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An Assessment of the Impact of Prison Labour in Colonial Africa: The Nigerian Example, 1872-1960

Kohol Sylvester
Department of History,
University of Ibadan

Abstract

The establishment of colonial prisons across the various regions in Africa by the colonialists in the 19th and 20th centuries was one of the strategies aimed at consolidating its judicial system during that period. Indeed, penal labour during this period became a 'harbinger' for the establishment of imperial capitalism. By 1872, the first colonial prison was built and commissioned in Lagos, Nigeria, by the British colonialists. However, by the turn of the 20th century, the prison system in colonial Nigeria witnessed massive restructuring and classification of the entire scheme. Under this new system was the prison labour section, which was further classified into three categories: industrial, domestic, and unskilled labour. These units formed the complete penal labour arrangement under the colonial administration, and until 1960, it served as one of the major sources of cheap colonial labour. Thus, the role played by penal labour in the colonial economy cannot be overemphasized. This paper (re)examines the impact of the prison labour in the African colonial economy, with particular reference to the Nigeria Prisons Service, 1872-1960. The qualitative historical narrative and analytical method are adopted in this study. Data collection is based on oral interviews, popular culture, newspaper commentaries and opinions, archival materials, and other relevant secondary literature gathered through a multidisciplinary approach. This research will go a long way in contributing to the comprehension of the content and contextual interpretation of the African colonial penal labour system, using the Nigerian example, 1872-1960.

Introduction

Prison labour and penal labour are used interchangeably in this research as a broad term for all forms of labour which prison inmates

are required to undergo, particularly physical labour. This may take the form of hard or light labour depending largely on the circumstances. Historically, a sentence involving penal labour include, but is not limited to, penal servitude, imprisonment with hard labour and involuntary servitude. On the other hand, the term may be used to describe labour as a means of punishment; the penal system used as an avenue of securing labour, and labour for occupational purposes for inmates. The most common channels of accessing penal labour are through prison farms, prison or labour camps, penal military units, penal transportation, penal colonies, etc. In some instances, prison administrators may convert penal labour into an industry, as in the case of most prison workshops and farms in colonial Africa and Nigeria in particular. Indeed, in such circumstances, the aim of generating income from their productive labour might even overlap the obsession with punishment and rehabilitation of such prison inmates, who, in the long run, may serve as ready base for cheap labour. This was the case in most colonial prison systems.

Pre-colonial prisons existed in different regions in Africa before the advent of colonial rule. However, the imposition of colonialism witnessed the establishment of a tripartite colonial African justice system: the police, court, and prison¹. The prison system that was established during this period was controlled by the colonial authorities and assisted partially by traditional authorities. More integral to note was that the foundation of colonial prisons across the various regions in Africa by the colonialists in the 19th and 20th centuries were aimed basically at consolidating its justice system during that period.

Globally, there is currently a heated debate on the role played by penal labour in the development of the various colonial economy in Africa. As argued by Bernault (2003), "this role was two-fold, as penitentiaries imprisoned Africans who resisted forced labour and colonial extractions, and implemented the systematic use of detainees as cheap labour"². Available records indicated that African prisoners during the colonial era became very useful in the private and public sectors where their human resources were most needed; indeed, the prisoners became the ready tool for overcoming the shortage of labour force. From the global perspective, the essence for the establishment of the prison institution was/is to reform and rehabilitate the inmates must have committed various offences, as well as to take custody of those awaiting trial. However, what was in place in most of the African colonial prisons seemed to have fallen short of the universal standard. Penal labour gradually assumed the status of providing labour force

for the colonial economy. Indeed, the "prisoners provided a docile, cheap and constantly available labour force for underpaid tasks of handling and packing, urban maintenance, and unskilled domestic work." The introduction of penal labour in colonial Africa witnessed the gradual closure of the gap between forced and free labour. It created a near-perfect atmosphere for the access of both free and forced labour.

In colonial Africa, prison labour was anchored on three fundamental principles: all inmates had to work including women-both urban and rural prisons utilized prison labour; the prison administrators often allocated inmates to work in private firms, in spite of the abolition of forced labour in the Western world; and finally, the colonial administrators saw penal labour as a fundamental aspect of their economy. Indeed, as further argued by Bernault (2003), "the prison functioned as a site for observing and selecting the productive population." In 1926, for instance, the Maradi people of the Republic of Niger resisted against military conscription and forced labour; many fled to nearby Nigeria. However, sixty young men were captured; four 'volunteered' to join the military, and the others were sent to the prison where they became source of cheap labour³. In addition, in 1957, about 135 years after the establishment of salaries for detainees in French jails, Upper Volta's (present Burkina Faso) Minister of the Interior, Michel Dorange, requested its institutionalization in the country's prison without any success⁴. It is in light of the above that this research attempts to examine the impact of colonial prison labour in Africa's economy, with particular reference to Nigeria, from 1872 to 1960.

Historical Antecedents of Colonial Prisons in Nigeria

The historical antecedent of the current Prisons Service in Nigeria can be traced back to 1861 when the British imperialist annexed the colony of Lagos. Indeed, this period marked the introduction of the Western style of prison in Nigeria. Shortly after the British occupation of Lagos in 1861, there arose the urgent need for combating the attendant menace of social crime, which was fast gaining ground. It was against this backdrop that the Police Force was formed with about 25 constables. Three years later in 1863, four major colonial courts were introduced in Lagos: a criminal court responsible to attend to more grievous cases, a Police-court to settle petty cases and misunderstanding, a slave court to try offenders that are still participating in the slave trade business as well as a commercial court to try cases of disputes among traders. The formation of the Police Force and the Courts, in the British colonial administration, necessitated the foundation of the Prisons Service to complete the tripartite nature of the Criminal Justice System

that was established in Nigeria. Therefore, by 1872, the first formal colonial prison in Nigeria, with a capacity of 300 inmates, was established in Broad Street, Lagos⁵. The colonial prison that was founded was not designed for the rehabilitation of inmates. This was because the penal administration had no organized penal policy to serve as its terms of reference. Indeed, the prisoners were seen as a source of cheap labour for the colonial administration. Therefore, the recruitment of qualified and trained officers of the prisons was nothing to write home about. The colonial prisons had no competent staff of their own; the police and some junior staff of the colonial courts were then responsible for taking care of the prisons. Subsequently, ex-servicemen who took part in the First World War were recruited as ad-hoc prison staff. Perhaps, it will not be an overstatement to assert that a major part of challenges being encountered by the prison service currently is as a result of the poor colonial foundation and structure of the system *ab initio*.⁶

The British continued to penetrate the hinterland progressively; and by 1910, more prisons were already founded in Akwa, Abeokuta, Warri, Port Harcourt, Ahoada Benin, Ibadan, Sapele, Degema, Calabar, Jebba, Bida, Keffi, Owerri, Sokoto, Kano, Kaduna, Zuru, Birni Kebbi, Abakiliki, Pankshin, Ubiaja, Kontagora, Wamba, Ijebu-Ode, Ogwashi-Ukwu, and Lokoja. These newly established prisons were also very badly administered and the local prison situations were different from one place to another in their inefficiency, insensitivity, and manipulation. Therefore, the colonial prisons were designed to a large extent to punishing those who they termed to be threats to the colonial administration in one way or the other, as well as checking those who were actually guilty of criminal offences.

The year 1917 was a turning point in the history of colonial Nigeria as far as the Prisons Service is concerned; it was in this year that the Prisons Regulation was issued. Its terms of reference were 'to prescribe admission, custody, treatment and classification procedures as well as staffing, dieting and clothing regimes for the prisons'⁷. The major advantage of the Prisons Regulation was its clear distinction between Awaiting Trial and convicted inmates as well as its specification of the prisoners' classification established in each kind of prison. However, this regulation had shortcomings in certain aspects; it lacked a specific pattern of treatment of the prisoners. Also, it was targeted at inmates that were convicted or remanded by the British colonial courts neglecting those that were convicted or remanded by the Native courts. Inmates from Native courts were sent to the Native Authority prisons.

All the above limitations denied the Prisons Regulation from having national coverage as regards its implementation.

The above trend continued for almost two decades, and by 1934 a formidable step was taken at modernizing the Prisons Service. This was carried out under Colonel V. L. Mabb, who was appointed Director of Prisons by the then Governor, Sir Donald Cameron, in 1932. Despite his military background, Mabb made a considerable attempt at reorganising the entire prison system. Although he could not complete his ideology, it is on record that he was the first Prison Director to have started the unification of the entire Prison structure in the country in 1934. One remarkable achievement of his administration was the extension of the substantive Director of Prisons' supervisory and inspectorate powers over the Native Authority Prisons, which was dominant in the Northern region⁸. In addition, it was during his tenure that the Prisons Warders Welfare Board was established. This board was responsible for the welfare and up-keep of the prison warders and other prison staff.

After spending over a decade as the head of the Prisons Service, Col. Mabb, in 1946, was replaced by Mr. R. H. Dolan. Unlike his predecessor, Mr. Dolan was a qualified prison officer, who already had vast exposure in the prison administration both in the colonies and Britain. In 1947, to enhance the workforce development of the service, a Prison Training School was established in Enugu. And by 1948, four reformatories were founded in Lagos, and a part of the Port-Harcourt prisons was converted for the treatment and housing of juvenile offenders. Although an attempt at introducing vocational training as well as developing skills in the Prisons Service had been inaugurated in 1917, it was during the era of Mr. Dolan that it was reintroduced as a major aspect of penal treatment in Nigeria in 1949. In addition, he introduced a new system of prisoners' classification and made it compulsory in all prisons across the country; he also initiated a more humane practice in the system by allowing occasional visits by relations to inmates in custody. He also introduced progressive earning schemes for long term first offenders. One remarkable achievement of Dolan was the relocation of the Prisons Headquarters from Enugu to Lagos to bridge the link with other Department of State as well as for easy administration.

In addition, in 1953, for the first time, an open prison was established in Kakuri - Kaduna to cater for first offenders who were guilty of such offences as manslaughter and murder, and who are serving prison terms of 15 years and above. This was targeted at training them with minimal control in agriculture so that on release,

they could engage themselves meaningfully. Indeed, Dolan's administration marked a significant turning point in the development of the Nigeria Prisons Service.

When Dolan retired in 1954, a concrete arrangement was already in place to reform the entire prison system. Rehabilitation and reformation became the main focus of the system, which was hitherto centred on punitive motive. Nevertheless, the prison system still had some challenges, particularly in the area of staffing; for instance, in 1955, 2,000 young offenders were placed under two prison officers for training under the newly introduced skill acquisition programme. By 1960, when Nigeria gained her independence from the British colonialists, several constitutional changes had taken place within the country. Under this new arrangement, the Federal prisons were now classified under the new Ministry of Internal Affairs.

Colonial Prison Labour: Its Impact

As indicated earlier, the prison institution played a significant aspect in the administration of colonial rule in Africa and Nigeria in particular. Integral to the penal administration in Nigeria was its prison labour scheme. This aspect, no doubt, also played a fundamental role in the colonial economy; in fact, several scholars have argued that penal labour became one of the easiest routes of accessing cheap labour and propelling imperial capitalism. Towards the end of the 19th century and the turn of the 20th century, the prisons system in colonial Nigeria witnessed massive restructuring and reorganization which saw the issuance of several Ordinances and Regulations: 1876 Ordinance, 1896 Ordinance, 1916 Ordinance, 1917 Prison Regulations, 1920 Ordinance, 1948 Ordinance, etc. These Ordinances and Regulations had significant implications on the penal systems that were established during these periods. As was typical of the colonial administration, whose primary aim, apart from the expansion of territories and colonies in various regions of Africa, was to plant their political and capitalist hegemony. It was a fact that these Ordinances and Regulations gave new upliftment to the prisons department; however, they were, to a large extent, contextually designed to favour the colonial authorities. It should also be noted that they were basically and exclusively drafted and amended by the colonialists.

For a period of over four decades, 1872 to 1916, the penal labour was not clearly defined and was not in use in the prison administration in colonial Nigeria. The reasons for this were not too clear due to the paucity of materials on this aspect of prison administration in the country. However, it should be noted that, up to 1920, the

administration of the prisons in Nigeria, particularly in the Southern region, was directly under the Police Force Department. The implication was that for almost five decades, there was a deliberate fusion of the two arms of the colonial justice system- the Police Force and the Prisons. Some scholars have argued that this was to save costs for the colonial administrators. However, it became apparent later on that reality was taking its toll on convenience. Therefore, the 1916 and 1917 Prisons Ordinance and Regulations, respectively, served as a precursor for the final separation of the prison department from the police force.

In Southern Nigeria, available evidence indicates that the prison labour system that existed before 1916 was regarded as hard labour. The 'hard labour' system as introduced by the colonialists were 'designed' to punish and reprimand inmates that were sentenced for grievous offences. However, because of the obvious shortage of labour experienced by the colonialists all inmates both male and female, except those that were ill, were 'conscripted' into the hard labour scheme. The hard labour scheme was classified into major categories, namely: First Class Hard Labour and Second Class Hard Labour. The first-class categories were involved in grass-cutting, bush-clearing, road-making, brick-making, carrying of bricks, sand gravel for construction works, and other public works. Others under this category were also engaged in domestic prison works such as sanitary works, coaling yachts, large laundry works, etc.⁹ On the other hand, the second class category was involved mostly semi-skilled works such as tailoring, book-building, basket and mat making, whitewashing, carpentry, building native houses, repair of government beddings, native bed making, preparing fibre for mat-making, making of coffin, etc.

Prison labourers during this period were supervised by unskilled prison warders, gang drivers, and keepers who served as representatives of the colonial authorities. It is opposite to note that the income realized from such works, both outside and within the prison premises, were credited to the colonial government purse¹⁰. For instance, in 1910, the sum of £ 24,053.17s.6d, which was the monetary value accrued from Calabar, Lagos, and Benin prisons from outside jobs, was credited into the colonial government treasury¹¹.

Two years after the amalgamation of the Northern and Southern Protectorates of the region called Nigeria, the Prison Ordinance of 1916 and Prison Regulations of 1917 were introduced as a fundamental step towards establishing a unified standard and format of penal administration in the country. By implication, the new Ordinance gave

the Governor the exclusive authority over the prison administration in Nigeria. Under this Ordinance, he had the power to declare any building in the country a prison; and to make or regulate any prison policy. He was also 'empowered' to appoint the Director of Prisons and other subordinate officials who were responsible for the general administration of the prison system.

One significant aspect of the 1916 Prison Ordinance was its formal introduction of prison labour, which was hitherto not spelled out in the system. This new introduction encompassed the hard labour principle that was in operation before this period. The new penal labour scheme was further classified into three phases: industrial, domestic, and unskilled labour. This classification was mainly applicable to Convict prisoners. At this point, it will be apposite to give a brief clarification of the general classification of colonial prisons in Nigeria. From a broader perspective, there were two types of prisons in the country: the government and the native authority prisons. Under the government, prisons were the Convict, Provincial, and Divisional Prisons. The Convict Prisons were designed to admit inmates who were sentenced to more than two years, and they were regarded as convict prisoners. On the other hand, a Provincial Prison was meant for inmates serving less than two years sentence; and finally, was the Divisional Prisons designed specifically to accommodate 'short-term prisoners serving less than six months sentence.'¹²

For administrative convenience, the Director of Prisons was in charge of the general control and supervision of the prison service. He was closely assisted by Senior Prison officers who superintended over the Convict and Provincial prisons. The Divisional prisons were under the control of colonial administrative officers. Finally, the Native Authority Prisons were under the supervision of Resident Officers, being assisted by traditional rulers. The above arrangement was a backdrop of the 1916 Ordinance, as well as the 1917 Prisons Regulations¹³.

It is noteworthy to mention that the classification of penal labour as highlighted above, applied mainly to inmates held under government prisons, particularly the convict prisoners. Invariably, other inmates held in Provincial, Divisional, as well as the whole of the native authority prisons were not classified. Thus, the prison labour that was indiscriminately accessed from these set of prisoners, which forms about 80% of the total number of colonial penal labour, became a ready base for unrestricted labour force for the colonial economy¹⁴.

Most of the current notable prisons in northern Nigeria were established during the colonial period. For instance, the Kazuare central

prison, Kano central prison and the Kaduna prison were all built and commissioned during this era. Available records indicate that some convict labourers within this region were used majorly for the cultivation of cash crops. Prominent among such prisons which served as a main source for the supply of labour force were Zungeru, Lokoja, Niger Province, Nassarawa and Kabba Provinces. The convicts cultivated cash crops that were most significant to the colonial economy. Such crops included soya beans, cotton, ceara rubber, sisal, hemp, cocoa and kola¹⁵. In 1911, in the Nassarawa and Niger Provinces, ten acres of cotton were cultivated and about 150 lbs of cotton were picked respectively. In the same year in the Niger Province, "two acres of land were planted on July 4th with cotton and on December 13th the first picking was done by some of the Resident's staff. All the labour, other than the actual picking, was carried out by prisoners"¹⁶.

One area where penal was most utilized in colonial Nigeria was in the public sector. Just like it was obtainable in the Southern region of the country, the Public Works Department (PWD) was responsible for the construction and maintenance of railways and roads in Northern Nigeria. The PWD, as recorded by Falola and Heaton (2008), was also responsible for "the maintenance of public buildings and roads and the extension of electric lighting, telegraphs, piers, public transport, among other things"¹⁷. PWD made use of wage labour to execute its activities; however, forced labour, particularly of slaves and later on convict labour became the ready avenue of overcoming the short of labour force and human resources. In addition, forced and penal labour was cost-effective to the colonial authorities. For instance, in 1906 in the Yola Province,

a foreman [an official of PWD] in charge of related government projects could not find local labour to hire. Moreover, he was unable to check the flight of non-convicts who were conscripted into forced labour. To address these challenges, the foreman suggested they import fresh batches of labour. It was in part this foreman's request for more labourers and in part the recognition that convicts were a cost-effective pool, while imported labour 'would add greatly to the cost of work', that caused convict labourers to be employed in the execution of the PWD project in Yola Province¹⁸.

Indeed, several scholars have argued that most of the works carried out by convicts under the supervision of PWD in both the public and private sectors could be classified under hard labour; this was basically

due to the nature and dimension of the work. The hard labour carried out by convicts included "road and railway earthwork construction", which demanded a lot of physical energy. This was apart from the ordinary task of general cleaning and maintenance of government buildings, tree and hedges planting, as well as other building works within the prison premises. These prisoners were often divided into different labour gangs, with each assigned to various responsibilities. Some were assigned to station work, watering of shrubs and trees, construction of roads, and carrying of materials for building purposes. Warders and police officers supervised these gangs.

The treatment of the prisoners who were involved in penal labour is another aspect that has been understudied. In colonial Northern Nigeria, there is a paucity of materials regarding this area of penal historiography. However, available documentary sources indicate that the PWD's officials ill-treated some of these convicts. For instance, in 1918, it was stated that the "dogarai"¹⁹ in Zaria Emirate were ordered to flog prisoners who did not work, even though they were ill"²⁰.

The cost-efficiency postulation, as argued by some scholars, cannot be overemphasized. As indicated earlier, prison labour was a ready source of accessing cheap labour, thereby reducing the cost of labour by the colonial administrators. Examples abound in colonial northern Nigeria of cases where convicts were being hired out to Europeans or even Africans, to carry out various tasks. In fact, the colonial authorities also saw this scheme as a way of reducing the cost of inmates' upkeep by the prison administrators. This was because the hirers were required to provide food and a living token to the convicts who were engaged in their farms and other domestic assignments.

On the other hand, reasonable cost savings were achieved through the utilization of prison labour by the colonial authorities. For instance, in 1907, it was reported that "all prison clothing has been made on the premises. In the Provinces, the prisoners have been principally employed on farm work, conservancy, and making and repairing roads...in Zungeru and Lokoja the prison farm supply sufficient food for the maintenance of the prisoners."²¹ In addition, the colonial prison administrators trained convicts on various trades within the prison. Since these trainings were meant to empower and rehabilitate these convicts, there was also the capitalist dimension to it. It has been argued that the emphasis on such training usually enhances the production efficiency of the inmates, thus increasing the revenue of the prison department towards the colonial economy.

Conclusion

The impact of penal labour in the colonial economy in Africa and Nigeria, in particular, cannot be overemphasized. As indicated in the introductory section of this research, there is currently a global debate on the role played by penal or prison labour in the various African colonial economy; however, the fact remains that penal labour was introduced in the various prisons in the region. Indeed, based on available records, in colonial Nigeria, the labour from prison inmates were used for both outside works and within the prison environment. Thus, there was a direct connection between penal labour and the particular demands of the colonial administration. And, the punitive dimension of penal labour was not too pronounced. As such, the nature and dimension of colonial prison systems in Africa, and Nigeria, in particular, was somewhat different from what was obtainable in the Western world during that period.

Endnotes

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- 18 Salau, M. B. 2015. "Convict labour in early colonial Northern Nigeria: a preliminary study" in Kominko, M. (ed.) *Ten Years of the Endangered Archives Programme*. Open Book Publishers. P. 313.
- 19 *Dogarai* refers to the native authority police; some of them served as guards and messengers to the Emir
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