to facilitate movements of people and evacuation of goods. Labour was also needed to build new prisons and erect court houses.⁹⁹ All these works were made possible by *aikin talauci* (communal labour) for which nothing was paid to the *talakawa* for very many years. This forced labour provoked a lot of resentment from the people. In the eyes of the British, the facility with which territorial administrators provided labour for the various services was one way of measuring their effectiveness and loyalty.

Because of the developments which normally accompanied the presence of a district head, formation of districts and the posting of district heads became, in the end, popular measures. Thus, if an existing district was split the people of the resulting new unit were enthusiastic while, as already observed, the men who had been ruling the old district as a whole naturally lamented their loss of territory. There were other practical advantages. In the twentieth century context, a district headship conferred a new status on the district where it existed and it was held to symbolize a measure of local autonomy. Thus, for example, the creation of Babura in 1928 meant, among other things, that the natives would now have an *alkali's* court of their own and did not need to go to Fogolawa, about seventy miles away, to lodge complaints, whether of a political or of a judicial nature. Conversely, the closure of a district headquarter was always resented by the people because of the losses and inconveniences such a change inevitably brought about. Thus, when a decision was taken to transfer headquarter from Dabi to Ringim the people of Dabi were extremely worried. They knew that their town would cease to matter, and that Dabi's loss would be Ringim's gain. Besides, strong ties of sentiment had developed between them and the young but energetic district head, the Tafida, Mahmud. Eventually no less than two hundred of them abandoned Dabi for his new administrative base.¹⁰⁰

The position of the district head was a pivotal one. He was the most powerful man in his district for so long as his tenure continued and should anything go wrong there he was held responsible in the first instance. His administrative functions were thus considerable, but though he was responsible for the enforcement of law and order he was in theory without judicial powers. The *alkali's* court in his district was the only competent judicial tribunal and as far as the British were concerned the *hakimi* would not be considered to be doing his work well should he interfere in the proceedings or

99. Dan Gwarzo, 12 July, 1972 (Gwarzo); Iro, 18 July, 1972 (Rano); Umoru, 27 July, 1972 (Gaya); Alhaji Abubakar and Alhaji Dawaki, 1 Aug., 1972 (Dutse).

100. Tafidan Kano, Alhaji Mahmud, 17 Aug., 1972 (Kerma). The Tafida told the writer that he himself did not want to shift his headquarter but was told by the visiting officer, J. H. Carrow, that the emir had endorsed the change and that he would be deposed if he resisted.

hold a court himself. Towards the end of our period his responsibilities still included schemes for rural improvement such as road construction, digging of wells, building of expansion of markets and in relevant cases erection of schools. He came to be entrusted with funds for these projects and was held accountable for their expenditure to the central administration in Kano city.¹⁰¹ Besides, practically all the *hakimai* were involved in unofficial work of a charitable nature: giving alms to the poor, the aged, and the weak and making presents in cash and kind to the people on such occasions as the Muslim festivals and on wedding or other ceremonies.

The district heads' staff at first had no pay, save what they were able to receive from their masters or make out of their positions, since they were not officially recognized. Resident Goldsmith of Zaria was the first to suggest that these people 'should be properly appointed and paid otherwise there is a tendency to live on the village'.¹⁰² The Resident of Kano, Palmer, expressing his agreement with the proposal wished these appointments to be made substantive.¹⁰³ In 1920 the district heads' staff were recognized for the first time. The district heads needed not only messengers for courier and other purposes but also mallams to keep official records. Usually each district head was assigned two official mallams. The number of the messengers seems to have varied with the status of the district head and the size of his territory. In Jahun in 1933 there were six official messengers. Further steps towards giving permanence to district administration were taken in 1932 when offices and equipment for the district heads were provided in the more important districts.

Referring to district administration as a whole one has to note that it was full of conflicts and frictions between the British and the territorial administrators from the beginning to the end of this period. The major source of tension was revenue. Right from the start the British did not camouflage the fact that they had vested interest in the growth of revenue and they constantly impressed it on the headmen that any of them who did not account for his taxes in full would be dismissed. Given this premise, the efficiency of a district head was seen only or almost entirely in terms of how easily and properly he collected and accounted for his taxes. If he did not discharge this duty efficiently the *hakimi* was regarded as a failure and hence a danger to the administration. The only explanations which British officials were usually ready to give were two: either the headman lacked ability or he had collected and diverted part of the money to private ends. Whichever the case, the district head was almost certain to be deposed.

Such explanations were valid in some cases but utterly useless in others, as oral evidence shows. Informants' accounts confirmed documentary records of many district heads who actually used public revenue for purely personal purposes. But there were also examples of *hakimai* to whom written sources did not do justice. No doubt, they were unable to present all the money they were expected to collect, but not for reasons advanced in the administrative records. In some cases part of the money got lost through theft or because of some natural disaster. In others not all the money could

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101. S.N.P. 17/2, No. 12004 Vol. 1, Annual Report, 1929. The schemes mentioned were merely intensified, but this intensification was at first not general. Starting from Bichi they were in time gradually extended and by 1932 had reached Wudil, Gaya, and Gwarzo.
 102. S.N.P. 10/3, No. 370P/1915, 'District chiefs — scheme for strengthening of staff', extracts from report No. 64, Zaria Province, for quarter ending 31 Dec., 1914.
 103. *Ibid.* Minute 9 on the proposal, 29 July, 1915. Palmer uncharacteristically thought that complaint to the emir alone was no blackmail, but he was more concerned with the pervading influence of the emir than with the authority of the latter's subordinate.

be collected. Many *hakimai* involved in circumstances like these were inevitably ruined under charges of 'peculation' or 'embezzlement'. There was the case of Dan Kade, Also, who was deposed on charges of embezzling *jangali*. At Tudun Wada, informants said that what happened was that some of the cattle Fulani escaped into Zaria emirate without paying anything to the district head. Dan Kade's son, Sule, who had been appointed Sarkin Tudun Wada on Also's elevation, was so irritated by what he saw as an unjustifiable treatment given to his father that he rejected the position as a protest measure. Both of them left the district and settled at Dal in Wudil.¹⁰⁴ Informants interviewed at Dal pointed out that Dan Kade was not altogether innocent of the charges, although they confirmed the flight of some Fulani herdsmen.¹⁰⁵ One can say that the charges of peculation and embezzlement often preferred against district heads were not always fair or proven.

There were other sources of friction, the most important of which stemmed from certain aspects of Hausa customary practices which the British did not appreciate or would not tolerate. For instance, charges of corruption and extortion were made in respect of actions which the average man in Hausa society would regard as harmless. Thus in 1920 the Resident, Gowers, complained that the district heads had been collecting *zakka* in addition to the 'authorized' taxes. *Zakka* had by that date been abolished by the British, but the abolition was not legitimate in Islamic law. There were Muslims who still wanted to pay the *zakka* in order to fulfil an obligation demanded by their religion. In such a circumstance, a district head might feel himself justified in receiving this tax and using it for charity or for other purposes, since the colonial government had clearly indicated that it no longer wanted it. In the eyes of the British this might amount to extortion as understood in their own culture. But Kano people did not see things that way at the time. As far as they were concerned payment as well as acceptance of the *zakka* was a religious duty.

The same kind of problem arose over *gaisuwa* and *kudin sarauta*. The former was a kind of present which a man made to his senior if he visited him or if he wanted to ask for some favour. The gift was not compulsory, but it had become customary, and the society saw nothing wrong in it. The latter was a kind of payment which a man made in appreciation of his appointment to an office. The British appear to have laid down no rules as regards the *gaisuwa*, but they recognized *kudin sarauta* at fixed and graduated rates and claimed a certain percentage.¹⁰⁶ The *gaisuwa* survived British conquest because a man still had to deal with his senior in a socially approved manner. And the fact that a newly appointed official had paid *kudin sarauta* into the exchequer did not prevent him from expressing his gratitude to his senior who had one way or the other helped him in obtaining the position. No doubt, those practices were not always kept within reasonable limits and this fact played into the hands of the British who often alleged that district heads were corrupt, that they extorted from their juniors, and that they sold village headships to the highest bidders.

An outstanding case was that of Muhammadu, the first *hakimin* Gaya, who was alleged to have realized about £1,000 from the sale of village headships alone.¹⁰⁷ This

104. Sarkin Tudun Wada and Mallam Haruna, 16 July 1972 (Tudun Wada)

105. Bello, 82; Abdulkarimu, 89, 24 July, 1972 (Dal).

106. In 1911 Arnett proposed that *kudin sarauta* should be paid as follows: village heads, 5/-; sub-district heads £5; district heads and senior officials, £10.

107. S.N.P. 10/9, No. 120P/1921, Kano Province Report, Jan.. 1920—March. 1921.

figure may have been exaggerated, but available evidence suggests that the *hakimi* acted outside the bounds of decorum in the matter of appointment of village heads. For instance, in 1920 Sarkin Panda lodged a complaint at Kaduna to the effect that he was made to pay the sum of £50 to *hakamin* Gaya for the headship of Panda; of this £20 was payment in respect of an amount unaccounted for by his predecessor who had fled from the village, while the remainder was *kudin sarauta*. This complaint was made after Muhammadu had been dismissed on charges of extortion and peculation and his successor as Sarkin Gaya had removed Sarkin Panda from office. Investigations revealed that the *sarki* was not even a native of Panda.¹⁰⁸ Another example was Turenke, one of the villages under Gaya district, where Muhammadu had appointed as village head a member of the Gaya royal family which had not previously ruled at Turenke.¹⁰⁹ The punishment meted out to Muhammadu was a heavy one. Not only was he dismissed from office but also his property was sequestered and used in compensating people who had valid claims to make against him.

Harmonious relations between the British and the district heads were considered desirable by both sides, but the level of harmony was low indeed. The British posed as the champion of the common people, standing between them and the officials who had been appointed to rule over them. These officials were expected to observe certain administrative regulations in discharging their duties, and trouble or grumbling in the districts was usually attributed to breaches of those regulations on the part of the district heads and might lead to investigations. In 1926, for example, reports reaching Kano that the *talakawa* were fleeing the district of Gwaram led to an administrative enquiry which revealed the following irregularities: collection of taxes from boys who had not reached the taxable age, collection of taxes by unauthorized agents, non-issue of receipts to people who had paid their taxes, lack of proper explanations as to how taxes had been divided among the payers, and so on. According to British notions this was 'maladministration' — an offence of such gravity as they would not fail to punish severely. When the whole matter was laid before the emir he decided to dismiss the district head, the Sarkin Dawaki Tsakar Gida, Isa, who was his own cousin.¹¹⁰ Writers who do not sufficiently appreciate the pressures under which the emirs worked easily accuse them of behaving like despots because of the large number of dismissals effected with British support during their reigns. There was often hardly anything an emir could do to save a *hakimi* after a British officer had found him guilty of malpractices. The emir, knowing exactly what the British expected him to do, would declare the district head deposed. He could not do otherwise without attracting charges of disloyalty — but then it was he and not the British who might be criticized or condemned for the action.¹¹¹

In fact, one consistent note in district administration was the rise and fall of district heads from various ruling houses as deposition followed one charge of maladministration

108. S.N.P. 10/8, No. 84P/1920. Resident of Kano to Lieutenant Governor 14 Aug., 1920.

109. Magajin Turenke Muhammadu, 68, 28 July, 1972 (Turenke). The village head in question, a certain Hussein, was deposed after a fact-finding tour undertaken by an Assistant District Officer.

110. S.N.P. 9/8, No. 3802/1921. Resident of Kano to Lieutenant Governor, 26 Nov., 1926.

111. We cannot accept Fika's opinion as regards the depositions under Abbas during the period after 1909. According to him, 'It seems that the British were prepared to tolerate the emir's arbitrary use of his executive powers so long as this was done ostensibly to advance colonial objectives. British approval made the ruler an unrestrained despot...' (p. 164)

or the other. Though appointments were nominally for life,¹¹² very few district heads held office for up to ten years. The traditional political leaders were under ruthless pressure from the colonial regime to measure up to the high standards of conduct and performance as understood and interpreted by the British. The large number of depositions reflect the failure of sections of the traditional ruling houses to conform to these standards. Invariably financial issues were involved in these depositions. The statements require some explanation.

The district heads were under merciless financial pressure. Their positions had high social expectations. Each of them was supposed by society to be in a position to maintain a large family. Suitable provisions had to be made for wives and children, while his less fortunate relations looked forward to living well on his charity. To maintain the dignity of his office, he was also expected to keep a large number of horses and a numerous following. It was estimated in 1916 that each district head had a following of between two hundred and three hundred souls. These various commitments and expectations were not easy to meet out of the varying sums of £180—£600 which were paid to the various grades of district headships by the end of our period. Consequently many acts which were regarded by the British as illegalities were not infrequently resorted to in order to raise money.

From the point of view of the British, the district administration was never in a satisfactory condition. In 1920, which was regarded as a very bad year, the Resident, Gowers, complained bitterly of a number of serious malpractices. In a rather lengthy despatch to the Lieutenant Governor, Gowers reported the following irregularities: (a) appointment of district heads' clients to village headships, instead of people who had connexions with such offices (b) sale of village headships (c) the use of *jakadu* (long outlawed) by district heads in dealing with the people, instead of through the village heads (d) collection of *zakka* (which had long been merged with other taxes) in addition to the authorised taxes (e) embezzlement of taxes (f) collections from some people for purposes of exemption from labour (g) extortion, for instance by threatening some people that unless they brought a certain amount of money they would be prosecuted for one kind of alleged offence or the other (h) illegal deposition of village heads so as to create vacancies which could then be sold to the highest bidder.

These and other issues continued to plague the relation between district heads and the British up to the end of our period. Although the former were now happily settled in their districts their positions were not easy. Some of the districts were by sheer size and population incapable of effective control by one man any more than the whole emirate was controllable by a handful of British officials. Gwaram, for instance, had a tradition of bringing down each successive district head.¹¹³ Transport was a serious problem: modern communication networks within the districts were a development of a later time. Given their problems, these first and second generations of twentieth century territorial administrators can be said to have done a lot of useful work. It was a tribute to them that Kano became in their time the most financially viable Native Administration in Nigeria. The district system has survived the test of time and to this

112. There was nothing like retirement age: both Sarkin *Karaye* Usman and Sarkin Bai, Abdul Kadir, retained their positions in their eighties. Many district heads were appointed to office very late in their lives.

113. Only one of them, Ahmadu Abassi, a grandson of the Galadima Yusuf, died in office but even then he ruled only for one year (1927—8).

day it remains the cornerstone of territorial administration at Kano and indeed elsewhere in the Muslim emirates of Northern Nigeria.

While the *hakimai* had by 1930 accepted the policy of residence and its implications, the *sarakuna*, until *gunduma* the resident territorial administrators, had also got used to their loss of power. This power was one of the major casualties of British conquest. Of the former chiefs only five — Sarkin Rano, Sarkin Dutse, Sarkin Gaya, Sarkin Karaye and Sarkin Birnin Kudu — who became district heads under the new system retained a position of prestige and influence.

Several factors brought this about. First and foremost was the coming of the district heads who after initial problems of settling down became in both theory and practice masters of their new territories.¹¹⁴ Secondly, the new village organization which was instituted after the *hakimai* had settled down brought about a levelling among all chiefs below the rank of district heads. However important they had been traditionally they all became village heads (many of them still prefer to be called '*sarki*' rather than '*dagaci*') without subordinate villages and in status stood at par with the heads of the units formerly subordinate to them. This made them feel politically embarrassed and humiliated.¹¹⁵ Their hierarchy of office-holders became such only in name as the latter had no *locus standi* under the new structure. Thirdly, the position which the *alkalai* now occupied as the sole agency for judicial matters severely undermined the powers of the chiefs who formerly handled legal matters and controlled the *alkalai* where these existed. As one *sarki* said, his own subjects were tried and jailed without his knowledge and he just heard each story at the same time as others. This made his people feel that his only use was to come and ask for their taxes.¹¹⁶ Fourthly, it will be remembered that in the first chapter we said that many of the *sarakuna* were important as military commanders. Now the removal of warfare deprived them of the chances of displaying their prowess and of earning promotion.¹¹⁷ Finally, financial factors also contributed to the decline in the importance of the *sarakuna*. Their salaries under the colonial regime were a sorry pittance when compared to what they used to make to keep up their state. For instance, the powerful *sarakunan* Fulani¹¹⁸ who controlled most of the cattle within Kano emirate could no longer follow their herdsmen whenever they wanted to collect their *jangali*. In spite of all this, it is said that the *sarakuna* still enjoyed some respect among other *dagatai* because the latter 'still remember what the position used to be'.¹¹⁹

The Five *sarakuna*, on the other hand, continued to be named, as they still are, among the most important men in Kano. To all of them *gunduma* added territories which had never been under their rule. This inevitably provoked resentment in those early years: Sarkin Kademi, Audu, for example, who used to have minor chiefs under him, refused to follow Sarkin Gaya, Muhammadu, when he was placed under Gaya.

114. Sarkin Tudun Wada, 16 July, 1972 (Tudun Wada); Sarkin Bichi, Mallam Abubakar, 64, 7 Aug., 1972 (Bichi); Dagacin Garki, 13 Aug., 1972 (Garki).

115. Mallam Isa, 60, 30 July 1972 (Aujera); Dagacin Sumaila, Muhammadu Nura, 60, 30 July 1972 (Sumaila); Mallam Yusuf, 48, 16 Aug., 1972 (Sankara); Mallam Bello, 24 July, 1972 (Dal).

116. Anonymous. The very informant has been a *sarki* since the time of Abbas.

117. Sarkin Bichi, 7 Aug., 1972 (Bichi); Sarkin Kurtchi, 8 Aug., 1972 (Kunchi).

118. That is, those of Bebeji, Sankara, Jahun, Danbatta, Shanunu, and Kunchi.

119. Dagacin Garko, 61, 24 July, 1972 (Garko); Sarkin Miga, 29 July, 1972 (Miga); Dagacin Sumaila, 30 July, 1972 (Sumaila); Barde Adamu, 8 Aug., 1972 (Kunchi).

He was deposed and Sarkin Gaya secured the appointment of his own junior brother the Barde, Saidu, to the vacancy.¹²⁰ While other *sarakuna* just retained control of the capital cities and sometimes of a few hamlets just outside them, the 'big five', being in charge of the districts as a whole, appointed their own sons to take charge of the capitals. These were generally designated *dugaci* and they had the same status as the *dagata* in the village administration.

VILLAGE ADMINISTRATION

Each district was made up of villages which became the basic administrative unit. The village headmen were officially the last link between the emir and the *talakawa*. Village organization scarcely received any attention while officials were preoccupied with district and sub-districts in the period preceding 1909. The sub-district headman was at best a temporary intrusion. He was given no place in Lugard's administrative programme which recognized only three grades of chiefs: the principal chief, the district headman, and the village headman.¹²¹ In 1909 Temple emphasized the need for organizing effective village units.¹²² The function of the village headman as an agent for tax collection in the sense laid down by Lugard came to be shared by the sub-district headman until sub-districts were abolished. Lugard wanted the village head to replace the *jakadu*; in the same spirit Temple argued that tax collection should be undertaken by officials living among the people and who were therefore more likely to treat them with greater consideration and more subject to their public opinion than any agents emanating from the central administration could be.¹²³ Before 1909 collection of taxes outside the *jakada* system remained largely a legal fiction.

The problem was not primarily how to form villages or appoint village heads; both existed somehow in pre-colonial Kano. The novelty was the idea that the village heads alone should undertake tax collection. There were certain elements in the traditional organization which further made it impossible for a village head to control every body in his area. In Kano less importance was sometimes attached to a man's place of residence than to the place where he had his farms and it was not unusual for the farm and the residence to be territorially distinct. It is not difficult to see that this problem ran through the whole system and weakened the new district organization. For a man who lived in the district of one district headman but had his farm in the territory of another was not answerable to the former for his taxes and not very amenable to the control of the latter who rarely saw him. The difficulty occasioned by this separation of residence from the farm was resolved by the institution of a compound tax. The reasoning was that if a man paid this tax to the headman of the village in which he lived he thereby formally acknowledged the latter's authority.¹²⁴

120. Mallam Umoru, 27 July, 1972 (Gaya).

121. Lugard, *Political Memoranda*, p. 105. Unless a *sarki* was recognized as a district head, he was graded as a village headman.

122. S.N.P. 710, No. 3655, 1909, Mid year Report, 1909. He defined the village as a 'coordinate group of habitations of convenient size', that is, not so large nor so small; if not part of a quarter of a large town it could be made up of a number of huts within an area of four square miles.

123. *Ibid.* Members of the Northern Nigeria Land Committee in 1908 stressed the importance of delegating administrative functions to the village committees.

124. S.N.P. 710, No. 3655, 1909, Mid year report, 1909.

Altogether 4000 villages were organized throughout the whole emirate, each having an area of three square miles with an average population of 500.¹²⁵ But after it had been firmly decided that the sub-district heads as a group should disappear, the position of village heads came under review. Since the village heads would have to be placed on fixed salaries it was considered that the cost of maintaining the existing number would be very high. Consequently it was decided that the size of the village units should be increased in a way that would drastically reduce the number. This exercise was begun in 1916 and resulted in the appointment of 402 village heads each taking charge of an average of 30 square miles of territory with an average population of about 3,500.¹²⁶ On his return from leave the Resident, Gowers, found the re-organization a *fait accompli*, but he strongly doubted whether the villages had not become so bulky that the headman could not effectively collect the taxes without recourse to the use of *jakadu*. It took seven years to undo what had been done. By 1924 the new village organization was complete; there were then 1,175 village heads each ruling over an average of 13 square miles with a population of 1632.¹²⁷

The new village organization, like any other re-organization before it, was achieved at a great cost. The overriding motive was maximization of the working efficiency of the revenue machinery. Facts of history or social realities were not allowed to override this consideration. Old bonds were dislocated and artificial ones created: sections of groups were separated from each other by being included in different units, and hamlet heads were subordinated to others to whom they traditionally owed no allegiance. The principles which underlay the action of 1916—24 apparently did not come under serious question until about 1934. In that year the Magajin Mallam, district head of Taura, submitted a plan for the rearrangement of certain village units. The proposals were accepted by the touring officer. The Magajin Mallam was ostensibly influenced by three considerations: the variations in the ability of his headmen, the need to create units of more uniform size, and the rising revenue of the units.¹²⁸ The plan ran into trouble when it got to the Resident in Kano who warned that the 'hamlets composing a village cannot be moved like a pawn on a chess board'; there must be 'sentimental ties' among the constituent units of a village; a village should not be reduced in size because its revenue had reached a certain level.¹²⁹ The Resident emphasized that the aim of any review of village organization 'should be to abolish any artificial creation and to ensure that all the units maintained are historical institutions'.¹³⁰

In furtherance of this it was laid down as a general rule that village heads must be selected from within the villages, that their claims should be based on facts of history, and that they should not be imposed on the village elders.¹³¹ Acting Resident Noad

125. N.A.K. Kano Prof. 4/4, No. 202/1917, Annual Report, 1916.

126. *Ibid.* In the annual report for 1918 the average population and size were given as 4,490 and 33 square miles respectively. 90% of the former village heads were thus weeded out and reduced to the status of hamlet heads which, though of some administrative importance, was not a position recognized for emolument purposes.

127. S.N.P. 9/12, No. 635/1925, Annual Report, 1924

128. N.A.K. Kano Prof. 4/12, No. 203A/1929, Officer touring eastern area to Resident, Kano Division, 31 May, 1934.

129. *Ibid.* Resident to Assistant D.O., eastern touring area, 29 May 1934.

130. *Ibid.* The extent of the new thinking is also implicit in the statement that the 'size of the village unit should not be confused with the amount of tax which it has been found that a headman can conveniently and effectively collect'.

131. S.N.P. 17/12, No. 16687, Annual Report, 1931. The ideal now aimed at was a village headman and a village council or group of elders who could speak out on behalf of the village.

in 1933 again emphasized this notion by exhorting that village elders should be given a voice in choosing their own chief.¹³² By the end of 1933 touring officers had begun to compile the history of every village headship with a view to finding out whether the current holders had any proper claims to their positions and ensuring that the right men were appointed.¹³³

The village heads were the local executives within their own units. They were responsible for law and order and for the general welfare of their people.¹³⁴ In theory they possessed no judicial powers but they were expected to detect crimes and bring culprits before judicial tribunals. General welfare of the people included building of markets, construction, repair, and maintenance of mosques, and digging of wells. In other words, though the status of these rulers had changed their functions in this regard remained the same. However, the most important reason for the re-organization of the village units was, from the stand point of colonial administrators, collection of taxes. Village heads in fact saw this as their major duty.¹³⁵ The territorial chiefs of the pre-colonial era had superintended rather than collected taxes themselves: this work had been done by their own agents, but their successors in the colonial period were expected to do the work directly and not use a third party. The *dagatai* did not necessarily have to go from house to house to collect from individual payers. The taxes were sent to their houses and they went in search of the payers only in cases of default, reporting difficult cases to the *hakimai*.¹³⁶ This is to say that on the whole the village heads did in their respective areas what the *hakimai* did for the district at large and the work of the latter therefore consisted in encouraging, supervising, and co-ordinating the activities of the *dagatai*.

As a group the village heads enjoyed far less security of tenure than the *hakimai*. The grounds for their depositions were many. These included revenue offences, slave dealing,¹³⁷ disobeying district heads' orders, harbouring thieves, and illegal selling of farms. The rate of turnover of village heads was very high: in 1922 alone no less than 150 were dismissed for various reasons and in the following year at least ninety of them were sacked. The office of *sarki* had in fact lost most of its powers and attractions. A great deal of popular attention was passing to the new group of traders and businessmen — the products of Western economic forces. The *sarakuna* still remained respected but considerably diminished in importance.

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132. S.N.P. 17/2, No. 19729, 'Instructions to administrative officers'. In the words of Noad: 'I have found it advisable for the nominee to be sent to the emir with the elders and if he endorses this selection the D. O. would see them to satisfy himself that the appointment is suitable in every way.'
133. S.N.P. 17/3, No. 21326 Vol. I, Annual Report 1933. The right man was defined as one who had 'long historical or strong sentimental claims' to his place and who could thus have the support of village elders.
134. Sarkin Kuru, 14 July, 1972 (Kuru); Sarkin Fulani Bebeji, 15 July, 1972 (Bebeji); Sarkin Fulani Jahun, 28 July, 1972 (Jahun).
135. Sarkin Kuru, Sarkin Fulani Bebeji; Sarkin Tudun Wada., 16 July, 1972 (Tudun Wada) Sarkin Fulani Jahun.
136. Sarkin Kuru, 14 July, 1972 (Kuru); S.N.P. 17/2, No. 18956, Kano Province Annual Report, 1932.
137. Slave dealing was made illegal by the British after their occupation. Information obtained in the field shows that the number of village heads deposed under this heading was not insignificant: among them were Haruna, Tudun Wada; Usman, Kifa; and Abdulkadir, Gwaram.

THE POSITION OF BRITISH OFFICIALS

From all that has been said it is evident that the British, though not an integral part of the N.A. machine, were closely involved in the system. In the city, in the district, and in the village the place of the British in the general administration of the emirate cannot be over stressed. The policy designed for Kano was, as we have noted, their own and it was they who strove to ensure an undeviating adherence to that policy through the amount of pressure they were able to exercise over officials. This pressure was exerted through supervision of district and village affairs by A.D.O.s. The scope and intensity of supervision depended on the availability of staff, but until towards the end of our period anything approaching adequate British staff was unknown in Kano.

To be a touring officer in these days was almost like occupying the position of a semi-god. In the early years the whiteman came into the town or village greeted with shouts of 'zaki! zaki!' by the prostrating chief and his *talakawa*. Literally, 'zaki' means 'lion' and was one of the words used in greeting and singing the praise songs of the Emirs of Kano. The victorious whitemen were thought to be worthy of this, but their successors were content with being greeted in the usual Hausa way of *ranka ya dede!* (May you live long!).¹³⁸ In the first years of the conquest the *talakawa* used to desert their houses and the routes on the approach of a touring officer.¹³⁹ This was then due to the fear of the Christian, but fear later gave way to admiration of the British.

On arrival, the whiteman would be conducted to his lodging. Chewing of kola nuts was forbidden in his presence, and he must be approached bare-footed, in the same way as one would approach a big native official. Then all dogs in the neighbourhood would be taken away to make sure that they did not bark and disturb his peace, and people would be barred from passing within a hundred yards' radius of his lodging.¹⁴⁰ This lodging itself had to be very carefully and neatly prepared in such a way that not even dust could fall from the ceiling to inconvenience him. The village head of Kila in Gwaram district was dismissed about 1928 because the touring officer found some drops of water in the rest house after a heavy downpour.¹⁴¹ Then invariably the *hakimi* or the *dagaci* would send him presents of eggs and chickens: although these were voluntary, it was believed that the whiteman would be annoyed if these were not sent or if he was not satisfied with the gifts.¹⁴² It is interesting to remember what we have said of *gaisuwa!*

Assuming that the whiteman arrived in the evening then the following morning business would start. He had, of course, arrived with an armed escort or, in later years, in the company of one or more *dogarai* and the emir's representative whose duty it was to give to the emir a full account of the tour. The *dogarai* would take their positions just outside the lodging to provide the officer with protection and ensure that the ban on noise making and on the movements of people was observed. Seated in his lodging and with the emir's man squatting somewhere in the room, the touring officer would then demand that the *hakimi* or the *dagaci* be called in.¹⁴³ The *hakimi* would then

138. Sarkin Fulani Jahun, 28 July, 1972 (Jahun); Mallam Salihu, 64 3 Aug., 1972 (Kila); Dawaki Adamu, 12 Aug., 1972 (Babura).
 139. Dawaki Adamu, 12 Aug., 1972 (Babura).
 140. Tafidan Kano, 17 Aug., 1972 (Kerma).
 141. Mallam Audu, 94, 3 Aug., 1972 (Kila).
 142. Dawaki Adamu, 12 Aug., 1972 (Babura).
 143. Mallam Magani, 16 July, 1972 (Tundun Wada); Dawaki Adamu (Babura).

come in, greet the officer in the usual way (he was not allowed to shake hands with him) and he would then sit on the bare floor — no mats, and no skins were allowed for his use during the interview. Touring officers showed no respect even for the district heads.¹⁴⁴

Touring officers had a code of conduct from which they were ordinarily not expected to deviate. While they could settle minor problems on the spot they were always reminded that the aim of touring was to find out if the district and village administrations were functioning properly and where this was not the case to provide as much comprehensive information as could enable the more competent hands at the capital to deal with it appropriately.¹⁴⁵ For no reason should a touring officer proceed to the field without a representative of the emir who should be the latter's mouthpiece for any instructions that might be given to the local authorities.¹⁴⁶ The presence of the emir's agent often had the effect of making the local official look reticent in discussions with the touring officer.¹⁴⁷ No village head should be interviewed except in the presence of the district head; complaints by individuals against the authorities should be entertained with discretion but in general complainants should be encouraged to go to court or take up the matter with the district head or the emir in the first instance. Nor was it appropriate to give direction to a junior instead of passing it through the senior man so that the latter could be held responsible for its implementation.¹⁴⁸ Finally — and understandably the most important of all — direct actions must be avoided.

Touring was generally a routine matter as far as it was possible to keep officers in the field. But it could be compelled by adverse reports or rumours from a particular district in which case a political officer set out with specific instructions relevant to the situation. The British believed that it was only through their supervision that things might be put on the right footing in the districts. In 1920 so much was considered to have gone wrong that a plan was conceived under which the emirate was to have been broken into four districts with resident officers. The scheme was not put into effect because the personnel was not available and also because it appeared to have smacked too much of direct administration. In 1922 when Lieutenant Governor Gowers charged that there was a drift back (the charge was denied by the officers at Kano) he suggested that since there were six officers in the emirate the Resident should once more consider bringing the abandoned scheme to fruition in such a way that the authority of the emir would remain unimpaired. Resident Arnett retorted that it would be impossible to pursue the scheme without destroying the emirate. Not until 1927 was Kano eventually divided into five touring areas — north, south, east, and west.

144. Tafida Kano, 17 Aug. 1922 (Kerma). As a district head for the last forty years of the colonial period, the Tafida had a lot of direct contact with the personnel of British administration.

145. S.N.P. 17/2, No. 19729, 'Instructions to Administrative Officers,' 1933.

146. *Ibid.* This point was very strongly insisted upon in a circular letter from Kaduna to all Residents, 31 May, 1928. See *Records of Proceedings of Conference of Residents Northern Province 1928* (Lagos 1928), p. 35.

147. An Assistant District Officer who toured Kiru in 1928 reported that the district head 'has obviously been intimidated by the presence of the emir's envoy'. *Vide* N.A.K. Kano Prof. 1. f. No. 1537, 'Touring Reports'. In 1923 an administrative office was opened for the emir and sanction was given for the employment of ninety messengers for purposes of keeping in touch with the districts.

148. S.N.P. 17/2, No. 19729, 'Instruction...' It was held that the idea of decentralization of authority could in this way be understood by the chiefs.

The fifth area was made up of the former 'home districts' which were supervised by headquarter officials.⁴⁹

We can now describe the structure of power in Kano emirate by 1930 as follows. All political power belonged to the British by right of conquest. The British could not, however, rule Kano themselves and for this reason they appointed the emir to rule and act on their 'advice'. The British through their Governor in Nigeria placed a Resident in charge of Kano province and a District Officer with special responsibility for Kano emirate. The emir himself could not rule Kano alone except with the aid of officials: he therefore appointed the Madaki as his senior *wakili* for district affairs and also appointed district heads to be directly responsible for the affairs of the districts. Each district being too large for effective control by one man village heads were appointed to be responsible in the first instance to the district heads. The District Officer, out of sheer impossibility of directly overseeing everything himself, had at his disposal Assistant District officers who went on tours of inspection and sent situation reports directly to him. Thus, both the Kano and the British sides involved in the administration had their own hierarchies of officials, but while the government could still function if the British were removed it would obviously collapse if the emir and his officials were to withdraw.

What emerges from this is that apart from the question of armed force what sustained British position in Kano was the Native Administration. The N. A. was, therefore, the sum total of the various machineries for colonial domination of the territory. This domination was maintained through a systematic interference with the various gradations of authority in the Native Administration system. The various tours of inspection and supervision of the districts by A.D.O.s brings out the elements of interference with the emir's administration which could undermine his authority, though its effect in this regard seems to have been negligible. This interference is not altogether consistent with the principle of delegation, that is, of the emir ruling with the 'advice' of the Resident. Probably the introduction of the 'emir's representative' was an attempt to deal with this apparent contradiction in the Indirect Rule principle. The contradiction remained, none the less. The N.A. could not, in the opinion of the British, be trusted to carry out the orders ('advice') of the colonial regime and it therefore required watching at all levels. In spite of all this, however, the rulers of Kano exercised—and were seen by the *talakawa* as actually exercising—real and effective powers in the administration of the emirate.

That these powers were real in territorial administration has been demonstrated. The emir played the leading role in the recruitment, control, and disposition of personnel. The re-definition of roles which brought the *hakimai* to the districts made them more effective agents for directing and controlling the affairs of these territories than was the case when they ruled through *jakadu*. The *sarakuna* traditionally resident in the districts had had their powers severely circumscribed, but they did not thereby become irrelevant in the administrative process. Though at first the Kanawa opposed the new system root and branch they accepted it with time and it has proved to be a very powerful and successful method of territorial rule.

49. S.N.P./17/8, No. K6892, Annual Report, Kano Province, 1927.

5. The Judicial System

It was stated in the second chapter of this work that recognition of the Muslim courts and the enforcement by them of local law and custom so far as they were consistent with 'natural justice and humanity' and with protectorate laws constituted the judicial aspect of Indirect Rule.¹ The purpose of the present chapter is to examine the structure and operation of the new judiciary and to determine its implications for the emirate.

From the standpoint of judicial administration the year 1909 was quite significant. Not only did it, with the restoration of the judicial council, bring back the emir as an effective arm of the judicial system but also it saw the first systematic attempt to make the new district courts function. Although some courts were established early in 1903 as part of the exercise in territorial re-organization, they existed on paper only. Steps were yet to be taken to obtain the warrants formally setting up each court, naming its president, and specifying its powers and its area of authority. Besides, the virtual break-down in communication between the emir and the British did not help matters. Until the new judicial system was firmly established the districts continued to behave as if the British were not there, operating the only system they knew.

According to the principle enunciated, the system of laws was to be altered in two ways: first, by forbidding the Muslim courts to inflict certain kinds of punishment authorized by their legal code; and secondly, by requiring them to enforce other laws which were entirely alien to this code. Changes were also planned in the way and manner the *alkali* should do his work. It was hardly possible that the intrusion of the British would leave judicial organization, system of law, and related issues undisturbed for long. But until sometime after the consolidation of British rule much of what the new system meant in its various ramifications remained mere paper theory.

In the first place, let us examine the structural organization of the new judicial system. There were still the emir's court and that of the chief *Alkali* of Kano, both having equal and concurrent powers with regard to all matters arising throughout Kano. Then there was an *alkali's* court in almost every district headquarter, and contrary to traditional practice all political authorities whether district or village heads were excluded from playing any judicial role. There was then the provincial court of the Resident which handled certain matters. In matters of law the township was not treated as part of Kano territory. It had a different machinery for judicial administration which will be examined later.²

Each of the Muslim or *shari'a* courts was constituted under a warrant.³ In the case of the judicial council, the 'Native Courts Proclamation' (and later the 'Native Courts Ordinance' which replaced it) required that the emir, or in his absence such other person as the Resident might appoint should be the president of the council.⁴

1. *Supra*, p. 42

2. *Ibid.*, pp. 131-134

3. For the warrant appointing Abdullahi Bayero as president of the judicial council in 1926 see Appendix III.

4. The 'Native Courts Ordinance' is enclosed as Appendix IV.

The *alkalai*, including the *Alkali* of Kano, were in the same manner presidents of their own courts. The powers of the various courts were set out in the warrants establishing them. The judicial council and the court of the chief *Alkali* were, as pointed out elsewhere, courts of 'A' grade, that is, they had full jurisdiction in all civil and criminal cases arising in Kano emirate, with the proviso that death sentences passed by them must be confirmed by the colonial administration before being carried out. This meant, in theory, that any case, however trivial, could be brought before the emir. It also meant that unlike what was the case in traditional society *Alkalin* Kano for some time handled cases of capital punishment and could pass sentences of death on the emir's subjects without his approval. Such an important re-definition of powers could hardly have failed to cause annoyance to the emir. The whole question of concurrent jurisdiction was destined to lead to arguments as to whether the chief *Alkali* should be allowed to exercise powers which made him the equal of, or more important person than, the emir in judicial matters. This aspect will be examined later.

In structural terms one innovation introduced in 1911 was the establishment of the court of a junior *alkali* (*karamin alkali*) in Kano city. This measure was necessitated by mounting pressure of work in the court of the chief *Alkali* (*babban alkali*).⁵ The *karamin alkali* was given a separate office where he handled cases of minor importance. In the districts, as well as in Kano city itself, there was an innovation of an ephemeral character—the inauguration of market courts which were authorized to deal with disputes (such as debts, fighting and the like) arising in the markets. At the end of 1911 there were twenty such courts.⁶ But in 1914 a tour of inspection of all district courts undertaken by an A.D.O. resulted in a recommendation that these courts be abolished. Against their continued existence it was said that the courts were not being fully utilized by the people and that the small number of cases brought to them did not justify the cost of running them.⁷

The argument that the courts were not being fully utilized by the people does not seem to have been generally true. In some places the officials were thought to have been discharging socially useful functions. At Gezawa, for instance, where the *alkalin kasua*, Mallam Mumkola, was said to have been dealing with an average of fifty cases a day, the closure of his office terminated a much appreciated social service.⁸ But a uniform policy was being pursued irrespective of variations in local conditions, and in place of the courts it was proposed to set up market overseers who were not to be granted legal powers. The idea of market overseers still survives in the bigger markets throughout the districts in the form of *sarakunan kasua* whose duty now is mainly to collect market rates such as dues from market stalls.

But far more important than the organization of new courts were the elements of change and continuity in the substantive law administered under the new judicial system.

5. S.N.P. 7/13, No. 1114/1912, Kano Province Annual Report, 1911.

6. *Ibid.* The *alkali* of the Kano city market was appointed as early as 1909 and he handled a total of 558 cases of debt during that year.

7. S.N.P. 10/2, No. 494/1914, Mid year Report, 1914.

8. Dawakin Gezawa, Mallam Nuhu and Chiroma Saidu, 19 Aug., 1972 (Gezawa).

ISLAMIC LAW AND THE COLONIAL SITUATION

For sometime, especially in the nineteenth century, Muslim states which had come into contact with Western civilization had been under pressure to modify or alter Islamic law in certain aspects so as to bring it nearer to the canons of Western society. The point which needs no emphasis is that in their political, social and other doctrines the ideas of Muslim and Western societies differed fundamentally, and whenever the two cultures met conflicts of one kind or another were inescapable. In some areas Western values were adopted by spontaneous actions of states (Turkey, for example), but in others as in the Muslim emirates of Northern Nigeria they were imposed.

The impact of British ideas on the law seems to have been most evident in the sphere of *hadd* offences, that is, those in which the *shari'a* had laid down statutory punishments. It was in this area that Lugard's concept of 'natural justice and humanity' found much to object to. Thus, for instance, terms of imprisonment based on the value of the stolen article replaced amputation of limbs as punishment for theft.¹⁰ Serious cases of theft were in the circumstances no longer referred to the capital unless the terms of imprisonment were beyond the powers of the local district court to impose. By 1930 the maximum term a district court could impose was two years' imprisonment.

In the same way, retaliation was no longer allowed for personal injury and in its place a fine (*kudin arashi*) was substituted.¹¹ The offender still had to be detained if the injury was very serious so that in case death resulted he would be tried for a different offence altogether. Apparently it was not until after this period that payment of compensation was replaced by a term of imprisonment. Similarly, stoning as punishment for *zina* gave way to a fine or imprisonment.¹²

On the other hand both societies accepted death sentence for a man who wilfully killed another, but there were important differences in detail. For instance, a Muslim court could admit evidence or adopt a procedure which a British court could not regard as valid or proper. Hence a conviction for murder might in a British court amount to a conviction for manslaughter. This was the main reason for the stipulation that a capital sentence passed by a *shari'a* court should not be executed until it was confirmed by the Resident. But in appropriate cases the payment of *diyya* was not interfered with where the heirs of blood of the deceased were prepared to accept this. One of the greatest surprises in Kano in the early years of British rule was that a man could be merely sent to prison for killing another.¹³ Sentences of imprisonment were passed only by a provincial court where payment of *diyya* was not recognized.

There is no doubt at all that these changes were unpopular. The explanation generally given for this unpopularity is that these measures were contrary to the *shari'a* and appeared to have put religion itself in grave danger.¹⁴ Yet overt opposition was out of the question because of the military impotence of the Muslim state.¹⁵ The same

9. S.N.P. 10/2, No. 494/1914, Mid year Report, 1914.

10. Alhaji Sani Kafinga, 18 June, 1972 (Kano); Alhaji Ahmadu Boppa, 30 June, 1972 (Kano); Alhaji Harisu, 10 Aug., 1972 (Danbatta).

11. Alhaji Ahmadu Boppa, 30 June, 1972 (Kano); Mallam Ma'azu, Imam of Dawakin Tofa, 9 Aug., 1972 (Dawakin Tofa); Muhammadu Lawal, 10 Aug., 1972 (Danbatta).

12. Ahmadu Boppa, 30 June, 1972 (Kano).

13. Hamza, 21 June, 1972.

14. Babban Mallamai, Mallam Ibrahim 16 June, 1972 (Kano).

15. Babban Mallamai, 16 June, 1972; Limani Yola, 22 June, 1972 (Kano).

thing was true with regard to imprisonment for proved cases of slave trade and all transactions in slaves — actions which in British eyes amounted to an offence but which were not contrary to the *shari'a*. In course of this period a large number of N.A. officials, both judicial and political, were tried and jailed for such offences.

But the statutory punishment of flogging in respect of drinking intoxicating liquors was maintained, although it appears doubtful that the stipulated number of strokes was strictly adhered to.¹⁶ There is evidence of executive action on the part of the Emir, Usman, to curb the drinking, selling, buying, and possession of native brewed beer (*fito*) within Kano territory. Such rules were designed to enforce the law on the Muslims and did not apply to the Maguzawa, the non-Muslim population. Also for purposes of such rules the township was not treated as part of Kano territory.¹⁷ Varying numbers of strokes of the cane were also inflicted as punishment for certain other kinds of offences such as slander, for example if one Muslim called another *shege* (bastard), unless the injured party was unwilling to prosecute the offender.¹⁸

The Native Administration had the responsibility for the execution of its own decisions. The argument which Lugard used in defence of this provision was that since the British were not party to the judgments they could not be held responsible for their enforcement. Consequently prisons were set up or expanded both in the city and in the districts to take care of criminals. In 1909 a contract was awarded for the construction of a new Kano prison at a cost of over £1,300. Canning of convicts was undertaken by an authorised agent who had to hold a cowry shell in his armpit to prevent the punishment from being too merciless, except in special cases.¹⁹ It was not unusual for a convict to buy off his lashes at an agreed rate in cash per lash.²⁰ For sometime death sentences continued to be carried out in the Kano city market. About the way it was done some British observers themselves were not agreed; to some the method was crude but to others it seemed quite humane.

Elsewhere Islamic norms remained unpolluted by alien influences. This was especially true in the sphere of family law. Important matters like marriage and divorce as laid down by the Muslim law had nothing 'repugnant' about them and here there was no question of interference. The same thing was true of inheritance and the administration of the estates of deceased persons. In the case of inheritance, we have an interesting example relating to the estate of the Emir, Usman. In 1926 it was discovered that the emir on his death left behind him a total sum of £17,735. This amount was divided among his heirs according to Islamic law.²¹ Accounts were opened in the bank on behalf of the late emir's sons and the *Alkali* of Kano was charged with the responsibility of looking after the interests of those of them who were not yet of age.

Administration of the estates of deceased persons was the responsibility of the *alkalai*. The British were interested in seeing that this duty was properly discharged, for *ujera* or 10% of the estates was paid into general revenue.²² In principle this was in

16. Figures given by informants varied very widely.

17. S.N.P. 10/7, No. 413p/1920, 'Native Beer, Rules made by Emir.'

18. Mallam Hamza, 27, Aug., 1972.

19. Sani Abbas, 27 June, 1972 (Kano).

20. S.N.P. 15/3, A12, Report No. 35, Kano Province.

21. S.N.P. 17/8, No. K105 Vol. III, Kano Province Annual Report, 1926.

of inheritance *vide* Ruxton, pp. 373—89.

22. S.N.P. 17/2, No. 12004 Vol. 1, Kano Province Annual Report, 1929.

For the Maliki rules

consonance with Islamic law which recognized the *bait al-mal* as one of the beneficiaries from such estates.²³ While nineteenth century emirs would seem to have benefited from the division of inheritance,²⁴ we do not know precisely what proportion they took.²⁵ The definite fixing of the government's share at 10% of the total value of the inheritance appears to be a development of the colonial period. It is necessary to note also that the right of women to their own share of the estate sanctioned by Muslim law was recognized.²⁶

Thus, in spite of the establishment of a British administration Islamic law still regulated the lives of the people in very important particulars. While the force of the law was brought to the people mainly through the *shari'a* courts, none the less they had to recognize the provincial court of the Resident as a factor of some importance in the day to day working of the new system of legal administration.

THE SHARI'A COURTS AND THE PROVINCIAL COURT

In fact, one important issue in judicial administration was the highly vital one of the respective spheres of the *shari'a* and provincial courts and the relations between them. The two types of court were in a sense antagonistic to each other and represented the dualism of the whole system. For while the Muslim courts were expected initially to concern themselves more or less with the whole body of the *shari'a* the provincial court was supposed to deal with matters which had resulted from the establishment of European presence. The mere fact that the provincial court had nothing to do with Quranic legislation made it suspect to the generality of the populace.

Each of the Muslim courts was constituted under a warrant which specified its powers and the territorial unit within which it was competent to operate. The chief *Alkali's* court and the judicial council being courts of 'A' grade had jurisdiction in the whole of the emirate. The district courts were of 'B' grade status, with limited powers in civil and criminal cases within their various districts.²⁷ The *alkalin kusua*, the judge of the Kano city market, had 'D' grade powers, being concerned with cases of petty theft and with the maintenance of good conduct in the market. Traditionally this was the function of the Sankurmi, but there was an important difference. The Sankurmi was not a trained legal expert and he was not bound by the strict rules of Muslim law. Deprived of this function, he was also for some time allowed to retain control of the prison which was also part of his traditional functions.

²³ Ruxton, p. 389; Joseph Schacht, *An Introduction to Islamic Law* (Oxford, 1964), p. 170.
²⁴ Informants agreed that part of the inheritance was taken by the person who divided the entire estate, that is, the *alkali* or other mallams. That the emirs got a portion of some of the estates that is divided does not look improbable.
²⁵ It is clear that at least in the case of a dead or dismissed official the emir would take a part of his estates. For the case of the estate of Sarkin Dutse in the time of Muhammad Bello see Adeleye, p. 87.
²⁶ S.N.P. 9 12 No. 635 1925, Kano Province Annual Report, 1924: Alhaji Ahmadu Boppa, 30 June, 1972 (Kano).
²⁷ The powers of these courts were defined and re-defined from time to time. For the powers of the courts at the beginning of Bayero's emirship, see Appendix VI.

The emir was the president of the judicial council, and each of the *alkalai* was president of his own court. The 'Native Courts Proclamation' (1906) and the 'Native Courts Ordinance' (1914) empowered each court to enforce the 'native law and custom' prevailing in its area of jurisdiction. The *Political Memoranda* (1918) added that each court should apply the provisions of any ordinance as might be directed.²⁸ There is no provision in any of these instruments for the enforcement of the *shari'a*.²⁹ Hence 'native law and custom' came to be used as if it were absolutely synonymous with Islamic law.

The commonest cases which were brought before these courts under the so-called 'native law and custom' were those of land, marriage and divorce, theft, assault, debt, claims for damages, and administration of the estates of deceased persons. Debts and matrimonial cases were usually on top of the list of cases treated by the courts throughout the emirate. In 1912, out of a total of less than 30,000 cases, over 16,000 of them were cases of divorce and nearly 5,000 were cases of debt.³⁰ The recurring high incidence of divorce suits shows the relative instability of married life among the Kanawa. In the court of Wudil which in 1918 handled an average of 550 cases a month it was found that 91% of these were matrimonial.³¹ And everywhere the vast majority of matrimonial cases were divorce suits by wives against their husbands. Though traditionally women had this right to sue for divorce there is no doubt at all that the incidence considerably increased during this period. It is said that before the establishment of colonial rule women who took their husbands to court would find it difficult to obtain new suitors.³² The heavy increase during the colonial period was usually attributed by informants to women becoming more 'civilized' and hence more conscious of their rights.³³ Besides, more money was coming into their hands, directly or indirectly, and with the men getting generally richer it was easy for the women to obtain money from prospective husbands to pay back the *sadaga*, the dowry which they had received from their husbands at the time of betrothal.³⁴ Men seldom went to court to secure a divorce since they could get rid of their wives by the simple act of repudiation (*talaq*). However, the fact that they would lose this *sadaga* if they resorted to this principle acted as a restraint against too frequent exercise of this right to repudiate.

The Resident was advised to be an interested observer in the proceedings of all these courts. He was the president of the provincial court in which his European officers held positions as commissioners. This court was expected to try all cases involving 'non-natives', government employees, and 'natives' not subject to the emir's authority. In addition it was required to enforce the laws of the protectorate, as expressed in various proclamations, over all classes³⁵. In comparison with the work done by the Muslim courts, the activities of the provincial court were relatively little. In 1912 only 111

28. Lugard, *Political Memoranda*, 1918 (London, 1919), p. 265.

29. C.K. Meek, *Land Tenure and Land Administration in Nigeria and the Cameroons* (London 1957), p. 163. The *Political Memoranda* 1918 equated Muslim law with native law and custom. See p. 265.

30. It is presumed that these figures represent the actual number of cases heard and not necessarily successful suits.

31. N.A.K. Kano Prof. 5/1, No. 244, Report on the *alkali* and prison of Wudil district.

32. Mallam Hamza, 27 Aug., 1972 (Kano).

33. Mallam Umaru, 67, 19 July, 1972 (Kura); Mallam Bello, 24 July, 1972 (Dal); Abba Wambai, 9 Aug., 1972 (Dawakin Tofa).

34. Abba Wambai, 9 Aug., 1972 (Dawakin Tofa); Hamza, 27 Aug., 1972 (Kano).

35. Lugard, *Political Memoranda* (1906), p.9.

cases were heard there for the whole of the province, and in 1913 a total of 309 was handled in Kano emirate.³⁶ The increase in 1913 was due to the arrival of the railway in 1911 and the consequent influx of Europeans and people from various parts of Nigeria and, in fact, of West Africa. The nature of cases handled was not exactly the same as those which engaged the attention of the *shari'a* courts: abuse of office, contempt of court, cruelty to animals, drunkenness, fraud, false pretences, extortion, gambling, debt, vagrancy and slave dealing.³⁷ Cases tried during the previous year included offences against revenue and fire arms proclamation, murder, and robbery with violence.³⁸ In the traditional society such matters as dealings in slaves and possession of fire arms were no offences at all and during the early years of British rule it offended people that they were regarded as such. The ban on the bearing of fire arms was no more than a security measure taken by the British in their own interest.

The exact place of the provincial court in judicial administration was one which had to do with the overall policy of Indirect Rule. It was laid down that matters of customary law should not engage its time except when it was feared that justice, as understood by the British, could not or would not be done in the *shari'a* courts. In such circumstances, the Resident could transfer any cases from any Muslim tribunal to his own even after a sentence had been passed.³⁹ In practice, however, during the early years British officials dealt with some cases involving native law and custom. Festing frankly stated that 'precisely the same sorts of cases' were tried in the provincial courts as those heard by the *shari'a* courts 'and undoubtedly it is lottery before which a malefactor may be brought'.⁴⁰ Since Lugard also expected that in course of time the Muslim courts would be able to apply protectorate laws, it is clear that the role of the provincial court was seen as one which might have to diminish with time. In fact, as early as 1912, the Resident of Kano stated that the provincial court was already playing

a role of secondary importance in the administration of the law because of the increasing activities of the native courts.⁴¹ The truth, of course, is that the court at no stage played a major role in judicial administration because of the apathy and contempt with which it was generally viewed by the people. And when the *shari'a* courts assumed increased responsibilities by enforcing government's laws, the provincial court withdrew more and more to Kano township which was then outside the control of the N.A. It was never entirely pushed out of the sphere of judicial administration and it frequently reviewed sentences of capital punishment passed by emir's council, confirming some and reducing others to manslaughter according to its own way of looking at them.

But the existence of a British court and the presence of British officials could not have meant practically nothing to everybody. For the first time the *talakawa* had immediately at their disposal a judicial tribunal to which they could take their cases in the first instance or to which they could lodge complaints against the decisions given by the *shari'a* courts. Inevitably, there were peasants who tried to make use of this facility.⁴² That this was not exactly Lugard's policy made no difference to the situation.

36. S.N.P. 10/2, No. 98p/1914, Annual Report 1913. Within the same period, the *Alkalin* Kano alone handled a total of 7,885, cases.

37. *Ibid.*

38. S.N.P. 10/1, No. 134P/1913, Kano Province Annual Report, 1912.

39. Lugard, *Political Memoranda* (1906), p. 61.

40. S.N.P. 15/3, A12, Report No. 35.

41. S.N.P. 10/1, No. 134P/1913, Annual Report, 1912.

42. Mallam Nagwaram, 14 June, 1972 (Kano); Hamza, 21 June, 1972 (Kano).

To the British themselves, especially those of the post-crisis period, this must have presented a great dilemma. How could they entertain litigation without undermining the prestige of the authorities whom they claimed it was their intention to preserve and support? Lugard had warned British officials against 'unnecessary interference' that might deny the *shari'a* courts of 'a sense of independent responsibility'.⁴³ Cargill claimed that he usually sent back such complaints to the Muslim courts though he admitted that on occasions he dealt with them himself.⁴⁴ Temple noted that even the most 'trivial' cases were brought before him. He was probably as much concerned as his predecessors that the people should be made to feel that the colonial authorities were interested in seeing that British notion of justice was done to them. But he saw a danger that if too many cases were heard by political officers the prestige of the *shari'a* courts, and in particular of the emir, would be impaired. The procedure he said he adopted was to give every case a hearing, send the most trivial immediately to the Muslim court, and send the more important ones to the same court which would then send back the complainant to him with a note explaining what action had been taken.⁴⁵ In this way those *talakawa* who side-tracked the traditional machineries of law and went to the British whose notions of offence and punishment were different must have often suffered double frustrations. In the first place this alien sense of justice was not always made available to them, and in the second place they had alienated many people within the society who frankly believed that making complaints to the British against fellow Muslims was bad *per se*.

What the political officers in Kano said they did was not really their government's policy, but even that policy was vague and difficult to apply in practice. Lugard did not recognize a formal right of appeal from any of the *shari'a* courts to the provincial court, although he conceded to anybody who considered himself a victim of injustice the right to appeal to the Resident in his capacity as an administrative officer.⁴⁶ On the one hand the Resident should not interfere, on the other he should: what difference it made in practice that he could pursue the two contradictory lines of policy in different capacities it is impossible to see. As it were, both as regards whether they should hear cases in the first instance and with regard to the question of whether they should entertain appeals and in what manner each Resident or District Officer exercised a personal discretion, depending on the circumstances. There is enough evidence in the administrative records to substantiate the view that in the post-crisis period British officials showed too little enthusiasm in entertaining appeals and much less interest in acting as courts of first instance. For example, J. H. Carrow, a District Officer in the twenties, would not listen to anybody who had not in the first place tried what he called the 'proper channel'. A complainant whose case had not been heard by the *Alkalin* Kano or, if he came from the country side, by the district *alkali* would be told to go back. He was to return only

43. Lugard, *Political Memoranda* (1918), p. 265.

44. S.N.P. 7/9, 1538/1907; Kano Province Annual Report, 1907.

45. S.N.P. 7/10, No. 3635/1909, Mid year Report, 1909. Temple's use of 'native court' does not make it clear whether he meant the *alkali's* court or the emir's council. He probably meant both.

46. Lugard, *Political Memoranda* (1906), p. 176.

if he was not satisfied with the decision — provided that he did so immediately. As one of the pioneers in the field of colonial administration rightly stated: 'Part of the price to be paid for the advanced system of Indirect Rule is that it does not encourage complaints'.⁴⁷

As early as 1914 there were instances of Kanawa who, fed up with the unsympathetic attitude of local British officials, went straight to lodge their complaints with the Lieutenant Governor; such complaints included those against the emir. Perhaps some of them had legitimate grievances; there were others, no doubt, who thought that the ignorance of Kaduna of local conditions might make it possible for decisions to be given in their favour. Officials at Kaduna always listened to litigants with patience, for a considerable distance separated the two cities. But the usual question put to the complainant was whether he had seen the Resident and where this was not the case a note would be sent to Kano with a request that the case should be looked into. Predictably, many of such appeals were unsuccessful, but in a few cases complainants succeeded in obtaining redress.⁴⁸

But to say that appeals or complaints were absolutely not entertained at Kano is to misrepresent the facts. In 1924, for instance, there were thirty-six appeals to the D. O. against sentences passed by the judicial council. Of these thirteen were quashed, seven were upheld and the rest were either transferred to other emirates or the sentences were reduced. Of the eleven appeals against the chief *Alkali's* decisions, ten were quashed and only one was upheld. During the same period there were as many as fifteen appeals to Kaduna three of which seem to have been upheld.⁴⁹ It is unlikely that some of those appeals were upheld on any other ground than that the decisions of the Muslim courts were repugnant to British sense of justice.

British officials also saw it as part of their duties to supervise the activities of the *shari'a* courts. To the extent that it was done this supervision involved subjecting the decisions of the various courts to scrutiny. Attempts to find out what kinds of cases were brought to the courts and how these were handled were facilitated by the insistence from the beginning of British rule on the innovation that all courts should keep written records of their proceedings. Part of the work of touring officers was to see how far this order had been complied with. A number of *alkalai* were ruined by unfavourable reports which were made in Kano after the inspection of their courts. The principle of inspection was significant because it shows how deeply the British were committed to the view that without their occasional intervention in the districts nothing could be done in what they regarded as the proper way. However, by the end of our period need had been felt to get the emir and his people more closely involved in the work of supervision. At the beginning of 1930, probably for the first time, the emir called a meeting of all district *alkalai* and lectured them on the responsibilities of their offices.⁵⁰ This action emphasized not only his dual role as an executive and judicial official but also the policy that the authority of the emir should be quite real to the people.

47. Perham, *Native Administration in Nigeria* (Oxford), 1937, p. 92.

48. S.N.P. 10/2, No 52P/1914. For some of these complaints see 'Kano Province — Complaints

49. S.N.P. 9/12, No. 635/1925, Kano Province Annual Report, 1924.

50. S.N.P. 17/2, No. 14686 Vol. I, Kano Province Annual Report, 1930

It should not be forgotten that the Waziri was the councillor in charge of judicial matters. In this capacity he was supposed to supervise the district courts. This means that it was his duty to go through the records of the cases heard with a view to detecting irregularities and ensuring that proper procedure was adopted in such matters as the entering of court fees and fines.⁵¹ Any irregularity which was detected was reported to the emir. An explanation would be demanded from the court in question and after a discussion the *alkali* would be informed where he went wrong. Where a disciplinary action was considered necessary it would be raised at the judicial council meeting and appropriate action would be taken against the official concerned.⁵² This is quite important as there is no evidence that law officers were in the last century subject to this kind of routine check which could only have had the effect of increasing central control. The Waziri had his own staff of mallams and he did at the capital only part of what a touring officer did in the field. It would seem also that the chief *Alkali* was not supervised by the Waziri and that the former dealt direct with the council as occasions arose.⁵³

Towards the end of 1930 the District Officer touring jointly with the Madaki tried the expedient of taking two mallams from the Waziri's office who inspected court records and any points of law raised in each case were subsequently discussed by the District Officer and the *alkali* concerned. In 1932 this work was carried a stage further when one of the mallams of the judicial council was detailed to accompany the District Officer on tour to examine and advise him on the legal side of the *alkalai's* records.⁵⁴ It was an obvious anomaly that the Waziri, who was the councillor in charge of judicial matters, rarely or never went on tour. Of the various factors which may have been responsible for this probably the most important was the view generally held by British officials that the Waziri was a 'conservative' influence on the Native Administration. Such a man, it might have appeared to them, could not be relied upon to inspect satisfactorily the operation of a system to which he may have remained at heart opposed. He would seem to have been more useful to the emir as an adviser on matters of law than as the administrative head of the judicial services.

JUDICIAL ADMINISTRATION OF THE TOWNSHIP

The peculiar position of the township within Kano emirate gave cause for continuous debates as to how the area should be administered in judicial matters. By its very nature the problem was not easy to resolve, and the cosmopolitan character of the township demanded an approach different from that applied to the rest of Kano.

The Cantonment Magistrate was concerned with offences committed by soldiers and others within the cantonment,⁵⁵ while cases involving other African members

51. S.N.P. 17/2, No. 16687, Vol. I, Kano Province Annual Report, 1931.

52. Kano Prof. 5/1, No. 693.

53. *Ibid.*

54. S.N.P. 17/2, No. 18956 Vol. I, Annual Report, 1932.

55. The Cantonment Magistrate inflicted fines with alternatives of terms of imprisonment as he saw fit. For instance, a certain John was fined 10/- with the alternative of seven days' jail with hard labour for living in the cantonment without permit. For this and other judgments see S.N.P. 7/7, No. 1768/1906.

of the immigrant community were handled by the provincial court. But the 'Native Courts Proclamation' of 1906 provided that every 'native court' could, with the consent of the Resident and within the limits of its power and jurisdiction, hear civil and criminal cases in which 'a non-native of African descent or a native in Government employ is a party'.⁵⁶ This means that the chief *Alkali's* court and the judicial council could in fact deal with litigations emanating from this class of settlers. There was as yet no township or *sabon gari* as such.

On his return to Nigeria in 1912 Lugard said that up to the time of his departure his policy was that cases involving non-natives should be tried by provincial courts and that the proclamation in question (apparently published after his departure) did not represent his policy.⁵⁷ He therefore ordered that pending further notice native courts should not exercise such powers without his approval.⁵⁸ The Governor-General was infuriated that there was an undue tendency on the part of Residents to transfer their responsibilities to native courts, and he required Residents before applying for his sanction to have cases involving that class of the population tried by native courts to give the parties involved the option of appearing before the provincial courts.⁵⁹ It would seem that thereafter the *shari'a* courts retained jurisdiction over natives only and that with the formation of the township the bulk of provincial court's judicial activities was centred in the enclave. This work was performed by the Station Magistrate who was recognized as a commissioner of the provincial court with increased powers.⁶⁰

Perhaps the policy-makers in Lagos regarded this as a temporary expedient only. They would seem to have had before them the notion of the township as an entirely different entity within Kano and entitled for this reason to a different judicial arrangement. At the beginning of 1916 the township was placed by an Order-in-Council under the exclusive jurisdiction of the Nigerian Supreme Court.⁶¹ The Supreme Court was set up by an Ordinance in 1914 and every Station Magistrate was an ex-officio member of the Court.⁶² Under the Ordinance setting it up the Supreme Court headed by a Chief Justice was authorized to hold regular assizes within its areas for the trial of criminal and civil cases and for the transaction of any other legal business.⁶³ This measure offended Temple, already since 1914 Lieutenant Governor, Northern Provinces, and the Acting Resident of Kano, H. R. Palmer, who suggested that the provincial court be allowed to exercise concurrent jurisdiction with the Supreme Court instead of being excluded altogether. But Lagos was not interested in or impressed by the argument.⁶⁴

56. See Section 7 (a-b) of the Native Courts Proclamation in *Laws of the Protectorate of Northern Nigeria* 1910 (London, 1910), p. 598.

57. S.N.P. 10.1 No. 64SP 1913, Minutes by Lugard to Chief Secretary, 28 Jan., 1913.

58. *Ibid.* Lugard's minute to Chief Secretary, 26 Dec., 1912. See also Chief Secretary's telegram to all Residents, 28 Dec., 1912.

59. *Ibid.* Lugard to Chief Secretary (Minute), 29 Jan., 1913. See also telegram to all Residents, 1, Feb., 1913.

60. S.N.P. 10.4, No. 170P 1916, Annual Report, 1915. Also S.N.P. 10.5, No. 410/1917, Mid year report, 1917.

61. N.A.K. Kano Prof. 4.4 No. 202 1917, Annual Report, 1915.

62. *Laws of Nigeria* 1923 (Lagos, 1923), p. 34.

63. *Ibid.* p. 28.

64. For all this see S.N.P. 8.3, No. 14 1916; Memo by Temple, 6 Feb., 1916; an earlier minute by Lugard, 29 Jan., 1916; and a minute by E. A. Speed; Chief Justice, 11 Feb., 1916.

On his return from leave, Gowers, the substantive Resident, pleaded that the new judicial scheme weakened his own authority and that of his staff and that apart from this it was bad policy that an offence should not be punished immediately it was committed but should wait until assizes were held.⁶⁵ He requested that for the war period the order establishing the Supreme Court jurisdiction to the exclusion of the provincial court be rescinded or at least be amended so as to include the concurrent jurisdiction of his own court.⁶⁶ Lugard, after consultation with his Chief Justice, decided to suspend the Supreme Court jurisdiction for the rest of the war period.⁶⁷

At the end of the war the issue of the Supreme Court jurisdiction was raised again. H. S. Goldsmith had taken over from Temple as Lieutenant Governor and Sir Hugh Clifford had succeeded Lugard as Governor. Goldsmith now tried, acting under pressure from Gowers, to resist the effort of the Chief Justice to operate in Kano township, and he argued that the judicial work had been so well carried out under the provincial court system that any change was unnecessary.⁶⁸ Once more it was decided to postpone the question *sine die*.⁶⁹ It was not until a year later (September, 1920) that Kano township was once again placed under the jurisdiction of the Supreme Court.⁷⁰ From 1920 regular assizes of the Supreme Court were held in Kano.⁷¹

This act was never welcomed by the authorities in Kano. The emirate officials are said to have never liked their exclusion from the township, as we have already noted. The British political staff were clearly opposed to it, and at the conference of Residents in 1926 the Resident, Alexander, violently denounced the arrangement. Alexander claimed that nearly all the cases which had been dealt with in the preceding few years could have been handled by a Station Magistrate with extended powers or by the emirate courts. He condemned the holding of assizes, saying that the principle behind it was difficult to understand. Alexander thought that it would be better if provincial and emirate courts were given concurrent jurisdiction throughout Kano, and he called for the amendment of the Native Authority Ordinance so as to remove the clause which limited the jurisdiction of the Native Authority to those natives 'ordinarily subject to native courts'.⁷² It appears quite likely that Alexander discussed matters in advance with Abdullahi Bayero and that this represented the emir's views on the subject.

A resolution which was moved by the Resident of Ilorin, Hermon - Hodge, and seconded by the Resident of Plateau, Captain Lonsdale, and adopted by the conference called for the subjection of all persons, with the exception of Europeans, residing in an emirate to the native courts.⁷³ But like a corresponding resolution on the general administration of *sabon garis* which was passed at the same conference, this resolution does not appear to have produced any immediate results in Kano. It should be noted also that in 1930 the northern emirs claimed for themselves at the first meeting of the Northern Provinces chiefs the right to try cases of homicide preferred against the

65. *Ibid.*, Gowers to Temple, 17 Oct., 1916

66. *Ibid.*

67. *Ibid.* Speed's minute to Lugard, 18 Dec., 1916; telegram to Gowers, 21 Dec., 1916.

68. *Ibid.* Goldsmith to Governor, 3 Sept., 1919.

69. *Ibid.*

70. *Laws of Nigeria* 1923, p. 28.

71. The first assizes were held in Nov., 1920 and Feb., 1921. See S.N.P. 10/9, No. 120P/1921, Report for Jan., 1920, to Nov., 1921.

72. *Records of Proceedings of Conference of Residents*, p. 4.

73. *Ibid.*, p. 5.

non-Muslim population in their territories.⁷⁴ It is interesting to note that while arguments were going on in Kano all these years as to whether the *shari'a* courts could fairly administer justice to non-Muslims the latter, according to unanimous accounts of informants, were tried in the district courts should any cases be brought against them in those places which many of them were used to visiting as traders and businessmen.⁷⁵

In 1930 a new judicial arrangement was made when a Mixed Court was set up at *sabon gari*. Its personnel was a composite one and it consisted of George France, the executive head of the area, as President, two Yoruba assessors, and one assessor each from the Igbo, Nupe and Hausa communities. France was in his judicial capacity designated 'President of the Mixed Court' whose powers were defined as 'B' grade in civil and 'C' grade in criminal cases.⁷⁶ The new tribunal was created as a result of the continuous rise in petty litigation within the area. It is not clear what became of the the Supreme Court jurisdiction, and field work did not uncover what system of appeal operated before 1933. But under the Native Courts Ordinance which came into force in that year it was provided that appeal from the decision of the Mixed Court lay to the District Officer or Magistrate, whichever was considered more convenient.⁷⁷

The law which was enforced by the Mixed Court was a hybrid, representing the various customs and traditions of the diverse ethnic groups living within the territory. But the court itself is said to have been welcomed by the communities concerned as it ensured that the law of one ethnic group was not imposed on the others.⁷⁸ For example, if there was a case of divorce brought by a Nupe, members of the Court would seek the advice of Nupe elders as regards their traditional method of handling such a matter, and it would be disposed of accordingly. Cases involving two Muslims were generally referred to the Muslim court. But if a non-Muslim sued a Muslim before the Mixed Court the latter was bound to appear for his defence and if a Muslim sued a non-Muslim before a *shari'a* court the latter was also bound to attend.⁷⁹ However, non-Muslims as a group dreaded appearing before *shari'a* courts because it was believed that the *alkali* forced Muslim law on them.⁸⁰ However, the new system was probably the best that could be devised for this little but lively community that was by all accounts very difficult to control and govern.

JUDICIAL IMPLICATIONS OF TERRITORIAL RE-ORGANIZATIONS

As in the political administration, the result of the splitting and re-grouping of territories which accompanied the re-organization of 1907 was the dislocation of the judicial system of the districts. The feelings of the populace on this matter were paralleled only by their reactions to the political consequences of territorial re-organization or *gundama*.

74. Northern Provinces Advisory Council 1930: *Record of Proceedings at full Meeting with Native Rulers* (Kaduna, 1930) p. 23.

75. Many informants, especially at Rano, Gaya, Danbatta, and Birnin Kudu.

76. S.N.P. 172 No. 14686 Vol. I, Kano Province Annual Report, 1930.

77. S.N.P. 172 No. 20208, 'Native Courts Ordinance... Jurisdiction & Appeals'.

78. Sarkin Yarabawa, 23 Aug., 1972 (Kano).

79. Dan Maje, 20 Aug., 1972 (Minjibir), Sarkin Yarabawa, 23 Aug., 1972 (Kano).

80. That is, the *alkali* applied his own law, which must be supreme, as the *shari'a* provides. This agrees with Choucri Cardahi, 'Conflict of Law' in Khadduri and Liebsony, p. 337.

In the first place a number of courts were closed down. British policy aimed at establishing one court at the headquarter of each district. This meant in effect that those areas which were not fortunate enough to have a *hakimi* lost their local courts. Thus, for instance, the courts in the previously important political centres of Bebeji, Garko, Miga, Aujera, and Sankara were automatically closed. The resentment and distress of the people who were in this way expected to leave their homes and travel great distances to file their suits or to give evidence were quite considerable.

The new administration introduced the concept that only the new centres of political power should have *alkalai*. Traditionally this was not the case, for while important political centres had *alkalai* there were other areas distinguished as centres of learning which also had theirs. For example, there were Muslim judges at Lamire and Tsangaya: scholars from the later place in fact served Kano city as teachers, *limamai* and judges. Another idea which was equally strange to the people was that the jurisdiction of an *alkali* was territorial. This was against the precolonial practice when a man's personal convenience determined where he could lodge his case.

In the twentieth century the convenience of the administrators not necessarily that of the people determined where the *alkalai* courts were located and where the *talakatwa* could seek redress. A man living only a few miles away from the *alkali's* court in a district to which he did not belong was in principle required to go to his own district headquarter, however far away that might be. Before the formation of Kuru district, people from this area could not go to Karaye (less than ten miles away) but had to go to Kura (more than twenty miles away). Or, to take another example, the people of Garki, before they got their own district, were not allowed to go to any other place except Fogolawa, more than thirty miles away,⁸² and Babura, which also had to go to Fogolawa, was at least forty miles away from this new capital. The people of Minjibir, who for a long time had no *alkali* of their own, were not allowed to go to Fogolawa, less than ten miles away but had to go to Kano city which was over seventeen miles distant. All this produced a natural result. In the majority of cases the prohibitive distances made peasants lose interest in litigation.⁸³ In the traditional society a man could send his case to his own *sarki* in preference to or in the absence of an *alkali*: under the new system the *sarakuna* were considered excluded from the judicial process. In those circumstances the law was sometimes honoured more in the breach than in the observance, but many people found it more convenient to settle their disputes out of court.⁸⁴ They were also prepared to overlook certain classes of offences committed against them by fellow citizens, cases which they would have taken to court had they found it easy to do so.⁸⁵ Another factor which tended to discourage people from going to court in minor cases was that the plaintiff had to pay a summons fee of a certain amount which was used in paying the messenger who would have to go to inform the

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81. Scholars from Tsangaya were always referred to in Kano as the Gyanawa. These included the seventh Imam of Kano, Mallam Ismailu and the last pre-British *Alkalin* Kano, Mallam Suleimanu, both of whom Aliyu recruited at the end of the civil war.
 82. Dagacin Garki, Mallam Said, Mallam Muhammad Ladan, 13 Aug., 1972 (Garki)
 83. Alhaji Muhammad, 15 July, 1972 (Bebeji); Sarkin Kuru, 14 July, 1972 (Kuru); Dagacin Garki, 13 Aug., 1972 (Garki); Alhaji Abdul Karimu, 24 July, 1972 (Garki).
 84. Alhaji Muhammad, 15 July, 1972 (Bebeji); Dawaki Adamu, 11 Aug., 1972, (Babura); Muhammad, 16 Aug., 1972 (Sankara).
 85. Maiungwar Katutu, Mallam Muhammadu, and Mallam Abubakar, 16 Aug., 1972 (Ringim); Mallam Yusuf, 16 Aug., 1972 (Sankara).

defendant that a case had been brought against him.⁸⁶ This summons fee varied according to the distance to be covered but could often be too high for peasants living in the circumstances of the early colonial period. Though a colonial innovation, the fee was not necessarily unpopular as people appreciated that the court messengers and the witnesses who had to be summoned needed some compensation for their time which would have otherwise been put into productive business.

But serious cases were not easily given up and the distances, however long, were covered on foot or on horse back, depending on the circumstances of the individual. And if a case was brought against someone he had no choice at all but to appear in court at the required time.⁸⁷ In either case, inconveniences and difficulties had to be put up with. A man would leave his family to travel more or less than twenty miles away and might be there for days because it was not always possible for the *alkali* to hear the case and pass judgment immediately. And during this period the plaintiff, defendant, and witnesses faced problems of accommodation and feeding.⁸⁸

Therefore, where an *alkali*'s court was a novelty it was easily accepted by the people even though British insistence on the exclusion of political authorities from the dispensation of justice made no sense to them, considering that the exercise of political authority had always been associated in the minds of the people with dispensation of justice. It is understandable therefore why the creation of a new district out of an existing one usually brought relief and satisfaction to the people of the new district. This was always the major factor in the increase in litigation within the new territory.⁸⁹ The problems we have examined were either totally eliminated or were drastically reduced. On the other hand, where an existing district headquarter was closed down there was a corresponding decline in the litigation emanating from the old district headquarter because the people for the first time faced difficulties which others elsewhere had been confronting since the enforcement of residence on district heads.⁹⁰

Gunduma also stopped the practice, current in some places, of a man being a *limam* and an *alkali* at the same time or of being promoted from the one to the other. The position of some of the existing *alkalai* was recognized and formalised at this time. Others who were replaced specially by men recruited from Kano city fell back on private teaching.⁹¹ Future *alkalai* were recruited either locally or from Kano. Some of the mallams are said to have declined appointment as *alkalai*: a few because they did not want to serve under the British; others because they did not accept the idea of a fixed salary for such positions. Payment of fixed emoluments for the judges was introduced by the British in pursuance of their policy of separation of powers between the judiciary and the executive so that the *alkalai* could not consider themselves dependent for their continuance in office on the good wishes of their district heads. However, many informants considered that the introduction of money payment in return for the services of the *alkalai* was a fair measure because British insistence on their having to be on their duties at specified places and times adversely affected their traditional sources

86. Mallams Dan Muni, Baso, and Haruna, 17 July, 1972 (Tudun Wada).

87. Maijungwar Katutu and Mallam Abubakar, 16 Aug., 1972 (Ringim);

Mallam Yusuf, 16 Aug., 1972 (Sankara).

88. Liman of Wudil, Mallam Halibu, 25 July, 1972 (Wudil).

89. Dawaki Adamu, 11 Aug., 1972 (Babura); Mallam Said, 12 Aug., 1972 (Garki).

90. Liman of Dabi, Zachari, and Mallam Muhammadu Harisu, 17 Aug., 1972 (Dabi).

91. Mallam Yusuf, 16 Aug., 1972 (Sankara). Limam of Dabi and Mallam Muhammadu Harisu, 17 Aug., 1972 (Dabi).

of revenue. The judges could no longer devote enough time to farming, weaving, teaching, and other professions out of which they previously made much of their living.⁹²

In the districts, many of the *alkalai* left behind them a reputation for high moral integrity and impartiality. Not a few of them, however, were unpopular in their districts and are said to have detained, fined, and imprisoned people unduly and sometimes unnecessarily. In the colonial period imposition of fines and terms of imprisonment became a very common way of punishing offences, and since these punishments were of an indefinite nature they were capable of manipulation in pursuance of personal or private vengeance. In contrast, the punishments based on Quranic legislation, being fixed and of a definite character, did not easily render themselves to adroit manipulation by *alkalai* during the last century. On the whole, all classes of the population are said to have taken to litigation to a greater extent than was traditionally the case. As a group of informants put it at Danbatta, the coming of the British brought more trouble, more evil, and too much pursuit of worldly ends.⁹³

By 1932 there were twenty-three district courts in Kano emirate. The number of districts then was twenty-six, but there were no *alkalai* at Gabasawa, Kumbotso, and Ungogo which were considered close enough to Kano city to be able to utilize the urban facilities. The place of the district courts in the judicial administration of Kano is amply illustrated by the fact that in 1931 they dealt with a total of nearly 33,000 cases.⁹⁴ But by far the most utilized of the *shari'a* tribunals was the chief *Alkali's* court in Kano city which in the same year handled nearly 4,000 cases. It was here in fact that the argument about the relation of the political and judicial authorities took, during the colonial period, its bitterest form.

CHIEF ALKALI'S COURT AND THE JUDICIAL COUNCIL: THE QUESTION OF SUPREME JUDICIAL POWER

It must be stressed that this matter, which was such a bone of contention among the colonial administrators, was about the way Indirect Rule should develop in the sphere of judicial administration. It should equally be emphasized that this question was entirely the product of the colonial environment and that it existed only in the reasoning of the British since both the emir and the *Alkali* knew what their powers were in the Islamic legal system. Four principal issues were involved. The first was the Western notion of separation of powers as between the executive, legislative, and judicial functions within the state. In Islamic law such a principle was fallacious: the imam combined in his person all executive and judicial powers and the legislative function as such did not exist since Allah had issued his laws for the good governance of the world in the form of Quranic legislation. The emir therefore was free to delegate his powers but he did not thereby repudiate his own role and as we saw earlier the *Alkali* was a deputy in the judicial sphere. He exercised no more than a delegated authority and the emir did not under this principle repudiate his ultimate responsibility. The

92. Imam of Dabi, Mallam Zachari, 17 Aug., 1972 (Dabi).

93. Alhaji Harisu, 74; Mallam Zachari, 72; and Mallam Ahmadu, 77; 10 Aug., 1872 (Danbatta). Every informant was definitely of the opinion that colonial rule led to a decline in moral standards.

94. See S.N.P. 17/2 No. 16687 Vol. 1 Annual Report, 1931.

British did in fact recognize him as an executive and judicial official but they were sometimes unable to accept the full implications of this recognition. Thus in 1907 Festing reported that the emir frequently 'interfered' with the *Alkhalif's* court and even transferred cases from there to his own.⁹⁵ But the idea of executive interference with the judiciary was absurd in Islam and there was nothing abnormal in the alleged actions of Abbas. Yet it is to be remembered that charges like these were contributory to the abrogation of the emir's judicial powers in 1908. Girouard later gave a ruling on situations of this sort:

Great care should be taken not to impair or lessen the prestige of the emir; the integrity of the bench may be a very high ideal, but where it stands on the toes of our native executive, I fear we must support the executive for the present.⁹⁶

In other words, such a situation should be accepted not as intrinsically good in itself but as a temporary expedient at any rate. This must have been instructive to the Residents of Kano after 1908 but the problem was destined to come to the fore once more.

The next issue was concurrent jurisdiction itself, which the British had granted to the emir and the *Alkhalif* especially with regard to capital sentences. After the abolition of the judicial council early in 1908 only the chief *Alkhalif*—by an irony of history—dealt with cases of homicide, but this monopoly of legal power by the *Alkhalif* was terminated by Temple's administration. Not until Lugard's return was the question of the respective powers of the emir and the *Alkhalif* again raised. In 1915 Lugard, on the advice of his Attorney General, informed Temple that it was impossible for the emir and the *Alkhalif* to exercise concurrent jurisdiction over the same class of offence within the same area.⁹⁷ The Attorney General had expressed a fear that 'if there were two courts with the same jurisdiction over the same area, the result would be confusion'.⁹⁸ But such a state of confusion had never existed, and Temple was there to tell them that he was not in favour of making any alteration in a system which he believed had worked very satisfactorily.⁹⁹ Although the Attorney General gave up the struggle at this stage the Government pushed the matter further and called for a list of the class of offences over which the various councils had exercised jurisdiction. In the list submitted by the Resident of Kano the following categories of cases were stated: (1) debt, where amount involved exceeded £100 (2) ownership of property, house and farm disputes (3) taxation (4) slavery (5) deprivation of office (6) murder and manslaughter (7) slavery (8) highway robbery (9) burglary (10) grievous assault (11) sedition.¹⁰⁰

Lugard now thought that the emirs of Northern Nigeria were wielding more legal powers than they ought to be entrusted with. He pointed out that the *Alkhalif's* courts should deal with all matters in which the law books provided a guide—including murder cases—while the judicial councils should handle executive matters.¹⁰¹ He then suggested what could be considered the judicial councils should be left with as follows:

⁹⁵ S.N.S. 1907 A.I. Report No. 35.

⁹⁶ S.N.S. No. 15, 1908, Nov. 25. Girouard, 21 Aug. 1908. The use of immediate appeals in Kano when the Resident, E.H. Arden, had upheld the decision of the emir against a *Alkhalif's* decision by the emir. See Arden to Governor 20 July, 1908 (telegram).

⁹⁷ S.N.S. 1915 No. 4, 1915, Lugard to Temple, 1 Dec. 1915.

⁹⁸ *The Kano Emirate* (Attorney General) to Lugard, 7 March 1915.

⁹⁹ Temple to Lugard, 8 Feb. 1915.

¹⁰⁰ Resident Kano to Legislative Council, 12 April, 1915.

¹⁰¹ Lugard to Temple, 21 May, 1915.

(1) defaults by officers of N.A. (2) boundary disputes (3) claims to land (4) offences against British laws (5) offences against N.A. (6) succession (7) questions between Muslims and 'pagans' (8) cases in which the *Alkali's* authority was in question (9) sedition. This list is long, but the exclusion of the emirs from certain types of cases represents a determination to further Westernize the judicial system.

The District Officer of Kano observed that the question of murder cases being left to the courts of the *alkalai* would depend on individual circumstances. He argued that though as an 'A' grade court the tribunal of the *Alkalin* Kano was capable of handling murder cases yet it should be remembered that the Waziri of Kano who was a member of the judicial council was the greatest authority on Muslim law in Kano. There was in fact an undue tendency by the British to exaggerate the intellectual status of the Waziri. Kano *ulama'* undoubtedly named him among the accomplished scholars of his time but they all denied that he was the greatest authority on *fiqh*. Incidentally, however, the reputation of the *Alkali* of the time, Mallam *Dikko*, was not as high as that of the Waziri in matters of learning. Secondly, he stressed that it was of the utmost importance that the prestige of the emir should be strongly upheld. He recommended that as a compromise it would be necessary to adopt the practice at Katsina where the members of the judicial council including the emir were present in murder trials; the actual proceedings were conducted by the *Alkali* and the legal members while the emir's role was limited to pronouncing the sentence arrived at.¹⁰²

The Resident, Palmer, was inclined towards this view, and he claimed that it did not really matter to the emir who tried the case provided that his right to preside over the trial and pronounce the verdict was not challenged. Therefore, if what the Governor wanted was that the most competent hand should try such cases, then that objective was already being attained in Kano where the emir was guided by the opinions of his legal experts the greatest of whom the Waziri, was far more learned than the *Alkali* of Kano.¹⁰³ He then suggested that in a situation where the *Alkali* was a man of incomparable ability he should be co-opted as an ex-officio member of the judicial council and made to sit in cases of homicide. He was certain that the plan was not odious to the emir and had the advantage that it would not cause the friction which would otherwise ensue if the *Alkali's* court were given more powers than that of the emir or if it were to be understood that he was enjoying greater confidence of the government than the emir himself.

In practice, however, the *Alkali* did not become a member of the judicial council. Even as late as 1930 Bayero told the meeting of Northern Chiefs at Kaduna that he did not need the services of his chief judge because the council had members trained in the law.¹⁰⁴ Before this date the practice in Kano had been to exclude the *Alkali* entirely from all murder and homicide cases.¹⁰⁵ Jurisdiction over matters of life and death, limited now by the presence of British officials, thus remained one of the principal bases of the emir's powers.

102. *Ibid.*, District Officer, Kano Division, to Resident, Kano Province.

103. *Ibid.*: Palmer to Temple, 16 July, 1915.

104. *Northern Provinces Advisory Council* 1930, p. 23

105. N.A.K. Kano Prof. 5/1, No. 673, Resident to Lieutenant Governor, 19 July, 1927. It is not certain when the exclusion of the *Alkali* from homicide cases was effected, but probably it was at the end of the debate.

The next issue on which final decision had to be taken as regards the respective powers of the emir and the *Alkali* was control over land disputes. The establishment of British administration gradually stepped up the process of land alienation and subdivision of farms at Kano.¹⁰⁶ Traditionally, land was held by the head of the family on behalf of its members, but the removal of warfare and the pressure of taxation on the individual members of the family led to a breakdown of this system and to the gradual emergence of individual holdings.¹⁰⁷ Land could now be mortgaged, transferred, and sold in order to meet the exigencies of the colonial situation. Sales of land continued to be regarded by the emir's council, contrary to the realities of true life, as illegal transactions.¹⁰⁸ Disputes over land and taxes were handled by the judicial council and the *Alkalai*, but it would seem that by 1913 or so they were exclusively reserved for the council alone.¹⁰⁹ In 1920, the D.O. urged that individual ownership of property in land should be recognized and that any disputes arising therefrom be dealt with, like any other case involving ownership of property, by the *Alkali's* court.¹¹⁰ But at various times the senior Residents, Gowers and Arnett, held the view that no change in the procedure by which the council handled all questions pertaining to land should be entertained.¹¹¹ Although such cases were shown as dealt with by the council, in theory at least they were regarded as the prerogative of the emir.

However, all this had to reckon with other realities of the time. In 1930 there was a complaint that farm disputes were taking a great deal of the emir's time.¹¹² In 1929 alone there was a total of 515 land cases and in 1930 the number was as high as 629. Lindsell¹¹³ then proposed to hold discussions with the emir to see if it would be possible to delegate part of this power, for there was a certainty that so long as the traditional system of land tenure continued to be corroded by the new situation litigation was not likely to decrease appreciably. In due course this delegation of power was effected and some of the district heads were authorized to arbitrate in farm disputes and transfer to the emir more difficult cases with full reports of the preliminary investigation carried out by them.¹¹⁴

And lastly the final position with regard to appellate jurisdiction had to be determined. Lugard had laid down that an appeal lay from the district court to the chief *Alkali's* court or the judicial council.¹¹⁵ Thus his idea was that since both courts were of 'A' status it did not matter where the appeal was lodged. However, after the abolition of the council at the beginning of 1908 the court of the *Alkalai* Kano became the supreme court of appeal for the whole emirate.¹¹⁶ When the council was restored a year later there was a return to the old arrangement. This seems to have functioned more or less as required by the British until early in 1927 when the British staff accused the new

106. This view is common in various reports. By 1908 land alienation was already causing some concern to the British in Northern Nigeria.

107. C. W. Rowling, *Report on Land Tenure Kano Province* (Kano, 1952) p. 2.

108. S.N.P. 109, No. 120P 1921, Report Jan. 1920—Mar. 1921.

109. There were no judicial returns in the inter-war years 1914—1919.

110. S.N.P. 109, No. 316P 1920, Gowers' 'Handing over note' to Arnett.

111. S.N.P. 109, No. 120P 1921, Report No. 59, Jan. 1920 to Mar. 1921.

112. S.N.P. 112, No. 1466a Vol. 1, Annual Report, 1930.

113. H. O. Lindsell succeeded C. W. Alexander as Resident in 1929.

114. S.N.P. 112, No. 1008² Vols. I and II, Annual Report, 1931. The number of cases handled by the emir fell from 411 in 1932 to 270 in 1933.

115. Lugard, *Political Memoranda*, p. 178.

116. S.N.P. 78, No. 289 1908, Mid Year Report, 1908.

Emir, Abdullahi Bayero, of 'interfering' with the decisions of the *Alkali*. The judicial council had in effect been acting as if it were a court of appeal for cases in which the chief judge had already given a ruling.¹¹⁷ Granting that this was so, the emir was acting within the bounds of Islamic legal tradition. Under the law a litigant dissatisfied with the judgment of the *Alkali* could appeal to the court of the executive authority,¹¹⁸ and this was also the tradition in pre-colonial Kano. However, this brought him into conflict with the British whose system recognized no such procedure. How far apart the two systems were from each other is reflected in this letter from Lindsell, the Acting Resident, to the emir:

since the Emir is not a *cadi* it is necessary to place the law in the hands of the *alkali*. The *alkali*, however, if he takes bribes, or is dishonest, is subject to the Emir's jurisdiction, like any other. But in respect of the law, since he is the supreme *alkali* if he has given judgment, judgment is given and the matter is with God. It is not right to mix the legal work of the *alkali* and the *sharia* of the *sarki*.¹¹⁹

At a subsequent meeting between the Resident and the council Lindsell told the emir face to face that it was no business of the council to meddle with the *Alkali's* decisions. At the same time an attempt was also made to re-define the role of the council as follows: jurisdiction over homicide cases, land disputes, taxation matters, cases involving N.A. officials, political offences, and the like.¹²⁰ In other words, the main body of the *shari'a* was the *Alkali's* responsibility to administer. Nothing was said of the judicial council being an appeal court, but on the other hand this was not explicitly denied. However, in 1933 the council became, under the new 'Native Courts Ordinance', the final court of appeal in the emirate and was authorised to hear appeals from the chief *Alkali's* court.¹²¹ This more or less restored the traditional position of the emir vis-a-vis the *Alkali* and did not represent a new accretion of power.

In another respect also the traditional position of the emir was upheld. Under the Native Authority Ordinance of 1916 the emir was authorized to make 'orders' to be obeyed by his own subjects provided that such 'orders' did not conflict with any of the government's Ordinances.¹²² Obedience to such orders was enforceable, if need be, by the colonial government. The practice in Kano was for the emir to issue orders adopting some of the Ordinances or dealing with circumstances peculiar to Kano. They covered a wide range of subjects; an order dated 23 January 1909, explained how death duties were to be collected and was specially issued to regulate the conduct of *alkalai* and district heads on this subject.¹²³ At various times orders were issued (a) making the possession, buying and selling of imported liquor within Kano territory a punishable offence (b) regulating the sewing of foreign cotton seeds: this particular rule aimed at improving the quality of cotton produced by prohibiting the growing of indigenous cotton seeds where foreign seeds had been introduced (c) regulating the selling and buying of groundnuts (d) for the control of animal and human diseases (e) prohibiting bribery, corruption, and so forth.

117. N.A.K. Kano Prof. 5/1, No. 693, Note by Lindsell.

118. Tyan, *ubi supra*, pp.238, 241-2, N. J. Coulson, *A History of Islamic Law* (Edinburgh, 1964), p. 163.

119. N. A. K. Kano Prof. 5/1, No. 693, Lindsell to Bayero (undated).

120. *Ibid.*

121. S.N.P. 17/2, No. 20208, the correspondence re 'Native Courts Ordinance'.

122. For this Ordinance and its provisions, see Appendix V.

123. S.N.P. 6/5, No. 44/1909, 'Emir of Kano's order re-manner in which gado is to be collected'.

Most, if not all, of these orders were originated by British officials. But the important thing is that they were issued by the emir and announced to the people in a way which made it appear that the orders were his. These orders were enforced by both the judicial council and other *shari'a* courts and were accepted as binding by the *ulama*.¹²⁴ All this is consonant with the traditional *siyasa* powers under which emirs could make certain regulations in the interest of the Muslim community. By no means were all the twentieth century rules at first received without demur. One of the earliest proclamations issued by Abbas was the one which outlawed slave dealing. In obeying such orders made within the first few years of conquest and which did not represent their own ethics, many Muslims were aware of the fact that their emir was not a free agent and that they themselves were powerless.¹²⁵

THE PERSONNEL OF THE COURTS

The personnel of the courts is a matter of great interest since on it depended the quality of justice administered. In the first chapter we examined the criteria for the recruitment of *alkalai*. These did not change during the twentieth century, and in particular great emphasis continued to be laid on the candidate's intellectual accomplishments. The British accepted these criteria but they introduced another quality which was important in their own society - the requirement that the *alkali* should possess a quality of independence of character in relation to the political authorities. In this period as earlier the *alkalai* continued to be recruited from the traditional *mallama* class and there was no question of hereditary privilege. During this period also the *alkalai* generally occupied a position of greater importance than used to be traditionally the case and this was the result of colonial policy which in the case of the emir attempted, at various times, to de-emphasize the judicial role of the executive authority and in the case of district and village heads denied this role altogether.

We shall now follow the careers of the men who held the post of chief *Alkali* of Kano during this period as an aid in understanding the character of their administration, the conditions under which they worked, and the various pressures to which their court was subjected. After the promotion of Gidado to the office of Waziri, the *alkaliship* passed to a number of other mallams of repute. His first successor, Mallam Ibrahim, received his education in Zaria and was appointed Magatakarda by the Emir, Ahyu.¹²⁶ Abbas retained him in this office, and even after his recommendation as *Alkali* he retained a seat in the judicial council.¹²⁷

It was not long before the character of the new *Alkali* started to be doubted by the British. At the end of 1910 Palmer complained that the court left much to be desired. Bribery and corruption were alleged and in 1911 Arnett summoned and reprimanded him. In 1912 the *Alkali* was said to have ordered the release of a prisoner following large

124. S.N.P. 10/8, No. 316P/1920, Mid Year Report, 1920.

125. Mallam Ibrahim, Babban Mallamai, 16 June, (Kano); Limam of Yola 22 June, 1972 (Kano).

126. Dokaji interview, 24 Aug., 1970. According to Dokaji, Ibrahim was also a well known scholar and teacher before his appointment. A Mallam of his standing (Fika wrongly gives his name as Abdulkadir) cannot be described — as Fika (p. 128) has done — as 'a man who lacked visible independent means of livelihood'.

127. S.N.P. 7/10, No. 6415/1909, Annual Report, 1910. The *Alkali* was at first appointed on probation and was later contracted.

bribes he allegedly received. In 1914 following further accusations of irregularities at the court the emir and the Waziri investigated and proved that a number of them were well founded.¹²⁸ Besides, it was proved that the *Alkali* took and spent the sum of £86:6/- the property of an orphan, and in another case it was substantiated that he spent without orders the sum of £37:11/6 belonging to the N.A. treasury (*bait al-mal*).¹²⁹ In the letter asking for the removal of the *Alkali* the emir declared: He who does acts of this kind is not worthy to be *Alkali*, for justice is not done except by one who fears God, who will refuse to steal the property of any one, much more the property of an orphan.¹³⁰ Oral evidence tended to be silent on the reasons leading to the dismissal of the *Alkali*, but his fall seems to have come as a surprise to the general public because Ibrahim was one of the most influential scholars of his day.

His successor in office was Mallam Muhammadu Dikko. Son of Limam Umaru, Dikko had also pursued a career of Quranic teaching before his appointment.¹³¹ The District Officer, Wightwick, had a low opinion of him but no specific case was made against him. The exigencies of the war made detailed inspection of judicial activities impossible for the British staff. In May, 1919, the *Alkali* resigned on account of deafness which made it difficult for him to continue his work.¹³² He was succeeded by his younger brother, Muhammadu Aminu who was until then the *alkali* of the junior court and had had part of his legal training under Dikko.¹³³ Aminu did not stay in office for long. It is said that the early good impressions he made were not sustained, that his followings who surrounded the court blocked the cause of justice, and that only the rich who could pay their way through had any chance of getting a hearing and winning their cases.¹³⁴ The *Alkali* must certainly have had a number of weaknesses, but the picture of wholesale corruption and abuse of office was rejected by oral evidence. Perhaps the most one can say is that all was not well with the *Alkali's* court.

What finally sealed his fate was the issuing by his court of freedom certificates to two girls who were brought in for ransom. A man named Mudi paid a total of £21 in respect of the two girls whom he apparently wanted to marry; the *Alkali*, for his part, issued the necessary certificates. Investigation disclosed that one of the girls called Mairo was brought into Nigeria from the Cameroons five years previously. It was therefore a contravention of the Nigerian law to ransom her since she was, in the eyes of that law, not a slave.¹³⁵ When questioned on this, the *Alkali* denied any knowledge that Mairo came from the Cameroons, but when confronted with the certificate which he himself had issued and which showed that the girl came from the Cameroons he had nothing else to say. He was dismissed by the emir,¹³⁶ and was later tried in the provincial court, convicted on a charge of aiding and abetting slave dealing and sen-

128. S.N.P. 8/1, No. 374/1914, Gowers to Lieutenant Governor, 28 Nov., 1914.

129. *Ibid.* Abbas to Gowers, 27 Nov 1914.

130. *Ibid.* In Islam seizure of the property of orphans is regarded as a very grievous crime.

131. Mallam Umaru (Sanda), formerly *Alkali* and now the deputy Imam of the Kano central mosque, interview, 3 Sept., 1970. Liman Umaru (mentioned above) was the Imam of Kano under Sarkin Kano, Bello.

132. S.N.P. 10/7, No. 318P/1919, Mid Year Report, 1919.

133. Mallam Umaru, 3 Sept., 1970 (Kano).

134. S.N.P. 8/8, No. 10/1921, Resident Kano (A.C.G. Hastings) to Lieutenant Governor, 19 Jan., 1921.

135. According to the law, any slave brought into Northern Nigeria after 31 March, 1901, was automatically a free person.

136. S.N.P. 8/8, No. 10/1921, Resident to Lieutenant Governor, 19 Jan., 1921.

tenced to three years imprisonment. After the sentence had been confirmed, both the Attorney-General and the Chief Justice of Nigeria expressed their feeling that the conviction was wrong in law because the *Alkali* merely gave a freedom certificate to one who was already technically free. A grant of pardon was then recommended.¹³⁷

This matter illustrates one aspect of the conflict of laws. Going by Islamic law, the girl in question, having not been formally set free, was still by status a slave, but the Nigerian law claimed that the mere fact of her having been brought into Nigeria automatically made her free. The *Alkali* evidently did not imagine that he had committed any offence under the *shari'a*. Whether he knew that he was violating the Nigerian law and whether he had consciously asserted the supremacy of one law over another is a difficult question to answer. His conviction and imprisonment show the danger inherent in the provincial court system under which people with little or no legal training were vested with judicial functions. The opinions expressed by the law officers in Lagos further raises the question as to whether the ground for the deposition of the *Alkali* was valid.

The choice of a successor proved very problematical. The Acting Lieutenant Governor, Arnett, called for the selection of a man of strong character who would be able to resist temptation and exercise a controlling influence over his subordinates.¹³⁸ With this object in view, many of the reputable mallams throughout Kano were summoned for assessment. Out of many interviewed it seemed that the choice lay between Ahmadu dan Abbas and Jafaru, who were respectively sponsored by the emir and the Waziri. Ahmadu, aged 59, was formerly an employee of the *bait a-mal* and was at the time a member of the judicial council. Jafaru, aged 42, was the grandson of a former Imam of Kano, Muhammadu.¹³⁹ He joined the colonial government's service in 1908 and was its chief scribe. Eventually, the candidate who was approved for appointment at the instance of Arnett was Mallam Usman, aged 70 and until then *alkalin* Gaya for twenty-four years.¹⁴⁰

In the first year of his tenure Usman performed his duties well, but it later became evident that this satisfactory standard could not be maintained and that he was too much of a weak character. But what cost him his post was a certain estate which was administered in a way that brought much discredit to the court. In the circumstances his dismissal followed,¹⁴¹ and as the emir had now changed his mind Jafaru was appointed as successor. This ended the search for a candidate who could combine a sound knowledge of the law with honesty and integrity, for Jafaru held the *alkaliship* with great distinction until his death in 1939.

While the power to appoint and dismiss the *alkalai* of Kano traditionally belonged to the emir his exercise of such power in the districts was a phenomenon of the colonial

137. *Ibid.*

138. S.N.P. 8/8, No. 10/1921, Lieutenant Governor to Resident, 31 Dec., 1921.

139. According to the present Imam of Kano (23 June, 1972), Muhammadu was the third Imam of Kano, son of the first Fulani imam, Suleimanu, and grandfather of the informant, Mallam Dalharu.

140. According to informants at Gaya, Usman had been *alkalin* Gaya since the days of Aliyu.

141. S.N.P. 8/8, No. 10/1921, Resident to Lieutenant Governor, 17 July, 1922. Usman was later appointed to the court of Sumaila in March 1923 but he died on his way to take up the post. *Vide* Kan Prof. 2/45, No. NCT/87, Resident of Kano to Lieutenant Governor, 26 Sept., 1926.

era. Traditionally, local *sarakuna* appointed their own *alkalai* where these existed and dismissed them at their own pleasure: In the twentieth century British-officials became a new factor in the lives of the rural *alkalai* who could now be reprimanded, transferred, or removed from office on the basis of touring reports. That the *sarakuna* no longer controlled the appointment and dismissal of *alkalai* and that the latter were in fact higher authorities than they generally is another measure of the extent to which their powers had been destroyed.

The *mallamai* members of the judicial council enjoyed greater security of tenure since they were not open to temptations of bribery and could not be held individually responsible for any decision given by the emir. With the Waziri Gidado and a number of very learned mallams forming part of it, the judicial council was obviously the most learned judicial tribunal in Kano in the years 1909-30. The emir chose whomsoever he pleased among the mallams as his legal advisers. Bayero's council at the end of this period consisted of the emir himself; Waziri, Muhammad Gidado; Madaki, Mahmud; Galadima, Abdulkadir; Ma'aji, Abdullahi; *limamin*, Kano, Manu; *limamin* Yola, Muhammad Kwairanga; *limamin* Galadanci, Abba, also known as Zubeiru; and two other mallams.¹⁴²

The Waziri was a steady member and until his death in 1937 he was the major, and was often regarded by the British as a conservative, influence on the legal side of the council's decisions. There was a permanent seat for the *limamai* of Kano but the imams, unlike the *waziranci*, changed hands several times. Important figures in the council during the last years of the Emir Usman were the *limamai*, of the Yolawa and the Galadanci mosques. The circumstances which brought them into the council are not known, but it should be noted that the Yolawa and the Galadanci quarters are very important areas in Kano city. The *Limamin* Yola, Mallam Muhammadu Kwairanga, was appointed in 1922. He had been appointed *alkalin kasua* in 1910 and had held this position until he became the *limam* of Yola and judicial councillor.¹⁴³ Kwairanga was the first Yolawa *imam* to be appointed to the council during the British period. Mallam Abba's membership of the council was one of the long term effects of the Kano civil war. He had been introduced to the Galadanci area by the Galadima, Shehu, who appointed him the *imam* of the quarter.¹⁴⁴ Not only was Zubeiru a tutor to Galadima, Shehu; his family supported the victorious Yusufist faction during the civil war.¹⁴⁵ By 1922 Zubeiru had already been a member of the emir's council for almost two years and had been *limamin* Galadanci for twenty-eight years.¹⁴⁶ He died probably early in 1932 and his position in the council was not filled until 1935 when the *alkalin Bichi*, Mallam Ibrahim dan Umaru, was appointed.¹⁴⁷

In the districts, profound changes took place in the organization and personnel of the courts. While traditionally judicial administration would seem to have been somewhat informal and haphazard, the twentieth century aimed at something formal

142. N.A.K. Kano Prof. 1/1, No. 96/1926. The *Limam* of the Galadanci mosque does not appear in this record.
143. *Limam* of Yola, Mallam Nuhu, 2 Sept. 1970. Nuhu's father, Mallam Mustapha, was a member of Aliyu's Council and also served during the first four years of Abbas.
144. *Limamin* Galadanci, Mallam Bello, 73, 15 Sept., 1970, The *limam* is the son of Mallam Abba.
145. Mallam Hamza, 16 Sept. 1970. According to the *Limamin* Galadanci, Zubeiru himself studied under Mallam Suyuti Madabo and also spent a year in studies at Zaria.
146. S.N.P. 8/8, No. 10/1921. Resident of Kano to District Officer, 23 Jan., 1935.
147. N.A.K. Kano Prof. 1/1, No. 96/1926, Resident Kano to District Officer, 23 Jan., 1935.

and systematic. In terms of importance, the *alkalai* ranked next to the *hakimai* in the district administration. From the very start they were each given two assistants (*muftai*, singular *mufti*) to act as assessors. The early set-up was clumsy. Not in all cases were these *muftai* educated. In Wudil, neither of the two was, and as the *alkali* was a very aged man the court was run by a literate, intelligent, outsider whose services were unauthorized and therefore nominally unpaid for.¹⁴⁸ The central administration in Kano provided each court with two or three of the emir's *dogarai* to carry out its orders.¹⁴⁹ The *Alkalin* Kano also had his own *muftai* and a number of *dogarai* were attached to his court.

A number of people (*yan ijara*) were also attached to the various courts; their duty was to call anybody whom the *alkali* wanted to see in connexion with any case. As remuneration they were entitled to receive 'calling fees' which depended on distances covered and which were borne entirely by the plaintiff.¹⁵⁰ In course of time each *alkali* was given a scale of fees definitely fixed by the emir for various localities. The fees were instituted out of the necessity to compensate people who in addition to leaving their work in order to answer such calls might also incur some expenditure in doing so, but it may also have aimed at discouraging litigants from swelling the cause lists unless they felt strongly that they had valid cases to make.

It proved extremely difficult to restrict the membership of each court to the authorized staff, especially in the more remote districts which were infrequently toured. In Jahun, for instance, even as late as 1925 it was found that the *alkali* had instituted a number of offices around himself. His *cazirin alkali*, Muhammadu, was an illegal member of the court; when questioned on this by a touring officer the *alkali* claimed that Muhammadu's membership was sanctioned, but when it was pointed out to him that there was no such name in his list he then denied having even employed him.¹⁵¹ The *makaman alkali* was also an unauthorized staff and the *chiroman alkali* though a legal member, was the *alkali's* own son. The *alkali* told the inspecting A. D. O., Nead, that these titles were not meaningful, but the latter believed that the holders exercised considerable influence to which they had no claim. The officer recommended that the *alkali* should be summoned to Kano for questioning by the emir—a measure most dreaded by district administration officials, whether district heads, *alkalai*, or village heads, since it sometimes resulted in deposition.

RELATIONS WITH POLITICAL AUTHORITIES

What we have said in various places makes it quite definite that in the twentieth century the colonial administration tended to emphasize the position of the *alkali* at the expense of that of the political authorities. The emir-chief-*alkali* relations need to

148. N.A.K. Kano Prof. 51, No. 244, 'Wudil district, *alkali* and prison: report on'. This court was first inspected by a touring officer on 14 April, 1914.

149. S.N.P. 710, 6415 1909, Kano Province Annual Report, 1909.

150. S.N.P. 710, No. 6415 1909, Annual Report, 1909. There were thirty of these in the chief *alkali's* court in 1909 and the fees they charged varied between 1,200 cowries and 10,000 cowries.

151. N.A.K. Kano Prof. 51, No. 729P.

further discussion here: it has been shown that by 1933 the emir's position had been so consolidated that the chief *Alkali* became no more than Audullahi Bayero's senior law officer whose decisions were subject to review, if need be, by the chief executive.

There was no parallel development in the districts. So far from this ever being the case political officials never, if one ignores the occasional infractions of the law, rose from the depths into which British policy threw them in judicial affairs. They still dealt with matters such as could be dealt with through administrative action. But no longer could they, as part of their recognized functions, concern themselves with such issues as divorce, debt, personal injury, theft, and so on. Their role now was to see that such matters were taken to the *alkalai* if these came to their notice. It might be argued that those of the new district heads who were office holders recruited from Kano city had traditionally not been directly concerned with such questions and that the real sufferers were the traditionally resident territorial administrators. Yet once these officials arrived in the districts they began to feel frustrated because exercise of political power was in Hausa custom bound up with exercise of judicial functions.

As the British policy required that legal decisions should not be given by any other than the recognized *alkalai* it became desirable to ensure the independence of the new courts from 'interference', (as now understood) by political officials. The establishment of regular stipends for the judges was a step in this direction, but these stipends were at first made payable to them by the district heads. Cargill explained to the newly appointed *alkalai* that the fact that their pay came to them from the district heads did not in any way imply that they were under any obligation towards them. In due course the *alkalai* got their salaries directly from the *bait al-mal*, as a further step towards insulating them from political pressure.

These salaries were subject to review. In 1921 a minimum of £7 and a maximum of £15 for the more important judges were recommended by the Acting Resident, A.C.G. Hastings,¹⁵² but there is no indication that this recommendation was accepted. In 1932 eight of the 23 district *alkalai* were each on £120 per annum, ten were on £108 and five on £96 per annum. The *mallamai* members of the judicial council were each on £120 per year.

It was never possible in practice to exclude the political authorities entirely from the judicial process, and part of the rancour in the countryside was concerned with district heads who would not leave legal administration to the trained minds. An A.D.O. who visited the Makama's district in 1917 was told that the learned but timid *alkali* of Wudil was in the hands of the district head who was dealing with many judicial questions.¹⁵³ Actions in such situations were sometimes swift. In 1921 a suspicion that members of the court of Taura were under the influence of the district head's staff led to the exchange of the entire members of the Taura court for those of Tudur Wada. In 1928 it was discovered that some village heads of Kiru were dissolving marriages and levying fines on their own responsibility.¹⁵⁴ In some cases the distance of the *alkali's* court from the more remote villages led to village heads or other unauthorized persons illegally doing the work of the *alkali*, especially in the administration of the estates of deceased persons, and in either case not only was the law broken but

152. S.N.P. 8/8, No. 10/1921, Resident of Kano to Lieutenant Governor, 2 March, 1921.

153. N.A.K. Kano Prof. 5/1, No. 244, 'Wudil district alkali and prison: report on'.

154. N.A.K. Kano, Prof. 1/1, No. 2537, 'Touring Report'.

also there was loss to general revenue.¹⁵⁵ At the court of Jahun in 1925 it was discovered that about 99% of the cases on record were matrimonial, others having allegedly been settled out of court by the agents of the district head and the Sarkin Fulani Jahun.¹⁵⁶

In a number of cases the pendulum swung to the opposite direction as the *alkalin* competed with the district chiefs for political influence. The case of Yahya, the *alkali* of Sumaila, involved some difficult issues. Yahya, a native of Gombe, had come to Kano as a place hunter. He became the protege of the Sallama, one of the emir's chief slaves, who used his influence with the Emir, Usman, to secure him appointment as *alkalin* Dawakin Kudu. Here he cultivated deep personal relations with the Dan Iya (later Galadima) who gave him one of his wards, a daughter of the Chiroma, Bayero, (later emir) in marriage. Because of this connexion his influence rose higher still and he was said to have been rated by the *talakawa* above many district heads.¹⁵⁷ It is hardly surprising that when, following adverse reports on the court in 1928, the dismissal of the *alkali* was recommended to the emir he simply put it aside. A compromise was reached, however, that the whole court staff of Dawakin Kudu should be transferred to the district of Sumaila.

This did not improve matters. At Sumaila the new *alkali* soon overshadowed the district head, and the Dan Darma, *hakimin* Sumaila, who was aware of the man's strong connexions, was afraid of him. Yahya's alleged offences included accumulation of wealth from several sources such as a 1/- *gaisuca* from all women seeking divorce. The last straw came late in 1929 when the *alkali* threw a man into prison without formal charges and the man died shortly after his release. This was hardly the work of the *alkali*, but Dan Darma was unable to intervene.¹⁵⁸ The emir at last agreed that matters had gone too far and Yahya was deposed. And at Garki, Mallam Sadauki, who was appointed *alkalin* Garki in 1930, exploited his influential connexions to make a definite bid for political power. He had been chief scribe and adviser to the emir's son, Muhammadu Aminu, who was appointed Dan Iya and district head of Dawakin Kudu in 1927.¹⁵⁹ Soon, open friction developed between him and the district head of Garki, the Magajin Mallam, who was new to the district. Allegations of corruption and disregard of instructions were made against the *alkali* by a touring officer, who also stated that his influence was definitely subversive of the authority of the executive head.¹⁶⁰

He ignored the district head in matters in which he ought to have been consulted and the Magajin Mallam, though infuriated, could not complain to the central adminis-

155. N.A.K. Kano Prof. 5/1, No. 729P. The *alkali* of Jahun complained to the District Officer in 1930 that only people from the immediate vicinity of the courts brought cases to him and that possibly village heads were usurping his functions. The District Officer, Orme, suggested that the *alkali* should occasionally go on tour as people in the remote parts of the bulky district might feel reluctant to go the long way to Jahun. When the Resident discussed his idea with the emir, Bayero argued that this was contrary to tradition.
156. N.A.K. Kano Prof. 5/1, No. 729P. Noad's report on the court of Jahun.
157. N.A.K. Kano Prof. 2/45, No. NCT87, Abrahall (District Officer on inspection tour of Sumaila) to District Officer, J. H. Carrow, 16 Oct., 1929.
158. The Execution of the lawful decisions of the courts was the duty of the district head. Informants at Sumaila did not have more than very vague recollections of the Yahya affair.
159. N.A.K. Kano Prof. 5/1, No. 226. The Resident of Kano to Lieutenant Governor, 15 March, 1930.
160. *Ibn.* C. K. Wreford to District Officer, 20 Nov., 1930.

tration because he was not sure of support.¹⁶¹ Noad, who toured the district, was so disgusted with the *alkali* that he took the unusual step of suspending him from duty and he was later dismissed by the emir, Abdullah Bayero. Informants at Garki confirmed the strained relations between him and the district head which appear to have been the main reason for his deposition.¹⁶² The phenomenon of an *alkali* competing with the district head for political influence was a development of the colonial period made possible by the fact that the *alkali* was no longer an appointee of the local executive and hence his tenure of office was not dependent on the latter's wishes. However, much as the British were anxious to protect the new doctrine of the integrity of the bench, they did not mean to encourage the *alkalai* to arrogate political powers to themselves. But the re-definition of functions as between the two groups of officials was such that conflicts were impossible to avoid altogether. The long distances which separated the *alkali* of a district from the various villages which made it up, poor communication, and other factors all combined to make the total exclusion of the *dagatai* from the judicial process to some extent a legal fiction.

PRACTICE AND PROCEDURE

It is pertinent here to examine how the work of the courts was conducted. Our emphasis will be on the chief *Alkali's* court. Since this court was most easily inspected by British officials it was under the greatest pressure to accept change. The practice and procedure adopted here were therefore an example for the district courts to follow.

Here we notice that the consolidation of British rule brought one important change in procedure. Previously the *Alkali* had no official court building, and he did his work mainly in his own house. Lugard required him to 'sit in a specified building as a court house' and at a specified time; if he or any member of his court contravened this rule he would be subject to fine or dismissal.¹⁶³ It was anticipated that this innovation would meet with some opposition at Kano. At the end of 1907 Festing urged that a permanent stone building for the *Alkali* was a great necessity.¹⁶⁴ In the neighbouring emirate of Katsina the new system had been given a trial and had proved a success.¹⁶⁵ However, as often happened in those early years, developments at Kano lagged behind those at Katsina, and by the end of 1909 the *Alkali* of Kano with his assistants was still conducting legal administration in his own house.¹⁶⁶ Later, however, not only the *Alkalin* Kano but also the district *alkalai* conducted their business in buildings specifically meant for this purpose.

Except where otherwise stated, the following description of practice and procedure in the chief *Alkali's* court is taken from an official report made at the instance of the

161. *Ibid.* The *alkali's* acts of defiance included sending summoners to the village areas without clearance from the district head and failing to meet and greet or send messages of greetings to the Magajin Mallam whenever he returned from tour. Wreford had earlier reported that the *alkali* aided his *yan tjara* to ignore summons by the district head.

162. Dagacin Garki, Mallam Said, and Mallam Muhammad Ladan, 13 Aug., 1972 (Garki).

163. Lugard, *Political Memoranda* (1906), p. 178.

164. S.N.P. 15/3, A2, Report No. 35.

165. *Ibid.* It was precisely for this reason that Festing wanted the experiment to be tried at Kano.

166. Mss. Afr. 952, 6/1, Arnett Papers, Rhodes House Library, Oxford: inspection report by Arnett, then a second class Resident.

Chief Commissioner¹⁶⁷ about June, 1934.¹⁶⁸ The court had a fairly enormous staff.¹⁶⁹ Before proceedings began one *mufti* recorded the names of complainants; these were then passed to the *Alkali* who called in litigants in that order. After stating his case the complainant paid his fee for summoning the defendant: within the city the charge for this was 6d. but there was an additional $\frac{1}{2}$ d per mile for calls outside the city.¹⁷⁰ Another *mufti* recorded the names of the parties concerned, the complaint, name of the *dan ijara* (plural *yan ijara*) who was to go for the summons, and so forth.¹⁷¹ All proceedings were conducted in Hausa but recorded in Arabic.

Summonses were served orally. In the case of a defendant in the district a letter would be addressed to the village head concerned. A defendant was expected to appear before the court within a day or two and if resident in the city he could present himself immediately should he be required to do so. A second summons might be served, with no additional cost to the plaintiff, and only if this was not honoured would the political authority be requested to compel attendance.¹⁷² According to informants, there was no change in procedure with regard to the hearing of a case, the use of witnesses, and the delivery of judgment. In the case of a debt suit, for instance, the method outlined in chapter one was not altered. Judgment having been given in the presence of the defendant the *Alkali* would persuade the plaintiff to allow enough time for his claims to be met, if the suit was successful and the defendant pleaded that he had no money.

Payment by instalments could be agreed upon if the defendant was on a paid employment, or a definite time could be fixed within which payment must be completed.¹⁷³ Should it happen that he was entirely without means and there was no hope of his being capable of paying, he would be required to make a sworn declaration to this effect. This oath did not invalidate the claims since the plaintiff could again proceed with action if he noticed any change in the circumstances of the debtor. A defendant who failed to discharge his obligations within the period agreed would be detained in the debtor's prison. Unless he was willing to enter into satisfactory arrangements he was liable to be detained for a period of three months. Such detention changed nothing and in no way cancelled his debt.¹⁷⁴

An innovation associated with the colonial era was the payment of court fees. For instance, if through court action a man was able to recover a debt he was made to pay ten percent of it to the *bait al-mal*. *Ushiri*, as this payment was called, was condemned by some of the *ulama* as contrary to the *shari'a*.¹⁷⁵ In the same way, ten percent was also deducted from any payment to an individual in compensation for an injury.

Rules were also formulated for the administration of the estates of dead persons. The procedure adopted was as follows. If a man died it was the duty of the district head

167. The designation of the Officer administering the Northern Provinces changed to 'Chief Commissioner' late in 1932.

168. S.N.P. 17/3, No. 21516, 'Native courts—Reports on Practice and Procedure'.

169. This was made up of the chief *alkali*, 5 *muftai*, 2 scribes, 5 appraisers, 1 court usher, 15 *yan ijara*, 1 *dogari*, and an emir's messenger.

170. The summons fee could be waived if the plaintiff happened to be a pauper.

171. The *yan ijara* were on a fixed salary of £1 per month; the summons fee was credited to the revenue.

172. This would involve sending a *dogari* to effect arrest.

173. S.N.P. 17/3, No. 21516, 'Native Courts...'

174. *Ibid.*

175. Limam of Dambazau, Mallam Sŋehu, 22 June, 1972 (Kano).

to inform the district *alkali* who would then make a list of the estates and then report the same to the chief *Alkali*. The latter would then authorize the district *alkali* to divide the estate among the heirs according to their recognized shares. The *ujera* (not to be confused with the *ushiri*) or the ten percent claimed by the *bait al-mal*, was then handed over to the district head for transmission to the *Ma'aji*.¹⁷⁶ Some *alkalai* lost their positions either for administering estates without specific instructions from Kano or for not administering them properly when given that authorization. It hardly needs to be pointed out that it was physically impossible for one *alkali* to attend to the details of estate administration in respect of several persons that died daily in each district. The result, of course, was that often estate administration passed into unauthorized hands. Sometimes the laws seemed perfect in theory but they could not be enforced in practice.

At first homicide cases continued to be treated as a matter in which the state did not prosecute but in which the deceased's next of kin had the right to pursue or abandon the case. Thus, for example, in 1908 a certain Abubakar slapped his wife who fell down and died. The only witness was the woman's three year old son and next of kin. The *Alkalin* Kano, the later Waziri Gidado, decided not to hear the case until the child had grown up and was prepared to prosecute.¹⁷⁷ In later days, however, the state became the prosecutor but this did not necessarily change the procedure or rules of evidence. All that was involved was that government would not have to wait until somebody had decided to take up a homicide case before it could be brought to court. Hence there were such cases as 'Rex versus X' or, in later years, 'Kano N.A. versus X'. This was not with any prejudice to the rights of the next of kin to demand death or *diya* in the event of conviction.

There was an interesting case of Rex versus Wagani which illustrates several points of interest in Islamic criminal procedure. A certain Serikiyo of Jauga in Ringim district went to the field to bring corn and passed by the farm of another man named Wagani who alleged that his own crops had been damaged by Serikiyo's horse. Serikiyo denied the charge but a fight followed during which Wagani threw Serikiyo on the ground and started beating him. Two other men, Mallam and Bello, rushed to the scene and separated them. After the fight Serikiyo who appears to have sustained serious injuries went to one of his blood heirs called Mama and told him in the presence of some witnesses: 'If I die, Wagani has killed me, and no one else'.¹⁷⁸ Serikiyo died fifteen days later and the *alkali* of Dabi (Ringim) summoned Wagani and Mama before the emir and reported the matter. Before the council Mama repeated Serikiyo's statement that Wagani was responsible for his death, but Wagani denied that Serikiyo ever said anything of the kind. Three men Gari, Gagil, and Bello bore witness to the alleged statement.

However, Wagani refused to accept the evidence of the three men; Bello's on the ground that Bello was seeking the hands of Tagani, Serikiyo's daughter, in marriage; that of Gagil, on the ground that he had married Dabi, Serikiyo's daughter; and that of Gari, on the ground that the mother of Serikiyo was the daughter of the mother of Gari's daughter. The council upheld these objections.¹⁷⁹ Mama then called in three

176. S.N.P. 6/5. No. 44/1909, 'Emir of Kano's order re manner in which gado is to be collected'.

177. S.N.P. 7/9, No. 2949/1908, Mid Year Report, 1908.

178. In Islamic Law, such a statement duly testified is admissible in evidence. See J. N. Anderson, *The Maliki Law of Homicide* (Zaria 1952), pp. 6-7.

179. In Islamic law, any evidence by a witness may be objected to on the ground that he is biased against the defendant. *Vide* Ruxton, p. 296. In the case under consideration it must have been held that the three men had connexions which made it impossible for them to render unprejudiced evidence.

other witnesses: Ahassan, Lafiya, and Muhammadu who, not being disqualified by any interest in the case, testified that they heard Scrikiyo declare that Wagani was the cause of his death. Then the two sons of the deceased, Buba and Tura, each swore fifty times in the presence of the accused to the effect that the injury inflicted by him was the cause of their father's death and so asked for the blood of Wagani.¹⁸⁰ The emir and council, satisfied that the claim had been proved, returned a verdict of 'guilty': 'The judgment is in accordance with the precepts of the Kuran and the Sunna'.¹⁸¹ The sentence was later confirmed by the Lieutenant Governor, Clement Temple. It is quite unlikely that a trained lawyer in the Western sense of the word could have returned a more serious verdict than manslaughter, but the conviction was quite valid in Islamic law.¹⁸² But while devout Muslims were anxious to preserve whatever was possible of the basic features of Islamic law from colonial innovations, the *shari'a* itself was aided by colonial rule to undermine the social system of the Maguzawa, the non-Muslim natives of Kano.

A SPECIAL PROBLEM: THE MAGUZAWA

It is necessary to discuss here the impact of the new judicial system on Maguzawa society. The Maguzawa were a special problem in the new organization. Unlike the non-Muslim elements in the township they were not strangers in Kano emirate. Like them they did not accept the religion of the Prophet, but unlike them there was no special machinery for their judicial administration. In pre-British Kano, the Maguzawa were governed by their own laws and customs but were definitely regarded as the subjects of the Muslim emirs. They did not live in the Muslim cities and there was no obligation for them to take their cases to the *alkalai*. The establishment of the new *shari'a* courts which were the only authorized legal tribunals brought Islamic law nearer home to them in a painful way: the courts would not recognize Maguzawa law, whatever this was. It made no difference at what level the issue was raised: the Maguzawa were the losers because the courts had no alternative to enforcing the law of Islam which, as far as Muslims could help it, must not be dominated.

Oral evidence obtained from the field shows that Islam made many converts among the Maguzawa after the establishment of British rule. In fact, so rapid was the progress made by Islam that as early as 1909 Temple saw a possibility that within fifty years Maguzawa religion would completely disappear.¹⁸³ However, though by 1930 Islam had made a considerable progress the followers of the Maguzawa religion were still quite numerous. Problems arose as a result of the interaction of the two cultures under colonial rule. The Maguzawa were subjected to new forms of pressure and new types of frustration. The stability of marriage among the Maguzawa was threatened if, for

180. This seems to be a peculiar procedure, if Anderson p. 8 is correct in saying that the fifty oaths must be divided among a minimum of two agnates of the deceased in accordance with their rights of inheritance.

181. N.A.I. C.S.O. 1/26/3, Emir of Kano Abbas to the Resident, Tomlinson, enclosure in Lugard to Harcourt, 30, June, 1913.

182. According to Maliki law, fifty oaths taken by the blood relatives of the deceased supported by a statement by the dying person to the effect that the accused was responsible for his death constitutes a proof of the charge. See Anderson, *A History of Islamic Law*, p. 93

183. S.N.P. 7/10, No. 5585/1909, Wambai district, assessment report.

example, a wife embraced Islam and the husband remained faithful to the ancestral religion.

Two of the cases which arose in 1935 illustrate this problem. A touring officer in the southern areas was met by a certain man called Na Isa dan Sarkin Zariya of the Butawa clan of the Ningi who complained that his wife Amaza had abandoned him on her conversion to Islam but had refused to refund the dowry of £3. The *alkalin* Sumaila said he would not order a refund on the ground that the marriage was not a Muslim one.¹⁸⁴ According to Maliki law, a marriage which had not been consummated was considered automatically dissolved if the wife alone was converted to Islam, and the dowry was not recoverable.¹⁸⁵ Therefore, in rejecting the demand for the refund of the dowry, the *alkalin* Sumaila had acted within the bounds of this law. When the matter was raised in the emir's council the *mallamai* members unanimously endorsed the opinion of *alkalin* Sumaila that as the woman had become a Muslim the dowry was irrecoverable.¹⁸⁶ Lugard had expressly stated that in dealing with non-Muslim litigants the *shari'a* courts should temper the strict letter of Islamic law with 'recognition of native law and custom'.¹⁸⁷ This was not always the practice at Kano. The District Officer considered that the law was hard on the man. Another officer who visited the same court a month later found a similar case on record. Kunduba, wife of Gande, declared before the court that she had been converted to Islam. Gande was informed by the court that unless he became a Muslim the marriage would become null and void. He declined and asked to be refunded the dowry of £1:18/6d but the *alkali* did not recognize the claim and sent the case to the emir.¹⁸⁸

The Resident then sent a report of the two cases to Kaduna and urged that as the courts were not prepared to administer anything except the *shari'a* special order should be made under which repayment of the dowry could be effected.¹⁸⁹ This suggestion was approved by the Chief Commissioner. An important outcome of these cases was that the government at Kaduna shortly told the Resident to investigate the possibility of setting up 'pagan' courts in Maguzawa districts. It was proposed at Kano that the officer touring southern areas should find out (a) how the existing courts were made use of by the Maguzawa (b) the extent to which the Maguzawa settled their disputes out of court (c) what organization they used for this purpose, and (d) whether 'tribal' courts were feasible.¹⁹⁰

The enquiry brought out a number of interesting facts. Over a period of one year in the district of Sumaila which had a Maguzawa population of over 6,000, it was found that only sixteen cases (twelve of which were matrimonial) were sent to the *alkali's* court by Maguzawa plaintiffs. The Resident drew from this the tempting but unwarranted conclusion that the 'pagan' communities had no spirit for litigation. He explained, however, that the Maguzawa were averse to Muslim courts which tended not to reckon with their customs. Since the Resident was already of the opinion that the Maguzawa were not fond of litigation he found no difficulty in logically holding the view that the amount of litigation was not enough to warrant the establishment of separate courts for them. Hence, since the district *alkali* could not be trusted to deal with such matters

184. N.A.K. Kano Prof., 5/1, No. 2038, R. S. Warner to District Officer, 14 Jan., 1935.

185. Cardahi, *ubi supra*, p. 343.

186. N.A.K. Kano Prof. 5/1, No. 2038, District Officer to Resident, 30 Jan., 1935.

187. Lugard, *Political Memoranda* (1918), p. 266.

188. N.A.K. Kano Prof. 5/1, No. 2038, Steward to District Officer, 17 Feb., 1935.

189. *Ibid.*, Lindsell to Chief Commissioner, 20 March, 1935.

190. *Ibid.*, Resident to District Officer, 17 July, 1935.

they should always be sent to Kano where the emir and the *Alkali* would be under pressure not to apply the 'hard and fast rules' of Muslim law. At all events, the District Officer would always be available to bring 'pagan' cases for review after they had been to the emir's court.

It seems certain that what the Resident was trying to kill in the bud was the possibility of creating within Kano emirate authorities which by their very nature could not be subjected to frequent scrutiny by the emir and his judicial officials. The enquiry also revealed that in many units the village heads, with the support of the district administration, were attempting to usurp the traditional functions of Maguzawa elders. They were also using their positions to nullify marriages by inducing the brides to become Muslims and to destroy whatever authority existed in pre-British Maguzawa society. The Resident proposed to check this tendency 'wherever possible,' but he did not state how he hoped to make it possible for 'pagan' communities to maintain their corporate existence with no more interference than was necessitated by their allegiance to the emir. He also proposed that the principle of 'review' should be extended to all cases in which non-Muslims were parties since, as the *alkalai* would not admit 'pagan' evidence, it was questionable whether they were competent to hear any such cases at all.¹⁹¹

The Resident did not say why the same consideration which made him unwilling to have Maguzawa cases tried by a district court should not preclude their being sent to the emir's council which enforced the same laws. It was left to the Chief Commissioner to point out to him that unless the emir's court was prepared to temper the strict letter of Muslim law with considerations of equity it had no jurisdiction in such cases because its judgments would be 'repugnant to natural justice.'¹⁹² Hence all such cases should go in the first instance to courts which were prepared to act in accordance with this principle. The Chief Commissioner expressed the opinion that, while for the time being he accepted the Resident's plan for dealing with cases of this nature, he did not see how it could be possible to defer the establishment of 'pagan' courts so long as the *shari'a* tribunals showed no preparedness to embrace new ways at such a time of rapid change.

After reading through this letter the Resident suddenly realized that for over a year he had been mistaken about the true position of things in Kano! Both the emir and his council, he now claimed, had long recognized the need to modify the strict letter of Islamic law in all cases affecting non-Muslims. In the *Alkali's* court of Kano as well as in every other district where the railway had brought considerable 'alien' population, he went on, the principle of equity had long been practised. The particular case that gave rise to all this correspondence, he also claimed, occurred in one of the remotest districts where the *alkali* had received no instructions. The Resident then said he was withdrawing the proposal that no district *alkali* should handle any such case; he also no longer saw the need for the principle of 'review'.

This argument was merely an attempt to push the problem to the background. The chief centres of Maguzawa population were far away from the railway lines. Besides Sumaila, Gwaram had a 'pagan' population of over 4,000; Tudun Wada, nearly 3,000; and Birnin Kudu, approximately 2,000. There is not the slightest indication in the records or from oral evidence that the courts of these districts were advised to treat any such case involving non-Muslim elements in any special way. The simple truth

191. *Ibid.* Resident to Chief Commissioner, 18 Jan., 1936.

192. *Ibid.* Chief Commissioner to Resident, 17 July, 1936.

was that the Resident of Kano lacked the courage to fight the cause of the Maguzawa and had ceased to be bothered about the way Indirect Rule, as thus far practised, had led to some dislocation of Maguzawa social and political institutions.

The following points emerge from this chapter. Under the British, the judicial system of Kano was dislocated but certain basic principles were preserved. Islamic law was in a number of ways seriously undermined by the concessions it was forced to make to Western ideas, but it remained a major factor in the daily lives of the Muslims. While the *shari'a* was being restrained within the area of the township it was making a headway among the Maguzawa to whom traditionally it did not apply. All this was the natural product of a close interaction of conflicting cultures made possible by British conquest.

It is also clear from this chapter that after several ups and downs in this conflict of cultures the emirship succeeded in preserving a great deal of its traditional powers in the judicial sphere. In contrast, the territorial administrators not only lost the power to dispense justice but also that to appoint local *alkalai*. Thus, while the emirship was able to retain, almost inviolate, the principle of non-separation of powers the district officials could only involve themselves in judicial matters by defying the law, and at their own risk. It could therefore be said that under the new system the emir became relatively more powerful *vis-a-vis* his executive officials in the territorial administration, but this is not to say that he acquired new powers.

Finally, in the judicial system as elsewhere in the general administration the initiative for change came from the British who, as a rule, had to discuss their proposals with the emir. And here as elsewhere British rule brought about fundamental changes while maintaining some degree of continuity.

6. The Fiscal System: Revenue and Expenditure

We now come to the last of the major features generally recognized as the 'pillars' of Indirect Rule viz, revenue. But while on revenue we shall also be concerned with expenditure because the way funds were utilized no less than the manner in which they were raised is necessary for our full understanding of the financial system. In the nineteenth century the state needed a sizeable amount of revenue to be able to discharge the functions of government as then understood. The complex developments of the twentieth century called for, and made possible, much higher revenue for the execution by the N.A. of equally complex responsibilities some of which were entirely alien to precolonial thoughts and conditions.

This chapter is therefore concerned with two principal issues. The first deals with the changes in taxation which British rule by its very nature brought about. Attention has been directed elsewhere to the inconsistency between the traditional methods of raising revenue and the conqueror's scheme for simplification and amalgamation of taxes. Until 1909, however, nothing seriously disturbing to the old system of taxation was successfully put into practice. True, the amalgamation theory had been attempted but its rejection by the population of the Madaki's district in 1908 was so total that it was discarded in its entirety. The arrival of Temple in 1909 marked the beginning of firm, practical, but gradual measures which, though embarrassing and objectionable to the colonial population, systematically undermined and had by 1930 totally superseded the methods of taxation known in the traditions of the people.

The second major issue with which this chapter is concerned is the expenditure of the revenue raised within the emirate. As in the nineteenth century direct taxation was only one source of revenue and as in the last century it was by far the most important source. Early twentieth century theory saw the institution of taxation merely as a way of providing subsistence for N.A. officials as well as of contributing to the financial needs of the colonial administration. The responsibility of the masses was implicitly seen as consisting in the prompt payment of dues and obedience to orders, without any corresponding or obvious benefits. However, it was not very long before the view emerged that the N.A. ought to be a development administration concerned not only with the maintenance of law and order but also with the provision of some basic social amenities.

CHANGES IN TAXATION

The scheme of outright amalgamation having proved a disastrous failure Temple in 1909 decided to try more subtle but equally radical measures. He decided to insist on the observance of the protectorate's policy which recognized the village as a functional administrative unit and required that at this level all taxes should be collected by the village headmen. To make this possible the Resident had to fight two elements

in the social organization of Kano, *biye* and *chappa*. The former, a derivation from the Hausa word *bi* (to follow), occurred if the lord whose village a man had left reserved the right to follow him to his new settlement and collect taxes from him when these were due. And it was sometimes the case that a man living in one place had a dignity elsewhere whom he recognized as his overlord to whom he rendered *chappa* (a Fulani word meaning to serve or to obey) to the exclusion of the authority of the headman of the place in which he resided.¹ This aspect of the social organization of Kano did not suit the administrative programmes of the new regime and therefore came under attack. For some practical reasons the system of *biye* and *chappa* must be destroyed, and the argument advanced in support of this measure need not be necessarily convincing. To order the village headman to collect taxes from everybody living in his area whenever his farm might be was, according to Temple's reasoning, open to the objection that any such departure from tradition would cause confusion.² Therefore it was unreasonable to attempt to effect that kind of change. Yet the measure which was finally taken did far more havoc to tradition than that which was considered and discarded. Temple decided to abolish the *kudin shuke*, *kudin karofi*, and *kudin rafi*, saying that the method of levying and collecting these taxes was arbitrary. The Resident claimed that probably only about half of the *shuke* and *karofi* collected was brought to account.³ He also argued that the imposition of levies on those who cultivated special crops was a discouragement to farmers and that it was wise policy to encourage producers to make the best possible use of land.⁴

The abolition of these levies represented ostensibly an annual loss of at least £8,000 to general revenue. Temple observed that it was necessary to base all tax obligations on the individual on those which were legitimate under Islamic law, but it was his opinion that for the time being this idea was incapable of realization. For instance, he considered that 1/20 of the special crops could be merged with 1/10 of the cereals under the general name of *zakka*, but he thought that this measure must wait for the establishment and consolidation of village authorities.⁵ To make good this big loss consequent on the abolition of the taxes mentioned above, Temple invented a new kind of tax under which each *maigida* (literally, house owner) was to be asked to pay rent for the compound in which he lived, according to its size. He argued that though this innovation might be criticized as a capitation tax yet it had at least two advantages which outweighed anything that could be said against it. The first was that the tax would make it possible to establish the authority of the village heads. The second advantage was that the *dagatai* would not run the risk of embezzling it because the amount was easily verifiable. Moreover, he claimed that the new demand would be popular among the people; discussions with the emir, the Waziri, and others, he said, suggested that it would raise no problems whatsoever.⁶ Since this tax was clearly un-Islamic, it is doubtful that the emir's and the Waziri's willing consent was actually obtained.

1. S.N.P. 7/10, No. 6415/1909, Kano Province Annual Report, 1909.

2. S.N.P. 6/10, No. 3635/1909, Report No. 40, 30 June, 1909.

3. S.N.P. 6/10, No. 3635/1909, Report No. 40, 30 June, 1909. At the time the *shuke* and the *karofi* amounted roughly to £6,000 and £5,000 per annum respectively? It was estimated that these two taxes together equalled the *kudin kasa* which then stood at £19,000.

4. *Ibid.*

5. It must be pointed out that the proposed measure was, contrary to the claim, null and void in Islamic law.

6. S.N.P. 7/10, No. 3635/1909, Report No. 40, 30 June, 1909.

But both the emir and the Waziri knew that opposition to high policy matters of this sort was bound to produce very negative results.

The compound tax *orkudin gida*, as it was generally known, started as an experiment in Kano city but by the end of 1909 it had been extended throughout the emirate. In Kano city each man's liability was determined by a rough system of measurement aimed at establishing the area of land occupied by his house. According to official records, this tax was collected without any difficulties and was 'extraordinarily popular'.⁷ Nothing could be farther from the truth. There was absolute unanimity among informants, both in Kano city and in the rural districts, that the tax was strongly objected to by the people. Some of these informants even claimed that the degree of popular dissatisfaction with this tax was unequalled in the story of British taxation in Kano.⁸ Apart from any possible religious motivation, there were at least four grounds on which the bitterness over this measure centred. Firstly it was considered unfair to ask people to pay a tax on houses in which they lived: such a measure, it was said, had never been taken in Kano throughout her history. Secondly, the system of pacing or measurement did not take into consideration such factors as the quality of the house, whether it was decorated or not, and whether it was new or antiquated. Thus, the mere size of a compound did not always reflect the economic power or the social status of the owner. In the third place, by insisting that the new tax should be paid in silver coins which were generally difficult to obtain—and not in the prevailing currency (cowries)—the government failed to recognize the difficulties facing the population in those early years of change from one currency to another. And finally, the computed tax on each compound was in a large number of cases too high to be easily paid without hardship on the part of each owner of compound.⁹

In 1909 houses were assessed at the rate of nearly £2 per acre.¹⁰ In 1914 this was raised to £4,¹¹ a rise of over 100%. These figures were not as low as they might sound today, if the evidence of informants to the effect that at that time one chicken could be bought for less than one penny is taken into consideration. Thus a lot of produce and livestock would have to be sold before the amount of *kudin gida* could be realized, and it was not the only tax to be paid. A key informant stated that at one stage he was paying £1:10/- per annum on his compound and that he was doing so with the greatest difficulty even though he had thirty slaves to work for him.¹² Many people are said to have been jailed for failing to discharge their obligations under this tax and the *masu unguwayi* are known to have had a difficult time trying to collect it. It is also said that as a result of the constraints imposed by the tax new houses were not for some years built in the city at the rate that previously obtained. It was in this respect an anti-development

7. S.N.P. 7/10, No. 6415/1909, Kano Province Annual Report, 1909.

8. For example, Hamza, 21 June, 1972 (Kano); Maiungwar Sheshe, 28 June 1972 (Kano).

9. This is a synthesis of the opinions obtained from various informants in Kano city and the country side.

10. S.N.P. 7/10, No. 6415/1909, Kano Province Annual Report, 1909.

11. S.N.P. 10/2, No. 494P/1914, Mid Year Report 1914.

12. Hamza, 21 June 1972 (Kano). The interview took place in the very compound under reference.

tax. No house could possibly escape taxation because it was within this time that the numbering of all houses in the various wards of the city was introduced as a measure to prevent concealment.¹³

The method followed in the countryside was different from the practice adopted in Kano city. In the first place, the compounds were not measured. In some places the tax was demanded at a fixed rate per compound, in some at a fixed rate per room, and in others at a fixed rate per married man. There are indications even in the written sources that *kudin gida* was not levied at any uniform rate throughout the districts, but there is no doubt that the original plan aimed at a uniform rate of 1/6d per compound, with a few notable exceptions. One problem was that in certain areas the word 'compound' meant something more than what the British intended. For instance, it frequently happened that a number of adults each owning a hut lived inside a big enclosure with one or more common entrances. When such a group insisted on being treated as a single compound the colonial administration refused to be cheated in this way. As one official put it: 'It is obviously impossible to consider such a community as a single compound...or else by the simple removal of a few fences whole villages might transform themselves into single compound'.¹⁴

In such places a device was followed under which five huts were held to be equivalent to one compound, six to eight huts two compounds, nine to eleven huts three compounds and so on.¹⁵ But it is clear from oral evidence that this rule did not apply, and was perhaps incapable of applying, in every case and district. For instance, according to information from Dutse, Birnin Kudu, and Gwaram the tax began as a levy on every compound but later every married man was made to pay it.

In the districts, resentment over *kudin gida* was at least as vehement as that in Kano city and here as in the city a large number of people were imprisoned for default.¹⁶ Tax payers in the districts generally faced more difficult circumstances than those at the capital. Coins were more difficult to come by there than among the urban dwellers, and the products could not be easily disposed of at good prices. These were among the reasons why the districts of Dutse, Ringum (then Dabi), Jahun, and Gwaram were placed at the rate of 1/- per compound instead of 1/6d.¹⁷ These were often considered to be the poorest of the districts in the emirate.

Compound tax was abolished in 1918. No reasons were given but its inadequacies were known even in the very year the tax was first levied. Temple recognized that a compound tax was bad in principle.¹⁸ It was also argued that the tax was not elastic and was therefore incapable of growth.¹⁹ By the time it was abolished however, there

13. Alhaji Mai Sango, Wakilin Gabas (Murabus), 26 June, 1972 (Kano).

14. S.N.P. 7/11, No. 3835/1911, Report No. 42, Mid Year 1910. At Gani in the Makama's district, Acting Resident Arnett found one compound with a total of almost 100 people, including women and children. The owner was made to pay the equivalent of seven compounds.

15. S.N.P. 7/13, No. 1114/1912, Kano Province Annual Report, 1911.

16. Mallam Buhari Wanzami, .71, 12 July, 1972 (Gwarzo); Magajin Gari, 12 July, 1972 (Karraye); Abubakar Isa, .69, 20 July, 1972 (Dawakin Kudu); Mallam Kassim, Naibi of Wudil mosque, 25 July 1972 (Wudil) and Mallam Umoru, 27 July, 1972 (Gaya) etc.

17. S.N.P. 10/1, No. 134P/1913, Kano Province Annual Report, 1912.

18. S.N.P. 7/10, No. 3635/1909, Mid year report, 1909.

19. S.N.P. 7/10, No. 5570/1909, Assessment report, Sarkin Dawaki Tsakar Gida's district.

was scarcely any doubt that the tax had served the political and economic objectives for which it was instituted. The authority of the village headmen had been established²⁰ and in 1916 alone *kudin gida* amounted to nearly £24,000.²¹ The strongest case for the discontinuation of the tax was that more lucrative sources of raising revenue were now readily available. The interests of the people at large had little to do with the abolition.

Temple was also the author of another innovation known as *kudin taki* which was introduced in 1909 as a tentative measure in Kano city and the surrounding villages. Under this system farms were measured by another rough method of pacing (*taki*) undertaken by mallams who had received rudimentary instructions in the art of measurement and writing figures in Roman character. Taxes were demanded at the rate of 1/8d per acre and were intended to replace *zakka* and *kudin kasa*. The enforcement of this demand meant, as far as Kano city was concerned, the end of all traditional taxes. It was levied on every piece of land a man held, whether it was cultivated or not, and irrespective of what was grown on it. As usual Temple claimed that his new tax was very popular, and once more he said that the emir was in support of the change and in favour of extending it to the districts.²² As in the case of compound tax, the essential aim of *kudin taki* was to increase revenue. In spirit both demands were consistent with Lugard's principle of simplifying taxes by a systematic method of amalgamation, although it was never the High Commissioner's intention that this should be effected piece meal. However, *kudin taki* or *kudin gona* or *takin gona* (different names by which the tax was known in various parts of Kano) raised the question of religion and the legitimacy of the abolition of traditional taxes of *zakka* and *kudin kasa*. It was relatively easier to acquiesce in the abolition of *kudin - shuke - shuke* and *kudin karofi* whose foundation seems to lie more on tradition than on religion than to agree that *zakka*—the Islamic alms tax which symbolized that the rest of the payer's produce had been purified for his legitimate use—had been discontinued. The argument that the burden of the new tax was easy to bear and that the method of collection was easy generally made no favourable impression on the population.

The claim that the new tax was popular simply did not represent the facts. The amount of unarmed opposition to this measure recalls Cargill's gamble in the Madaki district in 1908 with the important difference that the British used no force and stood firm this time. However, the colonial administrators were quite anxious to give the people the impression that the change was not as drastic and as revolutionary as they thought it was. It was often explained to them that the *zakka* was not really abolished but was included in the *kudin taki*.²³

This argument seems to have convinced nobody, and Muslim consciences continued to be worried that the exclusion of the *zakka* meant on their part the abandonment of

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20. S.N.P. 713, No. 1114 1912, Annual Report, 1911. As early as 1911 Acting Resident Arnett reported that 'the hopeless spectacle then common of a village head, a man in other respects of some local importance but with no hold or authority over the people living in his own village is now no longer seen'.
21. S.N.P. 104, No. 5188 1916, Mid Year Report, June 1916. The actual figure was £23,707 14/3.
22. S.N.P. 710, No. 6415 1909., Kano Province Annual Report, 1909.
23. S.N.P. 102, No. 165P 1914; also S.N.P. 101, No. 134 1913, Kano Province Annual Report, 1912.

canonically sanctioned religious obligations. It may have looked as if the colonial administrators had at long last decided to masquerade their intentions no longer and to come out openly against the prescriptions of the faith in matters of taxation as they had done in aspects of the judicial administration. As the new system came to be extended to the districts the argument about the inclusion of the *zakka* within *takin gona* made much less sense as peasants were not satisfied that the mere payment of *hudin taki* fully met the prescriptions of their faith. As an A. D. O. who assessed the sub-district of Ungogo remarked: 'the talakawa being told that the tax is included will have little or no effect on them'.²⁴ N. A. officials who had the duty to satisfy the government by enforcing payments of the tax and at the same time reassure fellow Muslims that religion was not in danger strove to argue that the *zakka* was never really abolished. What the British did, according to this version, was to stop its being collected and sent to the government in Kano as before, but every Muslim should feel free to give out his *zakka* in whatever form he saw fit to whomsoever he liked and whenever he pleased.²⁵ In other words, *zakka* could be given out in the form of *sadaqa* or charitable gift.²⁶

Unlike *hudin gida, taki* passed through a long period of extension. After the system had been tried in Kano city and the surrounding villages a number of mallams were set to work in the Chiroma's district with a view to preparing the ground for bringing the area under the new system. For it had been taken as a basic fact that this method of assessment was best applicable to populous districts where there was pressure on land, and the home districts fell admirably under this description.²⁷ For example, the first place to be tackled, Dan Isa, was at the time estimated to have a population of 28,000 of whom 360 lived in every square mile of territory.²⁸ The assessment of a district was done village by village and the records for each village were expected to show the following particulars: the name of the individual occupier, the size of his holding, and the amount of tax to which he was liable. Records were available in both English and Arabic; the transcription of the records into Arabic was the work of the mallams. The village head would have to receive a copy as his authority to collect taxes, and he thus knew what the total demands on the village and the individual holders were, and any change in the ownership of farms was expected to be notified so that necessary changes might be made in the records.

The village head had a vested interest in ensuring that his unit was as intensively cultivated as possible because for the time being his remuneration was based on the percentage of the tax he collected. This is reminiscent of a proverbially oppressive method known as the 'tax farmers' system', but in this case the tax was not generally regarded as oppressive. The *taki* assessment affected the farmers in a diversity of ways.

24. S.N.P. 7/12, No. 951/1911, Attachment to Annual Report, 1910.

25. Mallam Nagwaram, 15 June, 1972 (Kano); Hamza, 21 June, 1972 (Kano); Mallam Dan Muni, and Haruna, 17 July, 1972 (Tudun Wada).

26. For the treatment of *sadaqa* see T. H. Weir, 'Sadaka' in M. Th. Houtsma & others, *The Encyclopaedia of Islam* (Leiden, 1934), Vol. 4, p. 34.

27. S.N.P. 7/13, No. 1114/1912, Kano Province Annual Report, 1911. Apart from the home districts, it was thought at the time that the whole of the Madaki's Sarkin Bai's and part of Rano, Karaye, and Turakin Many's districts could usefully be assessed under *taki*.

28. *Ibid.*

Unlike the *zakka* which it superseded, it was not based on the yield of the land put under cultivation but was independent of it. Under the *taki*, the farmer knew from the beginning what his liability was; if his eventual profit turned out to be enormous he was not called upon to pay any extra sum.²⁹ Seen from this angle, there was an inducement for the farmer to embark on more intensive and extensive cultivation. On the other hand, farmers who held many acres of land and who paid no *zakka* on them if they left them fallow, were under pressure to put all lands held to best use or to part with them, since they were required to pay tax on them whether these were cultivated or not³⁰. This may well have led to some re-distribution of land. The extent to which fiscal policy during the colonial period affected land ownership deserves some investigation in its own right.

In 1910 the sub-districts of Dan Isa and Dan Mokoyo were brought under *taki* assessment for the first time. The demands made on the people of both places were at first respectively thought to be 63% and 300% higher than what they had previously paid. Even in the case of Dan Isa the emir and the sub-district head protested that the population would be unable to pay.³¹ An Assistant Resident, Gepp, was despatched to 'Resident assess'³² the sub-district and on the basis of his report Palmer decided that it would be risky to insist on the payment of 1/8 per acre. After consultation with Palmer, the emir told Dan Isa that the rate had been slashed down to 1/-. Even then, there was a disturbance in the village of Limawa following an attempt to collect the tax, and twelve other villages are also known to have complained.³³ Investigations in Dan Mokoyo's area confirmed earlier speculations that *taki* assessment at 1/8 was much too high for the people to pay within the limits of their own resources. It was found out that one acre yielded 10/- on the average; Gepp therefore recommended a reduction to 1/-, which incidentally represented the equivalent under *zakka*.³⁴ A decision was then taken by Palmer that the whole of the home districts should be *taki* assessed at a uniform amount not exceeding 1/- per acre; in 1913 the rest of this area was brought under the new tax.

The next few years saw a vigorous and systematic extension of *taki* to the more remote districts. In practically every case the introduction of the system resulted in great increases in tax demand. In the sub-district of Kunchi (Sarkin Bai's), the first *taki* assessment produced an increase of about 289%; it was later queried and a reassessment was ordered which produced an increase of 110%.³⁵ As years passed, the British developed more confidence in the system and in 1918 the abolition of *kudin gida* was made good by raising the rate of *taki* to 1/6 where it had been hitherto 1/-, and it was

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29. S.N.P. 10/1, No. 134P/1913, Kano Province Annual Report, 1912.
 30. S.N.P. 7/13, No. 1114/1912, Annual Report, 1911. The officer who assessed Ungogo district in 1924 pointed out that one of the causes of the failure by village heads to account satisfactorily for their taxes was the inability of the holders of numerous acres to pay up their dues in full.
 31. S.N.P. 7/12, No. 952/1911, Kano Province Annual Report, 1910. The 63% increase was later held to be 'fallacious', while the rise in Dan Mokoyo was found to be lower than originally presumed.
 32. That is, to carry out an assessment of the sub-district along the lines laid down in the *Political Memoranda*, memo. 5.
 33. S.N.P. 7/12, No. 952/1911, Kano Province Annual Report, 1910.
 34. *Ibid.*, 'Extract from a report on Dan Mokoyo's sub-district'.
 35. N.A.K. Kano Prof. 5/1, No. 1708A, 'Taki assessment and revenue survey 1929—31'

decided also that the incidence should be progressively increased especially in all places within a radius of thirty miles from Kano.³⁶ The revenue still showed an increase over that of the previous year, but the British always felt that the *talakawa* were putting more money into their pockets than their contribution towards the administration would seem to suggest. By 1921 four different rates of *taki* were recognized: 4/- per acre, for farms in Kano city and within a radius of five miles; 3/- per acre, for those within five to ten miles radius; 2/- and 1/6 respectively for all within ten to fifteen miles radius and beyond.³⁷ The rationale behind this rough graduation was that generally the value of land depreciated with its distance from the city market.³⁸

The initial fury over *kudin taki* on a religious basis should not be confused with its reception generally on economic grounds as time went on. These reactions were not necessarily incompatible. By the time *kudin taki* had been extended to the districts, the peasants were in a position to assess its pressure on them vis-a-vis the taxes which it had displaced. The general opinion was that the new tax was lighter. It was certainly very much preferred to *kudin gida*. While the peasants did not see why they were taxed for possessing houses which were not productive assets they considered that if they worked hard on their farms their tax obligations could be met out of the proceeds from such labour. Finally, *taki* compelled farmers to make the best possible use of existing pieces of land and to embark on intensive cultivation of crops.³⁹ The reason behind this was that since the amount of tax was fixed and not dependent on the produce farmers could make profit through hard work.

Yet this was not true in every case. In fact one of the points made against *taki* was that it did not take into consideration the nature of the soil on which a man grew his crops. Hence as a result of natural forces a farmer might make poor harvest and yet he would be called upon to pay a tax which could not be justified in the light of this harvest.⁴⁰ In some cases the result of this kind of uncertainty was that some farmers cultivated restricted areas to avoid taking risks—a measure which was no doubt economically unsound.

But under *taki* as under *kudin gida* money was not easy to come by. At least this was so at the beginning; money from groundnut and improved cotton cultivation was still many years away. Not infrequently what the farmer was called upon to pay depended on the whims of the *taki* mallams who undertook the measurement of farms. Each *talaka* followed the mallam who measured his farms with his stick and then computed the area. The assessment might be fair, that is, based on the actual size of the farm, but it could be too high or too low, depending, it is said, on what passed between the two men.⁴¹ It is known that some of the more unfortunate mallams were imprisoned by

36. S.N.P. 10/6, No. 491P/1918, Mid Year Report, 1918.

37. S.N.P. 10/9, No. 120P/1921, Report No. 59 for Jan., 1920—March, 1921. *Kudin taki* for farms in Kano city and the neighbouring villages had been raised to 4/- per acre in 1914.

38. S.N.P. 10/8, No. 316P/1920, Arnett's 'handing over notes' to Hastings, in mid year report, 1920.

39. Hamza, 25 June, 1972 (Kano); Maiungwar Gini, 28 June, 1972 (Kano); Buhari Wanzami, 12 July, 1972 (Gwarzo); Magajin Gari, 12 July, 1972 (Karaye) etc.

40. Alhaji Salih, 67, 20 July, 1972 (Kura); Dagaçin Wudil, 25 July, 1972 (Wudil) etc.

41. Hamza, 25 June, 1972 (Kano); Maiungwar Sheshe, 28 June, 1972 (Kano); Iro, 18 July, 1972 (Kano); Inuwa and Imoru, 25 July, 1972 (Gaya).

the emir for seeking financial gratification in the field.⁴²

Large numbers of peasants were also said to have gone to jail for failing to pay the *taki* assessment.⁴³ There was of course a provision that anybody who considered himself over-taxed could appeal to the emir, and there were instances of *talakawa* whose appeals were upheld after the emir had ordered a re-measurement.⁴⁴ But it was not unusual for a man to abandon his farm and seek protection in flight if, for whatever reason, he felt that he could not meet the assessment.⁴⁵ Hundreds of farms are said to have been abandoned each year in every district.

Each abandoned farm was supposed to be taken into custody by the village headman. The *dagaci* could give this farm away to anybody who was prepared to meet the assessment on it, whether the interested individual was a member of the fugitive's family or not. If the farm was not taken up the *dagaci* would have to report to the central administration through his district head. If he did not do so, the village head was likely to fall into difficulties with the central administration unless he made up the amount himself. Should a run-away farmer return a year or more later he might take up another piece of land, or, in the areas of scarcity, he could regain his old estate on terms mutually agreed upon between him and the man who took possession of it during the period of his flight.⁴⁶

In 1915 Temple asked for Palmer's opinions on the *taki* system, and in particular he wanted to know whether it was a success and whether a better alternative could be suggested. Palmer was of the opinion that *taki* was 'the best practical system of taxation lying within our means',⁴⁷ but Arnett of Sokoto, while agreeing with Kano, was not disposed 'to accept as permanent a rate of taxation fixed by what the poorest land in a district can pay'.⁴⁸ Palmer was in favour of extending *taki* to districts where there was shifting cultivation — contrary to earlier opinion that it should be restricted to densely populated areas where there was land hunger. Arnett believed that this would restrict the area under cultivation, although he kept an open mind on the matter and hoped that experience would be a guide. In 1920 when the system had been considerably extended Arnett on being posted back to Kano found Gowers telling him that *taki* was on no account to be replaced by any other system in the districts where it was already in force.⁴⁹ In 1922 Arnett made an attempt to abandon *taki* in Dutse district where its unpopularity had led to people deserting the district. Gowers, now Lieutenant Governor, objected to the proposal, and preferred that, unless shifting cultivation could be conclusively proved to have taken place, the rate of *taki* should be reduced to meet the

42. Hamza, 25 June, and Maiungwar Sheshe, 28 June, 1972 (Kano).

43. Alhaji Salih, 19 July, 1972 (Kura); Abubakar Nani, 21 July, 1972 (Dawakin Kudu); Dagaon Wudil, 25 July, 1972 (Wudil).

44. Mallam Iro, 18 July, 1972 (Kano). See also S.N.P. 10 2, No. 42P 1914, Gowers to Lieutenant Governor 17 February, 1914.

45. Hamza, 25 June, 1972 (Kano); Sani Abbas, 27 June, 1972 (Kano); Maiungwar, Sheshe, 28 June, 1972 (Kano); Buhari Wanzami, 12 July 1972 (Gwarzo).

46. Mallam Dan Mum and Raso, 17 July, 1972 (Tudun Wada); Alhaji Salih, 19 July, 1972 (Kura); Abubakar Nani, 21 July, 1972 (Dawakin Kudu); Dagaon Wudil, 25 July, 1972 (Wudil); Inuwa and Imoru, 19 July, 1972 (Gayal); Alhaji Dawaki, 1 August, 1972 (Dutse).

47. S.N.P. 10 2, No. 165 1914, Palmer to Temple 27 October, 1915.

48. *Ibid.* Arnett to Temple, 30 November, 1915.

49. S.N.P. 10 8, No. 116P 1920, Gowers' Handing Over Notes to Arnett, Mid Year Report, 1920.

objections of the people, as was done when there was a similar problem in Dutse a year before.⁵⁰

This was done by reducing the rate to 9d per acre, but the future of *taki* in Kano remained shaky. In 1924 Lindsell, the District Officer, sent Noad to re-assess Sumaila district and told him that the question whether *taki* would be retained or abandoned depended on the results of his work. He should find out whether it checked cultivation, led to emigration, caused inequalities or whether the measurements were grossly inaccurate.⁵¹ Noad reported that there was no question of *taki* checking cultivation since the rate was low and the land fertile. In two years only 629 people had emigrated to Gaya and Rano both of which were under similar assessment, but the majority had gone to Jahun, Gwaram and Birnin Kudu, where there was no *taki*. The *taki* assessment, he found, was quite inaccurate; the mallam in charge had been in the district for over five years and possessed such influence that he raised and lowered the individual's assessment at his own will. Elsewhere corruption was alleged; a village head, the report said, could report farms as having been abandoned while putting the tax due from them into his own pocket; similarly he could receive bribes as an inducement not to reveal new farms.⁵² The recommendation that the system be abandoned followed as a matter of course.

The British staff at Kano were agreed that *taki* should be abandoned, but for different reasons. Middleton, the District Officer, was firmly of the view that the system had been too much extended for the staff and supervision available; therefore, it was necessary to concentrate on districts nearer to headquarters which could be easily visited, and sweep away the system in the remote areas. Arnett told Gowers that in Sumaila as well as in any other place where the density of population was a little over hundred or under per square mile the *taki* system should be abandoned.⁵³ Gowers did not think that these arguments were valid, but he replied that he was not inclined to stand out against this consensus among the political officers on the spot. By 1927 the system had been so much undermined by other methods of taxation that it was abolished altogether throughout the emirate.

Some highly placed British officials believed before this date that *taki* was a makeshift affair. As early as September, 1913, the Chief Surveyor, Sydney Collard, suggested that as soon as it was practicable the system should be abandoned because it was antiquated.⁵⁴ Lugard was at first inclined to accept this opinion, but Temple, with the backing of Gowers at Kano and of Arnett at Sokoto, replied that he had no immediate alternative.⁵⁵ The ideal then aimed at but which was believed to be impolitic at the time was a survey method which was considered to be free from the deficiencies of the *taki* system. Though tentative revenue surveys were initiated as early as 1917 no results

50. The unpopularity of *taki* in Dutse was ascribed to its high incidence there as compared with the low tax in its neighbours, Jahun and Birnin Kudu. The *taki* rate which caused disaffection was 1/6 per acre.

51. S.N.P. 9/11, No. 603/1924, District Officer, Kano Division, to Assistant District Officer, F. M. Noad, 12 February, 1924.

52. *Ibid.*, Noad's report.

53. *Ibid.*, Arnett to Gowers, 14 July, 1924.

54. S.N.P. 10/2, No. 42/1914, Collard to Lugard, 9 September, 1913. Collard claimed that it was a system adopted by the ancient Egyptians about 3,000 years before.

55. Gowers made a detailed defence of *taki* pointing out that since its introduction it had increased the revenue of Kano by over £20,000.

were put into practice until 1925 when Kano city, Kurmbotso and Ungogo districts were brought under the new system. Surveys carried out showed how extremely unreliable the returns of *taki* mallams had been. Not only was there an increase in the taxable area of a district in each case; there was also a corresponding rise in the revenue of the unit.⁵⁶

As in the case of *taki*, revenue survey was limited to districts where there was a high population density and where land hunger was in evidence. A development associated with the survey was the grading of soil. As the British gained in experience, they argued that a system under which a uniform rate of assessment was applied to a whole district without taking into account variations in the productive capacity of the different types of soil within that district was unsatisfactory. Thus the officer who re-assessed Kuru district in 1927 discerned four main grades of soil which he taxed at rates varying from 5/- to 1/- per acre in place of a flat rate applied under *taki*.⁵⁷ The basis of the assessment was the estimated yield per acre of crops grown under each type of soil. From the 1920s, revenue assessment for every district under *taki* included a tax on the non-agricultural section of the population. This tax was known as *kudin maru sana'a* and was levied on craftsmen. There was also a *kudin masu arziki* to which wealthy men were subject. After the institution of farm grading, some measures were taken which enabled the government to exact additional sums of money from those farmers who derived revenue from non-agricultural sources.

At the end of this period, by far the greater part of Kano emirate was taxed under a system of land revenue assessment known as the lumpsum. Under lumpsum assessment the unit's tax was calculated from a percentage of its total wealth as derived from all sources. It was suitable to those districts in which sparse population and shifting agriculture combined to make the *taki* system wholly or largely inapplicable.⁵⁸ Wherever it was introduced it was reported to have been acclaimed by the people — as every tax imposed by the British was always stated to have been. As the *taki* domain shrank, that under lumpsum correspondingly increased until the former went out of use altogether.⁵⁹ By the late 1920's the period of experiments in the taxation of Kano was over and with only two methods of land revenue assessment prevailing (lumpsum and revenue survey) it could at last be said that the principle of merging all land taxes into a single tax had been fully applied.

The tax levied on all sources of income was known as *haraji* or general tax, as distinct from *jangali* paid by nomad herdsmen.⁶⁰ Lugard held the opinion that the best way to raise state revenue was to tax the individual according to his wealth irres-

56. For example, in 1927 when Kuru was placed under revenue survey for the first time the area of land under cultivation rose by over 11,000 acres. The revenue rose by over £1,000 — an increase of 54%.

57. N.A.K. Kano Prof. 4/12, No. 17/1927, re-assessment report, Kuru district. The varying soils and rates were *rafi* (irrigated land) 5-; *jigawa* (sandy soil), 2 6; *jan gargari* (red clay), 3 -; *fete* (stony, unproductive, soil) 1-. At Ungogo where soil grading first started in 1924 another kind of soil called *fadama* (marshy soil) was identified. At Kuru, the *jigawa* variation suited to the cultivation of grains very largely predominated.

58. *Taki*, was never applied to Jahun, Gwaram, and Burnin Kudu.

59. Until June 1925 only five districts were under lumpsum: Tudun Wada, Sumaila, Birnin Kudu, Gwaram, and Jahun.

60. To Gowers was attributed the original idea of designating the general tax as *haraji*. In Islamic law *haraji* (i.e. *knarai*) simply means 'land tax'.

pective of how he derived his own income.⁶¹ Evidently, the lumpsum assessment and the revenue survey were two different methods of trying to arrive at the individual's liability on an income-tax basis. It was later laid down as a general rule in the 1920s that after the general wealth of a village had been determined the fraction to be demanded as tax from the community should on no account exceed 10%. Assessment officers were also advised not to allow an increase of over 50% on the previous demand and also to be guided by the prevailing incidence in the neighbouring districts. It was emphasized, however, that a fall from a previous assessment required a very full explanation.⁶² The apportionment of the tax among the villagers was the work of the village head and the elders who were always instructed that division should be strictly on the basis of the ability and the circumstances of the individuals.

Since 1909 the ingenuity of the British in inventing taxes had been yielding great dividends. It had been resulting in ever increasing annual tax returns which in 1930 alone amounted to £242,762, excluding *jangali*.⁶³ No stone was left unturned to ensure that as far as possible nobody escaped the burden of taxation. Every assessment and subsequent re-assessment resulted in some increase in incidence, and both the colonial administration and the N.A. watched this growth of revenue with satisfaction. As the strength of the staff increased from the late twenties these re-assessments became more frequent. And since the results were based on figures which depended at least to some extent on the whims of the parties involved, it is certain that they did not necessarily reflect the actual figures on which the peasants could fairly be taxed.

The adult male incidence varied from district to district. In Kumbotso in 1932 the lowest demand made under the revenue survey was 8/1½d and the highest was 17/11d: the total demand was £8175:19:5 which represented an increase of 3% over the 1931/32 assessment.⁶⁴ The minimum rate of 5/6 in Jahun in 1930 was still below the average incidence demanded from the home districts in 1914. The average incidence for the whole emirate in 1931 was 7/6½.⁶⁵ This, it would seem, was a high figure for that period. Even as late as 1940 the present Dan Kade and district head of Tudun Wada said he did not find it easy to collect the average rate of 6/- levied on the district during that year because people found it difficult to produce the money.⁶⁶ Violent outbursts against taxation were unusual, the peasants often preferring emigration as a positive way of protest thus voting, so to say, with their feet. Migration, however, especially into other emirates or provinces, was viewed with great concern, for even a single family leaving a district might mean many farms abandoned and hence some money lost.

Payment of taxes was made mandatory on every able-bodied male from the age of sixteen.⁶⁷ This was too early an age to tax a youth because at this age the vast majority of youths were still dependent on their parents. Traditionally nobody paid any tax

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61. Lugard, *Political Memoranda* 1918, p. 170. In the same spirit the 'Native Revenue Ordinance' of 1916 postulated nothing more or less than an income or property tax. This Ordinance is enclosed as Appendix VII.
 62. Lugard, *Political Memoranda* (1918), p. 201 recognized that migration, famine, etc. might produce a decrease.
 63. S.N.P. 17/2, No. 14686, Vol. I, Kano Province Annual Report, 1930.
 64. S.N.P. 17/2, No. 16490, Kumbotso re-assessment report
 65. S.N.P. 17/2, No. 16687 Vol. I. Annual Report, 1931.
 66. Dan Kade, Alhaji Muhammadu Inuwa, 16 July, 1972 (Tudun Wada).
 67. N.A.K. Kano Prof 4/2, No. 155/1927, 'Kano emirate, Revision of assessment.'

until he was considered quite mature, at any rate until he could till the soil and provide for himself.⁶⁸ In fact informants said that the only reason for the introduction of lumpsum was that it brought more money to the government because under *taki* these youths did not pay any tax as they had no farms. The argument now was that since they worked for their parents the latter should accept the responsibility of paying for them.⁶⁹ This was sometimes done by turning out the youths to join the ranks of casual labourers so as to earn the money.⁷⁰ None the less, all informants said that the lumpsum method (known in Hausa as *kadin mutum* - tax on the individual) was preferred to all other methods of taxation introduced during the colonial period. The district heads and the *alkalai* paid no taxes.⁷¹ The emir's emoluments and those of his councillors were granted tax-free. In other words, the executive class paid no tax and the burden fell on the common people, although rich men who did not belong to the ruling circles paid their dues and exemption was granted to the aged and to the absolutely poverty-stricken.

As we have noticed, the various changes in taxation both in form and incidence were initiated by the British, but it should be emphasized that Kano leaders were involved in the various processes. All changes in assessment were fully discussed with the emir and in each district they were talked over between the touring officer and the particular *hakimi* concerned.⁷² The local British officials no doubt wanted the N.A. to be jointly held responsible with them should any trouble ensue, or perhaps by involving the emir and his officials they could shift any blame on them by arguing that the latter had assured them that all would be well. But beyond this lay a fundamental question of principle. Indirect Rule required that there should be this consultation between the British and the native officials. The assessment and collection of taxes in the *sabon gari* was the business of the Local Authority there and not that of the N.A. until the appointment of a *wakil* after the transfer of the area to the N.A. in 1940.

The adult male incidence was worked out in the Madaki's office on the adult male census supplied by the district head. The announcement of the tax for the year was the work of a political officer who had to visit the district and in his presence and that of the village and the hamlet heads the *hakimi* read out the total tax for each hamlet out of slips already initiated by the touring officer.⁷³ The political officer would make available to the hamlet head the slip for his hamlet and to the village head a separate slip containing the total assessment for the unit. This was a convenient opportunity for any corrections to be made to the original schedule. A hamlet head might, for instance, complain that the adult male census was wrong because a certain number of people had died since the census; or the village or district head might complain that the population would be unable to meet the full demand because one kind of disaster or another (for example, failure of crops) had produced adverse results on the economy and prosperity of the unit. In the latter case it was always considered necessary that the matter should be taken to Kano and placed before the emir and the district officer respectively by the district head and the touring officer.

68. Hamza, 25 June, 1972; Maiungwar Sheshe, 28 June, 1972 (Kano).

69. Alhaji Maisango, 26 June, 1972 (Kano); Alhaji Salih, 19 July 1972 (Kura); Dagacin Wudil, 25 July, 1972 (Wudil).

70. Maiungwar Gini, 28 June, 1972; Sani Abbas, 27 June, 1972 (Kano); Alhaji Dawaki, 1 August 1972 (Dutse); Dawaki Adamu, 11 August, 1972 (Babura).

71. S.N.P. 17/2, No. 19729, 'Instructions to Administrative Officers'

72. N.A.K. Kano Prof. 4/12, No. 155/1927, Resident to Lieutenant Governor, 27 October, 1927.

73. S.N.P. 17/2, No. 19729, 'Instructions to Administrative Officers'.

Haraji was the largest revenue earner, but it was only one aspect of the whole revenue system. The *jangali* was the other major source of revenue during this period. Here the British had nothing new to offer except to work out how best the nomads could contribute to revenue without duping the government. For, though there was a fixed rate per head of cattle, the nomad might be tempted, as he invariably was, to render false returns or even to evade taxation altogether. Both tendencies remained serious and were never satisfactorily combatted.

One of the first issues to be decided was the best method of collecting the *jangali*. Traditionally, the principal cattle areas of Kano were Jahun, Babeji, Sankara, Kunchi, Danbatta, and Shanunu.⁷⁴ In the past, it was the *sarakuna* of these places who arranged for the collection of *jangali* from the herds scattered all over the caliphate. Lugard was in favour of continuing this method, but it did not work out well in practice. Finally, by a general agreement among all the Residents in the Muslim emirates, it was decided that during the *jangali* season (July - October) tax should be collected from all herds in every emirate irrespective of the areas from which they emanated.⁷⁵ The Emir, Abbas, viewed the new order with alarm since he was afraid that the *jangali* from the large concentrations of Kano herds outside the emirate might be lost, but he had to put up with the argument that if each *sarkin* Fulani had any influence over his nomads he should be able to bring them back for the season.

Under the new method, district heads were required to collect *jangali* from all cattle emanating from their districts, in whatever part of the emirate they might be at the time. This came up against a difficulty; none of the above *sarakunan* Fulani were district heads, and the effectiveness of the order depended on their co-operation. Palmer was against this scheme, unless all the interested parties could be brought together and the *sarakuna* could identify their own interests with those of the *hakimi*.⁷⁶ When the alternative of making the headman responsible only for the *jangali* of the cattle stationed in his own district was introduced, Temple doubted whether this was the best thing to do after all—on the ground that it led to leakages. On taking up the matter with the emir, the suggestion was put to him that about fifteen men placed in charge of collecting the tax for the whole emirate might do the work better. This did not impress Temple who saw in it a subtle attempt to revive the *jakada* system.⁷⁷ But if nothing else the former method had the disadvantage that with the cattle for which he was responsible scattered over a number of districts the district head was personally not in a position to guarantee the accuracy of the returns and it was not easy to prove that these were really not correct. Whatever its shortcomings, collection of *jangali* by districts provided the greatest possible check against evasion and concealment. In case of doubt, it was comparatively easier and fairer to order the recount of the cattle in a particular district and hold the headmen accountable for any discrepancies than would have been the case under any other method. At Tamburawa, for instance, Dan Tube showed a return of only 211 heads of cattle; a recount by the emir's representative showed that there were as many as 1,700.⁷⁸ It was confidently hoped that this kind of activity would check irregularities and lead to a steady increase in revenue.

74. S.N.P. 7/9 No. 2949/2908, Mid Year Report, 1908.

75. NAK. Kano Prof. 6/2, Hewby's report. The original idea seems to have come from the Resident, Zaria Province.

76. *Ibid.* Palmer was sceptical that the *sarakunan* Fulani would fully co-operate unless they had sizeable share of the proceeds.

77. S.N.P. 7/10, No. 6415/1909, Report No. 41.

78. S.N.P. 7/12, No. 952/1911, Kano Province Annual Report, 1910.

Lugard initially called for the payment of *jangali* at 5% of the market price of each head of cattle.⁷⁹ The cash equivalent of this was 2,500 cowries or 1/6 imposed on each animal up to one year old.⁸⁰ Girouard later insisted on following the strict injunctions of Islamic law.⁸¹ Palmer was more interested in the growth of revenue and the effect which adoption of Islamic law would have on it. He argued that the application of the *zakka* to the *jangali* would be resented by the Muslims since large sections of the cattle Fulani did not profess the faith; but for more practical reasons he pointed out that this would lead to loss of revenue, as the law itself would be exploited. Cattle owners would adopt all sorts of devices to avoid having the legally taxable minimum.⁸² In practice the colonial administrators in Kano ignored the Islamic law on this question, and *jangali* was levied at a certain rate per head of cattle.

Jangali remained at 1/6 for a long time. Considerable increases in the amount realized had been effected without raising the incidence. A certain measure of check had been enforced on financial returns and as regards the number of cattle declared. Introduction of counterfoil receipts not only helped to reduce evasion but also provided a safeguard for the cattle rearers against double assessment. By 1930/31 the tax had risen from the negligible figure of £191 in 1903/04 to £42,820. In 1921 the incidence was raised to 2/- per head of cattle; but in 1933 as a result of severe circumstances facing the herdsmen the tax was reduced by 25%, a gesture which brought immense satisfaction to the people.⁸³

In 1930, therefore, the total revenue from direct taxation (general tax and *jangali*) amounted to £285,582. In 1903/04 only £1,836 in general tax and £191 in cattle tax or a total of £2,027 was brought to account.⁸⁴ It follows that between 1903 and 1930 the revenue multiplied several times. More important than the amount collected was the character of the taxes imposed. It is evident from the foregoing paragraphs that direct taxes had undergone a radical transformation. There was no longer any distinction as to who should pay what kind of tax: both Muslims and unbelievers had been brought under the British system. In the southern parts of Kano where the non-Muslim population was more concentrated several informants did not fail to mention that the British tried to make the Maguzawa the equal of Muslims because they all paid the same tax.⁸⁵

In the twentieth century, as earlier, direct taxation was only one of the sources of revenue.⁸⁶ In the colonial period, however, the cessation of warfare automatically removed *fai* and *khums* as possible sources of revenue, as already noted. 'Surplus' survived in the form of *ujera* and *gado*, that is, the fee charged during this period on the administration of estates. In the nineteenth century certain dues were collected by market officials such as the *sarkin pawa*. These could be said to have survived in the

79. Lugard, *Political Memoranda* (1906), p. 107. Payment per head of cattle had been mostly the practice at Kano.

80. N.A.K. Kano Prof. 6/2, No. C111/1908, Palmer's Report on *Jangali*.

81. *Ibid.*, Comment on Hewby's report. The Governor outlined the tax as follows: 30 cattle, 1—1 year old; 40 cattle, 1—2 year old; 60 cattle, 2—1 year old etc. This was not strictly in accordance with the Maliki code.

82. *Ibid.*

83. S.N.P. 17/3, No. 21326 Vol. I, Kano Province Annual Report, 1933. Not until 1938 was the *jangali* raised again to 2/- per head of cattle.

84. S.N.P. 7/9, No. 1538, Annual Report, 1907

85. Mallams Baso and Haruna, 17 July, 1972 (Tudun Wada); Mallam Nagogo, 76, and Mallam Umoru, 70, 4 August, 1972 (Gwaram).

86. For the authorized sources of revenue in the context of the Sokoto Caliphate see *supra*, p. 6.

form of market rates such as fees from stalls which in 1930/31 amounted to over £900. In course of the period covered by this study several other sources of revenue were instituted. There were the court dues such as the calling fee and the 10% charge on debts recovered through court action. From 1909 except for a brief spell fees were collected from pupils who attended the Western type of school which was introduced in that year, and small amounts were realized annually from the sale of materials produced by the craft school. The N.A. Printing Department was recording profits on printing works undertaken by it and by the end of this period water and electricity rates were being collected for the use of these amenities provided by the N.A. Interest on money invested in the United Kingdom amounted to over £8,000 in 1930/31. In other words, the sources of revenue had not only altered but had in fact become more complex. The main sources from which direct taxation was financed remain to be seen.

SOURCES FOR THE PAYMENT OF TAXES

We have already noted that with the exception of officials and the absolutely poverty stricken, all able-bodied males up to the age of sixteen were expected to pay taxes. In the nineteenth century, agriculture, industry, and commerce were the mainstay of the economy, but the bulk of the revenue accruing to the government in cash was derived from *kudin kasa*, the tax on land. British administration gave rise to changes in the economy of the emirate, making it more dependent to a greater extent than before on the products of the soil. Colonial rule not only transformed the economy but also it ultimately altered the bases on which the individual was assessed for purposes of direct taxation. The institution of a general tax or *haraji* made people lay their hands on all feasible sources of income so as to be able to pay their taxes with ease, supply their immediate needs, and if possible make some savings.

In the colonial period agriculture, industry and commerce remained vital sectors of the economy, but there were important differences. Before the establishment of British rule agricultural staples such as millet and guinea corn were to some extent grown by every family. These commodities were meant primarily for local consumption and exchange, although substantial quantities would appear to have been exchanged between Kano and the border towns of the neighbouring emirates. British rule created conditions which called for and made possible more intensive and extensive agriculture. The establishment of peace and security⁸⁷ facilitated the movements of goods and people and construction of roads and introduction at a later stage of mechanized transport produced the same effects. The introduction or extension of paid agricultural labour meant that a man could now bring more land under cultivation than his family could otherwise have managed. In other words, the products of the agricultural activities at Kano were marketed outside the area of production, and farmers thus had great incentive to produce surpluses and sell them for cash.

This was more so in the case of cotton and groundnut which were during this period produced not only for domestic consumption but also for the foreign markets. In fact, while the British did not deliberately encourage the cultivation of food crops

87. Certainly the Kano-Ningi wars, not to talk of the wars with Damagaram, did not create stable political conditions.

they did a lot to see that cotton and groundnuts were grown in commercial quantities. Prior to the coming of the British, Kano had depended partly on cotton grown outside her frontiers for internal manufactures. Under colonial rule she became an exporter of raw cotton.

The stimulus for increased cotton cultivation in Northern Nigeria came from the domestic needs of Britain. In 1902 the British Cotton Growing Association (B.C.G.A.) was formed to undertake extensive cotton growing in what was then British West Africa.⁸⁸ At Kano the Association discovered that the cotton traditionally produced and consumed by the local looms was of poor quality. Efforts were therefore made to improve it, particularly by supplying American cotton seeds free of charge to cultivators. By 1920 the districts of Kura, Karaye, Tudun Wada, and Gwarzo had been made to abandon the growing of indigenous cotton seeds and had become exclusively reserved for the planting of the exotic variety.⁸⁹ The domain of the exotic cotton steadily expanded until by the end of our period the ban on the planting of indigenous cotton had become effective almost throughout the whole emirate.

The new variety of cotton undoubtedly placed a lot of cash in the hands of cotton farmers. In 1922, for instance, the Sarkin Dawaki Maituta and district head of Gwarzo said that he easily collected his taxes because the planting of exotic cotton seeds had improved the economic conditions of his people.⁹⁰ Cotton did better in some areas than in others, and farmers were not slow in taking full advantage of nature's bounties.

But the commodity which fetched the greatest amount of cash for farmers was groundnut which must be regarded as the maker of Kano's twentieth century prosperity. For centuries groundnuts had been grown in Northern Nigeria, but until the introduction of the railway they did not become a factor in world trade.⁹¹ This crop was granted exemption from taxation in 1909,⁹² as an inducement, no doubt, to farmers because of a rapidly growing imperial demand. By the end of 1912 groundnuts had made an indelible mark in the minds of the peasants when the purchase of about 5,000 tons by European firms had placed unexpected £15,000—£20,000 in their hands.⁹³ It seemed as if the coming of the railway had brought in an era of economic prosperity the full extent of which nobody was in a position to predict.

Immediately the potentialities of the groundnut trade were realized, the farmers responded enthusiastically. The administration's concern to cater for the needs of British factories, the peasant's desire to acquire more cash and the absence of any large scale internal demand for groundnuts in normal times all combined to ensure a rapid development of the trade. In 1913 the quantity exported from Kano showed an increase of more than 300% over that of the previous year. The high demand for groundnuts in Britain and the competition among European firms raised the local price to an unprecedented figure of £10 per ton.⁹⁴ The *talakawa* now had two export products de-

88. For details see A. O. Anjorin, *The British Occupation and the Development of Northern Nigeria 1897—1914* (Unpublished Ph.D. thesis, London, 1965).

89. An 'order' issued by the Emir, Usman, in 1921 forbade the sowing of indigenous cotton in any area in which foreign cotton seeds had been distributed. It laid down a punishment of 5- or seven days' imprisonment for any person found guilty of mixing the two types of cotton for sale.

90. N.A.K. Kano Prof. 5/1, No. 2757, 'Gwarzo District Notes'.

91. Allan McPhee, *Economic Revolution in British West Africa* (London, 1926), p. 38.

92. S.N.P. 10/2, No. 98P/1914, Kano Province Annual Report, 1913.

93. S.N.P. 10/1, No. 134P/1913, Kano Province Annual Report, 1912.

94. S.N.P. 10/2, No. 98P/1914, Kano Province Annual Report, 1913.

manding their attention from imperial Britain. It was unnecessary to attempt to convince them to grow cotton at the expense of groundnuts and vice versa. Having nothing but their own interests to guide them, the peasants embarked on a large scale cultivation of groundnuts.

The feeling of optimism soon received a rude shock. The year 1914 opened with brisk trade among the European firms concerned with the groundnut trade. The price of groundnuts rose to £11 per ton and later dropped to £6:10/- per ton.⁹⁵ Food became scarce and, ironically, the peasants having sold their nuts were compelled to buy them again from the firms at high prices. The following year began badly. Owing to the war and the difficulties of shipping there were little or no purchases, but the record quantities bought in the later part of the year were so great that the companies could not cope with the problem of storage and shipping.⁹⁶ The trade was adversely affected during the war period by the termination of the activities of the German firms operating in the country.⁹⁷ In 1916, matters showed some improvement: an agreement by the firms to cheat producers by limiting prices to £4:13:4 did not last long, and soon they found themselves paying as much as £11 per ton.⁹⁸ Price fluctuations continued for the rest of our period. The most optimistic expectations by farmers were probably exceeded in 1924 when prices stood at £18:10/- per ton but soon dropped to £13. For the succeeding few years average price was over £10 per ton until 1930 when the buying season opened with only £8:10/-. A progressive fall followed until by the end of December prices stood at only £3:10/- per ton. Kano was thus severely hit by the world-wide economic depression of 1930.

The consequences for the groundnut farmers of these serious falls in prices should be appreciated. Groundnut was the main cash crop which provided the bulk of the money out of which the taxes were paid.⁹⁹ Low prices entailed considerable difficulties in tax payment. Whatever the peasants realized from the proceeds might just suffice to meet their tax obligations. Little or nothing might be left for the purchase of exotic articles from Europe which had now stormed the Kano markets. But if low prices were also followed by poor harvest of staple food crops then that was a double tragedy because money would also be needed to buy food at famine prices. In such circumstances the colonial regime might consider reducing taxes in the worst affected areas and writing off arrears not collected. On the other hand, high prices and good harvest usually provided occasions for increasing the incidence of taxation.

Apart from world conditions, the activities of middlemen also vitally affected the amount of profits made by the producers. A very large proportion of the groundnuts sold at Kano passed through the hands of the middlemen and the growers, unable or unwilling to sell direct to the firms, did not realize the full market price for their commodities.¹⁰⁰ Because of the great distances separating the districts from the town and the inadequacy of facilities for evacuation of produce during the early years of the trade, farmers were often obliged to dispose of their goods in the local markets and allow the middlemen from Kano to make the bulk of the profits. Many, however, defied obstacles

95. N.A.K. Kano Prof. 4/2, No. 447/1914, Mid Year Report, 1914.

96. N.A.K. Kano Prof. 4/2, No. 108/1916, Report on Kano township, 1915.

97. Jan S. Hogendorn, *Nigerian Groundnut Exports* (Zaria and Ibadan, 1978), pp. 125-6.

98. N.A.K. Kano Prof. 4/4, No. 202/1917, Kano Province Annual Report, 1916.

99. S.N.P. 17/2, No. 14686 Vol. 1, Kano Province Annual Report, 1930.

100. N.A.K. Kano Prof. 4/4, No. 202/1917, Kano Province Annual Report, 1916.

and went to Kano themselves, carrying their loads on their heads or on pack animals. In later years produce buying stations were established in many of the districts to facilitate the marketing of produce.

It was the changes in the agricultural economy of Kano which produced the middle men and other traders. The middlemen depended for their income on the profits they made through their role as intermediaries between the farmers and the big European firms engaged in the cotton, groundnut, or other trades. The coming of the firms followed the re-orientation of Kano's foreign trade. One aspect of the economic changes of the twentieth century was the destruction of the trans-Saharan trade on which the pre-colonial economy of Kano depended to a substantial degree, and the emergence of an ocean-borne commerce through the Nigerian coast. The earliest European commercial concern to start business in Kano was the London and Kano Trading Company which appeared on the scene in 1905.¹⁰¹ It was followed by the Royal Niger Company and John Holt, and at various times these were joined by G. B. Ollivant, Messrs Ambrosini and others.

The earliest middlemen in Kano business life during the colonial period were Kano people themselves. As trade expanded, however, Kano businessmen began to face increasing difficulties, having to deal with challenges posed by Arab and Southern Nigerian immigrants.

The immigrant communities had some advantages over indigenous entrepreneurs, being more intimate with the personnel of the European firms and having more access to credit facilities than their rivals.¹⁰² It is not surprising that many of the enterprising Kano people were easily edged out of business. Some of them managed to deal with the challenge. The most successful of these was undoubtedly Alhassan dan Tata whose annual profits were in 1920 estimated at £15,000.¹⁰³

The middlemen were only part of the mercantile class who engaged in commercial activities of varying dimensions. There were petty traders who hawked commodities of local and foreign production or manufacture from street to street as well as fairly well established businessmen who owned stalls stocked with assorted goods in the major commercial areas.

Other professionals who were always taken into account when a city or village was being assessed for taxation included butchers, dyers, blacksmiths, leather workers, Quranic teachers, and weavers. The government thus had a large number of occupational groups to call upon in its endeavours to obtain more funds. Both the colonial regime and the Kano N. A. needed money for various purposes, and the revenue accruing from all possible sources was shared to emphasize the Anglo-African partnership in the administration of Kano.

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101. The company was a joint venture by Messrs Donnisthorpe and Esmond White. The former was a third class Resident and the later a district superintendent of police in Lugard's administration.
 102. Indigenous Kano businessmen even showed no interest in bank loans. The only bank of the time was the Bank of British West Africa, a branch of which was set up at Kano in 1914. See Fika, p. 211.
 103. For a biographical sketch of dan Tata see Hogendorn pp. 85—86

DIVISION OF TAXES BETWEEN THE COLONIAL ADMINISTRATION AND
THE KANO NATIVE ADMINISTRATION

At first all the taxes were inevitably paid in kind or in cowries, which were the general currency of the emirate, and there was considerable difficulty in converting them into silver.¹⁰⁴ It was known, however, that cowries would soon cease to be legal tender, and there was increasing demand for coins. The requirement that *kudin gida* and *kudin taki* should be paid wholly in silver was already instructive. As this became generally recognized, the rate of exchange from the one to the other greatly fluctuated to the disadvantage of cowries. In the city, silver acquired a high exchange value, and in the rural districts it was a rare commodity indeed. Cowry owners normally stored their money in bags, and one bag contained 20,000 cowries. A rate of exchange of 2,500 cowries to 1/6 had earlier been accepted, and one bag could then fetch 12/-. With the depreciation in the value of cowries, 10/- was able to purchase one bag, an equivalent of 1/- to 2,000 cowries.¹⁰⁵ So long as cowries continued to be accepted regardless of the depreciation, the major sufferer was the treasury because taxes paid in cowries or kind had to be converted into silver.¹⁰⁶ It was evident that something had to be done. In December, 1910, a discussion between the Resident and the emir led to an agreement that *kudin kasa* should be collected in coins - except in Dutse, *Wambai*, *Barde* and *Sarkin Dawaki Tsakar Gida's* districts where these were difficult to obtain - at the rate of 1,000 cowries to 6d.¹⁰⁷ This proved to be no complete remedy; for in the preceding months cowries had fallen to one bag for 8/- following the government's order that all *jansali* must be paid in silver.¹⁰⁸

With the *zakka* the problem was more difficult. Since this tax was always computed in terms of bundles of grain there seemed to be no conceivable way of making the payer feel the impact of the depreciation so long as the principle was honoured. Each bundle was valued at 9d, but with the depreciations which set in realization of the *zakka* became a thorny issue. To demand it in cash was considered to be a very risky matter.¹⁰⁹ Palmer deliberated on this issue with the emir and a decision was arrived at that instead of being realized at once at considerable losses the grains should be stored and then gradually sold off, especially during the rainy season when there was usually a scarcity of supplies. However, the extension of *taki* assessment meant in effect the abolition of *zakka* as a separate tax and the removal of the necessity to stock-pile millet and guinea corn. Even the opposition on sentimental and religious grounds to the payment of *zakka* in cash did not last very long. In 1911/1912 the *zakka* was paid in cash.¹¹⁰ By 1913 payment in kind was said to have become unpopular among many people who now

104. Lugard, *Memorandum on the Taxation of Natives*, p. 33.

105. S.N.P. 7/11, No. 3835/1910, Mid year report, 30 June, 1910.

106. The loss resulting from this transaction was very serious especially where large sums were involved. In 1909/1910 the estimated yield from *kudin kasa* was £20,000. The fall caused a shortage of over £3,000. The total loss sustained as a result of the depreciation was £5,854.

107. S.N.P. 7/12, No. 925/1911, Kano Province Annual Report, 1910.

108. *Ibid.* By early 1911, the rate of exchange was 2,600 cowries to the shilling in Kano and in the remote districts to the east it stood at 3,000 to the shilling.

109. S.N.P. 7/12, No. 952/1911, Kano Province Annual Report, 1910.

110. S.N.P. 10/1, No. 134P/1913, Kano Province Annual Report, 1912.

preferred to pay the 9d per bundle;¹¹¹ probably the removal of the burden of transferring thousands of bundles of grain to Kano had helped to facilitate the change.

At the very beginning of the colonial administration all taxes were brought to the emir who converted them into cash and paid the agreed proportion to the Resident acting on behalf of the colonial government. Under Cargill's re-organization, the district heads paid government's share in cash or cowries direct to the Waziri who then negotiated the cowries for silver and paid the whole lot to the Resident; at the same time, the *nakimai* paid the emir's share to his treasurer.¹¹² Under Temple it was made obligatory on the district heads to convert their taxes into cash before paying to the emir who then undertook to pay the usual percentage to the Resident.¹¹³ The British had a vested interest in the growth of revenue and had by 1906 assigned to themselves 50% of whatever was collected.

This arrangement for the division of taxes on equal basis very soon ran into difficulties. The revenue was increasing at a very rapid rate. Would Lugard have agreed that the emirs of Northern Nigeria and their officials should be left with their full shares of the fast growing revenue? William Wallace, Acting Governor following the withdrawal of Girouard, denied that Lugard would ever have trusted that they could deal with such large sums honestly.¹¹⁴ He therefore proposed as an interim measure that with effect from the financial year 1909/10 further increases in the Native Administrations' revenue should not be allowed until the share of the colonial regime had reached two-thirds of the total.¹¹⁵

There is nothing to indicate that this proposal was ever carried out, although the new governor, Sir Hesketh Bell, early in his tenure shared a similar view. He was willing to allow the 'half and half' principle for a while, but he was firmly of the opinion that a stage would be reached when the amounts allocated to the 'N.A.s' would exceed what they ought to be granted.¹¹⁶ At the end of 1910 it seemed to Bell that the anticipated time had come. In his 'estimate' of the revenue for 1911—12, he incorporated the whole revenue, not just the colonial administration's share, and made allowance on the expenditure side for what he considered could be granted to the native authorities for the internal administration of their emirates. Bell was assured by all the Residents in charge of the Muslim emirates that the revenue allocated to those states had not gone beyond what they could manage, but he personally thought that the limit had been reached in most cases and that the figures for 1910—1911 should be used as the basis for future action.¹¹⁷ The Colonial Office showed no interest in the proposal and rather regarded it as subversive of the established policy of the protectorate.¹¹⁸

111. N.A.K. Kano Prof. 4/1, No. 606/1913, Mid Year Report, 1913.

112. S.N.P. 7/10, No. 472/1909, Kano Province Annual Report, 1908.

113. S.N.P. 6/5, No. 44/1909, Report for March, 1909.

114. S.N.P. 15/3, A18, Wallace to Palmer, 27 September, 1909.

115. *Ibid.*, Wallace to Palmer, 25 September, 1909.

116. S.N.P. 7/11, No. 457/1910, 'Regulations governing the expenditure of bait al-mal funds', memorandum apparently dated 30 Nov., 1910.

117. C.O. 446/92, Bell to Secretary of State, 19 December, 1910. The revenue of Kano from general tax and *jangali* amounted to £61,000, half of which went to the N.A. on the *pari-passu* basis.

118. For a discussion of the organization of the 'Native Treasuries' and Bell's views on future relations between these and the colonial administration, *vide* Bull, *ubi supra*, pp. 67—68.

The position of the officials at the Colonial Office was that financial independence of the emirs was so crucial to Indirect Rule that one could not tamper with it without at the same time undermining the system. So strongly was this view held that when Lugard, the architect of Indirect Rule in Northern Nigeria, returned with the idea of curtailing the financial powers of the various Native Administrations the Colonial Office, after some embarrassment, pointed out to him that he could not be allowed to subvert the existing policy.¹¹⁹ During the few years which followed, Lugard waged a relentless but futile war against the Colonial Office in various attempts to weaken the financial control of the Native Administrations over their own shares of the revenue.¹²⁰

The tendency in later years was for the emirates to attempt to secure an increased share at the expense of the colonial revenue. At a conference in Government House in Lagos in February 1926 the Lieutenant Governor argued that as more money was being spent on projects in the South it would be fair to raise the Native Administrations' share of revenue to 75%.¹²¹ The Governor did not accept this recommendation, though he was prepared to grant increases in appropriate cases to administrations which could take over certain items of expenditure from the central government in return for the concession. At the conference of the Northern Provinces Residents in 1926 the Resident of Borno supported by that of Kano contended that it was even fallacious to say that revenue was divided equally between the government and the administrations since the latter alone bore the cost of collection, and had been undertaking schemes which were primarily in the interest of the colonial regime.¹²² It was maintained that in practice the government was taking rather more than 60% and that the percentage left at the disposal of the N.A.s was becoming increasingly insufficient to run their administrations in the rapidly changing circumstances of the time. The conference therefore advised that in the more important emirates immediate action should be taken to effect a reduction in the colonial government's share. This was Lugardism ruthlessly turned upside down, but it was a logical development of the principle of local self government which the Colonial Office had long accepted. With effect from 1928 the N.A. share of revenue in Kano was raised to 70%.¹²³

The important question of what the colonial government did with its own share of the revenue cannot be satisfactorily answered here. In his speech at Kano in 1903 Lugard had told Abbas and his chiefs that his government would impose what taxes it considered necessary, 'to pay for the cost of the administration'.¹²⁴ Whatever the taxes may have been used for it is clear that they were not specifically ear-marked for spending at Kano. Lugard and his successors in Northern Nigeria faced a perennial problem of shortage of funds which necessitated a stringent control of all revenue locally raised. Money had to be spent on such projects as would help to consolidate colonial occupation: roads, bridges, quarters, offices and, of course, staff emoluments.

119. C.O. 446/111, Harcourt to Lugard, 4 July, 1913, in reply to Lugard's despatch of 23 March, 1913. See, especially, Strachey's comments on Lugard's despatch.

120. The best existing account of this development is that by Perham, *Lugard Years of Authority* pp. 480—87.

121. *Record of Proceedings of Conference of Residents 1926...*p.8.

122. *Ibid.*, pp. 9—10

123. S.N.P. 17/2, No. 14686, Vol. I, Kano Province Annual Report, 1930.

124. See Appendix II.

With the amalgamation of Northern and Southern Nigeria in 1914 funds raised within or in the Northern Provinces went into the Nigerian treasury and did not have to be necessarily spent within this group of provinces. It was apparently for this reason that in 1926 the Northern Residents insisted that the percentage of taxes payable to the N.A. should be increased because the central government was doing little or nothing to develop the North. But whether the revenue was controlled from Kaduna or Lagos, Kano was the loser. Financially the strongest N.A. in Nigeria, part of its funds was diverted to projects in which the benefits to the emirate were not the important consideration. Thus, for instance, roads and bridges were constructed to link Kano with some other important centres so as to facilitate the mobility of colonial personnel, both military and civilian. Likewise, the provision of medical facilities (there were at least two hospitals, one at Bompai and one at Fagge)¹²⁵ which were used almost exclusively by Europeans and the 'stranger elements' was not meant to meet the special needs of the people who had raised the funds.¹²⁶

In other words, the execution of any development scheme which was of special interest to the people of Kano was seen by the colonial administration as something which must be undertaken by the N.A. using its own share of taxes. This will be discussed fully in the appropriate section.

THE BAIT AL-MAL AND THE PAYMENT OF N.A. PERSONNEL

In 1909 what used to be called the emir's share that is, 25% of the whole taxes, was formally constituted into a *bait al-mal* from which the emir and the central officials were thenceforth to draw their salaries while the balance was to be spent in public interest.¹²⁷ A *gidan* Ma'aji (*bait al-mal*) had always existed out of which the emir drew what funds he pleased whenever he liked.¹²⁸ At the beginning of the colonial regime, the traditional practice was continued by handing over the emir's share of revenue to the Ma'aji. The *bait al-mal* was therefore in origin not a colonial innovation, but during this period it was considerably revolutionized to make it capable of coping with the imperative demands of a rapidly expanding financial system. The credit for the organization of the *bait al-mal* as a financial institution regulating the fiscal affairs of the emirates in the Northern Provinces belonged to Palmer who inaugurated it tentatively in 1907 as a personal arrangement between him and the emir of Katsina.¹²⁹ A scale of salaries for the emir and his officials was agreed upon and drawn up, and when Acting Governor, Wallace, visited the emirate in 1907 he found the system a *fait accompli* and although the idea commended itself to him he said he would not give it the sanction of the protectorate government since the whole money was the emir's private income. He promised, however, to commend the idea to Girouard. But meanwhile he was not prepared to interfere with what had been done.¹³⁰

125. S.N.P. 17/8, No. K105 Vol. I, Kano Province Annual Report, 1925.

126. It is known that until very late in our period the people of Kano kept away from the European hospitals.

127. S.N.P. 6/5, No. 44/1909, Report for March, 1909.

128. S.N.P. 7/10, No. 6415/1909, Kano Province Annual Report, 1909.

129. For Palmer's work in Katsina see Perham, *Native Administration in Nigeria*, pp. 70—1; Bull, *ubi supra*, p. 67; Heussler, p. 40; Hull, pp. 252—504.

130. Palmer Papers No. 120, Museum Library, Jos.

When Temple arrived in Kano in 1909, with the sanction of the Governor he borrowed a leaf from Palmer and set up the *bait al-mal*, using a balance of approximately £6,000 found in the *gidan Ma'aji* as the nucleus of the new system.¹³¹ Thenceforth, the 25% of the taxes as well as *ushiri* and *ujera* were paid into this common fund.¹³² The Ma'aji was placed in charge of the treasury as of old and like other members of the central administration was given a fixed pay to be drawn out of the treasury. As the institution regulating the financial affairs of the emirate in terms of revenue and expenditure, the *bait al-mal* occupied an important place in the whole structure of Native Administration. But it cannot properly be regarded as a pillar of Indirect Rule, since it was only a part of the revenue system. For without revenue there would have been no *bait al-mal*.

The *bait al-mal* accounts were under the control of the emir to whom its officials were answerable, but it was subject to British advice and supervision.¹³³ The introduction of the principle of estimates gave more work to all involved in the management of the N.A. funds. The Ma'aji had commendably kept his accounts well, and both he and the emir are said to have shown active interest when the idea of estimates came under discussion.¹³⁴ Lord Harcourt had strongly advised that annual estimates of revenue and expenditure should be made by the emirs and their councils advised and assisted by Residents;¹³⁵ it is doubtful if this was ever the case in Kano for a long time. Towards the end of this period, however, the Ma'aji had fully assumed the responsibility for the preparation of the estimates and financial statement for each year.¹³⁶ The position of the Ma'aji was full of great temptations: it demanded the greatest sense of honesty and personal integrity. Incidentally, all the three Ma'ajis who served the *bait al-mal* between 1909 and 1932 were dismissed from office on charges of financial irregularity.¹³⁷ The last of them, Ma'aji Abdallah, was removed when a surprise check revealed a shortage of £200 in his accounting. He was succeeded in office by Ma'aji Suleimanu.

The first charge on the N.A. share of revenue was towards the payment of officials. It was inevitable that the destruction of the fief system which had guaranteed officials means of livelihood in traditional society should be replaced by some other convenient arrangement under which they would receive some remuneration in consideration of the positions they held in the administration. Here lay the origin of the controversy over the allocation of revenue between the colonial regime and the emir's government. Lugard was at first naturally more concerned with the chiefs who were being made the foundation stones of his system. To them he had an early plan to allocate 'a fair proportion of the proceeds' from taxation; it was for them that the whole plan was initiated and not primarily, he claimed, in the interest of colonial revenue.¹³⁸ In spite of the claim, Lugard needed the tax at least as desperately as the emirs, and by 1906 he was taking half of the proceeds.

131. S.N.P. 7/10, No. 6415/1909, Kano Province Annual Report, 1909.

132. *Ibid.*

133. S.N.P. 7/10, No. 3635/1909, Mid Year Report, 1909.

134. S.N.P. 7/10, No. 98P/1914, Annual Report, 1913.

135. C.O. 446/111, Harcourt to Lugard, 4 July, 1913.

136. S.N.P. 17/2, No. 166/687, Annual Report, 1931.

137. The full list is as follows:

Ma'aji Auta (1909—18), Ma'aji Babelle (1918—19) and Ma'aji Abdallah, (1919—32).

138. Lugard, *Annual Reports*, pp. 217—218 (report for 1904).

The earliest scheme for the payment of the emir and his officials was the percentage system based on the N.A. share of revenue. This proportion technically belonged to the emir, and out of it he had a duty to pay his own officials, including those who were not recognized by the colonial government.¹³⁹ Lugard in his usual way painstakingly worked out in detail the proportions which should be assigned to the various parties concerned from the 50% of the taxes assigned to the local governments. Of the general tax the principal chief was to receive 22%; district heads, 17%; 'recognized' office holders 6%; and village heads, 5%.¹⁴⁰ Evidently, the burden of development even on the part of the N.A. was as yet not envisaged. In the case of the *jangali* 35% was the emir's share; the district head was left out and his place taken by the head of the *ruga*¹⁴¹ who received 10%; and 5% went to the collector. How far this worked in practice at first is rather an obscure matter, but it is clear that it was subsequently modified to conform to the realities of Kano's development. As arranged by Cargill in June 1908, 25% was the recognized share of the emir. The remaining 25% was the district administrators' share and was retained in the district.¹⁴²

It was far from Lugard's imagination, however, that his percentage system would be permanently maintained. He thought it probable that as the sums realized from tax increased the income of his emirs under this system might become larger than necessary; in that circumstance it would become essential to place them under fixed salaries adequate to keep up their pomp without ostentation.¹⁴³ Fixed emoluments for each district head was also to wait until it could be established what amount could suffice for the various grades. All this was in 1905—06; Lugard did not stay much longer to be able to re-appraise the situation, but he left his successor with a clear picture of the direction towards which he was moving.

Girouard faced the question early in his tenure, but he was not an uncritical follower of his predecessor. Lugard wanted the salaries of officials fixed and the rest of the revenue taken over by the colonial government. Girouard appreciated the need for fixed emoluments but he thought that at least portions of what remained of the N.A. share should be devoted to works of public utility under the direction of the Resident.¹⁴⁴ The Governor was afraid that as revenue was rapidly increasing and European merchants were making their way into Kano if no limit was placed on the emir's income the result would be dangerous: maintenance of 'useless hangers-on', and extravagance at the European shops.¹⁴⁵ But he stated quite categorically that he had no intention of taking over the N.A. share. To pay the emirs out of general revenue would so diminish their prestige that their positions might as well be abolished; in any case it was not his plan that salaries should be fixed as an immediate measure.¹⁴⁶ Inclusion of the N.A. share in the protectorate's revenue might induce the Treasury to reduce the annual grant-in-aid and bring the whole financial structure under audit control.¹⁴⁷ For the time

139. Lugard, *Memorandum on the Taxation of Natives*, p. 9; also *Political Memoranda* (1906), p. 112.

140. Lugard, *Political Memoranda* (1906), p. 114.

141. A Fulani cattle encampment (Plural *ruga*).

142. N.A.K. Kano Prof. 6/2, No. C111/1908, Hewby's Report.

143. Lugard, *Political Memoranda*, (1906), p. 112.

144. S.N.P. 15/3, A6, Girouard to Festing, 13 August, 1907.

145. S.N.P. 15/3, A10, Girouard to Cargill, 7 November, 1907.

146. *Ibid.* Festings, while in charge of the province, was in favour of immediate action on the matter.

147. N.A.K. Kano Prof. 6/2, No. C111/1908, Memorandum dated 23 October, 1907.

being, he merely wanted his Residents to bear the problem in mind and submit their recommendations after making confidential investigations.

Although this was a general question it was more pertinent to Kano which was full of tremendous possibilities. The arrival of the railway would bring about unpredictable changes in the economy, and the Governor did not think it was fair that in a place like this the emir should be left with his full share of the anticipated increases. The revenue of Kano in 1908 was £38,000 half of which belonged to the N.A. The principle of fixed emoluments was not put into effect until the time of Temple who persuaded the emir to accept £4,800 per annum. This sum was apparently far below what precolonial emirs received as their own share of taxes.¹⁴⁸ Abbas may have agreed to receive this fixed sum just to avoid another quarrel with the whitemen. Temple also fixed £1,000 for the Waziri, £360 for the Ma'aji, £72 for the *Limam*, and £24 each for the four *mallamai* members of the judicial council.¹⁴⁹ After making allowance for the fixed salaries of certain other officials in the city (Ma'ajin Wateri, *dogarai* etc) as well as for £1,000 in aid of education Temple still had an estimated surplus of revenue over expenditure to the tune of £5,000. The 25% share for the district administration in 1909 amounted to about £15,000, the perquisite of 14 district heads, 56 sub-district heads, and about 5,000 village heads.¹⁵⁰

For some years more the percentage system continued to be operated in the district administration. But in a way it worked against custom, as each *hakimi's* nominal income was dependent on the yield of his district, irrespective of his position in the social hierarchy. Thus, under the system the Chiroma was in 1914 entitled to £1,245; the Madaki, £1,590; and the Galadima only £250.¹⁵¹ The chiefs of Rano, Karaye, Dutse, and Gaya, all earned higher than the Galadima before whom these *hakimai* were humble fellows in traditional society.¹⁵² In 1914 Gowers submitted a scheme for fixed salaries of the district headmen and based it, in respect of each *hakimi*, on arbitrary portions of the 10% of the revenue produced in his district. The Chiroma, Madaki, Makama, and Galadima were recommended for annual stipends of £1,000, £1,000, £800 and £200 respectively.¹⁵³ Various figures were also recommended for the sub-district heads, a number of them even earned higher than the Galadima.¹⁵⁴ It should be emphasized that the emir had absolutely nothing to do with the fixing of the district heads' salaries. The view that they 'were determined almost solely by the whims of Emir Abbas' who 'assigned ridiculously meagre salaries' to those district heads who were not on good terms with him is at variance with our evidence.¹⁵⁵ The principle of fixed emoluments resulted in virtually every case in some savings. However, it was feared that the headmen once sure of regular incomes which were independent of what they collected might show less enthusiasm for their work.

148. Both Cargill and Hewby had earlier shown willingness to allow the emir as much as £6,000. Hewby even recommended that if the emir behaved well this sum could be raised to £10,000.

149. S.N.P. 7/10, 6415/1909, Kano Province Annual Report, 1909.

150. *Ibid.*, The district *alkalai* now drew their pay direct from Kano.

151. S.N.P. 10/2, No. 150P/1914, 'Kano Province: District Heads' salaries'.

152. Prior to the time of Aliyu, Gaya was only one of the Chiefs of the Galadima.

153. *Ibid.*, Gowers to Temple, 25 March, 1914.

154. The Dan Iya was placed on £290 and the Lamidon Madaki on £230. The sub-district heads earned various amounts ranging from £60 to £290 per annum.

155. For this view, see Fika, p. 190. This is part of the effort to make Abbas look more auto-

cratic and more independent of the British than he actually was.

None the less, Palmer felt that the 1914 salary structure was inadequate. His own personal experience convinced him that no *hakimi* could be spending anything less than £40—£80 per month to maintain his dignity. Therefore, it was better to give him more money and therefore less excuse for embezzlement.¹⁵⁶ It is significant that Palmer who was at an earlier time probably the bitterest enemy of the district heads' retinue was now pleading that the *hakimai* should be very well paid to be able to maintain their state. Such was the force Indirect Rule had acquired and such was the extent to which his ideas had changed. As he was now more concerned than Gowers with traditional etiquette, he viewed with disapproval a salary structure which could be interpreted as giving a new order of precedence to district heads. He pressed for a revision of salary and in 1916 worked out a new scale which largely reflected both his conviction that no *hakimi* should receive less than £480 per annum and a strong feeling that the traditional order of precedence among the officials should have a bearing on the salary structure. In other words, a *hakimi's* pay should not necessarily depend on a percentage of the annual financial returns from his district.

With all this in view, he raised the Galadima's pay to £600, the Wambai's from £240 to £600, reduced that of the Chiroma to £600, the Madaki's to £600, the Makama's from £800 to £600, and effected increases in all other cases.¹⁵⁷ Temple objected that the reduction of the Chiroma's pay would give offence to the emir, though Palmer had assured him that the whole scheme was discussed with Abbas. However, he doubted the wisdom of the cut in the salary of the Makama, who was known to be a good headman and of whom the Resident himself had a favourable opinion.¹⁵⁸ Palmer was so much concerned with the strict order of precedence that he could not retain the Chiroma's old salary and thus make him a bigger man than the Galadima nor pay the Makama a higher sum than he recommended for the Wambai whom he had placed on £600. Finally, he decided to place the Galadima, Madaki, and Chiroma on £1,000 each, while the Wambai and the Makama each received £800. This received Temple's concurrence.

When, in course of time, a new district was carved out of an existing one, the salary of the district head was reduced to meet part of the cost of paying the head of the resultant district. In 1930, the emir himself was on a salary of £6000, which did not include an 'establishment allowance' of £2,500.¹⁵⁹ The Waziri and the Madaki were each earning £1,200 per annum; the Galadima, Ma'aji, and the chief *Alkali* were respectively on £1,000, £720 and £720. The highest paid district head was the Sarkin Bai, while the lowest paid were the headmen of the three small districts: the Barde Kereriya (Kunya), Dan Mokoyo (Kuru), and Dan Maje (Minjibir), each of whom was on £180 per annum. The earliest scheme for the payment of fixed salaries to village heads proposed figures varying between £12 and £84 per annum for the different grades of village headships.¹⁶⁰ By the end of this period it was costing the N.A. a total of about £25,000 annually to provide village heads with emoluments. The district *alkalai* were on salaries which

156. S.N.P. 10/4, No. 170P/1916, Kano Province Annual Report, 1915.

157. S.N.P. 10/4, No. 255P/1916, Palmer to Temple, 6 April, 1916.

158. *Ibid.*, observations on Palmer's paper, 26 April, 1916.

159. The so-called 'establishment charge' was first instituted in 1924 to help the principal emirs of Northern Nigeria (those of Sokoto, Kano, and Borno) run expenses on such occasions as the Muslim festivals. *Vide* C.O. 583/126, D.C. Cameron (Acting Governor) to J. H. Thomas (Secretary of State) 9 May, 1924.

160. *Ibid.*, observations on Palmer's paper, 26 April, 1916.

ranged from £108 to £120 per annum, and there was provision for their assistants, messengers, and so on. The *Limam* of the central mosque was on £120 per annum and payments were also made in recognition of the *ladanai* (those who called worshippers to prayer). Fixed salaries were also paid to the staff of the following departments: police (*dogarai* and *yan gadi*), prisons, education, survey, medical, forestry, and the like. Where European officials were seconded to the N.A. for the maintenance of technical departments such as electricity their pays were charged against N.A. accounts. The N.A. had in fact become a big employer of labour and was financially strong to withstand the great pressure on its resources. Yet payment of all categories of officials represented only one item on the expenditure side.

THE N.A. AND SOCIAL SERVICES

It has been repeatedly pointed out that the concept of public works was not originally part of Lugard's administrative programme. He saw the emirate governments and other local authorities within his new empire as machineries for tax collection *par excellence*. But the time was not very far off when the N.A. was made increasingly aware of some of the tremendous responsibilities of a modern government and began to assume them. In the early years of British rule all this was a cry far removed from the thinking of colonial administrators whose immediate pre-occupation was with the taxation of the *talakawa* and the way the proceeds should be divided to support their empty treasury as well as Kano's political and religious elites. The extent of the change which had taken place by 1918 on the subject of what a Native Administration should do is very well reflected in the new issue of the *Political Memoranda* (1918):

The share of the general tax assigned to the Native Administration affords, not merely the means of providing an adequate income for its officials, but also a fund by the aid of which the Native Administration can take direct part in such of the projects of Government as it is well fitted to co-operate in. It can build court houses and schools, and pay the Native staff. It can assist in Forestry work, and undertake Public Works of local importance, whether carried out by its own employees or executed by Governor and paid for out of its funds. In short, it can co-operate in the progress of Nigeria, according to its means and the stage of development it has reached.¹⁶¹

In short, a Native Administration worthy of the name should be able to play a responsible role as an effective instrument of local government and local development. Girouard was the first to appreciate that the whole N.A. portion of the revenue need not necessarily be squandered by the emir and his officials. He told his Residents that part of this could be used in the interest of the people by way of works of public utility: road making, building of schools, mosques, gaols and so forth.¹⁶² As a general principle this was also the recommendation of the Committee appointed in 1908 to look into certain administrative problems in Northern Nigeria.¹⁶³ Above all, it became the

161. Lugard, *Political Memoranda*, (1918), p. 169.

162. S.N.P. 15/3, A6, Girouard to Festing, 13 August, 1907.

163. *Report of the Northern Nigeria Lands Committee* (University of Ibadan Microfilms), p.xviii.

view firmly held by the Colonial Office that the Native Administrations of Northern Nigeria should exercise the right to utilize their shares of general revenue 'for legitimate purposes of local government',¹⁶⁴ and this was the principal argument against Lugard's efforts to keep all funds firmly in his hands.

Apparently, the first expenditure on what could be called 'public interest' was the sum of £1,000 which was voted in aid of education under Temple in 1909.¹⁶⁵ Matters which at different times in subsequent years received attention fall under four broad categories: roads, town improvement, public works, and health. Of all these activities, the one which probably received the most persistent attention was road construction. This is understandable; consolidation of British rule sparked off a considerable amount of economic activities which depended on an improved system of road transport. Besides, the British had every reason to encourage road building and construction of bridges and culverts which besides aiding the mobility of their personnel also served the interest of commerce. In course of time, the N.A. was able to buy and maintain a large number of vehicles to do the works which were formerly entirely done by carriers and beasts of burden. The emir himself was in time able to buy his own car, and tours of the districts were undertaken by N.A. officials using private or official vehicles. There were therefore on all sides compelling reasons why great interest was shown in the construction and maintenance of roads, but large scale work probably did not begin until after the First World War. The *talakawa*, inevitably, benefited from these improvements.

From the early twenties or so the N.A. maintained a small permanent staff of skilled road workers but a great amount of unskilled and casual labour continued to be employed. For the upkeep of roads and minor construction works, the N.A. relied on its own efforts to recruit labour, but major works requiring technical skill were undertaken by the colonial government's public works department (P.W.D.) on reimbursement by the N.A.¹⁶⁶ The twenties also saw increased efforts to connect Kano and her neighbours by a net work of roads as well as to improve communications between the city and the districts. In 1924, the Kano-Katsina road was completed by the P.W.D. which also effected a twelve mile link between Dawano in Daura and Kunya district.¹⁶⁷

In 1927 a new Kano to Wudil road which was sanctioned in 1925 was completed at a cost of over £13,000.¹⁶⁸ The reconstruction of the road between Kano and Dabi was begun in 1926 and in the same year a new road between Kano and Zaria was opened: until then the main link between the two emirates was the railway.¹⁶⁹ The Wudil bridge across the Challawa river was completed and opened in 1928 at a cost of £27,000 borne by the protectorate government. Kano City itself was the scene of some changes: in 1925 it was said to have been transformed by the construction of better roads which involved destruction of many houses for which a sum of £2,500 was paid as compensation.¹⁷⁰ By 1928 Kano city had a total of seventeen miles of motorable roads, and in 1931

164. C.O. 446/111, Harcourt to Lugard, 4 July, 1913.

165. 'Education' forms the subject of the following chapter and is therefore not discussed here.

166. The principle that the protectorate government could implement certain services and then claim reimbursement from the particular N.A. was laid down in 1913 and re-affirmed in 1914. See C.O. 446/111, Harcourt to Lugard, 4 July, 1914.

167. N.A. 1. C.S.O. 26, No. 12682 Vol. II, Kano Province Annual Report, 1924.

168. N.A. 1. C.S.O. 26, No. 12682 Vols. III—V, Kano Province Annual Report, 1925—27.

169. N.A. 1, C.S.O. 26, No. 12682 Vol. IV, Kano Province Annual Report, 1926.

170. N.A. 1, C.S.O. 26, No. 12682 Vol. III, Kano Province Annual Report, 1925.

no less than 1,200 miles of roads were maintained by the N.A. throughout the emirate.

Construction of roads within the urban area was only part of related activities aimed at giving the city a new look. At various times improvement schemes were instituted to effect changes in sanitation, such as drainage and disposal of refuse. The city market was an object of constant attention: construction and reconstruction works were undertaken from time to time to enable the market to cope with the demands of an increasing urban population and rising standards.

The N.A. also built and maintained the offices of the central administration, court houses, and prisons. Prison labour was employed in public buildings, road works, and other services.¹⁷¹ But by far the greatest of the N.A. public works was the gigantic electric power and water supply scheme. Water supply was a recurrent problem in Kano owing to wells getting dried up.¹⁷² For years there were talks of a plan to bring water from the Challawa river which was about twelve miles from the city but it was not until 1928 that a final decision was taken. Apart from its own needs, the N.A. also undertook to supply the township as well as the European population. Adopted along with the water scheme was an electric power scheme to serve the same areas.¹⁷³ The electricity scheme was undertaken by the P.W.D., while the construction of the water works was carried out by a team of engineers whose services were secured through the Crown Agents. In 1931 the whole programme was completed at a total cost of £333,000, including a contribution of £20,000 made by the colonial government.¹⁷⁴ At that time it was regarded as the largest undertaking financed by any Nigerian Native Administration, and it was probably the only scheme of its type and magnitude financed by a Native Administration in what was then British West Africa.

Finally, there was a problem of medical care. Until 1922 there was not a single hospital in any of the cities of the Muslim emirates, although European medical institutions had been set up in or around the townships; those hospitals catered mainly for the new communities that had sprung up in those places.¹⁷⁵ But in that year the Katsina N.A. took the novel step of opening a hospital within its walls. Kano, with all its wealth, did not follow this example, although it had made attempts to run dispensaries but found public support and enthusiasm lacking. In 1924 another small dispensary was erected in Kano city but it met with no less apathy from the people than earlier efforts.¹⁷⁶ The Kanawa obviously had deep-rooted prejudices against Western medical science, and even massive outbreaks of epidemics did very little to change their attitudes.

In 1927 a new dispensary was completed to replace the existing one, and a plan to build a hospital within the city was discussed and agreed upon. Four years later this hospital was completed at a cost of £32,000.¹⁷⁷ The large attendance at both the in-patient and the out-patient departments in 1929 and 1930 showed that moods and

171. N.A. 1, C.S.O. 26, No. 09560, Kano Province Report, 1922; N.A. 1, C.S.O. 12682 Vol. IV, Kano Province Annual Report, 1926.

172. Buell, p. 704.

173. N.A. 1, C.S.O. 26, No. 12682 Vol. VI, Annual Report, 1928.

174. N.A. 1, C.S.O. 26, No. 12682 Vol. VIII, Annual Report, 1931.

175. N.A. 1, C.S.O. 26, No. 09560, Kano Province Annual Report, 1922.

176. N.A. 1, C.S.O. 26, No. 12682, Vol. II, Kano Province Annual Report, 1924.

177. N.A. 1, C.S.O. 26, 12682 Vol. VIII, Kano Province Annual Report, 1931. The hospital had a total of 102 beds.

attitudes were changing. Gradually those institutions began to acquire some measure of popularity and the superiority of Western medical science to traditional methods began to be appreciated. It is said that by 1931 all the leading men of Kano city except the emir had voluntarily asked for treatment at the hospital.¹⁷⁸ The activities of the hospital were extended to the districts through the establishment of dispensaries;¹⁷⁹ initially, five districts were involved, including Bichi, Dawaki, and Wudil.¹⁸⁰ All medical care was free, except in Kano city where rich men (*masu kudi*) were required to make some payment.

But it would be idle to pretend that the new form of medical service faced no difficulties. The problem was not just that there was traditional Hausa medicine which people believed was capable of curing any disease. There was also prejudice on religious grounds and both causes combined to present a strong opposition. Because of this belief in the efficacy of the traditional methods of healing, the hospital and dispensaries were at first viewed with suspicion and aversion.¹⁸¹ Both in the city and in the districts people had to be caught and taken to the hospital against their own judgement. And on ground of religion those institutions were condemned because they gave wide scope for the mixing of sexes in a manner which religious dogma did not permit. Thus, for example, it was considered improper for men to administer injection on women, or to conduct surgical operations on them.¹⁸² These were no doubt serious problems but there must be a starting point somewhere and efforts had to be made to convince people that the change was worthwhile.

On the whole, the changes which were effected by the N.A. since the late twenties were remarkable. For years the people of Kano were denied services which the taxes they paid and the reserves accumulated by the N.A. fully entitled them to. And for so long these reserves were hoarded as if nobody knew the use to which they could be put. Clearly, British officials did not at first provide the guidance needed for social transformation; so absorbed were they with taxation and politics that some of the real interests of the masses were for long neglected. Even by 1930 developments such as there were, apart from the roads, were centred around Kano city, and most *talakawa* still had no returns commensurate with their taxes. But it had been clearly realized that the N.A. was not just an instrument for the maintenance of law and order, but a local government body which should concern itself with the problems of social and economic development. The main role of the colonial regime was to initiate programmes of development for which the N.A. had to supply the funds.

By the end of this period, British officials at Kano had every reason to feel complaisant about the position of fiscal matters. Not only had they succeeded in merging taxes but also they had been able to effect a tremendous rise in revenue to an extent that must have exceeded the most optimistic anticipations of the men who laid the foundations of colonial rule. All this was accomplished at a great cost to the traditional

178. *Ibid.*

179. Perham, *Native Administration in Nigeria*, p. 97.

180. N.A.I. C.S.O. 26, No. 12682 Vol. VIII, Kano Province Annual Report, 1931. The dispensaries were said to be very popular. Each dispensary was opened at a cost of £250.

181. Alhaji Mai Sango, 26 June, 1972 (Kano); Maiungwa Katutu, Muhammadu, 16 August, 1972 (Ringim).

182. Limam of Dambazau, Mallam Shehu, 22 June, 1972 (Kano).

system. At various times the British showed some awareness of the violence the changes in taxation were doing to Muslim sentiments and on several occasions proposals were put forward by Temple, Palmer, and Gepp for naming the taxes after terms familiar to the people so as to keep up a *fake* appearance of continuity. All of them regarded *kudin taki* as an inconvenient term but for some obscure reason it was never dropped. Palmer at one stage argued that 'if we are going to introduce and maintain this system with the minimum of friction, we have, if we can to square it with Muslim law'.¹⁸³ The word '*haraji*' (Hausa corruption of *kharaj*) which later came to be used to denote tax generally (except *jangali*) was designed to please Muslim sentiments, but nobody was deceived.

By the twenties and thirties people were generally more concerned with the incidence of taxation than with its intrinsic form. They were aware that the old forms were gone forever. There was unanimity among informants that the *haraji* was easier and simpler to pay, that is, that in the long run the British system of taxation was lighter than the old multiplicity of taxes. This is quite understandable. The new system which left the assessment of the individual's liability to the elders within each community was perhaps the best attempt up to that time to try to establish a relationship between what a man paid and his estimated income. Besides, the new tempo of economic change placed the average peasant of 1930 - as the people themselves maintained - in a more favourable position to meet the tax assessment than was the case with his precolonial counterpart.

On the other hand, works of public utilities were not only maintained but had by 1930 acquired a high degree of sophistication. The principle of fixed pay for the emir and all officials had replaced the idea of giving them proportions of taxes collected from the fiefs. There was hardly anything in the nineteenth century concept of public utilities which did not survive into the twentieth century. Thus, for instance, roads, mosques, markets, and wells were provided and maintained, but really no new principles were involved. The provision of such amenities as electric power was alien to nineteenth century thought and conditions, but it surely fitted into the concept of public welfare.

We can therefore say, by way of conclusion, that with regard to the first major concern of this chapter the change was total and complete. The only thing common to the nineteenth and twentieth centuries was the principle of taxation but this principle operated in basically different ways. And with regard to the second major theme of the chapter it is clear that both the nineteenth and the twentieth centuries shared the idea that apart from the question of law and order the state should cater for the social and economic welfare of the individual. That these services were sometimes of different types and dimensions in the colonial and precolonial periods is a reflection of the dissimilar conditions and options open to the two sets of government.

183. Museum Library, Jos: Palmer Papers No. 122a. Palmer wanted the term '*haraj*' to be used instead of '*kudin taki*'.

7. Education and Manpower Development

Because of the obvious relationship between education and administration, this very chapter will examine the various issues and problems relating to the education and the manpower needs of the emirate during the period covered by this study. The British administration brought about a new system of education which differed fundamentally from what Kano society had known in its centuries of experience with formal education. As might be expected, this new or Western style educational system ran into trouble with the pre-existing Islamic system which, as far as the population was concerned, represented the true system. But although Kano society saw British educational efforts as a challenge, indeed as another danger, to their way of life, this danger was more apparent than real. Western style education was designed to prepare people for roles in society entirely different from those which Islamic education aimed at. But it was not in any way antagonistic to Islamic education, and it did not prove impossible in practice for the same pupil to study elements of both systems. However, in the circumstances of the conquest period Kano society was in no mood to see things in this way. And as this chapter will demonstrate, the people generally never really showed any enthusiasm for the British type of education, even though colonial administrators and policy makers deliberately avoided introducing an educational programme that was likely to produce profound social implications.

The establishment of British rule was in Africa usually accompanied by the penetration of Christian missionaries whose supreme purpose was the evangelization of the colonial population. As is very well known, the introduction of Western style education was part and parcel of the activities of the various missionary societies. In the Muslim emirates of Northern Nigeria, the colonial government placed severe restrictions on the activities of the missionaries. The aim and result of government policy were the exclusion of mission education which, in some other parts of British Africa, led to the profound transformation of the societies during the same period.

LUGARD AND THE EDUCATION PROBLEM

The failure of the missionaries to establish themselves effectively in the emirates was due to a number of problems which plagued them throughout this period. These territories were part of the Islamic world with all its tradition of fear and distrust of Christian powers, and in the early years of the occupation Lugard wisely made a pledge to the emirs to the effect that he would not interfere with their religion. Acrimonious controversy later developed between the missionaries and British officials in the emirates after Lugard's departure from the protectorate as to the exact meaning of the High Commissioner's pledge of non-interference with Islam. The missionaries felt quite certain that it did not aim at excluding them, while on the other hand the Residents

argued that it did and that at any rate it was necessary to take into consideration not what the pledge amounted to in European eyes but how it was understood by the emirs. The facts appear clearly established that Lugard did not mean to exclude the missionaries permanently from the emirates as a matter of general policy. After all, in 1905 he did authorize the Rev. Dr. W. R. Miller of the Church Missionary Society (C.M.S.) to set up a mission station in Kano within the European quarter,¹ and he certainly was not under the impression that he had broken any pledge. Owing to personnel problems Miller was not able to take up the offer immediately and it was not subsequently renewed. The strategy Lugard adopted was to weigh all such concessions against their political implications. During his tenure of office as Governor-General of Nigeria, Lugard preferred to be guided on the subject of the policy towards Christian missionaries by the opinions of the Residents. By the end of our period so much had happened which made the case of the missionaries more hopeless than ever.²

This is not to say that Lugard was prepared to leave the important matter of the education of the natives of the protectorate entirely or even largely in the hands of voluntary agencies represented by the Christian missions. He fully appreciated the relevance of education to colonial rule, and therefore he wanted his administration to play a direct and indeed a key role in the realization of educational objectives. This is illustrated in a despatch of 23 April, 1900, in which he impressed on the Colonial Office that it was wrong in principle and unfair to Mission Societies that the government should make no effort to meet at least part of its manpower needs in terms of clerks, artisans, and other professionals.³ But there are reasons for believing that this policy was not enunciated entirely out of sympathy for the missions. The High Commissioner convinced himself that he needed not just educated natives but natives educated in a manner approved by him, and he did not trust that Missionary Societies were capable of bringing up this kind of personnel. Yet, since his administration was financially handicapped, he was not in a position to launch his own schemes, and he needed the co-operation of the missions, at least for sometime.

In 1906 Lugard's tenure of office as High Commissioner for Northern Nigeria came to an end. His administration had not by then succeeded in doing anything tangible in aid of education in the protectorate. But the educational strategies and objectives had been spelt out. His memorandum on the subject sought to provide schools for four different categories of pupils. The first type was to cater for mallams, that is, those pupils already brought up according to the prevailing tradition of Islamic education, who now had to be taught how to read and write Hausa in Roman character as well as colloquial English and other subjects. The second type of schools was meant for the sons of chiefs. Education of this class of pupils was of special interest to Lugard because he considered that a new generation of rulers should be brought up in the tradition of English gentlemen fully aware of their responsibilities to their subjects and in the atmosphere of loyalty to the king. Another type of school was to be established in the various

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1. S. F. Graham, *Government and Mission Education in Northern Nigeria 1900—1919* (Ibadan, 1966), p. 37.
 2. For details see C. N. Ubah, 'Problems of Christian Missionaries in the Muslim Emirates of Nigeria, 1900—1928', *Journal of African Studies*, Vol. 3 No. 3, 1976, pp. 351—71.
 3. C.O. 446/9, Lugard to C.O., 23 April, 1900, quoted by Graham, pp. 8—9.

cities for other pupils in those areas, and in the cantonments schools were to be set up specifically for the children of government officials.⁴

This scheme thus provided for the education of all natives, having regard also for the differences in the social order. The memorandum envisaged an educational system that was largely secular in character. Of the four categories of school, only one — the cantonment schools — was to be placed under the missionaries. The innovation implicit in direct government participation in education was expected to yield satisfactory political returns. Mission schools could not be relied upon to turn out the kind of 'gentlemen' on whom one day the responsibility of ruling would devolve. Nor could the products of mission schools make obedient colonial subjects. He had nothing but contempt for the report that the Sudan Interior Mission, one of the Christian bodies operating in the protectorate, was teaching equality of races.⁵ Apart from clerical and other professional services anticipated, the Lugard administration therefore had other important reasons for considering government investment in education very much worthwhile.

Never the less, the financial circumstances of the colonial regime and the increasing amount of urgency being attached to the education of the natives seem to have convinced Lugard that some kind of Western education was better than nothing at all. This would appear to be the ground for the plan under which the C.M.S. at Zaria was to be allowed to take care of the education of mallams and sons of chiefs on an experimental basis.⁶ The Zaria project which was launched in May 1907 was a disaster.⁷ The Emir of Kano showed no interest in the matter. He claimed that he had no sons of school age and that Kano mallams were not desirous of going to Zaria.⁸ It will be recalled that 1907 was a year of political crisis at Kano. The emir and his district heads had much more to think about than how to recruit and send pupils to the missionary station at Zaria.

While the fate of Miller's scheme hung on the balance, a local experiment was initiated at Kano. Early in 1909 Temple, who as Resident of Sokoto had opposed Miller's educational proposals, inaugurated a 'school' for the sons of chiefs. In making this move, the Resident wanted to use to the best advantage the spirit of reconciliation between the emir and the British and the restoration of order in the Kano Native Administration. Temple was quite aware of a similar innovation on the part of Major Burdon, the Resident of Sokoto, who as far back as 1905 had attempted to found a government school in his province.⁹ Temple was luckier than his counterpart at Sokoto because Kano did not oppose the experiment. Abbas and his officials did not want to precipitate another stalemate in their relations with the British soon after the Resident had done so much to restore harmony.

The foundation members of this so-called 'chiefs' sons' school' were: Abdulkadir, second son of the Emir of Kano; Muhammadu, grandson of the Madaki; Amin Allahu (Muhammadu), son of the Makama; Muhammadu Mustafa, nephew of the Alkali; Ibrahim, son of the Ma'aji; Adamu, son of Sarkin Rano; Maliki, son of Sarkin Gaya; Amin Allahi, son of the Turakin Many; Abdullahi, son of Wambai; Abubakar,

4. C.O. 446/59, 'Memorandum on Education'.

5. Graham, p. 26.

6. For the Zaria programme see Graham, pp. 39—42.

7. *Ibid.*, p. 51.

8. *Ibid.*, p. 52.

9. *Ibid.*, pp. 59—60.

son of Galadima; Muhammadu Salihu, son of Sarkin Karaye; Muhammadu, son of Sarkin Dutse; and another Muhammadu, son of Sarkin Dawaki Tsakar Gida.¹⁰ The sincerity of Kano is borne out by the fact that virtually all senior officials sent their real, and not faked, sons, grandsons, or other close relations. The only exceptions were the Sarkin Bai, the Barde, and the Chiroma. The Chiroma himself was still a boy and had nobody to send; there may have been some satisfactory reasons why neither the Sarkin Bai nor the Barde sent any pupil.

It does not appear that there was a building specifically erected for this 'school'. Nor were any teachers specially recruited. What happened was that two British officials devoted a couple of hours each evening several times a week for the purpose of instructing the pupils. Instructions were limited to teaching the alphabets, rudimentary lessons in English, and the writing of Hausa in Roman character.¹¹ The objectives of the 'school' were not spelt out, and there was no programme of action. But in spirit the effort was in line with part of Lugard's own ideas. The practical achievements of the 'school' may have been quite negligible, but one might note that some of the recruits later held responsible positions in the Kano Native Administration. For instance, Abdulkadir, the emir's second son, later made a successful administrator first as Dan Iya and later as Galadima before finally obtaining a seat in the emir's council, while Muhammadu, son of Sarkin Dutse, also made a success of his career as a territorial administrator.

Within less than a year of its being set up, the Kano 'school' was absorbed in a wider educational system initiated for the whole protectorate. Kano city became the seat of the boldest educational effort yet launched for the people of Northern Nigeria. The new school system was the work of Hanns Vischer, and it was significant for the future of Western education in Kano.

PRINCIPLES AND OBJECTIVES

Before the Kano experiment began, serious discussions had been initiated by Sir Percy Girouard, Lugard's successor, on the future of education in Northern Nigeria. The new Governor shared his predecessor's concern for secular education, but unlike Lugard he had no intention of giving the missionaries any chance at all in the Muslim emirates. The opposition of the emirs and the Residents in these territories to the Miller scheme and the predilections of Sir Percy Girouard were too serious obstacles for the C.M.S. to surmount. The shaky beginnings and the ultimate collapse of Miller's efforts did not take even the missionaries themselves by surprise.

The details of the government's alternative educational programme were worked out by Hanns Vischer, who had been specially recommended to the Colonial Office for this assignment by Girouard. A mere third class Resident at the time of this assignment, Vischer was given a free hand in working out the educational objectives of the protectorate. But the Governor himself had clear ideas with which Vischer must have been acquainted. He had told his Residents that he was 'absolutely opposed' to missions playing any educational roles in the emirates 'with or without government assistance',¹²

10. N.A.K. Kano Prof. 6/2, No. CIII/1908, 'Confidential Preliminary Report', March, 1909.

11. *Ibid.*

12. Graham, p. 56.

and he had communicated to the Colonial Office his view that it was necessary to develop 'national education on national lines'.¹³ In the context of the Muslim emirates, Girouard meant that it was 'advisable to educate the Muhammadans along their own lines' under the direction of the government.¹⁴

The details of Vischer's travels within Africa to study various educational systems as an aid to the formulation of the policy for the protectorate are now well known.¹⁵ That he would produce a more or less conservative document on the subject of education was hardly ever in doubt. Two sets of educators were as a matter of principle excluded from the programme as a danger to the administration. The first were, needless to say, the missionaries, and the other were products of missionary education. One of their sins was, in Vischer's opinion, that they wasted so much time trying to establish their belief in the equality of all believers, ignoring what he called 'the fundamental laws of racial difference'. Another was that the products of missionary education typified by the 'modern coast negro', were 'a lamentable tragedy'. The problem with these people was their attempt to abandon 'their racial peculiarities' and substitute European manners. Mission pupils, Vischer claimed, constituted the greatest difficulty in the way of 'true' education. It was better to prevent the problem than to look for the remedy after it had arisen.¹⁶ The principle underlying the educational system was, in the words of its author, 'the preservation of the native, respect for his manners, customs, language and racial characteristics'.¹⁷ Vischer has provided us with an outline of his educational objectives, and since he was a lasting influence on the system of education in the emirates these seven-point objectives deserve to be noted here.

The first was to 'develop the national and racial characteristics of the natives on such lines that will enable them to use their own moral and physical forces to the best advantage'. The danger here is that preoccupation with the development of 'national and racial characteristics', whatever these meant, might make pupils so inward looking and exclusive as to prevent their realization of their membership of a larger political community. The second objective, 'to widen their mental horizon without destroying their respect for race and parents', sprang from the mistaken view that education of the African necessarily made him despise his race and question the authority of his parents, guardians and elders. The third objective was to 'supply men for employment under Government'. It will be recalled that Lugard always had in mind the needs of both the government and the commercial companies. Vischer was very little concerned with the interests of the entrepreneurs, meaning in effect that they should recruit their personnel from elsewhere.

Fourthly, the colonial regime sought to 'produce men that will be able to carry on the Native Administration in the spirit of the Government'. This is a typically Lugardian idea. The High Commissioner and in fact all British officials in the emirates were enthusiastic about the grooming of a new generation of native administrators who

13. C.O. 446/74, Girouard to C.O., 22 July, 1908.

14. C.O. 446/75, Girouard to C.O., 17 Oct., 1908.

15. Graham, pp. 58—78. See also Kirk-Greene's very interesting introduction to this study on pp. III—XVII.

16. C.O. 446/89, Report of Vischer's visits to Sudan, Cairo etc., enclosure 2 in Bell to Secretary of State, 10 March, 1910.

17. C.O. 446/107, Vischer to Barker, 18 Jan., 1912.

would perpetuate the British system of rule. The fifth objective, to 'impart sufficient knowledge of western ideas to enable the natives to meet the influx of traders, etc. from the coast with the advent of the railways, on equal terms' is illustrative of part of the dilemma of the alien regime. It was a defensive posture dictated by an awareness of the likely inadequacy of the projected scheme to cope with the challenges of a more dynamic and open educational system. The major objective, which all the rest merely attempted to rationalize, is the sixth point in the Vischer proposals. This was to 'avoid creating a Babu class'. The expression 'babu class' was used in referring to the educated elements who made up the militant opposition to the British colonial authorities in the Indian states.¹⁸ Lugard himself was conscious of this danger and had stated as one disadvantage of sending Northern Nigerian Muslims to the Gordon College in Khartoum that the boys would on their return preach 'sedition and be less loyal'.¹⁹ And, finally, the system would 'avoid encouraging the idea readily formed by the African that it is more honourable to sit in an office than to earn a living by manual labour by introducing at the earliest opportunity technical instruction side by side with purely clerical training'.²⁰ It was not accidental that technical education was projected as one of the imperative necessities of the emirates in 1909. Technicians were unlikely to become political agitators, and as far as an alien administration was concerned this was the thing that really mattered.

That the educational system was deliberately designed to suit the Indirect Rule system of government is now generally admitted.²¹ But it is as yet hardly recognized that in terms of abstract principles underlying the system Vischer owed a lot to the ideas of the chief executives of the protectorate. For example, the doctrine of the 'preservation of the native' on which the system was constructed was another way of stating Girouard's principle of 'national education on national lines' which was consistent with part of Lugard's ideas. Vischer was more on his own with regard to the scope and quality of knowledge intended to be imparted. Unlike Lugard, he was determined to introduce a low quality education and even that was designed for as few pupils as possible. The aim was to keep the population illiterate in order to ensure that the colonial subjects were easy to manage. With the principles and objectives clearly defined, what remained was to launch the scheme.

GOVERNMENT SCHOOLS, 1909—1915

Vischer was seconded for education work in 1908 and by early 1909 his educational proposals were submitted and accepted virtually without modification by the new Governor, Sir Hesketh Bell. Several institutions were planned as an immediate measure. These included schools for the sons of chiefs, elementary vernacular schools, primary school, and industrial or technical workshops. The first two types of school were meant to give pupils instructions in vernacular in the three Rs and some grounding in history,

18. I am grateful to Mr A. H. M. Kirk-Greene of St. Anthony's College, Oxford, for this information.

19. C.O. 446/59, Memorandum on Education

20. C.O. 446/89, enclosure 2 in Bell to C.O., 10 March, 1910.

21. See, for instance, Graham, p. 77.

geography and hygiene. The school for the sons of chiefs would turn out rulers. The primary school would enrol pupils specially recommended from the elementary vernacular schools and prepare them for minor positions in government establishments. The role of the industrial workshops was to provide artisans and low grade manpower for technical positions under the government, using pupils also specially recommended from the elementary vernacular schools.²²

Vischer's idea was that the staff of these schools should be European and native, and by 'native' he made it plain that he meant those who were to be recruited within the protectorate from the existing class of mallams.²³ Southern Nigerian teachers were not considered suitable because they represented elements of that coast type of education which British officials in the emirates profoundly distrusted. Kano was the centre of the government's educational experiment, and in September 1909 Vischer, who had literally speaking become the Director of Education in the protectorate, arrived with the immediate aim of training up a number of mallams for eventual absorption into his system. The headquarter of the department was set up at Nassarawa, a little over one mile from the city walls.

Three schools were organized between 1909 and 1910. On his arrival Vischer established a school for mallams, and with considerable difficulties he was able to recruit some pupils. Early in 1910 he took over the school which Temple had organized in 1909. The pupils formed the nucleus of the school for the sons of chiefs from other emirates. By the middle of the year, the school had a total enrolment of fifty-two pupils who received elementary instruction in English and the writing of Hausa in Roman character. At the same time the number of mallams, which had been steadily growing, rose to fifty-one. An industrial school was also organized early in the year, and the Director engaged the services of a blacksmith and a leather worker to build up a staff for this establishment. Traditionally Kano produced experts in blacksmithing and leather works, but for some other technical skills Vischer had to look elsewhere for manpower. For instance, he was compelled by necessity to employ an Igbo carpenter from Onitsha to teach his craft in the industrial school.

By the end of 1912 there were twenty-four Kano mallams in the *mallamai* school. The same number of chiefs' sons had also been enrolled in the school for the sons of chiefs, and there were sixteen apprentices in the industrial school. The subjects taught in the first two schools were mainly those worked out in advance by Vischer: arithmetic (*lisafi*), reading (*karatu*), writing (*rubutu*), drawing (*zane*), nature study (*abubuwa*), and geography (*labarin kasa*). In the industrial or technical wing, apprentices studied blacksmithing, leather working, embroidering, weaving, and spinning.²⁴ At the beginning of 1913 as many as fourteen Northerners were employed to teach in the *mallamai* or chiefs' sons' school, and the industrial side had nine Northern instructors. In that year the Igbo instructor on carpentry returned to Onitsha when it became possible for a Northerner to take over his place.²⁵

22. C.O. 446/89, enclosure in Bell to C.O., 10 March 1910.

23. *Ibid.*

24. S.N.P. 7/13 No. 4863/1912, Northern Provinces Education Department Annual Report, 1912.

25. S.N.P. 9/1 No. 1672/1914, *Annual Report by the Director of Education Northern Nigeria for the year 1913*.

Another aspect of the educational work going on at Nassarawa was the training of selected mallams in connexion with the *taki* system of taxation which Temple had introduced in 1909. Provision of this training was one of the earliest problems which Vischer tackled on his arrival. Under the *taki* system farmers were taxed according to the size of their farms. Vischer was required to teach the men how to pace farms and compute their areas, keep a record of the farms and the amount of taxes due from them.²⁶ Within a few months Vischer was able to hand over to the emir ten mallams whom he certified as fit to be engaged in the assessment work. The training of mallams was a continuous process throughout the years of *taki* assessment, and the number of men involved grew enormously from year to year. Mallams played an important role in the financial system of the emirate during that period. It was they who determined what a farmer paid, and their power for good or evil was considerable. Part of the problems of the *taki* system arose out of the way they used their power and also from the fact that quite often the men received inadequate training before they were sent to the field.

The Nassarawa schools were re-organized in 1915. By 1914 it had become very evident that more government schools would be set up in some other provinces, and in preparation for this expansion it was decided to set up a new school for the emirates of Kano province to absorb Kano pupils engaged in literary studies at Nassarawa. This was the origin of the Kano provincial school which the Kano N.A. established at Shahuhi in 1915. But all these years there were indications that all was not going on well at Nassarawa.

The main issue was that the new educational system had nothing to commend it to the people. Teachers deserted their profession, and there was an acute shortage of pupils. Some teachers preferred taking up minor positions under the Native Administration allegedly because their salaries as teachers were poor but as a matter of fact because they derived no satisfaction from their association with Western education. Many pupils deserted ostensibly because they could not pay the school fees, but in reality because they did not accept the new educational system. At the beginning of 1915 only about fifteen pupils from the emirate were showing up at Nassarawa.

The unpopularity of Western education in Kano was due to a variety of causes the most important of which was its non-Islamic character. Western education was associated in the minds of the people with Christianity. Palmer found on investigation a deep-rooted fear that the religion of the children would be interfered with.²⁷ Information obtained from the field confirmed that there was a great deal of suspicion that admission into the government school was a clever way of luring people away from the faith in order to convert them to the Christian religion.²⁸ The sin of apostasy was in Islam a very grave matter, and for Muslims to become Christians through attending government schools was regarded as a very great calamity. If pupils should abandon their traditional method of education, religion itself would be in peril because people would no longer be able to know what their obligations were as Muslims nor would

26. S.N.P. 7/13, No. 4863/1912, Northern Provinces Education Department, Annual Report, 1912.

27. S.N.P. 10/3 No. 382P/1915, Mid-year Report, Kano Province, June, 1915. There was a similar problem with Major Burdon's experiment at Sokoto in 1905. See D. R. Boyan, 'Education Policy Formulation in the North of Nigeria, 1900—1969' (Ph.D. thesis, Winseonsin, 1972), p. 49.

28. Hamza, 21 June, 1972; Alhaji Abdu, 14 June, 1972; Babban Mallamai, 16 June, 1972; Sani Abbas, 27 June, 1972 (Kano); Sarkin Shanu, 14 July, 1972 (Kiru).

they any longer appreciate what was recommended, permitted, reprehensible, or forbidden.²⁹ Allah, the *ulama*, pointed out, created men to obey his commands but it was impossible to do this under the new educational system because it did not embody Islamic education. And without studying the Quran it would be impracticable to carry out Allah's wishes.³⁰ There was no provision for the study of Arabic, a prerequisite for the reading and understanding of the Qur'an. Thus, in the eyes of the *ulama* the government type of education was not only unnecessary and wasteful but, what was more, it was dangerous. As religious leaders the *ulama* were a powerful force in Kano society, and their views on the educational question were reflected in the attitudes of the generality of Kano people towards the new educational system.

This attitude of hostility explains why for so long it proved very difficult to get pupils. The method which the administration resorted to was the easy one of forcing all office-holders to send their children to school as an example to others. If an official had no child of the right age he was then required to send the child of a relative. The usual procedure was to tell the emir who would then tell the district heads who in their turn would call upon the sub-district or village heads. For instance, to make good the desertions of 1915 a fresh campaign was mounted and this resulted in the Waziri, the Ma'aji, the Ma'ajin Wateri, three district and thirty-one sub-district heads agreeing to send their children.³¹ N.A. officials were throughout our period often warned that unless they agreed to send their children to school they would be deposed.³² A number of village heads actually preferred trouble with the British over this matter and their deposition was accordingly effected.³³ It is said that some officials did not send their favourite sons of school age but instead sent the less favoured ones.³⁴ A district head who had no child of school age would normally send the son of a relation. Thus, Alhaji Umoru Babura, who later rose to be Minister of Social Welfare and Community Development in the defunct Northern Regional Government, was sent to school in 1925 by his uncle, the Sarkin Bai, Dikko, formerly Dokaji. Umoru was at the time an orphan; his father, Abdul Aziz, had died a few years earlier.³⁵

The demand for children was at best regarded by Kano people generally as a kind of levy which no senior official escaped unless he had no children or relations and dependants who had. At worst it was viewed as a bad form of slavery. But high-ranking emirate officials would appear to have co-operated with the British as much as possible. The leading example was the emir himself. Of the seventeen sons of Abbas no less than six were sent to school at various times, and some of these later served as district heads.³⁶

29. Alhaji Abdu, 14 June, 1972 (Kano).

30. Babban Mallamai, 24 Aug., 1972 (Kano). This seems to refer to the Qur'an 51:57.

31. S.N.P. 10/3, No. 382P/1915, Mid-year Report, Kano province, June, 1915.

32. Hamza, 21 June, 1972; Limam of Yola, 22 June, 1972; Sarkin Shanu, 14 July, 1972; Sarkin Birnin Kudu, 2 Aug., 1972; Sarkin Fulani Jaidanawa, 12 Aug., 1972.

33. For instance, Sarkin Dabi, Umoru, who was deposed at the time of the Wambai, Usman, for refusing to send his son when pressed to do so.

34. Mallam Nagwaram, 14 June, 1972; Limam of Yola, 22 June, 1972; Madakin Kano, 24 June, 1972 (Kano).

35. Alhaji Umoru Babura, 54, 12 Aug., 1972 (Garki). Alhaji Umoru was appointed Sarkin Fulani Jaidanawa in 1955 and is at present district head of Garki.

36. Sani Abbas, 27 June, 1972 (Kano).

Yet not even the sons of Abbas were happy at being sent to school. Those children who went to school were objects of uncomplimentary remarks in Kano city, and wherever they passed accusing fingers were pointed at them. The children had to be forced by their own parents to go to school, and many are known to have abandoned their homes and fled out of the reach of their parents.³⁷ The position of the mallams who were recruited to teach in the school was not better. Derogatory statements were often made about them anywhere they went. Some parents withdrew their children who normally received Qur'anic education under such mallams in the evenings because it was considered that they were no longer qualified to impart the right type of knowledge to young Muslims.³⁸ Quite often they were kept out of special functions such as engagement and marriage ceremonies. It is not surprising that a number of mallams turned down invitation to teach in the government school and some of those who had enlisted ran away after a short period of service.

The colonial regime was seriously disturbed that its educational policy was not appreciated by the people. The government was anxious to see that the population did not believe rumours which associated this policy with a proselytizing mission. To this end it attempted to use N.A. officials to counteract the propaganda of the *mallamai* by publicly denying that Christianity had anything to do with the educational system.³⁹ Initially the government seemed optimistic that opposition would shortly die down, but years passed and Kano showed no signs of accommodating this cultural invasion.

At the end of 1915 Palmer thought that he had found a solution to the problem. He advised that Arabic be given a definite place in the curriculum because of the significant position it occupied in Islamic scholarship. Palmer argued that Arabic was part of the system which the administration sought to preserve and that it was even in the political interest of the government to support this type of scholarship because 'almost every fanatical outbreak has been due not to the educated Muslim but to the ignorant and superstitious fanatic who professes the religion but holds no reasoned belief'.⁴⁰ The Resident felt quite convinced that if the provincial school could be made the best place for the teaching of Arabic then the prejudice against government schools would die down.⁴¹

It was on the basis of this argument that Arabic and Islamic religious instructions were gradually introduced into the provincial school. This may have done something to make the school a little less intolerable. In 1916 it was possible to induce some of the Kano mallams to send their relations to be trained as teachers, and a few of the Kano Arabs were also enrolled.⁴² In 1917 two sons of the *ex-Alkali* Ibrahim were admitted into the school. While government measures undeniably improved the image of the school, no serious or lasting damage was done to the opposition. In 1918 the Director of Education angrily blamed the situation at Kano on what he called the 'indifference and ignorance' of the people⁴³. But the British may have derived some con-

37. Nagwaram, 14 June, 1972; Hamza, 21 June, 1972 (Kano); Sarkin Shanu, 14 July, 1972 (Kiru); Dan Kade, 16 July, 1972 (Tudun Wada).

38. Nagwaram, 14 June, 1972; Limam Dambazau, 22 June, 1972 (Kano); Dan Kade, 16 July, 1972 (Tudun Wada).

39. S.N.P. 10/3, No. 382P/1915, Mid-Year Report, Kano Province, June, 1915.

40. S.N.P. 10/3, No. 108/1916, Kano Province Annual Report, 1915.

41. *Ibid.*

42. S.N.P. 10/4, No. 518P/1916, Mid-year Report, Kano Province, 1916.

43. S.N.P. 9/5, No. 3721/1918, Education Department Annual Report, 1918.

solution from the fact that though they could not coerce the commercial and agricultural population their hold on high - ranking N.A. officials was firm. It was these who continued to provide many of the pupils for the provincial school.

ESTABLISHMENT OF MORE SCHOOLS

Outside Kano township the provincial school at Shahuchi with its elementary and primary sections was for many years the only school where the Western type of education was pursued in Kano emirate. The fortunes of the school constantly fluctuated. Enrolments rose and fell at various times, but were never very high.⁴⁵ Attendance was sometimes fair and at other times very bad indeed. 1926 was nearly a year of disaster. One obscure teacher was converted to Christianity, and this single event may have reinforced the case of the mallams that the ultimate aim of Western education was the elimination of Islam. Certainly the event was viewed by British officials as a setback on their educational efforts.⁴⁶

A new elementary school of one class was opened at Dalla, within Kano city, in 1927. This school arose out of government's sympathy for a spontaneous demand by members of the commercial community for a school for the education of their own children.⁴⁷ The Acting Resident of Kano confessed that the school at Shahuchi had 'too much of an official atmosphere.' Kano's powerful trading interests had intimate business links with the township and so were quite sensitive to the challenges emanating from Southern Nigerians. They wanted to give their children the kind of education which would enable them to hold their own against these stranger elements, and they specifically requested that English language should be taught at Dalla.⁴⁸ The leader of this group of traders was the already well known business baron, Alhassan dan Tata, who sent there to be educated two of his own sons, Ahmadu and Sanusi. The school at Dalla turned out to be a hope not fulfilled. The original enthusiasm which led to its erection soon waned and it began to face the problems which for years had been the bane of Shahuchi. But unlike Shahuchi which was a school mainly for the sons of officials Dalla was meant for the children of traders and the under-privileged.

The building of the school at Dalla was part of a wider effort to increase the number of schools in the emirate. In 1927 the conference of Residents, Northern Provinces, considered that 'the present rate of development in education in Northern Provinces is not sufficiently rapid to ensure on the one hand an adequate supply of trained personnel for use in the various Departmental activities where literates are required, or on the other hand to meet the increasingly insistent demand for popular education'.⁴⁹ The conference advised that the number of elementary schools should be considerably increased 'with the immediate end in view of providing every district with its own school'.⁵⁰ Earlier in the year a conference at Kano had passed a resolution calling for

45. In 1924 there were only ninety-three pupils of whom seventy-five were of Kano emirate origin.

46. *Northern Provinces Education Department Annual Report 1926*, p. 14.

47. S.N.P. 17/8, No. K 6892, Kano Province Annual Report, 1927.

48. *Ibid.*

49. *Record of Proceedings of Conference of Residents Northern Provinces*, p. 11.

50. *Ibid.*

the gradual opening up of rural schools, at the convenience of the education department, in places and in the order approved by the emir and his council.⁵¹ The administration at Kano had begun to feel that schools should be brought nearer home to the people because the expenses of travelling and maintenance in Kano city were partly responsible for the opposition of the rural communities to the school at Shahuchi.

The objective underlying the establishment of rural elementary schools was to produce people literate in Hausa only. In principle the teaching of English was definitely excluded. Construction of school buildings began at Gaya and Danbatta during the year, and in 1928 schools of one class each were opened in these districts. The expansion programme had not gone far by the end of our period. But three new schools were founded at Gwarzo (1929), Bichi (1930), and Ringim (1930). These schools could not be said to have done well, at least in terms of the number of children on the roll. In 1931 the nominal roll returns were: Bichi, 39; Gaya, 30; Danbatta, 25; Gwarzo, 25, and Ringim, 39.⁵² The younger district heads were generally in favour of having schools opened in their districts while the older ones were in opposition or indifferent. The background of each district head affected his attitude to the school in his district. Thus, the school at Gwarzo enjoyed the enthusiastic support of Muhammad Nata'ala, a former pupil at Shahuchi, who sent two of his sons to the school.

The school at Bichi was built at the time of Muhammad Sanusi who in 1927 had succeeded his father Abdullahi Bayero in the headship of the district on Bayero's accession to the emirship. The district schools faced a considerable amount of hostility from the local population. The earliest pupils were predictedly the children of the local officials who could easily be intimidated. At Bichi, for instance, the sons of the *sarki*, the *alkali*, and the wardheads were among the first to be enrolled.⁵³ At Ringim, about the first pupil to be recruited was the present *sarki*, Mallam Shuaibu, who was forced to go to school by his father, Muhammadu Nata'ala, the then *sarkin* Ringim.⁵⁴

In 1930 a girls' centre was established in Kano city for the instruction of young girls. In order to get the girls attention was turned, as usual, to officials. A beginning was made with fifteen pupils who came from the house-holds of the emir, the Waziri, the Madaki, the Galadima, and the *Alkali*. There was only one teacher, a European superintendent of education. For the purpose of obtaining full information as regards what was going on at the centre the emir appointed a female representative or *wakilia* as a kind of liaison officer.⁵⁵ The ages of the girls ranged from four to eleven, and the main thing in the curriculum at this time was handwork. Certainly the centre was not a serious educational institution. Bearing in mind the difficulties they had already encountered in the past, the British felt that education of Muslim women needed a very cautious approach. In the matter of education for men, new ideas had by 1930 been injected into the education department.

51. *Ibid.*

52. N.A.K. Kano Prof. 5/1, No. 1651, 'Description of Kano Emirate'.

53. Mallam Abubakar, *Sarkin* Bichi, 64; Abdurrahman Suyuti, *Lifam* of Bichi, 56; and Muhamman Sani, 70, group interview, Bichi, 7 Aug., 1972.

54. Mallam Muhammadu, Mallam Abubakar, and Mallam Ibrahim 16 Aug., 1972 (Ringim).

55. N.A.K Kadmineduc 3/1, No. 513, 'Girls' Centre, Kano, Annual Report, 1930'

'NEW EDUCATION POLICY'

In 1929 the education departments of the Northern and Southern provinces of Nigeria were for the first time placed under one head. A Director of Education was appointed in the person of Mr E.R.J. Hussey whose experience in the Sudan was presumed to have specially qualified him to formulate proposals for educational reforms in the Northern provinces. Hussey's tour of the provinces brought him to Kano in September, 1929, and gave him the opportunity of discussing his new proposals with the emir and his council.

The new scheme had been discussed in detail when C. R. Butler, the senior superintendent of education for Kano province presented it in March at the Kano regional meeting of the advisory council of emirs. Kano emirate was represented at this meeting by the Emir, Abdullahi Bayero; the Waziri, Muhammad Gidado; the Madaki, Mahmud; the Galadima, Abdulkadir; and the *Alkali*, Mallam Jafaru. Taking N.A. officials into confidence in matters of education had been a long standing policy of the British administration. Through the establishment of school committees made up of the emirs and their nominees the government hoped to counteract somehow the disapproval with which public opinion in the emirates viewed the schools. Native Administration officials were acquainted with policies, and their opinions, which the government did not necessarily have to accept, were sought and co-operation between government and the N.A. was considered beneficial to educational efforts.⁵⁶ In 1917 the Resident, the District Officer, the junior superintendent of education in charge of Kano province, the emir of Kano and the Waziri were appointed members of the education committee for Kano emirate under the 1916 Education Ordinance.⁵⁷

The 'new education policy' deserves to be examined in some detail not for its significance during our period but because it laid down fundamental principles for future developments. The new system provided for a four-year elementary school course and the merging, under the name of 'middle school', of primary and technical schools. By this time the only primary school at Kano was Shahuchi which had four elementary and three primary classes. After its inauguration in 1910 the Kano technical school remained for ten years the only establishment of its type in the Northern provinces and attracted apprentices from other emirates.⁵⁸ English was not to be taught at the elementary level which was meant to be the end of formal education for the average child, although it was presumed that he would have qualified for a minor position within the Native Administration. Only selected boys would be allowed to proceed to the middle school.

The middle school course was designed to last for four years, and the curriculum included English. Provision of men for service in government establishments was the main aim of education at the middle school. The syllabus was the same for all the boys during the first two years at the end of which the boys would either follow a literary course for the remaining two years or undertake a technical course in wood and metal

56. S.N.P. 93, No. 1045 1910, Annual Report, Education Department, Northern and Southern provinces (1915).

57. C.O. 658 6, Nigeria Government Gazette January—June, 1917, No. 18 Vol. 4, 29 March, 1917.

58. *Record of Proceedings Conference of Residents Northern Provinces 1926* (Lagos, 1927), p. 19.

work.⁵⁹ In either case a graduating student would qualify for clerical or technical appointment under the government or the Native Administration.

Kano officials at the conference appeared satisfied with this scheme. The emir was of the opinion that the whole programme would be advantageous, but he counselled that the study of Arabic, which was very important in the daily lives of the people, should not be neglected.⁶⁰ The Waziri pointed out that the practice of religion depended much on proficiency in Arabic, and he said that while he welcomed the amalgamation of literary and technical education emphasis should be placed on literary training.⁶¹

The middle school was opened in March 1930 with sixty-eight boys, forty-two of whom came from Kano emirate. As Shahuchi was the only school in the emirate which trained boys up to elementary four it was the only source for the recruitment of the foundation students of the middle school. Supervision of the school was entrusted to the Waziri, Gidado. The hope of the British that much could be gained by getting senior Kano officials actively involved in educational matters was by no means misplaced. There is every reason for saying that at least by the 1920s many of the top men in the Kano N.A. had accepted the challenge of Western education. The young and energetic emir convincingly demonstrated his faith in Western education by erecting an infants' school inside his palace in 1934. A nephew of the Madaki, Mahmud, and a son of the Waziri, Gidado, had been through the provincial school and had passed out of the Katsina Training College which was at this time the pride of British administrators in the North.

The first headmaster of the Middle school was the late Waziri of Kano, Alhaji Abubakar Dokaji, son of Waziri Gidado. The deputy headmaster was Alhaji Bello, the present Makaman Kano, who was a relation of the Madaki, Muhmud. Both Abubakar and Bello were foundation members of the Katsina Training College into which they were admitted in 1927 and then took up teaching appointment at Shahuchi before the formation of the middle school. In 1932 when Abubakar accompanied his father on pilgrimage to Mecca Bello was appointed Acting Head of the school. He was later confirmed and retained that position with some intermissions until 1951 when he became the Minister for Community Development in the Northern Regional Government.⁶² The present Madaki, Alhaji Shehu Ahmed, is the son of the late Madaki, Mahmud. He entered the Katsina College in 1926, graduated in 1931, and taught in the middle school until 1939 when he was appointed district head of Kumbotso. He held several other headships before his appointment as Madaki in 1954.⁶³ Alhaji Bello Dandago, the present Sarkin Dawaki Maituta, was a class mate of Alhaji Shehu Ahmed at the Katsina college, and like him was deployed at the middle school in 1931. He had held a number of senior positions before his appointment in 1952 as Sarkin Dawaki Maituta. In other words, the best products of Western education of our period invariably found employment as teachers. As sons of officials, these youths had little or no commitment to a teaching career and they took it up only as a temporary expedient. Their chances as administrators lay in the future, but they could not be spared for other services.

59. N.A.K. Kano Prof. 5/1, No. 267, *Advisory Council of Emirs Northern Provinces: Kano Regional Meeting*, pp. 68-70.

60. *Ibid.*, pp. 70-71

61. *Ibid.* p. 71.

62. Makaman Kano, Alhaji Bello, 9 Aug., 1972 (Dawakin Tofa).

63. Madakin Kano, Alhaji Shehu Ahmed, 24 June, 1972 (Kano).

EDUCATION AND THE STAFFING OF N.A. SERVICES

By 1930 the Kano Native Administration had developed a number of departments requiring staff of one type or another. Western education had done very little indeed to provide literate staff to man the various establishments. The district heads were the descendants or close relations of the generation of administrators that witnessed British conquest. In 1909 many of them were either too old to go to school or were so well beloved by their parents that they could not be spared for the educational experiment. Many informants told the author that whenever a demand for a child of school age was made on a district head the matter was usually very hotly debated with the wives. The purpose of the debate was to reach agreement on which of the man's children should be presented. Where no agreement was reached and the district head had to use his discretion, the mother of the 'unfortunate' child would make a formal protest, arguing that she and her child were not beloved.⁶⁴

While it is untrue to say that the boys who went to school were those not loved by their fathers there seems to be no doubt that some children were kept out of school because they were very dear to their parents. It is important, however, to bear in mind that acquisition of Western education was not considered a necessary qualification for a district headship. Nearly all the district heads of 1930 were men without formal education in a Western school.⁶⁵ Three exceptions were the Sarkin Dawaki Maituta, Muhammad Nata'ala (Gwarzo); the Tafida, Alhaji Mahmud (Ringim); and the Sarkin Dutse, Mallam Suleimanu. Alhaji Mahmud, who has been in power at Ringim since 1924, was appointed while still at Shahuchi where he was taught how to read and write Hausa only. Mallam Suleimanu's appointment was made while he was teaching at Shahuchi. But not one of these appointments was made on the consideration that the candidate had acquired rudiments of Western education. Many other services were not regarded as requiring acquaintance with Western education. Messengers and N.A. police (*dogarai*) attached to central and district administrations were not expected to be literate although some were. The same thing applied to most of the staff of other departments: Forestry, Agriculture, Works, and so on. Many such staff actually held responsible positions and people might in fact have wondered what purpose going to school served if many employment opportunities were at the disposal of men without formal education.

But this was only one side of the coin. There was a large number of positions, both administrative and technical, which required men trained for various vocations. From 1920 district heads were allowed to keep their own staff, and a key functionary in the district administration was the district head's scribe. It became a function of the Education Department to produce men able to read and write Hausa in Roman character to staff these positions. The scribes were in essence personal secretaries to the district heads, keeping records of correspondence to and from the central administration and the vital statistics of the districts. Since most of the district heads were ignorant of the new way of reading and writing, their scribes were a very powerful force in district

64. To name only a few informants: Mallam Hamza (Kano); Sarkin Shanu (Kuru); Tafida (Kema); and Dan Kade (Tudun Wada).

65. The word 'illiterate' is not appropriate since some of these district heads had attained certain levels of Islamic education.

administration. In fact from the twenties, many district heads did not need to be persuaded any longer to send their sons to school because the career prospects of the few youths who had acquired the new way were quite obvious to them. Yet given that there were only twenty-six districts by the end of this period it follows that the number of school leavers who could be appointed district heads' scribes was very small. Only very few district heads realized what must have been the wish of many of them, that is, to have their own sons or close relations as district scribes. Where a district head's scribe happened to be his own heir to the office — a very rare accident indeed — the youth was brought much closer to the intricate problems of territorial administration than would have otherwise been the case. The present Sarkin Birnin Kudu, Alhaji Yaqub, was the first ruler of the district to go to school. He passed out of the provincial school in 1920 and was appointed scribe of the district. He retained this position for thirty-two years before his eventual appointment as *hakimi* in 1952.⁶⁶

We have already noted that as from 1915 the schools at Kano became a responsibility of the Native Administration. The staffing of the literary schools was a major problem for the N.A., as indicated elsewhere in this chapter, and with the building of Dalla and the extension of the school system to the districts the problem became even more serious. However, the administration religiously adhered to its policy of depending on local manpower and adopted a number of measures such as increasing the salary of teachers so as to attract and retain people in the teaching profession. Headship of Shaluchi passed from one Kano man to another, and it was not until Mallam Abubakar and Mallam Bello joined the staff in 1927 on their completion at Katsina that the school enjoyed the benefits of having native trained teachers. Mallam Abubakar was appointed headmaster of the school and retained that position until the re-organization of 1930. To produce the teachers for the growing number of schools⁶⁷ in the 1930s, Kano relied on Katsina Higher College and elementary training centres at Katsina and Zaria.⁶⁸

The glaring inadequacies of the educational system of Kano were perhaps most acutely felt in the field of technical services. For twenty years between 1910 and 1930 the industrial school existed under one name or another and for as long it proved incapable of meeting more than a very negligible proportion of the technical needs of the society. Neither weavers nor smiths trained in the school had anything revolutionary to offer the people at a time when exotic products were flooding Kano markets. Cart-making in which the school at a certain period engaged might have created some local sensation without actually bringing lasting benefits — certainly not after motor transport had become common sights in the 1920s. The increasing tempo of social development created employment opportunities which Kano indigenes were incapable of using to advantage. Maintenance of N.A. vehicles, the erection of public buildings, the supply of electricity and water all called for men with a certain level of skill and expertise and these the school could not produce. Unavoidably Southern Nigerians were recruited to various positions in the technical services, very much to the chagrin of European officers who as far back as 1926 lamented that N.A. and Government public works were being manned by 'alien' artisans.⁶⁹ But given the educational policy and practice at Kano this state of affairs was absolutely inevitable.

66. Sarkin Birnin Kudu, Alhaji Yaqub, 2 Aug., 1972 (Birnin Kudu).

67. In 1934 two new schools were opened, one in the country side at Wudil and the other within Kano city at Goron Dutse.

68. In 1931 there were twelve Kano boys undergoing training at Katsina and twelve others were being trained at Zaria.

69. S.N.P. 17/8, No. K105 Vol III, Annual Report, Kano Province, 1926.

However, there is a sense in which it could be said that British educational policy was a success. Neither Vischer nor his successors in the Education Department wanted the emergence of a *babu* class, and no such class had emerged by the end of our period. For while by 1930 trouble of one kind or another had erupted in Southern Nigeria against the colonial regime, Kano and the rest of the Muslim North remained calm and apparently lethargic.

Yet it is a mistake to imagine that British officers were happy with the educational backwardness of 'their' North. The proceedings of the various conferences of Residents show how bitterly they resented the fact that they had to depend on Southerners for clerical and technical services. Vischer had the foresight to note that the advent of the railways would bring northwards a large number of Southerners, and in order to prepare the Northerners for this eventuality he planned to impart to them 'sufficient knowledge of Western ideas'. This was a point never forgotten by his successors in the education department, but it was incapable of realization under their system. The doctrine of the 'preservation of the native' was inconsistent with any meaningful attempts to prepare him for life in a wider and modern Nigeria. In reality Kano indigenes were prepared for life within their own cultural milieu only. Very few were qualified or disposed to look for employment outside the various arms of the Native Administration. The main obstacle was their inability to read and write in English. It was not until the Middle School was set up in 1930 that the teaching of English was taken up as a serious matter. But by then a lot of damage had already been done. Two societies of Nigerians had been created at Kano. One was made up of Southern Nigerians who, like the British at Kano, had to learn Hausa in order to communicate with Kano people. The other was made up of Kano people themselves who were suspicious of the immigrant elements.

Yet one can ask whether the position at Kano would have been materially different had colonial policy been otherwise. It is true that the *mallamai* were opposed to Western education and that they carried Kano society with them. But the novel system of education was not the only measure which Kano people rejected but which the British never the less succeeded in enforcing. The amalgamation of taxes and the changes in the judicial system were among the anti-Islamic policies which were carried through against the wishes of the colonial population. In the case of education, however, the attitudes of the natives happily coincided with many of the avowed objectives of the colonial government. Half-hearted measures on the part of the administration encouraged indifference or opposition on the part of the natives. With the possible exception of the very small number of Katsina graduates, the administration had not produced people who occupied important positions and who could therefore be a kind of inspiration to others. In other words, if the advantages of Western education had been made obvious to Kano people, the younger generation would have taken it up as a challenge, as was the case in many other African societies. By the end of our period, opposition to Western education was no longer as strong as it had been at the beginning of the experiment, but even then the system of education generally approved by the people remained that which was indissolubly bound up with their religion. It is useful to have a brief look at this system under the circumstances of the colonial period.

ISLAMIC EDUCATION

In the colonial period this type of education continued in its traditional pattern and its existence was the major handicap to the British oriented system. The strength of the system was such that many of the pupils who were sent to the government school returned to the Quranic system every evening. A few are said to have given up Western education altogether after completing the course at Shahuchi in order to devote their whole time and life to Islamic studies. In course of this period an important distinction came to be drawn in the minds and attitudes of the people between *ilimin Muhamadiyya* (Islamic education) and *ilimin boko* (Western type education) or mere book learning. In the estimation of the people the former was the thing that really mattered.⁷⁰ Return to *ilimin Muhamadiyya* at spare times became a way in which pupils sent to government school against their own consciences tried to reassure the society that they still belonged to the faith.

Islamic education retained its traditional characteristics. Mallams still held their schools in their houses or under suitable shades of trees. Schools continued to be organized on their own initiative. They received no state aid and did not follow the example of government schools by introducing payment of fees. It is said that in the time of Abbas there were far more pupils in the Quranic schools than had been the case at any previous time.⁷¹ There are two possible explanations for this. The first is that the removal of warfare and the more settled conditions of the twentieth century must have made it possible for teachers to give more time to their profession and to recruit more students. The second is that the advance of Western education must have been accepted as a challenge by the *ulama* and parents who therefore tried to ensure that the old system did not fall into oblivion. For traditionalists saw nothing but challenge and subversion in the government's educational system.

There was no change in the form and content of education. Official and non-official mallams were involved in teaching.⁷² The same books were in use in the twentieth century as before except that the books were now more difficult to obtain because of the closure of the contact with North Africa through the Sahara.⁷³ Thus the cessation of the caravan traffic had a cultural significance quite apart from the economic impact planned by the colonial regime. In course of the century it became possible for Muslim scholars to purchase printed books which saved the labour of copying the texts. The scarcity of texts is also attributable to colonial policy which attempted to cut off the emirates from North African (especially Egyptian) influences as a way of preserving the emirates from the so-called seditious contamination emanating from the Arab world.⁷⁵ However, many mallams disapproved of printed texts and continued to regard copying as the right way of acquiring and preserving texts.

70. Babbon Mallamai, 24 Aug., 1972 (Kano).

71. Alhaji Abubakar and others, 17 Aug., 1972 (Kano).

72. By 'official mallams' one is referring to those of the Muslim intelligentsia who held paid positions under the N.A. - the *alkali* and the *limamai*, for instance.

73. Alhaji Abubakar, 17 June, 1972, Limam of Yola, 22 June, 1972; Limam of Dambazau, 22 June, 1972 (Kano).

74. Limam of Dambazau, 22 June, 1972 (Kano).

75. I am grateful to Professor Abdullahi Smith for this information.

As before, scholars specialized in one or more branches of knowledge. And as already pointed out, paid appointments under the government did not prevent scholars from teaching at their spare times. Thus, for instance, the late Waziri of Kano, Alhaji Abubakar Dokaji, and the present Waziri, Alhaji Shehu, both studied under their father, the Waziri Gidado.⁷⁶ Ibrahim, the present Babban Mallamai, studied *hadith* under Gidado, and early in the century Mallam Habu remained an authority on *hadith*, especially on the collections of *al-Bukhari*. There was still a Mallam Muhammad Salga who taught the Qur'an and Mallam Ibrahim also studied under him. The former *Alkali*, Ibrahim, taught Arabic and he seems to have remained the leading authority on the language up to the time of his death.⁷⁷ There were two well-known authorities on *fiqh*: the Babban Mallamai, Umoru, father of the current holder of that title and successor to the famous Suyuti Madabo, and Mallam Salga. Both scholars taught the *Risala* and *Mukhtasar* and each attracted a large number of students of jurisprudence.⁷⁸ Their students are said to have often engaged themselves in violent debates as to which of the two scholars was a more competent authority on *fiqh*.

The continuation of the nineteenth century tradition of passing from one tutor to another is well illustrated by the education of Ibrahim, the Babban Mallamai, and this also underlines the complexity of the courses. He studied law under his own father, the Babban Mallamai, Umoru, and Arabic under Mallam Ibrahim. Mallam Ibrahim, the grandfather of Mallam Nasiru Kabara, taught him *tauhid*, and one Alhaji Bafilace taught him *tafsir*.⁷⁹ And as we have already noted he studied *hadith* under Gidado and the Qur'an under Salga. Mallam Ibrahim who has been teaching since the past sixty years or so succeeded his father some thirty years ago and is the current leading authority on *fiqh*.

Many of the products of Quranic education went into the teaching profession. They were still the only source for the recruitment of legal advisers, the *limamai*, the *alkalai* and their *mustai*. Some took minor posts under the N.A. and some under the colonial administration as translators. Many of the men who today hold important judicial positions and limamships received their training during this period.

The dismissal of a number of *alkalai* for want of adequate knowledge of the law and of court procedure raised the question of what should be done to promote high standards. It was decided that those families which had a tradition of Islamic scholarship should be encouraged to pursue higher legal studies. It was for this reason that a judicial class was formed in 1928 and attached to the primary school at Shahuchi. A well known Quranic teacher, Mallam Suleimanu, was placed in charge of the class and it was put under the supervision of the Waziri. Two of my informants, the Waziri, Shehu, and the *Alkali*, Ahmadu Boppa, were foundation members of this institution. Shehu is the son of Waziri, Gidado, and Ahmadu the son of ex-*Alkali* Ibrahim. When Suleimanu was promoted Ma'aji in 1933, the present Babban Mallamai, Mallam Ibrahim, was appointed to succeed him, and Shehu, who passed out in 1932, was made his assistant. Mallam Ibrahim taught *fiqh*, *hadith*, and *tauhid*, leaving the school when he succeeded his father. Shehu stayed much longer. He left the institution in 1958 first to serve as the

76. Wazirin Kano, Alhaji Shehu, 2 July, 1972 (Kano).

77. Alhaji Abubakar, 17 June, 1972; Limam of Yola, 22 June, 1972 (Kano).

78. Alhaji Abubakar, 17 June, 1972; Limam of Yola, 22 June, 1972; Limam of Dambazau, 22 June, 1972 (Kano).

79. Babban Mallamai, 24 Aug., 1972 (Kano).

na'ib of the central mosque, then as *limam* of Fagge. It was from the latter position that he succeeded his brother Abubakar, as Waziri in 1971.

The question of the training of high calibre *alkalai* was raised as early as 1926 after the return of Mr C. J. Lethem, then Secretary of Northern Provinces, from a journey to Khartoum. Lethem noted that the *qadis* who ran the shari'a courts in the Sudan were trained in the Gordon College, Khartoum, and were much more educated and efficient than the Northern Nigerian judges. But in his opinion the Sudanese model would not quite work in the Nigerian context because in the Sudan the *qadis* followed the Hanafi code of Islamic jurisprudence, and were undermining the authority of 'tribal' chiefs. However, Lethem advised that Northern Nigeria had much to learn from the Sudanese.⁸⁰ For this reason it was proposed that mallams from the Sudan should be recruited to improve the standard of Arabic and general knowledge of the *shari'a* law among prospective law officials in the Muslim emirates. When this matter was brought up for discussion in 1930 at the meeting between the Lieutenant Governor and the chiefs of Northern Nigeria, the emir of Kano welcomed the idea on condition that the Sudanese *qadis* did not interfere with the practice of the Maliki code.⁸¹ There was a general agreement on this issue, and Mr Lethem gave assurances that the Sudanese would be able to teach Maliki law and that in any case they would not be placed in administrative positions which would make it possible for them to upset the existing legal practice. The books recommended for their use were those ordinarily found in the library of every Kano scholar.

Finally, a decision was taken to the effect that the concern of the Sudanese would be to teach the law with emphasis on practice, procedure, and evidence.⁸² The Sudanese did not arrive in Kano until 1934. Their contribution to Arabic and Islamic studies does not fall within the scope of this study, but it is important to note that the necessary foundations were laid during this period. One of the achievements usually credited to Abdullahi Bayero is that he encouraged Islamic education. The establishment of the judicial school in 1928 and the inauguration of the Law School⁸³ in 1934 are still numbered among his outstanding achievements.

As Chamberlin's study has shown, the judicial and the law schools represent attempts to westernize Islamic education. The style of teaching introduced was more systematic and coherent than had hitherto been the practice. No traditional texts were abandoned and all the time-honoured subjects were retained. New subjects were introduced such as reading and writing Hausa in the Roman character. Classes were organized and each of them was placed under a particular mallam.⁸⁴ Institutions like these built on the initiative of the government and maintained by the state were unknown to traditional society. They were demonstrative of another dimension of the social change which Kano society was undergoing.

80. S.N.P. 17/4, No. K218, Lethem to Lieutenant Governor, 10 Jan., 1926.

81. *Northern Provinces Advisory Council 1930, Record of Proceedings at full Meeting with Native Rulers* (Kaduna, 1931), p. 32.

82. S.N.P. 17/1, No. 14257, Chief Commissioner to Governor, 4 April, 1933.

83. In 1947 the Law School was renamed School for Arabic Studies.

84. Chamberlin, pp. 202—207.

8. Conclusion

The imposition of British rule on Kano early in 1903 created a conflict situation the full extent of which neither the conquerors nor the vanquished were in a position to appreciate at the time. While a chronological approach is not the most effective way of demonstrating the impact of Indirect Rule on the government and administration of Kano we can none the less regard the events of the first three decades of colonial administration as falling into four uneven periods. The years 1900—06 witnessed the subjugation of the territory, enunciation of the principles of Indirect Rule, and attempts to assure the Kanawa that British rule was not the monstrous and unmitigated disaster which it was feared to be. The conquerors and the vanquished faced and studied each other in trepidation: the former because they were not sure that recent military decisions and the assurances given by the government had either resolved the problem of sovereignty or resulted in the acceptance of their system of rule; the latter because they did not

believe that their new masters had revealed all their intentions. The British proceeded very cautiously, firmly believing that time was in their favour. It is not surprising that in spite of all the principles enunciated the spirit which in some important sectors most profoundly animated the government and administration of this period was that of the old order. Yet these years established one crucial issue: neither side was satisfied with the aims of the other. To the British, the traditional system seemed so hopelessly antiquated and effete that they must effect systematic changes or otherwise abdicate their responsibilities as rulers. The emir and his subjects from the *hakimai* down to the *talakawa* wanted no departures from the customary practices. The situation was critical.

This period of caution and appeasement was succeeded in 1907—08 by one of confrontation. The people of Kano were at first united in trying to save their old method of administration against the innovating tendencies of the British in such matters as the residence of the *hakimai* in their districts, their joint responsibility with the village heads for the collection of revenue, and the abolition of the *jakada* system. The politics of survival of these two years were bitter and acrimonious. To overcome their difficulties the British resorted to the classical game of playing off one side of the opposition to their rule against another. By the end of 1908 this plan had so much succeeded that the emirship, the corner-stone of the traditional system and the principal enemy of the new administrative measures, had largely been destroyed as a political factor in the administration of Kano. This was evidently contrary to the principles of Indirect Rule under which the emirs were to be supported and their powers as re-defined upheld.

The third period, 1909—25, saw the restoration of the supremacy of the emir in all matters of administration. It marked the triumph of Abbas over the Direct Rulers, over his recalcitrant subordinate officials, and the restoration of his judicial powers which had been abrogated during the crisis. The emirship still retained the slave bureaucracy which the British left untouched for fear of arousing active or passive resistance. Besides, this period saw drastic changes in taxation, in the machinery for its collection, an almost incredible rise in revenue, and a transformation of the economy which placed more cash at the disposal of the government and in the pockets of the *talakawa*.

In the fourth period, 1925—30, the old style method of administration which gave scope for the exercise of roles by slave officials was at last brought to an end. The emergence of an effective executive council over the ruins of slave power made for more harmonious relations between the emirship and the personnel of the British administration. By 1930 the major results of Indirect Rule in Kano emirate were already very manifest. These results have been stated as relevant in the various chapters and will be briefly referred to at the end of this chapter.

As has been repeatedly shown, the subject of this study can best be understood within the context of the system of colonial administration known as Indirect Rule. Used for the whole period of colonial rule, the concept of Indirect Rule passed through several phases and involved many different policies.¹ Colonial rule lasted until 1960, but we have limited our treatment of this subject to 1930, when Indirect Rule in its orthodox, classical or Lugardian sense reigned supreme.² Lugard finally left Nigeria in 1919 but his ideas of Indirect Rule especially as expressed in the three Instruments under which the system was operated,³ continued to be the guiding principles of the administration up to the end of this period. Very early in his governorship Sir Hugh Clifford, Lugard's immediate successor, showed a strong disapproval of the way Indirect Rule worked in the Northern Provinces.⁴ But he was soon told that the Colonial Office had no intention of departing from the basic principles laid down by Lugard.⁵ By the end of his tenure (1925) Clifford had considerably modified his attitude towards the Northern system, or as one author has put it, he ended up by "outdoing the Northerners in his Northern-ness".⁶

His tenure roughly coincided with that of Gowers as Lieutenant Governor.⁷ The two men would seem to have worked harmoniously. Gowers, who was until 1919 the

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1. For more or less similar views *vide* Low and Pratt, p. 163; Kirk-Greene, *The Principles of Native Administration in Nigeria*, pp. 3—4; J. E. Flint, 'Nigeria, the Colonial Experience (1880—1914)' in L. H. Gann and P. Duignan, *The History and Politics of Colonialism 1870—1914* (Cambridge, 1969), p. 245; R. E. Robinson, "Why 'Indirect Rule' has been replaced by 'Local Government' in the Nomenclature of British Native Administration," in *Journal of African Administration*, Vol. 11, No. 3 1950 pp. 12—14.
 2. Kirk-Greene, pp. 3—4 marks out three phases of colonial rule: 'the philosophy and policy of Lugard's indirect rule, an expedient hardening through the years into a dogma; its liberalization and restatement as Cameron's indirect administration; and its culmination in the emergence of the Colonial Office emphasis on local government as a prerequisite for ultimate self-determination'.
 3. The 'Native Courts Ordinance' (1914), the 'Native Authority Ordinance' (1916), and the 'Native Revenue Ordinance' (1917). For the idea that these were the 'constitutional frame work of this system see Buell, p. 688. The Ordinances, as in force by 1923, are shown in the appendices.
 4. For instance, he considered that the government of the Northern Provinces had in the matter of general administration 'conspicuously failed' and condemned the attempt to maintain the status quo, 'the perpetuation of more or less medieval conditions', and the 'staving off innovations'. See C.O. 583/89, Clifford to C.O., 25 June, 1920.
 5. C.O. 583/80, Milner (Secretary of State) to Clifford, 5 July, 1920.
 6. J. J. White, (quoting an informant's account) 'The Development of Central Administration in Nigeria, 1914—1935' (unpublished Ph.D. thesis University of Ibadan, 1970), p. 78. For Clifford's ambivalent policy towards the North see Heussler, pp. 61—2.
 7. Gowers was Lieutenant Governor between 1920 and 1925.

Resident at Kano, had been appointed on the recommendation of the Governor.⁸ Gowers was succeeded as Lieutenant Governor by H. R. Palmer, who belonged to the Temple school of Indirect Rule,⁹ and who also saw a long period of service at Kano. In 1925 also Sir Graeme Thomson took over from Clifford as Governor. His constant ill-health and his lack of disposition to interfere with the North left Palmer in a position of great strength.¹⁰ The Lieutenant Governor was thus able to put forward a number of claims on behalf of the Native Administrations. Probably the most retrogressive from the standpoint of the Colonial Office was that the taxes collected by the emirs were levied by them and not by the colonial government.¹¹ This claim was met with indignation by the Colonial Office which had invariably supported the view point of the Temple school. The officials were unable to share the view that the government had lost the right of taxation to the emirs,¹² the right which Lugard asserted in unmistakable terms at the very beginning of colonial rule. Thomson was later said to have confessed that he did not feel strongly about the claim and that he agreed to it only to gratify Palmer.¹³

The year 1930, when Palmer left the Northern Nigerian service, brings our period to an end. He was succeeded as Lieutenant Governor by Alexander, Kano's Resident from 1925—29, and in 1931 Cameron took over Thomson's place in Lagos. Although we have called the period 1900—1930 the Lugardian era of Indirect Rule, the practice of this concept was sometimes hostile to Lugard's ideas.¹⁴ Cameron assumed his governorship with the idea of saving Northern Nigeria from 'N.A. sham',¹⁵ but this is not to say that he came up with an entirely new policy. He was concerned with redefining or reinterpreting Indirect Rule (which he preferred to call 'Indirect Administration'), not with the introduction of radically different principles.¹⁶ None the less, as far as Kano emirate is concerned, 1930 is a convenient terminal point for this study. But we have in several places taken our discussion and analysis to the 1930s and have in effect dealt with the main issues in the government and administration of Kano in the period preceding the post-war developments.

The various crises which resulted from the establishment of colonial rule were not unexpected because of the fundamental hostility between the traditional system of government and administration at Kano and the baffling innovations of British ad-

8. Gowers was brought to the attention of Clifford largely through his disclosure of the incidence of corruption and maladministration in Kano emirate. Clifford used the information he obtained to support his argument with the C.O. that the feeling of satisfaction which Northern officers generally had with the performances of N.A.'s was not well founded. I am grateful to John Ballard for this information.
9. E. J. Arnett was senior in service to Palmer, but he was passed over because, among other reasons, Palmer knew more about 'recent Muhammadan propaganda and intrigues' besides being a man of greater personality and intellect. See Clifford to Amery, 3 Dec., 1924.
10. Heussler, p. 62. For an assessment of Thomson's governorship see White, pp. 157—9, *passim*.
11. For a brief discussion of this, *vide* White's chapter on Palmer, especially pp. 216—25.
12. C.O. 583/162; C.O. to Governor, 14 Aug., 1929. At the Colonial Office it was considered that 'the point at issue is of no practical importance in the administration of Nigeria, but very far reaching theoretical questions are raised involving such matters as the ultimate sovereignty over the Northern Emirates.'
13. *Ibid.* minute dated 25 July, 1929.
14. As we have seen, Lugard was opposed to N.A.'s controlling large funds. He surely would not have supported the increase of N.A. share of taxes to 70%. He condemned the construction of the electricity and water supply scheme undertaken by Kano N.A., saying that such a gigantic project ought not have been the business of a Native Administration.
15. Alexander to Lethem, quoted by Heussler, p. 69.
16. For Cameron's ideas, see *The Principles of Native Administration and their Application*.

ministrators. Since the Kanawa had been brought up in a particular way of life which they believed was morally superior to any other way of life it is not surprising that this influenced their reactions to the measures introduced by the colonial authorities.

Conflicts were evident in every aspect of government and administration. The bitterness of the people on the conflict of laws has been noted.¹⁷ The attempt to introduce the doctrine of separation of powers, though finally abandoned at the level of the emir, contributed in no small measure to bedevilling British administration in 1907—08. In the districts the new doctrine was often violated up to the end of our period. Also early British efforts to tamper with the system of taxation did not pass without revolts and protests. The introduction of Western education left sad memories of its own among all classes. Even the exclusion of *sabon gari* from the control of the emirate authorities remained a constant source of frustration. In all these, the acceptance of the British viewpoints by the leaders of Kano resulted from their realization that power was no longer in their hands. Conversely, because the British had established their military superiority they were able to impose whatever ideas they felt very strongly about.

The nature of these impositions has been very often misunderstood. The government and administration of Kano had by 1930 undergone fundamental alterations. It is clear that these have little or nothing to do with 'reform' which Indirect Rule is often supposed to have introduced in the Muslim emirates of Northern Nigeria. The point being made here is that a clear distinction should be drawn between 'change' and 'reform'. It cannot be claimed that a system had been 'reformed' when in fact what had happened was the introduction of concepts and values which were entirely inconsistent with the concepts and values held in the particular system. Thus, for example, the changes in taxation cannot pass for 'reforms' because radical principles which were entirely inconsistent with the culture of the people were introduced. It was not just a matter of ridding the existing system of its faults or imperfections. At the same time, caution is called for in the use of the word 'preservation' which is again quite often associated with Indirect Rule. It is true that many of the outward forms of the traditional institutions of government and administration of Kano survived the imposition and innovations of British rule, but it has been demonstrated that they did not survive unscathed by the fires of colonial rule. In the strictest sense of the word nothing was preserved in tact, not even the emirship itself.

In fact, as the foregoing chapters have made clear, there are important differences between the emirship of the nineteenth century and that of this period. The powers of the twentieth century emirs were weakened in ways that do not appear to be generally recognized. The emirs could no longer levy troops or raise taxes on their own responsibility, and this meant a forced abandonment of parts of their most important functions as Muslim rulers. They were now recognized as no more than collectors of revenue the precise forms of which it was not their duty to determine. Besides, the British reserved for themselves the right to interfere in proceedings at the emirs' courts, and no sentence of death passed by the latter could be carried out without their confirmation. To all these must be added the presence of British officials who occasionally intervened in one aspect of government and administration or another, thus constituting a more practical check on the powers of the emirs than the old vassalage to Sokoto ever did or cared to do.

17. *Supra*, p. 124.

Attempts to understand the exact status of the Muslim emirs of Northern Nigeria and the powers they exercised under the colonial regime have continued to be vitiated by too ready acceptance of the Residents and the D.O.s as 'advisers' to the emirs. The opinion that the British system of administration 'depended on the advisory relationship between the political officer and the native authority'¹⁸ still current in the literature of Indirect Rule can just not be sustained with regard to Kano, at least during the period covered by this study. The emirs were not desirous of moving in a particular direction for which they needed British advice and guidance.

On the contrary, many of the practices which the British wanted to eradicate were essential characteristics of the traditional system which the emirs wanted to retain. What had advice got to do with the expulsion of the district heads, the changes in taxation, the termination of the slave system in the emir's palace, and so on? Lugard, Girouard, and even Temple all agreed that the Residents' 'advice' must be taken. But an advice that had to be taken was no advice at all: it was, in essence, an order. Given the nature of the contradiction between the traditional system of government and the British programmes, it is difficult to see how an advisory relationship between Residents and emirs could have worked in the years of violent changes following British conquest.¹⁹

The emirship thus became a tool for the implementation of British administrative changes. The agency role was true not merely in matters of practical administration. It was also true in the realm of theory. Both Lugard and Girouard were emphatic in their view that each emir was his *wakili* (representative, deputy) in his territory.²⁰ The duty of the *wakili* was to carry out the orders of the government as conveyed through the Resident. As an agency the emirship was part of the system of colonial control and domination, and had less freedom of action than it possessed in the last century.

Nevertheless, the emirs of Kano remained an effective and indispensable factor in the whole machinery for the government of the territory. After the lessons of 1907-08, the British considered that they had no alternative to a strong emirship and they proceeded to rebuild, somehow, what they had destroyed. In the nineteenth century, the position of the emir depended on the amount of loyalty he commanded among his subjects, or on how able he was to enforce obedience to his rule, irrespective of his having been appointed by Sokoto. Where the allegiance of a large section of the people was not declared the result was civil war, as happened under the second Emir, Dabo, and the sixth Emir, Tukur. During the colonial period, armed revolt against a British-appointed emir was inconceivable because of the official policy to support and uphold his prestige. Even in the years of the crisis British officials found it convenient to discountenance the more extreme actions of the emir's dynastic rivals, if only because they considered that whatever his differences with them Abbas was still their nominee.

We have seen how the new administration under Temple at the beginning of 1909 warned the district heads and all other officials that disobedience to the emir would not be tolerated.²¹ In the same way, the Wambai, Abubakar, eldest surviving son of the late Emir Usman, who became jealous of Bayero after his failure to succeed his father, was warned by the British administration against his attitude to the new emir.²²

18. Crowder, *ubi supra*, p. 199.

19. As Kirk-Greene and Davis put it with regard to the Protectorate of Northern Nigeria as a whole: 'The country was in no state to be administered by advice alone' (p. 85).

20. See Lugard, *Political Memoranda* (1918) p. 303.

21. *Supra*, p. 67.

22. S.N.P. 17/2, No. 9043 Vol. 1, Kano Province Annual Report, 1928.

The effectiveness of the emirs is again seen in the matter of appointments to, and dismissals from, offices. There was, of course, a requirement that the Residents' consent must be obtained. This consent was often formal and was rarely withheld, although the mere fact that it had to be asked for was a factor that had to be always reckoned with. In connexion with the appointments and dismissals of district *alkalai* and village heads the emirs directly exercised power that had been previously delegated. Traditionally matters relating to the country *alkalai* (where these existed) were not the business of the emir. To sanction the appointment of every village head was in practice a *pro forma* affair since in such matters the emir was more or less at the mercy of the district head. As regards dismissals, however, the emir usually had to investigate the charges brought against the village head before deciding whether the latter was guilty or not.

The powers of the emirs, though considerable, should not, however, be exaggerated. There seems to be no ground, for instance, for the usual assumption that the appointment of some of the Muslim emirs as 'Sole Native Authorities' conferred on them powers that they did not exercise in the pre-conquest period. The 'Native Authority Ordinance' required the Native Authority to maintain order in the area under his jurisdiction and to issue orders - provided that these did not conflict with any of the colonial government's ordinances - to be obeyed by the inhabitants of his territory.²³ It is difficult to see in these any functions that the emirs did not traditionally exercise. If anything, their powers were circumscribed because functions now had to be exercised under the Resident who had to command him to issue such orders as he considered necessary.²⁴ Besides, the Native Authority could be punished if he refused to issue any order dictated to him, or if he refused to withdraw any order issued on his own responsibility but to which the Resident raised an objection.²⁵ Undue importance has been attached to the stipulation that the emir was not bound by the advice of his council. As we have already noted, traditionally the emir was expected to be guided by his council but the theory and the practice were sometimes two different things.²⁶ Dispensing with the advice of councils was therefore not a development of the colonial era. In the period under consideration there is the important fact that both emirs and councillors were bound to accept British policy. The emirs had lost administrative initiative to the British, and up to the end of our period Kano leaders held a common view point on matters of government and administration. The important point was not whether the emir vetoed the wishes of his councillors but that the policy carried out was that of the British.

The impact of the British administration on the rest of the hierarchy can also be noted. The district heads who formerly resided permanently at the capital became territorial administrators in the proper sense of the word. They were no longer subject to daily surveillance by the emir's agents and were therefore free, in their district headquarters, to behave as masters of their units. They were certainly more effective rulers now than when they administered their territories through the *jakada* class. The infrequency of supervision and the way this was carried out left the *talakawa* with the impression that these rulers really enjoyed a great deal of power and that they were carrying out the emirs' instructions and not those of the whitemen.

Of the *sarakuna* only those who were recognized as district heads (for example Sarkin Dutse, Sarkin Gaya etc.) retained some dignity under British rule. Most of

23. *Vide* Sections 5 and 9 of Appendix V.

24. Section 10 (j).

25. Section 13(b) and (d)

26. *Supra*, p. 14.

the *sarakuna* who counted for much in traditional society faded into oblivion. For example, the Sarkin Fulani Sankara and the Sarkin Kunchi were well known warriors and others like them enjoyed very great prestige in pre-British times. Now the residence of the new district heads in their midst greatly reduced their powers when they were made sub-district heads, but soon these positions were abolished altogether and they became mere village heads with diminished powers. As for these *dagatai*, we have already seen that they were able to exercise effective but limited powers over all the people resident within their frontiers. In other words, British policy aimed at, and succeeded in, ensuring that those who were recognized as rulers really exercised effective authority over their people. But they were not free to behave, in the manner of their precolonial predecessors, almost as they pleased.

We can at this juncture face the question whether there was anything called Indirect Rule at Kano. But first of all, what is the meaning of Indirect Rule? A formidable body of definitions of this system exists in the literature dealing with the subject. It seems that the definition which should be treated with the greatest respect is that offered by a leading theorist and practitioner of the system, C.L. Temple, some fifty years ago:

By Indirect Rule I mean a system of administration which leaves in existence the administrative machinery which had been created by the natives themselves; which recognizes the existence of Emirs... Muhammedan courts... native police controlled by a native executive, as real living forces, and not as curious and interesting pageantry; by which European influence is brought to bear on the Native indirectly, through his chief, and not directly through European officers... 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 whiteman...²⁷

On this showing, nobody can doubt that there was Indirect Rule at Kano. Functions of officials may have been modified or changed and their powers may have decreased, but these officials belonged to the class that discharged the functions of government in the nineteenth century. Colonial government's order reached the *talakawa* through their own chiefs and it was clear to them that these chiefs were participating in the work of governing. Oral evidence clearly indicates that the *talakawa*, especially those in districts, regarded at least most of these orders as having actually emanated from the emirs, rather than from British officials whom they rarely saw.²⁸

To say that there was Indirect Rule is not to deny occasional direct actions by British officials. The requirement that Residents, D.O.s and their subordinates should keep their powers in the background was the ideal aimed at. The action of Cargill in 1907 in distributing offices himself was without parallel, and so was Gowers' personal selection of the successor to Abbas in 1919. These may not even represent all the extreme cases, but by and large the British knew that it was in their own interest to force N.A. officials to do things for them than to act directly themselves. With the liquidation of the slave system in 1926 the last major source of friction between the emir and the Resident was eliminated and the stage was set for the long and energetic rule of Abdullahi Bayero

27. Temple, p. 30

28. Administrative orders from Kano city to the district administrators usually began after greetings, with *sarki vace...* ('the emir says') never *Bature ya ce ...* ('the whiteman says...').

But if there was a deliberate policy of concealing the power of the British from the peasantry, there was no such effort to veil it from the emir's subordinate officials. These officials, in their various positions, were subject to the supervision of the British and were not unaware that the latter were a serious factor in the administration. Political officers had no faith that the emir, who had been entrusted with the administration of Kano, could satisfactorily exercise supervisory functions over his officials. This was a contradiction, but it is noteworthy also that the routine intervention on the part of the British did not destroy the emirship. Even then, one can still say that Indirect Rule was not as Indirect as is generally supposed.

As far as the system of government and administration was concerned, we can summarize the main results of British rule at Kano as follows. All grades of chiefs sustained a loss of power and prestige. The emir and his senior officials who formerly controlled the decision-making process lost administrative initiative to the British and became executors of high policy decisions. British policy and improvements in communication made it possible for the emirs and their chiefs to exercise more effective control over their subjects, without necessarily putting more powers into their hands. The residence of the district heads in their territories enabled them to appreciate more fully than ever before the needs and problems of their people and in many cases made it possible for strong bonds to develop between the rulers and the ruled.

In theory and to some extent in practice Islamic law was the basis of the administration of precolonial Kano. Under the Indirect Rule principle the role of the *shari'a* in the government of the emirate was drastically curtailed. The old method of taxation, for example, was systematically abolished. The judicial system itself was to some extent Westernized and compelled to accommodate ideas which were repugnant to it as a system. In other words, more changes took place during this period than have hitherto been recognized.

Appendix I

LUGARD'S PROCLAMATION TO THE PEOPLE OF KANO, 1903

Be it known to all people that the British Government have taken over the territory of Aliyu, Emir of Kano, because he was hostile and desired war, and would not listen to words of peace. Now, therefore, these territories belong to the British, and the Emir will be under the Government. The High Commissioner will choose whoever may be best as Emir, after consulting with the headmen of Kano. In the meantime, according to the custom, the Galadima will act as Emir.

And be it known that every man can go on with his own work, whether he is a farmer in the fields, or a seller in the market, or a traveller on the road, no harm shall happen to him. And if anyone steals his goods or ill-treats him, he can complain to the big whiteman, and he will give him redress and punish the person who wrongfully treated him.

And be it known to all masters and slaves that any slave who is ill-treated and has just cause of complaint may come to the Resident, who will enquire into the matter and set him free if his story is true and he is willing to work for wages and support himself, but others who have no cause for complaint and are working in the house or in the fields shall continue in their occupations and not leave them.

And whereas the Magaji of Keffi did murder the Resident when he was without arms to defend himself: Now, therefore, a sum of £30 or equivalent in cloth, salt etc, will be given to any man, or divided between any men, who bring the Magaji alive to the Resident, and any person giving him food or shelter, or failing to bring the information as to his whereabouts if known to him will be severely punished.

And be it known that it is not lawful for any person to possess firearms other than flint locks, except with the permission of the Resident, and all persons in possession of the same are hereby required to render them up to the Resident within three days. And if any person not having a permit shall be found in possession of firearms (other than flint locks) or ammunition for the arms after the expiration of three days, he will be punished and the arms confiscated.

F. D. LUGARD.

(Seal)

Appendix II

LUGARD'S SPEECH AT KANO, 1903

The British Government would in future, I said, be the Suzerain of the country, and would retain the existing rulers, exercising the right to appoint not only the Emirs but the chief officers of state. The rights of succession, nomination, or election customary in the country would not as a rule be interfered with, but the High Commissioner would retain the right of veto, and the king or chief would lose his place for misconduct. In the matter of law and justice, Muhammedan law, so long as it was not contrary to the law of the Protectorate, would not be interfered with, and the Emir's and the Emir's courts would be upheld and strengthened under the supervision of the High Commissioner. Mutilation and imprisonment under inhuman conditions would not be allowed, and death sentence would be carried into execution without the prior concurrence of the Resident. Bribery and extortion would be checked, and certain classes of offences would be tried in the Provincial Court, in which alone all cases affecting non-natives and Government servants would be heard. Government would impose such taxes as the High Commissioner might see fit, to pay for the cost of the administration, but these would not be of an oppressive character. Traders and caravans would be encouraged, and were not to be taxed by the Emir, whose levies would be subject to the approval of the High Commissioner. The Fulani, I observed, had lost their domination, and in future the ultimate title to land and minerals would be invested in the British Government, but owners would not be deprived of their land unless it was needed for public works or Government requirements. I emphatically forbade all slave trading and all transactions in slaves, while saying that it was not my intention to interfere with the existing domestic slaves; but these would, like any one else in the land, at any time, have a right to appeal to the Resident, and, if they proved cruelty on the part of their masters, would be liberated. We recognized, I said, no less than they did that labouring classes must exist, and I had no desire to convert the existing farm and other labourers into vagrants, idlers, and thieves, but I hope that they would by and by be the advantage of paid free labour, which we considered more profitable and better than slave labour. In future, I said, neither the Emir nor say chief would be allowed to have recourse to armed force, and the "Dogari" (gunmen) would be abolished. If the Emir were unable to enforce his legitimate orders he would refer to the Resident, and to the British Government alone was to be vested the task of policing the country. Consequently firearms would not be required and must be rendered up, and, unless special cases authorised by permits from the Resident, their possession would involve punishment. All supplies would be fairly paid for, and they need have no fear in taking to the Resident all complaints against soldiers or other Government servants who might commit any violence or deal unfairly. The garrison would be located outside the town and soldiers would not be allowed to enter it with their arms. 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. Sokoto, I said, would remain the religious head, but the tribute of slaves might be sent to him in future. I added at the close of my remarks that it was not the desire of Government to upset and to change such native laws and customs as were good, and that it would be our desire to study them so as to understand

the people. I finally spoke of the advantage of a coin currency and the necessity of a fixed rate of exchange between British silver and cowries. I assured them that the British had come to stay, and nothing would ever cause us now to leave the country. I presented to the new Emir of Kano the Staff of Office of the First Class...All the chiefs who had now returned were to resume their old positions, but no vacancies in chiefships existing at this date were to be filled till my return.

With these conditions the chiefs appeared well satisfied. They had entered my room in a state of extreme nervousness and we parted with much cordiality.

Appendix III

NATIVE COURTS

APPOINTMENT OF MEMBER OF NATIVE COURT OR JUDICIAL COUNCIL

I, CYRIL WILSON ALEXANDER

Resident of the KANO Province of Nigeria, in pursuance of "The Native Courts Ordinance," and in exercise of the power in that behalf contained in section 7 of the said Ordinance, do hereby appoint ABDULLAHI

EMIR of KANO

to be and act as a President of the *JUDICIAL COUNCIL of KANO EMIRATE subject to the provisions of the said Ordinance and any rules made thereunder, and subject to the approval of the Lieutenant Governor.

.....
C. W. Alexander
Resident

APPROVED

.....
H.R. Palmer
Lieutenant-Governor
Northern Provinces

*insert Native Court or, Judicial Council as the case may be.

Appendix IV

NATIVE COURTS ORDINANCE

An Ordinance to make further provision for the administration of justice and to constitute native courts in the protectorate.

1. This Ordinance may be cited as the Native Courts Ordinance.
2. All appointments and orders made by a Resident under this Ordinance which are subject to the approval of the Governor shall be operative and of effect from the date thereof unless and until disallowed by the Governor.
3. By warrant under his hand, and subject to the approval of the Governor, a Resident may establish, at such places within his province as he shall in his discretion select, native courts which shall exercise jurisdiction within such limits as may be defined by the warrant establishing the same.
4. The Governor may delegate to a Lieutenant-Governor or officer duly authorised to discharge the duties and functions of 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 tribunal any remission of the sentence passed on such offender, and to remit any fine, penalties or forfeitures imposed or ordered by a native tribunal:

Provided that it shall not be lawful for the Governor to delegate the powers of pardon or the commutation of a sentence of death.

5(i) A native court shall consist of:

- (a) In the Northern Provinces, an Alkali with or without native assistants (to be known as an Alkali's court);
- (b) In the Southern Provinces, a single native judge;
- (c) A head chief with or without minor chiefs or other persons sitting as judges or as assessors with such powers as the Resident may determine; or
- (d) Chiefs or other persons representing the native communities inhabiting the areas within which the court exercises jurisdiction.

5(ii) In the case of an Alkali's court or the court of a head chief, the Alkali or head chief as the case may be, or in his absence such other member of the court as the Resident may appoint shall be President of the court.

In the case of a court within the description (d) in sub-section (i) the Resident shall from time to time appoint a President and a Vice-President.

6. The Governor may, by order under his hand, direct that the court of a head chief shall be a judicial council.

A judicial council may exercise such functions as may be approved by the Governor in addition to the judicial powers conferred upon it by the warrant under which it was established as a native court.

7. The members of a native tribunal shall be appointed by the Resident. Such appointment shall be subject to the approval of the Governor, and, if there be a head chief, shall be made in consultation with or on the nomination of such head chief.

8. A Resident may suspend for a period not exceeding three months, or, with the approval of the Governor, may dismiss or suspend for a period not exceeding three months, any member of a native tribunal 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 dis-

qualified from exercising any powers or jurisdiction, unless and until he be expressly reinstated by the Resident.

9(i) Every native tribunal shall have full jurisdiction, and power, to the extent set forth in its warrant, in all civil cases in which each of the parties is a native and in all criminal cases in which the accused person is a native:

Provided that—

- (a) In civil cases in which one or more of the parties, and
- (b) In criminal cases in which the accused person is a Government servant, or is a native domiciled or ordinarily resident in the area within which the tribunal has jurisdiction and belongs to a class of persons not ordinarily subject to the jurisdiction of native tribunals, the tribunal shall have jurisdiction—

In case (a), only with the consent of such party or of the Resident;

and

in case (b), only with the consent of such accused person or of the Lieutenant-Governor:

Provided further that in the case of (a) a Resident shall not give his consent as aforesaid unless the plaintiff is domiciled or ordinarily resident in the area within which the tribunal has jurisdiction or belongs to a class of persons ordinarily subject to the jurisdiction of native tribunals, or unless all or any of the parties are Government servants, or unless the question in dispute arises out of a marriage by native law or custom or relates to the inheritance of property under native law or custom:

Provided also that the Governor may direct that any person or class of persons shall not be subject to the jurisdiction of native tribunals and the jurisdiction of the tribunals shall be limited accordingly.

9(ii) For the purposes of the preceding sub-section, the term "Government Servant" shall include all persons in the service of the Government other than workmen and carriers and such other classes of servants as the Government may direct.

10. The warrant establishing a native court shall define the powers of such court and the area of its jurisdiction. With the approval of the Governor a Resident may suspend, cancel, or amend such warrant, or may substitute therefor a new warrant enlarging or diminishing the powers or area of the jurisdiction of the court.

Every such warrant shall be deemed to include a power to summon before the court any native, within the jurisdiction of the court, for the purpose of giving evidence.

11(i) Subject to the provisions of this Ordinance a native tribunal shall administer:

(a) the native law and custom prevailing in the territory over which the tribunal has jurisdiction and any amendment of or additions thereto made by any rule under section 23;

(b) the provision of any Ordinance which the tribunal is by or under such Ordinance authorised to administer; and,

(c) the provisions of any other Ordinance which the tribunal may be authorised to administer by an Order in Council made under section 12.

11(ii) For offences against any native law or custom a native tribunal 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 that it does not involve mutilation or torture, and is not repugnant to natural justice and humanity.

12. The Governor may by Order in Council confer upon all or any native tribunals

jurisdiction to enforce within the local limits of their jurisdiction all or any of the provisions of any Ordinance specified on natives subject to the jurisdiction of the tribunal who offend against such provisions, subject to such restrictions and limitations, if any, as may be specified in the Order.

13. Subject to such regulations as may be made under section 24, the jurisdiction conferred on native tribunals shall (as regards practice and procedure) be exercised in accordance with native law and custom.

14(i) A native tribunal 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.

(ii) The Resident shall immediately submit to the Governor the said report, documents, minutes and note together with a precis of the facts of the case, recording his reasons in support of the sentence or otherwise.

(iii) The Governor, after considering the materials submitted to him as aforesaid, may—

(a) Order the case to be retried either by the same tribunal or by any other native tribunal of competent jurisdiction; or

(b) order further evidence to be taken either generally or on some particular point, and in the mean time order the sentence to be suspended pending the consideration of such evidence; or

(c) after consultation with the Executive Council confirm the sentence or commute it to any other punishment, or pardon the person sentenced;

and shall communicate to the Resident a copy under his hand of any order which he may make thereon.

(iv) 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.

(v) On receiving the copy of the Governor's order the Resident shall cause the effect thereon to be entered on the record of the native tribunal; 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.

Provided always that the substance of the Governor's order may in the first instance be communicated by telegraph to the Resident, who shall then telegraph to the Governor for a confirmatory telegram, and upon receipt of such confirmatory telegram shall act in all respects as though he had received the copy of the order as aforesaid.

(vi) Such warrant shall be addressed to the Sheriff or to such officer of the Provincial Court or of the Native tribunal as to the Resident may seem fit, and the sheriff or such officer, as the case may be, shall act in accordance therewith.

(vii) If a woman sentenced to death be alleged to be pregnant, the Resident shall enquire into the fact and; if there is any reasonable cause for believing it, shall order the sentence to be postponed till the result of the pregnancy be known, and shall report such order to the Governor.

(viii) The forms of original procedure as used in the Provincial Court or forms to the like effect may be used in proceedings under this section with such variations as circumstances may require.

15. Every person sentenced by a native tribunal as a criminal prisoner or taken in execution of the process of such tribunal shall be imprisoned in a duly authorised native prison:

Provided that when there is no duly authorised native prison in which a prisoner can be imprisoned he may be imprisoned in a prison established under any law of the Protectorate.

16. At such times and in such form as the Governor shall direct, every native tribunal 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 tribunal.

17(i) Every member of a Provincial Court shall at all times have access to the native tribunal; and on the application of any person concerned or of his own motion may, with the consent of the Resident, or of a District Officer in charge of a division, in respect of any cause or matter arising outside the local limits of the jurisdiction of the Supreme Court;

- (a) suspend, reduce, or otherwise modify any sentence (save and except a sentence of death) or decision of a native tribunal;
- (b) order a rehearing (save and except on a trial for murder) before any native tribunal having jurisdiction in the case or matter, or
- (c) transfer any case or matter, either before trial or at any stage of the proceedings, whether before or after sentence passed or judgment given, to the Provincial Court.

17(ii) Every Commissioner of the Supreme Court may at any time direct that the records of a native tribunal relating to any cause or matter arising within the local limits of his jurisdiction shall be transmitted to him, and such records shall be transmitted accordingly and such commissioner may in respect of any such cause or matter exercise any of the powers specified in paragraphs (a), (b) and (c) of sub-section (1).

Provided that such commissioner shall when making an order of transfer under paragraph (c), direct that the cause or matter shall be transferred to his court.

Provided also that any order or direction issued by a commissioner to a native tribunal in pursuance of the powers conferred by this sub-section shall be delivered by him to an administrative officer, who shall communicate the same to the native tribunal.

18. Native tribunals shall carry into execution any decrees or orders of the Supreme or Provincial Court directed to them, and shall execute all warrants, and serve all process issued by, and generally give such assistance to, the Supreme or Provincial Court as may be required of them.

19. Native tribunals shall hold sessions at such times and places as the Resident may appoint.

20. No legal practitioner may appear or act for any party before a native tribunal; but a native tribunal 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, to appear for such plaintiff or defendant.

21. If any person is dissatisfied with the decision of a native tribunal in any civil or criminal case, he may appeal at any time within thirty days from such decision to such native tribunal (if any) as the Resident may appoint for that purpose under section 22.

22. A Resident may, with the approval of the Governor, by order under his hand, appoint the court of the Chief Alkali or of a single judge or the native tribunal presided

over by the head chief, or a court composed of not fewer than three of the chiefs in the division, to be a court of appeal from all or any of the native tribunals in the province, or in respect of any class or case.

23. A native tribunal with the concurrence of the head chief (if any) and subject to the approval of the Governor may make rules embodying any native law or custom with or without such additions and modifications as may be deemed expedient, and imposing as penalties for the breach of any rule imprisonment for two years or a fine of fifty pounds, or both, or any equivalent punishment according to native law and custom.

24. The Governor may make regulations with respect to—

- (a) the fees to be charged in native tribunals;
- (b) the disposal and application of fines and fees received by native tribunals;
- (c) the practice and procedure of native tribunals;
- (d) the government of native prisons; and
- (e) generally for the carrying out of the provisions of this Ordinance.

Offences and Penalties

25. Any person who shall exercise or attempt to exercise, judicial powers within the area of a duly constituted native tribunal, except in accordance with the provisions of any Ordinance, or who shall sit as a member of such tribunal without due authority, shall be liable on conviction before the Supreme or Provincial Court, to imprisonment for twelve months or to a fine of one hundred pounds, or both.

26. Any clerk, scribe, or member of a native tribunal who shall knowingly render false returns of the cases tried or the penalties inflicted by such tribunal shall be liable, on conviction before the Supreme Court or a Provincial Court, to imprisonment for two years, or to a fine of one hundred pounds, or both.

Appendix V

NATIVE AUTHORITY ORDINANCE

3. Ordinance to prescribe the power and duties of Native Authorities.

1. This Ordinance may be cited as the Native Authority Ordinance.

2. Definitions:-

"Native" means a native subject to the jurisdiction of a native tribunal.

3. Nothing in this Ordinance contained shall be deemed to limit the powers of a judicial council in the exercise, with the approval of the Governor, of executive functions in accordance with native law and custom.

4. The Governor may appoint any chief or other native or any native tribunal to be a native authority for the purposes of the Ordinance, and may make the native authority of any area subordinate to the native authority of any other areas; and may alter, suspend or cancel any such appointment.

5. It shall be the duty of any native authority to maintain order in the area for which he is appointed, and every native authority shall have and exercise the powers by this Ordinance conferred over all natives residing or being within such area.

6. A Native authority may employ any person to assist in carrying out the duties imposed upon him by this Ordinance or otherwise by law, and any person so employed may carry out and give effect to any lawful order given by a native authority.

7(i) A native authority may interpose for the purpose of preventing, and shall to the best of his ability, prevent the commission of any offence by any native within the local limits of his jurisdiction.

7(ii) A native authority knowing of a design to commit an offence by a native within the local limits of his jurisdiction may arrest or direct the arrest of the native so designing, if it appears to such authority that the commission of the offence cannot otherwise be prevented.

Provided that any person so arrested shall, unless he be released within twelve hours of his arrest, be taken before a magistrate or native tribunal.

7(iii) Every native authority receiving information that any native 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 local limits of his jurisdiction shall cause such native to be arrested and taken forthwith before a magistrate, court, or native tribunal having jurisdiction over him.

7(iv) Every native authority receiving information that property of any description which has been stolen outside the local limits of his jurisdiction has been brought and is within such local limits shall cause such property to be seized and detained pending the order of a magistrate or native tribunal having jurisdiction in the matter and shall forthwith report such seizure and detention to such magistrate or tribunal.

8. Any native authority shall compel the attendance before a native tribunal of any native within the local limits of his jurisdiction and subject to the jurisdiction of such tribunal.

Any such native as aforesaid who when directed to attend before a native tribunal shall refuse or neglect to attend as when ordered may be arrested by or under the order of a native authority and taken before such tribunal.

9. A native authority may issue orders, not being inconsistent with the provisions of any Ordinance, to be obeyed by the natives being within the local limits of his jurisdiction.

diction for any of the purposes following:-

- (a) restricting the manufacture of native intoxicating liquors and the supply of such liquors to young persons;
- (b) prohibiting or restricting the holding of drinking bouts;
- (c) prohibiting or restricting the cultivation of poisonous or noxious plants, and the manufacture of noxious drugs or poisons;
- (d) prohibiting or restricting the carrying of fire arms;
- (e) 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;
- (f) preventing the pollution of water in any stream, water-course, or water-hole, and preventing the obstruction of any stream or water-course;
- (g) regulating the cutting of timber and preventing the wasteful destruction of trees;
- (h) preventing the evasion of any tax, service or other obligation imposed by or under any Ordinance;
- (i) requiring natives to report cases of infectious disease whether of human beings or animals and generally for the prevention of the spread of such disease;
- (j) requiring natives to report the presence within the local limits of his jurisdiction of any property stolen or believed to have been stolen outside such local limits; and
- (k) for any other purpose approved by the Governor.

10(i) Whenever an administrative officer shall consider that for the proper administration and good government of the area for which any native authority has been appointed, it is necessary or desirable that any order should be issued for any of the purposes enumerated in the last preceding section, he may direct the native authority to issue and enforce such order as aforesaid, the administrative officer may seem proper.

If any native authority shall neglect to issue any order which he may be directed to issue as aforesaid, the administrative officer may himself issue the order.

10(ii) Whenever an administrative officer shall consider 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 cancel the order or refrain from enforcing the order, and if any person shall have been convicted before a native tribunal of failing to comply with such order may quash the conviction and order the repayment of any fine which may have been recovered.

11. Any native who shall without lawful excuse disobey or fail to comply with any lawful order issued under this Ordinance, or who shall obstruct or interfere with a native authority in the exercise of the powers of this Ordinance conferred, shall be liable, on conviction before a magistrate or before a native tribunal having jurisdiction over such native, to a fine of twenty pounds or to imprisonment for two months, or both.

12. Any native who, not being either a person exercising administrative functions with the approval of the Governor or a native authority exercising the powers by this Ordinance conferred, shall assume the powers of a chief shall be liable to a fine of fifty pounds or to imprisonment for six months:

Provided that no proceedings shall be taken for an offence under this section except with the consent of the Governor.

13(i) Any native authority may be fined fifty pounds in case he shall be convicted before a magistrate of any of the following acts or neglects, viz-

- (a) If he shall wilfully neglect to exercise the powers by this Ordinance conferred

- upon him 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 ordered by an administrative officer to issue orders for any of the purposes specified in section 9 he shall wilfully neglect to issue the orders directed;
- (c) If he shall wilfully neglect to enforce any orders issued by him under the discretions of an administrative officer under the powers conferred by sub-section (i) of section 10;
- (d) If he shall neglect to cancel an order when directed by an administrative officer under the powers conferred by sub-section (ii) of section 10, or if he shall enforce or attempt to enforce any order after he has been ordered as aforesaid to refrain from so doing; or
- (e) If he shall wilfully neglect to enforce any lawful order issued by a native authority to whom he is subordinate.
- 13(ii) When a native tribunal is appointed a native authority all or any of the members of such tribunal may be proceeded against either together or separately for any act or default punishable under this section, and on proof of the facts constituting an offence by the tribunals each such member shall individually be liable to the penalties prescribed unless he shall satisfy the magistrate that he was in no way responsible for or a party to such act or neglect.
14. If a judicial council exercising executive functions with the approval of the Governor, shall make any lawful and proper order, or if any native tribunal shall make any order or give any judgment, and any such order or judgment shall not be complied with or shall be disobeyed, it shall be lawful for any magistrate to enforce the said order or judgment and to inflict upon the person who shall have disregarded the order or judgment such penalty as to him may seem proper.
15. Any person who shall intrigue against the power and authority of any recognized chief or judicial council exercising executive functions or shall do any act or thing with the purpose of undermining the authority of any such chief or council shall be liable, on conviction before a magistrate to imprisonment for six months.
- No prosecution shall be instituted for an offence under this section except with the consent of the Governor.
16. The Governor may make rules for the better carrying into effect of the objects and purposes of this Ordinance.
- 17(i) A native authority, with the concurrence of the native authority (if any) to which he is subordinate, and subject to the approval of the Governor, may make rules for all or any of the purposes following:-
- (a) Adopting any law of the Protectorate or any portion thereof, with or without such modifications as may be deemed expedient;
- (b) generally providing for the peace, good order, and welfare of the natives within the local limits of his jurisdiction;
- (c) regulating and promoting trade; and
- (d) imposing as penalties for the breach of any rule imprisonment for a term not exceeding two years or a fine not exceeding fifty pounds, or both.
- 17(ii) Any native who shall commit any breach of a rule made under sub-section (i) shall be liable, on conviction before a magistrate or before a native tribunal having jurisdiction over such native, to the penalties prescribed for the breach of such rule.

Appendix VI

GRADES OF NATIVE COURTS

There shall be four Grades for Native Courts, and each shall exercise the jurisdiction and powers hereinunder, subject to any extensions or limitations that may appear in the Warrant or the annexure thereto.

- 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-General.
- Grade B — Civil Actions in which the debt, demand or damages do not exceed £100. Criminal Causes which can be adequately punished by 2 years imprisonment 24 lashes, or a fine of £50, or the equivalent by Native Law or Custom.
- Grade C — Civil Actions in which the debt, demand or damages do not exceed £10. Criminal Causes which can be adequately punished by six months imprisonment, 24 lashes, or a fine of £10 or the equivalent by Native Law and Custom.
- Grade D — Civil Actions in which the debt, demand or damages do not exceed £5.

Appendix VII

NATIVE REVENUE ORDINANCE

An Ordinance to regulate the levying and collection of revenue from native sources

1. This Ordinance may be cited as the Native Revenue Ordinance, and shall apply to the Northern Provinces.

Provided that the Governor may by Order in Council extend its provisions to the whole or any part of the Southern Provinces and it shall thereupon apply accordingly.

2. Definitions:—

“Community” means any town, village, or settlement, and includes a band of nomad herdsmen or group or individuals; “Resident” means the Resident in charge of the particular province in question, and includes any other administrative officer authorized by the Resident to perform any duties imposed upon the Resident by this Ordinance; “Village headmen” includes the head of nomad herdsmen appointed under sub-section (2) of section 9.

3. There shall be levied and collected, in a manner hereinafter mentioned, such sums as, in accordance with the provisions of this Ordinance the Resident of each province, with the approval of the Governor, shall fix and assess—

(a) as tribute payable by any community within the province; and

(b) as taxes payable by any native residing or being within the province.

4. In making an assessment, the Resident, acting in co-operation with the chiefs or elders or other persons of influence in each district and, as far as circumstances may permit, in accordance with native custom and tradition, shall estimate or compute—

(a) the annual value of the lands and the produce thereof used, occupied or enjoyed by the members of each community;

(b) the annual value of the profits or gain from any trade, manufacture, office or employment, in which the members of each community may be engaged;

(c) the value of all live-stock owned by each individual or by each community.

5. The principle in which the estimate or evaluation of lands shall be made—shall be the amount of produce or profit which can be annually obtained from, and the number of livestock that can be annually raised and supported on such land by a person cultivating and using the same in the manner and up to the average standard of cultivation and use prevailing in the neighbourhood.

6. The assessment of tribute and taxes shall be based upon the estimate in section 4 and the amount of the tax or tribute shall be fixed by the Resident, in accordance as far as circumstances will permit with native custom and tradition, subject to the approval of the Governor¹ who may alter or amend such assessment as may appear just or expedient.

7. When such assessment shall have been approved by the Governor, the Resident (in such manner as the Governor may direct) shall publicly make known to each community and to all persons concerned the amount at which such community or persons have been assessed for tribute or taxes, and the time at which such tribute or taxes shall be collected.

8. For the purposes of this Ordinance a Resident may divide his province into districts under the supervision of a district headman, and may place any community in or any

1. Power delegated to the Lieutenant Governor, Northern Provinces.

portion of a district under the charge of a village headman.

9. (i) A Resident may appoint chiefs or other suitable persons to be individually or collectively district headmen and village headmen for the purpose of supervising and collecting tribute and taxes
 9. (ii) The Resident may appoint the head of a nomad herdsmen to perform the duties of a village headman in relation to such herdsmen.
 10. It shall be the duty of a district headman —
 - (a) to supervise the collection of tribute and taxes in his district;
 - (b) to receive from the village headmen in his district all sums collected by them, and to pay and deliver the same to such head chiefs as the Resident may direct;
 - (c) to render to the Resident or head chief returns of tribute and taxes received by him at such times and in such form as the Resident may direct.
 11. Every district headman shall be entitled to receive such fixed salary or such proportion (not exceeding one fourth part) of the tribute or taxes received by him, as the Resident of the province, with the approval of the Governor, may direct.
 12. It shall be the duty of the village headman —
 - (a) to collect and receive from each member of the community over which he has been appointed such proportion of the amount at which the community has been assessed for tribute and taxes as may be just and equitable having regard to his relative wealth;
 - (b) to pay and deliver to the district headman of the district in which the community may be situated, or to such other person as the Resident may appoint, all tribute and taxes collected by him;
 - (c) to communicate to such district headman the name of any person who may have refused or persistently neglected to pay his proportion of the tribute or taxes.
 13. Any person who may consider that he has been called upon by the village headman to pay an undue proportion of the total sum payable by the community of which he is a member may appeal to the district headman or head chief, and if he is dissatisfied with the decision of such district headman or head chief, he may appeal to the Resident, whose decision shall be final.
 14. Every village headman shall be entitled to receive as remuneration such fixed salary or such proportion (not exceeding one-tenth part) of the tribute or taxes collected by him as the Resident may direct.
 15. Every head chief in the receipt of taxes under this Ordinance shall, at such time in each year as he may be required by a Resident so to do, pay and deliver to such Resident for the general revenue of Nigeria one moiety or such other proportion as the Governor may from time to time determine of the amount received by him as tribute and taxes, and shall, unless the Governor otherwise directs, pay the balance thereof into the Native Treasury.
 16. The Governor may exempt from the assessment for tribute or taxes any particular property or source of profit or income, and may remit any tribute or taxes upon it; or he may assign any tribute or taxes or any portion thereof to charity, or religious or other purposes, including education. Such exemption or assignment may be for a specific time or for a period not limited.
 17. The Governor¹ may exempt any class of person, individual, district or province
1. Power to remit all or a portion of the tribute or taxes due from any person, individual, district or province has been delegated to Lieutenant Governors.

from the operation of this Ordinance or any particular portion thereof for a specified or any unlimited time, and may remit all or a portion of the tribute or taxes.

18. Any district headman or village headman or a person employed by a district headman or village headman in connexion with his duties under this Ordinance who —

- (a) demands from any community or person an amount in excess of the authorised assessment of tribute or taxes;
- (b) withholds for his own use or otherwise any portion of the amount collected;
- (c) renders false returns, whether verbal or in writing, of the amounts collected or received by him;
- (d) wilfully misrepresents the taxable capacity of the community or person from which or from whom he is authorized to collect tribute or taxes;
- (e) defrauds, embezzles, or otherwise uses his position so as to deal wrongfully either with the Government, or with the chief, or the individuals of any community;

shall be liable to a fine of fifty pounds or to imprisonment for three years or both.

19. Any chief or any person whose authority and control is recognised by a section of a native community or any head of a family who shall refuse to answer questions put to him by a Resident, or to give information to such Resident relative to the taxable capacity of any community or any section or portion of a community or any family, or who shall wilfully mislead such Resident with reference to such matters, shall be liable to a fine of one hundred pounds or one year's imprisonment or both.

20. Any head chief who shall refuse or persistently neglect to pay to a Resident when so required any tribute, or tax, or portion thereof payable under section 15, or to pay the balance thereof, into the Native Treasury, shall be liable to a fine of five hundred pounds, or imprisonment for five years or both.

21. Any person who shall refuse or persistently neglect to pay any tax or any portion of tribute for which he may have been assessed under this Ordinance, or who shall incite any person so to refuse, or who shall conceal or fail to produce or notify any taxable property which he may possess or wilfully misrepresent in any way his taxable capacity, or who shall incite or assist any person so to conceal or fail to produce or notify any taxable property or so to misrepresent his taxable capacity, shall be liable to a fine of one hundred pounds, or to imprisonment for one year or both.

22. Any person who —

- (a) not being authorised under this Ordinance so to do, shall collect or attempt to collect any tribute or tax under this Ordinance without the express sanction of the Governor; or
- (b) collects or enforces, or attempts to collect or enforce any tax or tribute other than those described in this Ordinance, or authorised by any other Ordinance;

shall be liable to a fine of three hundred pounds or imprisonment for three years or both.

23. Proceedings to enforce payment of tribute or taxes under this Ordinance may be taken before the Supreme Court, a Provincial Court or a native tribunal.

24. Natives shall continue liable to pay tribute and taxes under this Ordinance, notwithstanding that they may for the time being be resident on lands alienated to or occupied by non-natives, and any district headman may at any time enter such lands for the purpose of collecting any such tribute or tax.

25. The Governor may make such regulations for further or better carrying into effect any of the purposes of this Ordinance as he may deem expedient.

Sources and Bibliography

A. PRIMARY SOURCES

1. Oral Evidence

It is important to emphasize the place of oral evidence in the reconstruction of African history. The studies carried out by scholars like Jan Vansina and M.G. Smith are but few examples of the effectiveness to which oral sources could be put in the effort to understand our past. The historian of early twentieth century Kano has a large body of documentary materials at his disposal, but these colonial records are inadequate for the kind of study involved in this book. They reflect mainly the policies, actions, and prejudices of the colonial administrators, and rarely throw light on the problems and feelings of the colonial society. Another problem with the official records is the question of credibility: reports written by administrators and the actual situation in Kano might not be the same thing in every particular case. There is therefore a very strong necessity for going to the people to obtain either eye-witness accounts or transmitted evidence. This is the role of fieldwork. This kind of testimony, as historians have emphasized, could have serious limitations of its own, and for purposes of analysis it should be subjected to the same rigorous and critical examination as all written sources must be. Data which emerge from this process are valid tools for historical reconstruction.

This study has made use of a considerable amount of verbal testimony collected in course of nearly five months of intensive and extensive field work undertaken in August and September, 1970, and again between June and August, 1972. During the first period, attention was concentrated on Kano city while in the second period practically all the existing twenty-five district headquarters of Kano, as well as a very large number of villages outside these headquarters were visited. Besides, some interviews were conducted not only in Kano city but also in the Waje area which includes the township. Many of the footnotes in the main body of the book give some idea of the kind of materials which were collected from the widely scattered towns and villages.

One central problem which every field worker must expect to face to a certain degree is the difficulty of getting informants. My approach to this problem was to appeal to the Senior Local Government officials in Kano city and to rely on their advice and assistance. This proved extremely rewarding in several respects. In the first place, it made it possible for me to come in touch with the right type of people—people with a lively interest in their own history. Secondly, this enabled me to be continuously busy—sometimes both day and night—since there were always informants to be interviewed, instead of spending several days searching for people to talk to. Finally, since these informants had been asked by those whom they recognize as social superiors to speak to me frankly and without inhibition it largely neutralized the elements of fear, suspicion, and distrust which this kind of enquiry naturally generates. In the Kano Metropolitan Area (that is, the city and Waje Areas), where these elements are quite strong, most of the numerous interviews I conducted were made possible by the good offices of the Sarkin Dawaki Maituta. Similarly, it would have been absolutely impossible to

accomplish anything in the districts without the active co-operation and sympathetic attitudes of the kind shown by the district heads acting under instructions, written in very definite terms, from the Madaki.

I was quite aware that whatever the degree of official co-operation enjoyed by me I still had the big task of making myself acceptable to my informants. I constantly bore in mind the fact that a researcher who, not being a native of the area of his interest but who takes care to respect the customs of the society and who makes some effort to fit into that society is much more likely to succeed than one who tries to stand aloof by emphasizing the basic elements of his own culture. Good human relations are a powerful force in the collection of oral evidence, and I made a good use of my ability to get on well with people and thus avoided falling into difficulties. A good knowledge of the language of the people is also very important because it enables the researcher to communicate directly with his informants. I had a serious language problem, but my personal experience is that even when one lacks this facility but shows signs of some knowledge and of keen interest in the language the deficiency can, other things being equal, be very easily ignored by informants. In fact, in a number of places informants told me that my not possessing a working knowledge of their language did not really matter because it was Allah himself who allowed different languages to exist. Of necessity I had to work through interpreters. It is an interesting commentary on the enthusiasm displayed towards my study that during my last visit to Kano an interpreter was arranged for me by the officials of the Local Government Administration at a time when the chances of my obtaining a good one through my own direct efforts were extremely remote.

During the two periods mentioned I held over two hundred and fifty interviews involving two hundred and fourteen informants. My informants included people from all levels of the Kano hierarchy, as well as members of the *ulama* and several other professional classes.

The Emir of Kano was kind enough to grant me an interview. The Waziri of Kano, the Sarkin Dawaki Maituta and other officials of the city administration willingly co-operated. The Madaki, all the district heads, and many village heads were also interviewed. *Limamai*, *alkalai*, Quranic mallams, farmers, traders, and men too old to be gainfully employed were of invaluable help to me also.

Wherever possible each interview was held in an informal atmosphere, in the informant's own house. This was especially so in the Kano Metropolitan Area, but in the rural districts my lodgings and offices were most often used but it was still possible to make many informants feel quite relaxed. In the Metropolitan area only one man was interviewed at a time although in a small number of cases informants sent for some other people to help in matters about which they themselves had doubts. This practice could be harmful. An informant A who was brought into my interview with B in this way later, when spoken to privately, repudiated some of the opinions he had earlier expressed, saying that what he said before was merely aimed at pleasing B. This strengthened the view I formed in 1964 that whenever two people who are socially unequal are interviewed together the dangers of a deliberate misrepresentation or falsification of facts might increase.

In the districts outside Kano, I often found it impracticable to speak to all informants one by one. For one thing, there were almost in every district more informants than I could possibly interview individually within the available time. In one place I found that no less than thirty old men had been assembled for me by the district

head. Not infrequently I had to adopt the method of group interviews. This method has at least two definite advantages. In the first place, it enables the field worker to come in touch with more ideas than would otherwise be possible within a relatively short period of time. Secondly, the researcher can benefit a lot from the differences in the opinions expressed by various informants within the group. I found that provided the informants within the group had the same social standing they usually did not hesitate, whenever they felt the need to do so, to challenge any statement by one of them.

But group interviews have their disadvantages two of which were brought home to me. On one occasion I noticed that some informants frowned at the piece of information which one of them was giving me, apparently because they did not think that it should be given at all. The embarrassed informant immediately stopped speaking, looking somewhat baffled. I allowed the incident to pass as if I did not know what had happened, but later in the evening I sent for this informant and he willingly completed the story. It was also discovered that informants usually would not speak critically of a departed district or village head if one of his descendants happened to be in the group. It was not surprising that when I later spoke to a few of the informants individually the opinions expressed differed from those I had obtained earlier. It is not only in these examples that it has been considered wise to exercise some restraint in the citation of sources in this work. The mutual confidence established between the field worker and each informant imposes on the former the responsibility of ensuring that he does not directly or indirectly place the latter in a potentially dangerous position within the society.

The procedure I adopted in the collection of data was as follows. First of all, I introduced myself and the purpose of the interview, emphasizing that I had not come to collect information for any government, individual, organization, or agency; that I was only interested in recording their history for the information of the present and future generations of the place and of the world generally before these very events were forgotten; that I wanted him to tell me frankly all he knew about any particular issue that would be raised; and that I believed that he possessed the kind of knowledge that would make my study a success. I always noticed a feeling of satisfaction with this kind of opening remarks, and informants were usually impressed that this kind of interest was being shown both in them as individuals and in the particular area in general. I would then ask for the informants name, age, and social background. Approximate age could be established by asking such questions as 'How old were you when the British conquered Kano? or: How old were you during the *basasa* (the Kano civil war of 1893—94)?'. The answer might be that he was born three years before or after the event, or in the very year Abbas died. I found that it would have been impossible to establish the rough age of any of the informants (except, of course, in the case of those who had acquired Western education) without this kind of approach. For example, one man told me that he was forty years of age, but on being cross-examined he revealed that he was about five years old at the time of the *basasa*! The oldest of my informants, Mallam Hamza (aged about 109) looks at least twenty-five years younger.

When an informant was interviewed alone sometimes the kind of question which I asked him depended on his position in the society. Thus, for instance, certain questions were specifically reserved for the *ulama*. Farmers were best in a position to discuss the changes in the taxation and the impact of revenue measures on them as a professional group, and only district and village heads—few of whom have held offices

the past forty to fifty years — could best describe their functions etc. In group interviews, I found that it was farmers, for example, who normally answered questions relating to taxation, others acting as a kind of assenting chorus. But this is not to say that each informant was questioned only on matters about which I supposed that he possessed special knowledge. Some of the village heads who have held office for a long time could discuss almost any point raised before them. However, matters dealt with were so diverse and so numerous that each informant or group of informants was not harassed or questioned for too long at a time. Sometimes I found it necessary to interview an informant several times if I considered it wise not to conclude an interview in a single session. Occasionally, fresh questions might occur to me after I had gone back to my base and studied my notes and these might necessitate recalling an informant.

The question I put to informants were grouped around specific themes such as 'taxation', 'the judicial system', and 'territorial re-organizations'. Informants were generally asked to tell me what happened under each heading, what the results were, and how they felt about them. Very often new questions arose from the answers given to particular questions. The questions dealt both with issues raised by colonial records as well as those with which the records were not concerned. In group interviews each question was thrown open, and I had to work out a system of noting who gave what answer. Often informants could tell from the kind of questions a researcher has asked how deep he has gone into their history.

Undoubtedly my greatest asset in the field was the enthusiasm shown by various people in this work. My last interpreter had a keen personal interest in the history of Kano. A few of the district heads after being interviewed liked to watch me interview others, out of a sincere desire to learn more about the past of their districts — to which they may have been appointed just a few years before. I welcomed such a presence with mixed feelings. On the one hand I was aware that it could affect the kind of information made available to me. On the other hand I believed that it could make my informants be at their best. I remember observing that Sarkin Dutse, a former Minister of Local Government in the defunct Northern Region, made notes from informants' accounts just at the same time as I made mine. His earlier record was one of the first things he made available to me. Informants were genuinely anxious to contribute to the success of this work, and in seven of the districts they prayed for me at the end of my interviews.

No historian can bring in every piece of oral evidence into his writing any more than he can introduce every piece of documentary material retrieved. Parts of the information collected are either of doubtful accuracy or irrelevant to the study and have therefore been excluded. What I have used is what I consider to be historically admissible as evidence. This means that the data have undergone an assessment. Where members of a group interviewed agreed completely over a certain issue in the history of the area I have admitted it as a valid piece of evidence where there is no ground to doubt the statement. Where they disagreed, other tests, such as evidence from other areas (where applicable) were applied to establish the correct point of view. Oral evidence has to be checked, both against each other and, whenever applicable, against British administrative records, and I consistently did so.

The evidence of single informants was subjected to the same kind of test. If it appeared to me that there was no reasonable ground for disputing the evidence I made use of it. That it was not corroborated by the evidence of another informant does not necessarily make it less reliable for purposes of reconstruction. In fact, sometimes the

field worker might not be lucky to find more than one person competent to speak on certain issues.

I found that there were some questions about which there was only one opinion wherever it was raised in Kano. The unanimity among informants throughout the districts on certain aspects of British administration, for instance on the judicial consequences of territorial re-organisations, or on the rising incidence of divorce etc. made me not hesitate for a moment in accepting that kind of evidence. That information collected from the field was quite useful and substantial must have been clear from the main body of the work.

Because of the very large number of people interviewed, it has not been possible to do justice to all informants in my citation of sources as very many have been left out for reasons of space. However, most of the opinions which have been found useful and valid for purposes of this work have been reflected in the various chapters.

2. Unpublished Material

These are quite numerous and diverse and are very valuable. In fact this study has depended heavily on this type of material. Its weakness is that it deals only with matters which were of interest to the colonial administration. The historian has to look beyond these sources to obtain a fuller picture of developments. For convenience these can be subdivided as follows:

(i) Administrative records (excluding correspondence)

- (a) *Annual reports Kano Province.* These form the most important single type of source material. The earliest reports were of monthly, quarterly, half-yearly, and annual character, but before long only half-yearly and annual reports were being issued. From about 1920, however, the practice of writing up mid-year reports also ceased. Apart from the first two reports in 1903 no reports could be traced for the period preceding the end of 1906. Since these were reports of what British officials did and were written by themselves they have been used with caution. Wherever necessary or possible these reports were subjected to verification in the field.
- (b) *Confidential reports* on the emir, district heads, and on general administrative or political position in Kano. These are also of very great value. The contents of these reports often reflect the prejudices of British officials, and for this reason a great deal of caution is also called for in using them.
- (c) *Assessment reports.* These were mainly concerned with tax assessments of the various districts and sub-districts. The earliest reports on each unit contain besides information on its economic situation, some historical data of administrative and political importance which have been found quite useful in connexion with this study.

- (d) *Touring and inspection reports.* Officers touring or inspecting specific areas usually wrote down their impressions on the state of the district generally or in particular terms such as local *alkali's* court or revenue matters. Not infrequently such tours were not routine but were undertaken as a result of a particular situation obtaining in a district at a particular point in time. For instance, in 1912 rumours of a massive evasion of *jangali* in the eastern part of the emirate led to a Captain Uniacke being sent by the Resident to assess the situation on the spot. Used critically, these are a helpful set of materials.

The materials listed in (a) to (d) above are available at the National Archives, Kaduna.

- (e) *District Note Books.* Each district of Kano had a file (named 'Note Book') which contains historical sketches on its precolonial period as well as the administrative changes under the British. Unlike the preceding records which one has every reason to believe have not all been preserved in fact the District Note Books are extra-ordinarily complete and very useful. They can be found in the Ministry of Local Government, Kano (the former Provincial Office). It has been found necessary to check the information given in these various 'Note Books' against that from other sources such as the 'Annual Reports' on Kano province. The 'Note Books' contain a number of errors of fact resulting largely from the fact that they were written very long after the events by officers who were not always careful in their reference to earlier records.

(ii) **Correspondence**

This can be subdivided as follows:

- (a) *G.O.K. Series.* These are found at the National Archives, Kaduna, and consist of correspondence among the British in Northern Nigeria, especially between the High Commissioner and the political officers in the period 1900 to 1903. Their usefulness in this work is very minimal.
- (b) *Internal Kano correspondence.* Also at the N.A.K. are surviving letters of all sorts between A.D.O.s and D.O.s, the latter and the Residents, and between emirs and Residents or D.O.s.
- (c) *Kano-Zungeru (and later Kano—Kaduna) correspondence.* This consists of exchanges between the Residents at Kano and the colonial government headquarters at Zungeru (later replaced by Kaduna). Some of the letters took the nature of comments and replies to comments on Kano provincial reports; some were circular letters by S.N.P. to all Residents; while others were exchanges dealing specifically with matters or problems arising at Kano. This group is also obtainable at N.A.K.
- (d) *C.O. 879 Series.* This set of Colonial Office records are to be found in the Public Records Office in London. They contain, among other things, some of the Confidential Prints' and despatches between the C.O. and the Protectorate Government of Northern Nigeria. They are available in microfilms at the University

- of Ibadan library. Their place in this work is negligible.
- (e) *C.O. 446 Series*. Correspondence between Northern Nigeria and the Colonial Office in the period 1898—1913 has this classification. The original despatches are available at the Public Records Office (P.R.O.), London. The P.R.O. records are more useful than those in Nigeria in that apart from being quite complete they contain comments by C.O. officials on Northern Nigerian despatches and reveal the opinions of men through whose hands these despatches passed before final action was taken.
- (f) *Kaduna—Lagos Correspondence*. After the amalgamation of Northern and Southern Nigeria in 1914, the Officer administering the Government of Northern Nigeria (styled 'Lieutenant Governor' until late in 1932 when the title was changed to 'Chief Commissioner') became subordinate to the Governor-General (changed to 'Governor' in 1919) of Nigeria in Lagos. Correspondence between the two men are extant at the National Archives, Kaduna and Ibadan (i.e. N.A.K. and N.A.I.).
- (g) *C.O. 583 Series*. The series of correspondence between Nigeria after the amalgamation in 1914 and the Colonial Office was given this classification. The advantages of using the P.R.O. materials in this respect are the same as those stated in respect of the C.O. 446 series.

(iii) **Private Papers**

The following papers of the Colonial Records Projects, Rhodes House Library, Oxford, are very useful.

- (a) Abadie Papers, Mss Afr. S. 1337
(b) Arnett Papers, Mss Afr. 921
(c) Lugard Papers, especially Mss Brit. Emp. S.62—77
 To these should be added
(d) Palmer Papers, Museum Library, Jos.

(iv) **Arabic Manuscripts**

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- ...*hadie*, Captain, 36, 37, 45.
 ...*Magayawa*, 1.
 ...*Abbasid* Caliphate, 4.
 ...*Mallam* (also known as Zubeiru), *Liman of Gasaanci Mosque*, and judicial councillor, 145.
 Abba, *Sarkin Dowaki Tsakar Gida* and later *Wambai of Kano*, 15.
 Abdallah, *Ma'aji*, appointed *Ma'aji*, 77; made member of council, 77; judicial councillor, 145.
 Abd al-Rahman, 10, 20-22.
 Abdu, *Barde*, 13, 45, 109.
 Abdu, *Chiroma*, 44.
 Abdu, *Maiungwar Kutumbawa*, 54.
 Abdu, son of *Tukur*, 44.
 Abdulkadir, *Dan Iya* and later *Galadima*, appointed member of the emir's council, 76, 99; appointed *Dan Iya* and later *Galadima*, 100, 102; as judicial councillor, 145; at the Kano regional meeting, 200.
 Abdulkadir, *Sarkin Bal*, appointed district head of Danbatta, 74; recalled from the district and made councillor, 74; relieved of councillorship, 76.
 Abdulkadir, *Sarkin Dutse*, 47.
 Abdulkadir, *Sarkin Karaye*, 46.
 Abdulkadir, *Turaki*, 45.
 Abdullahi, *Emir of Kano*, assumed greater responsibility as *Galadima*, 9; maintained a rigid system of control and supervision over his officials, 9, 14; appointment of slaves to offices increased, 9; frequently led military expeditions himself, 11; visits to Sokoto, 21; expended more on arms and horses for warfare, 30.
 Abdullahi, *Sarkin Dutse*, 97; reduced to the status of village head, 97; exiled to Kano city, 97.
 Abdullahi Bayero, *Emir of Kano*, as *Chiroma*, 45, 55, 83, 148; as *Waziri*, 48; loyalty to Abbas during the crisis, 54; appointment as *Emir*, 74; installation as *emir*, 75; appointment of sons to offices 102; opposition to; chief *alkali* as member of the judicial council, 139; interference with the chief *alkali's* court, 141; membership of judicial council 145; at the Kano regional meeting, 200; and Islamic education, 207.
 Abdullahi dan Fodio, 4-7, 25; *Diya al-Hukkam* 5-7.
 Abdulsalami, *Sarkin Bal*, 16, 45.
 Abdulsalami, *Sarkin Iggi*, 47.
 Abubakar, *Mallam*, *hadith* scholar from Katsina, 32.
 Abubakar, *Turakin Manyan*, and later *Wambai*, 100.
 Abubakar Dokaji, *Head Master* of the Middle school, and later *Waziri* 201-203, 206.
 Adamawa, 46.
 Adamu, appointed *Ma'ajin Wateri*, 57.
 Ado Bayero, *Emir of Kano*, 78.
 agriculture, 171-174, 202.
ahl al-kitab, 79.
 Ahmadu, *Maiungwar Mundubawa*, later *Dan Lawan*, 97; deposed 99.
 Ahmadu, *Wakilin Waje*, 94.
 Ahmadu, *Waziri of Kano*, 15, 44.
 Ahmadu Boppa, *Area Court Judge*, 206.
aikin talauci, 110.
 Ala bar Sarki, appointed *Dan Rimi*, 45; appointment as *Waziri*, 55-57; as prisoner of war, 56; deposition, 66.
 Alexander, C. W. 93, 102, 133.
 Alhassan dan Tata, 174, 198.
 Ali, *Sarkin Kiru* and later *Sarkin Yaki*, 97, 105.
 alien natives, allocation of plots of land to, 92.
 Aliyu, *Emir of Kano*, and the civil war, 10, 14; and the Ningi, 11; frequently led military expeditions himself, 11; powerful leadership of, 14; Sarkin Muslim's recognition of as *emir* 14; redistribution of offices, 15-16; tribute to Sokoto, 22; expended more on arms and horses for warfare, 30; journey to Sokoto, 36; reaction to the British invasion of Kano, 36; desertion of his army, 36; and exile 36; rumour about restoration of, 54.
alkalai, recruitment criteria, 24, 142; relations with political authorities, 24, 146-149; court practice and procedure, 25, 149-152; places and times of work, 25, 149; as sole agency for judicial matters in the districts, 115; presidents of their courts, 123, 127; and the administration of the estates of deceased persons, 125, 150; kind of cases dealt with, 126-127; appeals against cases handled by, 130; inspection of records of, 131; and the judicial council, 132, 137-141; bribery and corruption, 142-144; appointment and dismissal, 144-145; and *hakimai*, 146; calling fee, 146; salaries, 147; and the Maguzawa, 152-155; training, 206-207.
alkalin kasua, 123, 126.
 Also, *Sarkin Tudun Wada*, and later *Dan Kade*, 96, 104.
 Alu, *Sarkin Dawaki Maituta*, 16.
 Ambrosine, 174.
 Aminu, *Makama*, 97.
Amir al-Mu'minin, 4, 6.
 Arnett, E. J. *Resident*, on the proper function of the slave bureaucracy, 73; on district policy, 104; opposed to plan to split the emirate, 120; on the jurisdiction of the judicial council over land cases, 140; and

- Alkali*, Ibrahim 142; on the selection of successor to the *Alkali*, Muhammad Dikko, 144; on *taki* system of tax assessment, 164.
- Ashmawiyya*, 31.
- Attahiru, *Sarkin Musulmi*, 45-47.
- Audu (Maibindiga), *Wambai*, 100; death of, 100.
- Aujera, 135.
- Babura, 12, 18-19, 99, 110.
- Badham, *Colonel*, 190.
- Bagauda, *first king of Kano*, 1.
- bait al-mal*, 81; as a beneficiary from estate administration, 126; as source for payment of the salaries of *alkalai*, 147; *ushiri* paid into, 150; origin and growth, 178-179.
- Bakatsine, *Mallam*, 16.
- Barde, office of, 13.
- Bariatti-Hughes, T. P., 94.
- Bauchi, 36, 83.
- Bawa, 1, 18, 96.
- Bayajida legend, 1.
- Bayan Wujuh al-Hijra*, 5.
- Bebeji, 18, 36, 135.
- Bell, *Sir Hesketh*, on the division of revenue between the Native Administration and the colonial regime, 176; and Vischer's educational proposals, 193-194.
- Bello, *Alhaji, Makama*, 201, 203.
- Bello Dandago, *Alhaji, Sarkin Dawaki Maitua*, 201.
- Bichi, 96, 199.
- Birnin Gada, 7, 20.
- Birnin Goga, 36.
- Birnin Kudu, 47, 97, 104-106, 154, 165, 203.
- Borno, 1-2, 16, 32, 65.
- British Administration, establishment of at Kano, 35-36; attitude of the people to, 37; conciliatory measures, 37; Lugard's administrative principles, 38-44; and the *hijra* of Attahiru, 45-47; territorial reorganization and crisis with Abbas, 50-63; and evolution of a new central administration, 65-86; and the administration of Kano City and the township, 87-94; district policy, 94-100; in the politics of district headships, 100-108; and district and village administrations, 108-118; touring by personnel of, 119-120; supervisory role over Native Administration, 120-121; attitude to complaints and appeals from the people, 129-130; supervision of Muslim courts, 130-131; and the courts in Kano township, 131-134; and the problems of *taki* assessment, 160-166, 195; and economic change, 171-174; division of taxes with the Native Administration, 175-178; scheme of salaries for the emir and the Native Administration staff, 180-183; and the Native Administration in educational matters, 200; impact on Kano society, 210-215.
- British Cotton Growing Association, 172.
- Buji, 104-105.
- Burdon, *Major Alder*, 190.
- Burmi, 45, 47.
- Butler, C. R. 200.
- Cameron, *Sir Donald*, 82, 210.
- cantonment, 92.
- cantonment magistrate, 92.
- Cargill, *Dr. Featherstone*, appointed Resident, 45; and the crisis of Attahiru's *hijra*, 45-47; reorganization of districts, 50, 55; appointment of a slave as Waziri, 55-57; policy of divide and rule, 56-57; deportation of Ma'aji, 57; unsuccessful tax assessment, 57-58; abolition of judicial council, 58; on emir Abbas, 59; departure from Kano, 59; formation of emir's council 69-70; organization of *dogarai*, 91; and judicial administration, 129, 147; and taxation, 176; distribution of offices, 214.
- Carrow, J. H. 129.
- Challawa river, 184.
- Chamberlain, Joseph, 40.
- Chief *Alkali's* court, status under colonial rule, 122-123, 126-127; position in relation to the judicial council, 137-142; staff, 145-146, 150; practice and procedure, 149-152.
- Chiroma, office of, 13.
- Christians, 79, 195.
- Christian missionaries, 188-190.
- Christianity, a cause of the unpopularity of Western education, 195, 198.
- Church Missionary Society (C.M.S.), 189, 190-191.
- civil war, causes, 10, 14; death of Yusuf, 15; defeat of Turku, 15; political consequences, 15-17.
- clans, see names of individual clans.
- Clifford, *Sir Hugh, Governor*, 73, 133, 209-210.
- Collard, Sydney, *Chief Surveyor*, 165.
- conciliar system, 70.
- cotton, free from taxation, 28; as a cash crop, 171-173.
- Council of Nine, see *Tara ta Kano*.
- Council of State, see *Tara ta Kano*.
- Courts, see under names of individual courts.
- cowries, 21, 28-29, 175-176.
- Dabi, 97, 110, 151, 159, 184.
- Dabo, *Sarkin Gaya*, 16.
- Dabo Dambazau, 8.
- Dahiru, *Makama*, 97.
- Dal, 112.
- Dalla, J.; elementary school, 198, 203.
- Dalhatu, *Liman of Kano*, 11.
- Damagaram, 11-12, 18-19, 44, 92.
- Dambazawa, 8, 10, 103-104, 105-106.

Dachau, 9, 26, 74, 77, 99, 103, 137, 199.
Dagawa, 105-106.
Dahya, office of, 13.
Das Rimi, see Ala bar Sarki.
Das Tunku, 9.
Dasuya, 12.
Dar al-Harb, 4.
Dar al-Islam, 4.
Dauda, Sarkin Kano (1421-38), 1.
Dawakin Kudus, 16, 96, 100, 102, 104-105, 148.
Dawakin Tafa, 74, 103, 106.
DeWard, 79.
Españoles, 185-186.
Emir administration, hereditary principle in, 104; distribution of power among Fulani clans in, 105-106, 108; problem of, 108-115.
Emir heads, and Cargill, 50-51, 69; relations with Abbas (emir), 66; appointment of sons of emirs as, 100, 102; factors in the appointment of, 103, 106-107; local nobility as, 104-105; position in district administration, 110-111; staff of, 111; sources of friction with the British, 111-113; charges of maladministration, 113-114; social expectations, 114; exclusion from judicial role, 122, 147; scribes of, 202-203.
Enclaves, reorganization of, 50, 55, 94-100; *kudin guda* assessment in, 158-159; *kudin taki*, 160-162; introduction of Western education, 198-199.
Eya, 25, 124, 151.
Eyoarai, Lugard's opposition to use of, 91; and Indirect Rule, 91-92; accompanying touring officers, 119; as part of court staff, 146.
Doomsday Book, 87.
Dupigny, 87.
Duse, 97-99, 103-106, 159.
education, Islamic: in the precolonial era, 30-33; introduced into Western education, 197; during the colonial period, 205-207.
Education, Western: Lugard's approach, 188-191; earliest recruits from princely families, 190-191; Vischer and the problem, 191-194; unpopularity of, 195-197; Islamic content of, 197; expansion, 199; employment for products of, 201; unable to meet the manpower requirements of the Native Administration, 202-203; system inadequate for the needs of the people, 203-204.
education committee, 200.
Education Ordinance, 200.
Egypt, 32.
electoral council, 10-12, 14, 20.
electric power, 185, 187.
emirs (precolonial): duties, 5-7, 11-12, 22-23; method of succession, 6, 10-11; code of conduct for, 7; need for obedience to, 7;

revolts against, 9; and *Tara ta Kano*, 12-14; relations with Sokoto, 20-23; revenue of, 30.
emirs (under the British): classification of, 44; exclusion from township administration, 92-93, 133; filling of vacancies in district headships, 97, 99; appointment of sons to district headships, 100-102; and the British in the matter of appointments to district headships, 102-103; and dismissal of officials, 103; judicial regulations emanating from, 141-142; and revenue allocation, 179-180; powers under colonial rule, 211-213; resting on British support, 212-213.
emir's council, judicial and executive council, 70; the Council of Three, 74; the Council of Four, 76-77; position of the emir, 78-79; working of, 80-86; criticism from Lagos, 82-83.
emirship, Fulani (precolonial period), 7-14; before and during the colonial period contrasted, 211; as a tool of British administration, 212.
expenditure (nineteenth century), principles of, 7, 29-30; practice of, 30.
expenditure (under the British), pay of the *dogarai*, 91; salary for district heads' staff, 111; payment of Native Administration personnel, 178-183; social services, 183-187.
Fagge, 92-93.
fai, 7, 30, 170.
Faki, 47.
Festing, Major Arthur, and the crisis at Kano, 52-57, 59; redistribution of offices, 55-56; Kano administration after, 65-68; and provincial courts, 128; on the emir's interference with *alkali's* court, 138; urged for a permanent *alkali's* building, 149.
fief holder, in precolonial administration, 17-18, 33; responsible for collection of taxes in the countryside, 42; recognized as district headman, 50; detested by chiefs of the countryside, 51.
fief system, precolonial administration based on, 16-18, 33; reorganization under the British, 49-51.
fiqh, 31-32.
fita, 125.
Fogolawa, 99, 135.
France, E. G., 94, 133.
Fulani, accession to power at Kano, 4; entry into Hausaland, 4; emirship in the nineteenth century, 7-14; Kano civil war and the distribution of offices among, 15; retention in power, 44; and the British administrative measures in the districts, 50-53; district head changes and power distribution among, 105-108.

- Fulani emirship *see* emirship, Fulani.
 Gabasawa, 96, 137.
 gado, 170.
 gasuwa, 112, 148.
 Galadima, office of, 2, 8-9, 13-15.
 Gantsa, 105.
 Garki, 99, 102, 135, 148-149.
 Garko, 135.
 Gaya, 1, 3, 16, 18, 25, 103-104, 112-113; 115-116, 165, 199.
 Gezawa, 96-97, 123.
 Gidado, *see* Muhammad Gidado
 Girouard, Sir Percy, Governor, and the crisis at Kano, 52, 55; opposition to direct rule, 59; terms of reference for the Hewby mission, 60; new policy towards Kano, 65; visit to Kano, 66; ruling on emir — chief *alkali* relations, 138; on method of sharing revenue between the colonial regime and the Kano Native Administration, 176; on fixed salaries for emirs, 180; on Native Administration and social services, 183; on education, 191-192; on the subordinate position of the emirs, 212.
 Gobir, 3-4.
 Gndiya, 103.
 Gold Coast, 93.
 Goldie, Sir George, 39-40.
 Goldsmith, H. S., 111, 133.
 Gombe, 36, 148.
 Gordon College, 193, 207.
 Gowers, W. F., unwilling to recommend dismissal of Usman, 73; and the exclusion of the N. A. from the township, 79; unable to run Kano emirate and province simultaneously, 83; on irregularities in district administration, 112, 114; on the organization of village units, 117; and supreme court jurisdiction, 133; on the respective powers of the emir and the chief *Alkali*, 140; on *taki* assessment, 164; as lieutenant Governor, 209-210; selection of Usman as emir, 214.
 groundnuts, as cash crop, 76, 172-173.
 Gumel, 66.
 gunduma, 115; judicial consequences, 134-136.
 Gwaram, 22, 97, 113-114, 154, 159, 165.
 Gwarzo, 99, 104, 106-108, 172, 199, 202.
 Habe rule, collapse of, 3-4.
 Habu, Mallam, hadith scholar from Miga, 32.
 hadd offences, 25, 49, 124.
 Hadejia, 48.
 Hailey, Lord, 38-39.
hukimai, precolonial administration of fiefs by, 18-19, 29; and the policy of residence in the districts, 41-42, 49-54, 115; and Attahiru's exodus, 46; and Dan Rimi, 56-57; and appointment of sub-district headman, 94-95; as agents of the emir in the countryside, 94, 121; problems of settling down in the districts, 108-109; duties of, 110-111; difficulties in accounting for taxes, 111-112; and tax collection, 118; and touring officers, 119-120; fixed salaries for 182; and Western education, 190, 202-203.
 Halidu, Sarkin Duse, 97.
 Hamidu Abbas, Wakilin Yamma, 89.
 Hamza, Makama, 16.
 Hanafi code, 207.
 haraji, 166, 169, 171, 187.
 Haruna, Dan Buram, 102.
 Hashimu, Dan Buram, 102.
 Hastings, A. C. G., 147.
 Hausa, 32, 134.
 Hausaland, 3-4.
 Hausa states, 4.
 Hayyat al-Islam, 31.
 Hewby, Major, on charges of drunkenness against Abbas, 57; instructions from the Governor, 60; and the crisis at Kano, 60-62; on taxation at Kano, 62-63; unwilling to serve at Kano, 65; on need for dogara, 91.
 Hides, Captain E. C., 92.
 hyra, 47.
 hospital, 185-186.
 Husseini, appointed Madaki, 45.
 Hussey, E. R. J. 200.
 Ibrahim, *alkali*, 142-143; 197, 206.
 Ibrahim, Babban Mallam, 206.
 Ibrahim, Galadima, 10.
 Ibrahim, Madaki, 15.
 Ibrahim, Malami, tafsir scholar, 32.
 Ibrahim Dabo, Emir of Kano (1819-46), emirship placed on a firm political footing under, 8; founded a well known mosque, 8; as *imam*, 8; widespread insurrection against, 9, 212; pious and learned, 10; and military expedition, 11; powerful leadership of, 14; British recognition of lineal descendants of, 44.
 Ibrahim dan Hassan, 104, 108.
 Ibrahim dan Umaru, member of judicial council 145.
 Idrisu, appointed Sarkin Dawaki Tsakar Gida, 45; dismissed, 96.
 Ids, 3.
 Igbo, 93-94, 134.
 Iggi, 47.
ilmun boko, 205.
ilmun Muhammadiyah, 205.
 Ilorin, 35.
 Ilyasu, Makama, 15-16.
 immigrant communities, 93, 174.
 Indirect Rule, position of emirs under, 38-39, 41; origins of the concept, 39-40; Lugard's early ideas on, 39-43; Northern Nigeria as

homeland of, 40; position of the Resident, 41; scheme of revenue under, 42; and the *sharia* courts, 42-43, 215; contrast with the administrative principles of the 19th century, 43; the three pillars of, 43-44; deviations in use in Kano, 59, 214; failure in Kano, 63, 65; structure and operation of the new judiciary under, 122, 128, 129-130, 137-138, 215; and the Maguzawa, 154-155; relevance to changes in taxation, 167-168; phases, 209; definition of, 214; whether applied at Kano, 214-215.

bobonawa, 105.

ka, *Dan Darma*, 97.

ka, *Dan Mokoyo*, 102.

ka, *Makama*, 97.

ka, *Sarkin Dawaki Tsakar Gida*, 96-97.

(sayu), *Wambai* and later *Galadima of Kano*, 15.

lam, introduction of, 2; administrative implications, 2, 26-27, 30, 38; progress among the Maguzawa, 152; Lugard's pledge of non-interference with, 188.

Islamic law, and the colonial situation, 124-126.

Jafaru, *Mallam, Alkalin Kano*, 144, 200.

Jahun, 16, 108, 109, 148, 159, 165, 167.

Jada class, British policy towards, 51, 95, 109; continuing use of by the *hakimai*, 109.

Jada system, 49, 52, 109, 208.

Jada, duties of, 17, 19, 29; British policy towards, 50-52, 109, 116; continuing use of by the *hakimai*, 114.

Jamo, *Mallam*, 103.

Jega, 27, 29, 112, 115, 166-167, 169-170.

Jermi Dilla, 16.

Jema'are, 83.

Jhad, 3-6, 8-9, 11, 13, 23, 27-28, 30, 32-33.

Jjara, 7, 28.

Jobawa, 10, 16, 105-106.

John Holt, 174.

judicial administration, 23-26, 122-155.

judicial council, recognition of, 49, 58; abolition of by Cargill, 58; implications of abolition, 58-59; restoration by Temple, 67; status of, 122-123, 126; position in relation to chief *Alkali's* court, 137-142; *mallamai* members of, 145.

judicial system, structure, 23-24, 42, 122-123; functioning, 25-26, 49; 124-155; the British as initiators of change in, 42.

kabo, 103.

kaduna, 82-83, 153, 178.

Kanaji, *Sarkin Kano*, 1.

Kano, epochs in the history of, 1-4; relations with Sokoto, 20-23; conquest by the British 36; reactions to the British conquest of, 37;

British administrative principles in, 38-43; crisis of British administration in, 50-63; central administration in, 80-81.

Kano Chronicle, 2-3, 8-9.

Kano city, appointment of officials, 87, 89; division into wards, 87; division into sections, 89; departmental activities, 90; *yan gadi* and *dogarai*, 90-92; and *kudin gida*, 158-160; *kudin taki* assessment, 160-166; revenue survey, 166; roads and sanitary services, 184-185; public works, 184-185; medical care, 185-186; as scene of educational experiments by the colonial administration, 190-199.

Kano civil war, see civil war.

Kano provincial school, 195, 197-198, 203.

Kano township, origin and organization, 92-94; judicial administration, 131-134; electricity and water supply to by the Native Administration, 185.

Kano Township Advisory Board, 93.

Kano Township Advisory Council, 94.

Karaye, 18, 103-104, 135, 172.

Katagum, 66, 83.

Katsina, 6, 15, 32, 37, 52, 83, 184, 184, 203-204.

Katsina Training College, 201, 203.

Kazaure, 16.

Keffi, 36.

Kharaj, 1, 6-7, 21, 28, 103.

Khartoum, 193, 207.

Khums 22, 29, 170.

Kiari, 38.

Kiawa, 99, 105, 106.

Kiru, 97, 105-106, 147.

Kofa system, 71-73; abolition, 74-75.

Kofar Mata, 92.

Kontagora, 36.

Kotorkwashi, 36, 38, 44-45.

kudin arashi, 26, 124.

kudin sarauta, 112-113.

kudin takarda, 76.

Kumbotso, 96, 102, 137, 166-167, 201.

Kunchi, 12, 18, 162, 169.

Kunya, 96, 105.

Kuru, 96, 106.

Lagos, 82, 178.

Laing, E. B. H., 93.

Lamire, 135.

Land Revenue Proclamation, 42.

land tax, see *khara*j

Lethem C. J., *Secretary, Northern Provinces*, 207.

limam, office of, 11, 17.

Lindsell, H. O., *Resident*, on the judicial powers of the emir and the chief *Alkali*, 141.

Local Authority, 93.

- Saidu, *Sarkin Kura*, 16.
 Salih, *Turaki*, 45; suspension from office, 67.
 Saliku, *Sarkin Birnin Kudu*, 105.
 Sani Abbas, *Wakilin Arewa*, 89.
 Sankara, 18, 135.
 Sankurmi, 17, 87, 89, 126.
Sanusi al-Burhan, 31.
sarakuna, duties during the precolonial period, 11, 17-19, 23-25; foreigners as, 19; grounds for dismissal from office, 19-20; revenue of, 30; reaction to the posting of the district heads, 108-109; loss of power and influence by, 115, 118, 121, 145; those recognised as district heads, 115, 213.
sarakunan kasua, 123.
sarauta, 16, 97, 100.
 Sarkin Bai, office of, 2, 10-13.
 Selborne Committee, 40.
 Serikiyo, 151-152.
 Shahuchi, 195, 198-202, 206.
sharia, precolonial administration based on, 23-26, 33; and revenue, 26; courts operating under, 123-155; punishments based on, 124-125; British judicial measures contrary to, 124-125; share of spheres with the provincial court, 126; ordinances lack provision for the enforcement of, 127; payment of court fees contrary to, 150; role in administration curtailed, 215.
sharia courts, precolonial, 23-26; structure (British era), 122-123; grades of, 123, 126, 228; confirmation by Residents of capital sentences passed by, 124; kind of cases handled by, 127; supervision by British officials, 130-131; and cases involving non-natives, 132; place in the re-organized districts, 134-137; personnel of, 142-146; practice and procedure in, 149-152; and the Maguzawa, 152-155.
 Shehu, *Alhaji Waziri*, 206.
 Shehu, *Wambai of Kano*, 15, later Galadima, 15, 145.
 Shehu Ahmed, *Madaki*, 201.
 Sierra Leonians, 93-94.
 Sarkin Dawaki Tsakar Gida, office of, 13.
 Sarkin Dawaki Maituta, office of, 10-13.
 slaves, appointment to state offices, 3, 9, 12, 16, 19; new offices for, resulting from the civil war, 16; legal disabilities of, 26; as executioners, 26; as a bureaucracy, 41, 55, 71, 72; hierarchy of, 73; liquidation of the system of, 74-75, 214; recruitment as *dogarai*, 91; trade in, 125, 128.
 Sokoto, 14-15, 20-23, 35-36, 38, 44-45.
 Sokoto Caliphate, 4, 8, 10, 14, 19, 27, 33; principles of government in, 5-7.
 Sole Native Authorities, 213.
 Station Magistrate, 79, 93, 132.
 sub-district headmen, creation of the office of, 94-95; duties, 95; termination of the position, 95-96.
 Sudan, 200, 207.
 Sudan Interior Mission, 190.
 Suleimanu, *Ma'aji*, 179, 206.
 Suleimanu, *Emir*, 7-11, 14, 20.
 Suleimanu, *imam*, 11.
 Suleimanu, *Sarkin Dutse*, 99, 202.
 Sullubawa, 8, 10, 103-106.
 Sumaila, 97, 148, 153-154, 165.
 Supreme Court, 132-134.
 Suyuti Madabo, *Babban Mallamai*, 32, 206.
 Sword, *Captain*, 47.
 Tafashiya, 15.
 Takai, 14, 16, 20.
taki assessment, 160-166, 195.
taki mallams, work of, 160-161, 163; imprisonment for corrupt practices, 163-164; training of 195.
talakawa, 19, 29, 110; and the crisis of Attahiru's *Hijra* 45-47; fleeing districts on account of maladministration, 113; and touring officers, 119; chiefs seen to exercise power, 121, 213; and the provincial court, 128-129; consequences for of territorial re-organization, 135-136; fiscal contribution towards the administration, 163, 208; fleeing home for inability to pay tax, 164, 167; and export products, 172-173.
Taqid al-akhbar, 9.
Tara ta Kano. formation, 2; membership, 2, 12-14; functions, 12-14, 17, 33; after colonial conquest, 69.
 Taura, 97, 99, 147.
 taxation, incidence of, 167; sources for the payment of, 171-174.
 taxes, those liable to pay, 167-168, 174; medium of payment, 175-176; division of, between the colonial administration and the Kano Native Administration, 176.
 Temple, C. L. Appointed Kano Resident, 65; instructions from the governor, 66; criticism of predecessors as Resident, 66; support for Abbas, 66-68; deposition of the Waziri, 66; formation of judicial and executive council, 67, 70; division of Kano city into wards, 87; and district policy, 95; organization of effective village units by, 116-117; and Supreme Court jurisdiction, 132; *Alkali's* monopoly of legal powers terminated by, 137-138; predication on Maguzawa religion, 152; and fiscal measures, 156-160, 164; educational experiment, 190-191; meaning of Indirect Rule, 214.
 Thomson, Sir Graeme, 175, 210.

- Tifi, 12.
 touring, reasons for, 120, 168.
 touring officers, code of conduct for, 120.
 township, placed outside the jurisdiction of the Native Administration, 79; formation, 92-93.
 Township Advisory Board, 93.
 Township Ordinance, 93.
 trade, foreign, 171-174.
 trans-Saharan trade, 174.
 Tsakuwa, 96.
 Tsangaya, 135.
 Tudun Wada, 96, 104, 112, 172.
 Turaki, office of, 13.
 Turanke, 113.
 ujero, 125, 151, 170.
 ulama, 5, membership of as a qualification for emirship, 6; emirs' dependence on, 23; as symbols of an intellectual tradition, 30; as custodians of Islamic culture, 32; importance of in society, 32-33; attitude of, to British administration, 48; consequences for, of the abolition of the judicial council, 58; recognized emirs' orders as binding, 142; condemned collection of *ushiri*, 150; bitterness over conflict of laws, 211.
 Umar Dallaji, *Fulani emir of Katsina*, 6.
 Umaru, *Babban Mallamai*, 32, 206.
 Umaru, *Sarkin Musulmi*, 22.
 Umbutawa, 18.
 umma, 5, 7.
 Umoru, *Dan Lawan*, 99, 105.
 Umoru, *Galadima*, 45.
 Umoru, *Makama*, 16, 45.
 Umoru, *Sarkin Takai*, 16.
 Umoru Babura, *Minister of Social Welfare and Community Development*, 196.
 Ungogo, 96, 102, 137, 161, 166.
ushiri, 150-151.
 Usman, *Emir of Kano* (1846-1856), succeeded father as emir, 9; weak leadership of, 9-10, 14; descendants excluded from succession, 15.
 Usman, *Emir of Kano* (1919-1926) as Dan Mokoyo, 15; appointed Wambai, 45; appointed emir, 71, 85; resurgence of slave power under, 71-72; as a problem to the British, 72-73; weak leadership, 73, 85; death of, 74; and *Kudin takarda*, 76; distribution of offices to sons, 100-102; administration of the estate of, 125.
 Usman, *Mallam, Alkain Kano*, 144.
 Usman dan Abba, *Mallam*, Quranic scholar, 32.
 Usman dan Fodio, Shehu, 3-8, 13, 22, 26-27, 29-30.
 Uthman Kalinwano, *Sarkin Kano*, 1.
 village administration, 116-118.
 village headmen, as last link between emir and the *talakawa*, 116; functions, 116-118; selection of, 117-118; insecurity of tenure, 118.
 village units, organization of, 117; consequences of reorganization of, 117-118.
 Vischer, Hanns, 191-195, 204.
 Waganu, 151-154.
 Wakilin Waje, 94.
 Wallace, Sir, William, 53, 91.
 Wambai, office of, 12-13.
 Wangarawa, 2.
 ward heads: 87, 89, 94.
 warfare, 11, 19, 30, 115.
 Warjawa, 28.
 water supply, 185.
 Waziri, office of, 6, 13-14.
 West African Currency Notes, see *Kudin takarda*.
 West African Frontier Force, 35, 45, 90.
 Wudil, 97, 32, 103, 184.
 Yahya, *alkali, of Sumaila*, 148.
 Yaji, *Sarkin Kano*, 2.
yan gadi, 90-92.
 Yanusa, *Sarkin Kano*, 1.
 Yaqub, *Fulani Emir of Bauchi*, 6.
 Yaqub, *Sarkin Birnin Kudu*, 203.
 Yelwa, 103.
 Yola, 36.
 Yolawa, 10, 45, 103-106, 108.
 Yoruba, 93-94, 134.
 Yusuf, ex-Galadima, 9-10, 15-16, 20, 103.
 Yusufists, 15-17, 33, 44.
 Zakari Yau, *Dan Maje*, 97.
zakat, see *zakka*.
 Zakirai, 96, 106.
zakka, as a precolonial source of revenue, 7, 27, 29-30, 32, 103; abolition of by the British, 112, 160-162; in connexion with currency depreciation, 175.
 Zaria, 32, 36, 47 83, 112, 184, 203.
 zani, 25, 124.
 Zubeiru, *Mallam*, see Abba, *Mallam*.

About the Book and the Author

In this book which has grown out of his doctoral thesis the author has undertaken a study of Indirect Rule in the Muslim emirate of Kano in Northern Nigeria during the first thirty years of colonial rule. It is a full-scale description and analysis of the dynamics of change within a basically Islamic society in a colonial setting. Making considerable use of documentary and oral sources inadequately utilized or ignored by other scholars the author presents us here with an account of the various issues and problems involved in the transformation of Kano society during the period covered.

Against the background of Kano's cultural heritage resulting from centuries of contact with Islam, the reader sees how conflict situations developed between this heritage and the innovating policies based on the Western cultural values of the colonial power and how, gradually, the Imperial view points on the conduct and management of public affairs were imposed without destroying some of the basic features of the Oriental tradition. The author shows that in the midst of certain important, and sometimes superficial, elements of continuity profound changes had by the end of the period taken root in both the principles and practice of government and administration.

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