

THE PRISON SERVICE IN COLONIAL WESTERN NIGERIA, 1872-1960

Sylvester KOHOL

Matriculation Number: 110721

B.A. History, M.A. History, (Ibadan)

A Thesis in the Department of History, Submitted to the Faculty of Arts in Partial
Fulfillment of the Requirement for the Degree of

DOCTOR OF PHILOSOPHY

of the

UNIVERSITY OF IBADAN

FEBRUARY, 2022

CERTIFICATION

I certify that this research work was carried out by Sylvester KOHOL under my supervision in the Department of History, Faculty of Arts, University of Ibadan, Ibadan, Nigeria.

Supervisor

Prof. S.A. Ajayi

Department of History

University of Ibadan, Ibadan, Nigeria.

Date

Dedication

To the Almighty God.

ACKNOWLEDGEMENTS

The writing and completion of thesis have been quite tasking. So many people played significant roles in the process. First, I want to thank the almighty God for seeing me through the process of writing this thesis. I am, indeed, highly grateful to the King of Kings.

Next in the line of persons worthy of acknowledgement are my supervisors. I had the privilege of being supervised by two reputable scholars from the Ibadan School of History, University of Ibadan, Nigeria. First was Professor G.O. Oguntomisin, who was appointed as my first supervisor. He provided a very dependable intellectual shoulder for me to rest on. Apart from making sure that I had a solid background for my thesis, he also encouraged me to keep strong, especially when preparing for my pre-field departmental seminar presentation. His comments and suggestions were highly constructive and informative. Prof. Oguntomisin remains one of those highly respected kahunas in African Historiography. I am grateful to have drank from his fountain of knowledge. Second on the list of my supervisors is Prof. S. A. Ajayi. Prof. Ajayi was more than a supervisor to me; he stood in perfectly as my teacher, my mentor, my intellectual father, and above all, a fine example of a constructive supervisor. He demonstrated beyond my imagination what people could refer to as “supervisor/supervisee cordial relationship per excellent.” Sometimes, I feel Prof. Ajayi is God-sent to me.

I must also quickly acknowledge some class of people I regard as my “invisible mentors and supervisors.” They include Professor Bolanle Awe (my adopted Mummy) and Professor Saheed Aderinto. Prof. Awe, apart from standing in as a mother figure for me, also took the pain to go the extra mile in making sure I gained access to the necessary materials I needed for the thesis. Infact, the first groundbreaking document I got for my work was through her influence. Many a time, after returning from the several conferences I attended in the course of work, she would ask me to give a summary of my presentation, and at the same time making some beneficial comments and suggestions. I must also say that Prof. Awe had always stood strong with me when I was financially down. Through her influence, I was able to gain the support of her children, especially Ms. Tinuade Awe, who has been so good to me. Prof. Aderinto, on the other hand, had shown the spirit of real intellectual mentorship. He was always ready to read through my chapters and give the necessary guidance in my work. He was instrumental to the 2017 grant I won under the platform of the

Council for the Development of Social Science Research in Africa (CODESRIA); he was later appointed by CODESRIA as my mentor. Prof. Aderinto I really appreciate you for your kind, intellectual support.

I acknowledge my teachers: Professors O.C. Adesina, C.B.N. Ogbogbo, V. O. Edo, B. Sofela, and R.O. Olaniyi. They have been very supportive in shaping my academic career. Indeed, I am supergrateful to all of you. I will also acknowledge other staff (academic) of the Department of History, University of Ibadan. Drs. O. Moujama, M. Muritala, D. O. Ajayi, M. Oladejo, A. Abolorunde, and P. K. Ndukwe (who is no longer a member of staff of the department). I appreciate you all. The non-academic members of staff must also be acknowledged; they include Mr. Rotimi and Mesdames Omotosho, and Onifade.

The contributions of Mr. Demola Oni towards the writing and completion of this thesis cannot be overemphasised. His moral and financial assistance gave me the courage to carry on inspite of the shortcomings I encountered during the initial phase of my thesis. In addition, I acknowledge the support of some of my colleagues, namely: Messrs. W. Amoo, Dayo Akanbi, A. Akinyemi, Ms. Evelyn, and a host of others whose names are unintentionally not mentioned here. I must not forget to mention Drs. Onumonu, Enibukun Uzebo, Adeola Adeleke, and Mr. Kingsley Ahuekwe for their unquantifiable encouragement and unflinching assistance in the course of this work. I also acknowledge the staff of the National Archives Ibadan (Ibadan) and Prof. Ademide Adelusi-Adeluyi (University of California, Riverside, USA) for her influence in accessing some archival materials from the National Archives, UK.

At this stage, I must as well acknowledge the support I received from CODESRIA. The 2017 inaugural mentorship programme which was held in Nairobi, Kenya, gave a big boost to my academic career. My interactions with renowned scholars like Profs. A. B. Bangura, I. I. Munene, Joy Obanda, and a host of other members of the CODESRIA's team gave my thesis a more precise and new direction.

Finally, it is my family, both nuclear and extended. I appreciate my parents, Ssgt. (rtd.) & Mrs. Benedict Tyoade Kohol, who are both late. May their souls rest in peace. Amen. My parents-in-law, Prof. and Mrs. E. Bankole-Ojo, have fantastically stood by me. My mother-in-law has consistently called to encourage and ask about the progress of my work. I immensely say thank

you, ma. To my siblings and siblings-in-law, I acknowledge you all for your contributions. To my children, Terna and Iveren (alias Mama), I seriously appreciate both of you for understanding and patience. Terna will always say: “Daddy (the scholar), I know one day you will become a Professor.” To my soulmate and sweetheart, Adenike, you are one in a million! I am short of words to acknowledge your support during the teething stage and completion of this work. God bless!

ABSTRACT

The establishment of prisons in colonial Western Nigeria was a social measure to curb criminality. Scholarly works exist on the prisons system in postcolonial Nigeria, but less on the colonial period. This study was, therefore, designed to examine the prisons service in colonial Western Nigeria, with a view to historicising and analysing their operations between 1872, when the first colonial prison was established and 1960, when Nigeria gained independence from the British.

The historical approach was adopted, while the interpretive design was used. Primary and secondary sources were utilised. The primary sources included archival materials and oral interviews. Archival records were collected from the Nigeria National Archives, Ibadan; and the National Archives, Kew Gardens, London. Annual Reports, Chief Secretary Office papers, Provincial and Divisional Colonial papers, Government Gazettes, Intelligence Reports, Assessment Reports and newspapers were utilised. Interviews were conducted with 40 persons, aged between 50 and 98, who were purposively selected for their knowledge of the workings of the prison service of colonial Western Nigeria in Lagos, Ibadan, Abeokuta, Akure, Benin, Uromi and Ilesa. These were five academics, 10 local historians, 10 community leaders, 10 retired prison officers, three retired police officers and two retired civil servants. Secondary sources included journals, books, memoirs, theses and dissertations. Data were subjected to historical analysis.

The prisons service was one of the fundamental units of the colonial justice system used by the British colonial administration to consolidate her stronghold on Nigeria. The colonial prison system demonstrated that there was a strong connection among the various sectors of the colonial administration. Between 1872 and 1920, the colonial administrators succeeded in creating two types of prison service, the Government and Native Authority Prisons, with headquarters in Lagos. The system, however, was punitive rather than reformative. There were no special reformative programmes, such as counselling and vocational training in Ikoyi, Ibadan and Abeokuta prisons, which had high number of inmates. There was a vast level of segregation and racism within the prison service, especially in the Lagos and Abeokuta prisons. Despite the several penal regulations that were established between 1920 and 1954, the prison service still gave preferential treatments to European inmates. They were allocated special uniform, meals and accommodation. However, the service contravened the universal prison system as the elderly, women and young offenders, in spite of their obvious needs, were never given any special treatment. From 1954 to 1960, there was a gradual shift of the penal administrative leadership from the British colonialists to Nigerians. Throughout the colonial period, there was no exclusive female prison built to accommodate the female inmates; rather, they were accommodated on make-shift arrangement within the confines of the larger prison.

The colonial historical antecedents of the prison service in Western Nigeria created a racial structure within the prison system in the country, which is now known as the Nigerian Correctional Service. However, the administrative pattern and procedure of prison service did not reflect the reformative purpose for which the institution were established.

Keywords: Colonial prisons service, Prison administration, Western Nigeria, Nigerian Correctional Service

Word count: 493

TABLE OF CONTENTS

Title Page.....	i
Certification.....	ii
Dedication.....	iii
Acknowledgements.....	iv
Abstract.....	vii
Table of Contents.....	viii
List of Tables.....	x
List of Pictures.....	xi
List of Figures	xii
List of Acronyms.....	xiii

CHAPTER ONE: INTRODUCTION

1.1 Background to the Study.....	1
1.2 Statement of the Problem	8
1.3 Aims and Objectives of the Study.....	9
1.4 Scope of the Study.....	9
1.5 Significance of the Study.....	12
1.6 Research Methodology.....	12
1.7 Definition of Terms.....	13
1.8 Review of Literature.....	15

CHAPTER TWO : EARLY BEGINNINGS OF PRISONS IN WESTERN NIGERIA, BEFORE 1960

2.1 The Prison System in Pre-colonial Western Nigeria-A Prelude.....	30
2.2 The Early Development of the Prisons in Lagos Colony 1872-1930.....	35
2.3 Historical Antecedents of the Prisons in Colonial Ibadan Province.....	47
2.4 Colonial Prisons in Ilesa, Ondo, Oyo Territories and its Environs.....	56
2.5 Early Beginnings of Prison System in Colonial Abeokuta.....	57
2.6 Introduction of Colonial Prisons in Benin and Warri Provinces.....	58

CHAPTER THREE: COLONIAL PRISONS ORDINANCES AND REGULATIONS

3.1 Colonial Policies, Ordinances, and Regulation.....	70
3.2 The Prison Ordinance of 1916.....	71
3.3 Regulations for the Government of Prisons, Nigeria (No. 2 of 1917)	72

CHAPTER FOUR: PRISONS ADMINISTRATION IN WESTERN NIGERIA, 1872-1960

4.1 Colonial Administration in Nigeria.....101
4.2 The Administration of the Prisons in Western Nigeria, 1861-1920.....103
4.3 Prison Administration before 1914.....107
4.4 Administrative Leadership from 1872 to 1920 (Lugardian Period).....109
4.5 Administration and Leadership, 1921-1960.....119

CHAPTER FIVE: PRISON ADMINISTRATION AND LABOUR SYSTEM IN WESTERN NIGERIA

5.1 Penal Labour and Administration in Western Nigeria.....147
5.2 Nature and Dimension of Penal Labour in Colonial Western Nigeria.....156
5.3 Penal Labour and Trafficking.....166

CHAPTER SIX: CHILDREN, WOMEN AND THE SOCIAL AND MEDICAL WELFARE OF PRISON INMATES IN WESTERN NIGERIA

6.1 Introduction.....169
6.2 Management and Treatment of Young Offenders.....170
6.3 Women in Colonial Prisons.....174
6.4 Social and Health Welfare of Prison Inmates.....178

CONCLUSION

Conclusion190

REFERENCES.....195

APPENDIX.....212

LIST OF TABLES

Table 2.1: Colonial Prisons in Western Nigeria and their years of establishment.	62
Table 3.1: Scale for Food and Nutrition	81
Table 3.2: Salary scale of Prison Officers	93
Table 3.3: Gratuities in Lieu of Pension- over 12 years	94
Table 4.1: Prison Location in Colonial Nigeria	112
Table 4.2: Mortality Rate Western Nigeria, 1916	118
Table 4.3: Prison Classifications Southern Nigeria	130
Table 4.4: Government and Native Administration Prisons	132
Table 4.5: Directors of Prisons (Colonial Era, 1920-1961)	138
Table 4.6: Prison Staff Strength 1954 (Senior Service)	143
Table 4.7: Prison Staff Strength 1954 (Junior Service)	144
Table 4.8: Prison Staff Strength 1954 (Subordinate Warders Service)	145
Table 4.9: Ethnic Composition of Staff in 1954	146
Table 5.1: Prisoners earnings during 1894 (Lagos prisons)	153
Table 5.2: Prisoners earnings during 1894 (Lagos prisons)	154
Table 6.1: Mortality rates in Western Nigerian Prison, 1910	182
Table 6.2: Comparative Return for Convict Prisons Southern Nigeria, 1930 and 1931	186
Table 6.3: Death rate 1931, Southern Nigeria	188
Table 6.4: Deaths, Diseases and the Causes in Western Nigeria, 1932	189

LIST OF PICTURES

Picture 1.1: Map of Colonial Western Nigeria	11
Picture 2.1: Temporary Confinement camp for Debtors Lagos, 1871.	38
Picture 2.2: Rebuilt Single Cell for Prisoners (Located in Freedom Park-Former Broad Street Prison)	41
Picture 2.3: Rebuilt Single Cells for Prisoners	42
Picture 2.4: Broad Street Prison, Lagos, c.1872	44
Picture 2.5: Interior View of Broad Street Prison, c. 1885.	45
Picture 2.6: Gallow for Hanging Prisoners in Colonial Lagos	46
Picture 2.7: Agodi Prison Ibadan	54
Picture 2.8: Inside View of Agodi Prison, Ibadan	55
Picture 2.9: Old Lagos Prison c. 1900	65
Picture 2.10: Old Lagos Prison c. 1900	66
Picture 2.11: Sir Frederick John Dealtry Lugard	67
Picture 2.12: Mr. M.C.M.K Carew (Director of Prisons, 1954-1961)	68
Picture 2.13: First indigenous Director of Prisons in Nigeria, Mr. F.S. Giwa Osagie	69
Picture 6.1: Bostal training institute, Adigbe, Abeokuta	174

LIST OF FIGURES

Figure 2.1: Number of Inmates Admitted to Agodi Prisons from 1920 to 1930	49
Figure 2.2: Number of Inmates Admitted to Agodi Prisons from 1921 to 1925	50
Figure 2.3: Bar Chart of Colonial Prisons in Western Nigeria & their years of establishment.	63
Figure 4.1 Prison Mortality Rate Western Nigeria, 1916	117
Figure 4.2: Administrative Organogram of Prisons Personnel	106
Figure 6.1: Prison Mortality Rate Western Nigeria, 1910	183

LIST OF ACRONYMS

ATPs	Awaiting Trial Persons
CLO	Civil Liberties Organization
CO	Colonial Office
CODESRIA	Council for the Development of Social Science Research in Africa
CPs	Convicted Persons
CYPA	Children and Young Persons Act
CYPO	Children and Young Person's Ordinance
FBOs	Faith-Based Organisations
NAI	National Archives Ibadan
NCO	National Council Ordinance
NGOs	Non-Governmental Organizations
PRAWA	Prisoners' Rehabilitation and Welfare Action
PWD	Public Works Department
SMR	Standard Minimum Rule

CHAPTER ONE

INTRODUCTION

1.1 Background to the Study.

Globally, the early confinement of prisoners was noticeable in some ancient cultures. For instance, some of the famous buildings in the world, namely, the Tower of London and the Moscow Kremlin, were over the centuries utilized as incarceration centres for prisoners. In ancient Babylonia, the *Bitkili* was used as places for imprisonment for convicts who were foreigners or slaves, debtors as well as minor criminals. Besides, classical Rome and Greece occasionally made use of private prisons known as *carcer privatae*, to confine inmates awaiting trial or execution as well as debtors. The same applied to ancient Athens, whose prison was known as *desmoterion*, or “the place of chains”¹. One common feature among these various centres or places of confinement was that the prison was not explicitly meant for criminals; it accommodated debtors and other non-criminal individuals in society.

The act of incarceration as a way of reprimanding the offender is not new to many communities in Africa and Nigeria² in particular. It is integral to point out that before the imposition of colonialism in Nigeria by the colonial authority of Britain in the 1850s and 19860s, most of the indigenous kingdoms and empires take responsibility for putting away

¹Roth, Mitchel, P. 2006. *Prisons and prison systems: a global encyclopedia*. London: Greenwood Press. 12.

²Awe, B. 1968. The History of the prison system in Nigeria, in T. O. Elias. (Ed.) *The prisons System in Nigeria*, Lagos: University Press. 4; See also, Shajobi-Ibikunle, D. G. 2014. Challenges of imprisonment in the Nigerian penal system: the way forward. *American Journal of Humanities and Social Sciences*, 2, 2: 94-104.; Egu, M. A. 1990. *History of the Nigerian prisons service: an insider's account*. Nsukka: University of Nigeria Nsukka Press. 40.

the abnormal citizens and preventing further damage.³ Indeed, before 1861, these communities had developed a unique and traditional penal system whose focus was predominantly on non-custodial, as well as quasi-custodial administration. Thus, imprisonment as a form of curbing the deviants, as pontificated by Awe⁴, existed entirely in pre-colonial Nigeria.

Examples abound in different regions of Nigeria to demonstrate the existence of traditional prison systems in the pre-colonial era. However, for this study, they will be limited to the Western region. Among the Yoruba, offenders found guilty of minor financial offenses, particularly debtors, were usually held in a place traditionally called *Tubu*; which is closely related to prison⁵. The *Tubu* system constituted a significant aspect of the traditional Yoruba judicial system of administration. Each paramount ruler and some key traditional chiefs had their own *Tubu* within the palace, where offenders were held in custody. According to Ajisafe⁶ and Shajobi-Ibikunle⁷, deviants kept in these places were usually those found guilty of non-criminal offences such as disobedience, indebtedness, drunks, etc. Others guilty of criminal offenses were kept in separate incarceration centres around the king's palace.

On the other hand, was the *Ogboni House*, which served as a complimentary arm to the *Tubu* system of traditional penology in some parts of Yorubaland⁸. Awe states that the *Ogboni House* serves a fundamental penal arrangement among Yoruba people. Offenders held in this House comprised mainly of criminals guilty of notorious burglary, unrepentant recidivists, witchcraft, and ritual killers⁹. Indeed, the *Ogboni House* was dreaded by many offenders in pre-colonial Yorubaland, who felt threatened by the metaphysical prowess of the members of the council of the *Ogboni Society*. It is instructive to point out that apart

³Awe, B. 1968. *The History of the prison system in Nigeria*... 4.

⁴Awe, B. 1968. *The History of the prison system in Nigeria*... 4.

⁵Shajobi-Ibikunle, D. G. 2014. *Challenges of imprisonment in the Nigerian penal system: the way forward*... 94-104; See also, Falola, T. 2012. *Ibadan: foundation, growth and change, 1830-1960*. Ibadan: Bookcraft. 304; Awe, B. 1968. *The History of the prison system in Nigeria*...5.

⁶Ajisafe, A. K. 1924. *Laws and Customs of the Yoruba People*. Lagos: University Press. 24.

⁷Shajobi-Ibikunle, D. G. 2014. *Challenges of imprisonment in the Nigerian penal system: the way forward*... 94-104.

⁸Awe, B. 1968. *The History of the prison system in Nigeria*... 5.

⁹Shajobi-Ibikunle, *Challenges of imprisonment in the Nigerian penal system: the way forward*...104; For further details see, Ogunleye, A. 2007. *The Nigerian Prison System*, Lagos: Specific Computer Publishers Ltd. 25.

from the spiritual prowess of the *Ogboni*, which served as checks to the paramount ruler, they also simultaneously acted as a check to the excesses of notorious criminals who were held in their special incarceration centres¹⁰. Also, there were other names for prison in some regions of Yorubaland; for instance, among the Oyo and Abeokuta people, it was referred to as *Ibi-Ihamo*; while *Ewon/Eon* was used among the Ekiti people as incarceration centres for criminals¹¹.

Another example of a pre-colonial prison in the area that was later classified as the Western region during the colonial era was found among the Edo people. They, like the Yoruba, had an organized pre-colonial penal system of administration. They had a special place called '*Ewedo*', reserved for offenders.¹² This was a place used traditionally among the Benin people to house deviants, as well as a slave camp for the temporary custody for those who were to be sold into slavery¹³. Available popular Benin traditional legend indicates that the *Ewedo* system of imprisonment was introduced by *Oba Ewedo* into the ancient Benin Kingdom¹⁴, c. 1255-1280 A.D. Criminals (known as *Ese ghan*), as well as minor offenders were usually incarcerated in the *Ewedo*; and specialized traditional prison keepers regarded as *Erigbo* kept watch over the prisoners, and were responsible for the daily administration of the *Ewedo*. The *Ewedo* system of penology, which was introduced into the Benin Kingdom around the thirteenth century, lasted for about six centuries before it was taken over by the British colonialists in 1897¹⁵.

As indicated earlier, most of these traditional prisons were located strategically around the kings' palaces, and the inmates for all intents and purposes were usually used as labourers in farms as well as cleaning of the environment in a subtle way. In the Niger Delta, there has been contact between the indigenes and for all intents and purposes European merchants

¹⁰Awe, B. 1968. *The History of the prison system in Nigeria...* 5.

¹¹ Oral interview conducted with Prof. O. B. Olaoba, Institute of African Studies, University of Ibadan, Ibadan, on the 19th August, 2015.

¹²Egharevba, J. 1960. *A Short History of Benin*, Ibadan: Ibadan University Press. 35.

¹³Awe, B. 1968. *The History of the prison system in Nigeria...*5.

¹⁴ Egharevba, J. 1960. *A short history of Benin...*35.

¹⁵Egu, M. A. 1990. *History of the Nigerian prisons service: an insider's account*. Nsukka: University of Nigeria, Nsukka Press. 86.

as far back as 1849; and most of the disputes and misunderstandings were handled by 'special courts' of traders which generally were under the jurisdiction of the European Navy. It is significant to state, for instance, that during this period, there basically were indications of the existence of prisons in Bonny and its environs. However, there was no pretty concrete evidence as to its nature and dimension, which particularly is quite significant.

The above examples, been corroborated by available oral tradition, point to the fact that there was hardly any pre-colonial society in Western Nigeria that had no trace of some form of imprisonment before the advent of colonialism. However, the nature and dimension of the incarceration of offenders, particularly the female offenders, was perhaps an apparent demonstration of the non-custodial, as well as humane treatment of its deviants prior to the advent of colonialism. In fact, convicted female prisoners are often turned over to the highest-ranking traditional chief or queen mother in the land for social reorientation and humane corrections. For example, in Ibadanland during the pre-colonial period, until the arrival of the British colonialists in 1893, deviant or criminal women used to be under the supervision of Iyalode¹⁶.

It is noteworthy to mention that during this period, most of the empires and kingdoms in Yorubaland also infused this penal practice into their traditional justice arrangement. Thus, the outcome of this practice demonstrated that the female inmates benefitted from the traditional reprimand arrangements. This was because both their emotional, psychological and sometimes physical needs are met during the period of their custodial obligations. In fact, they were regarded and treated as part and parcel of their host-correctional tutor. These highly respected female Chiefs who became responsible for the upkeep of the female deviants served as role models to the offenders who, after their stay with their 'mentors,' came out in most cases fully reformed and rehabilitated and were ready to contribute meaningfully to the society. In essence, the pre-colonial practice of female imprisonment in Yorubaland, and indeed other parts of colonial Western Nigeria, was a classical

¹⁶ The above assertion was corroborated by an oral interview: Oral interview conducted with Prof. Awe, B., 82 years; Retired Professor, on the 23rd November 2014 in Ibadan.

demonstration of a non-custodial penal system of administration, as well as a reformatory style of punishing the offenders.

The historical antecedent of the current correctional service in Nigeria is traceable back to 1861, when the British imperialists 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 constables¹⁷. Two years later, in 1863, four major colonial courts were introduced in Lagos: a criminal court responsible for attending to more grievous cases; a Police court to settle petty cases and misunderstanding; a slave court to try offenders that were still participating in the slave trade business as well as a financial and economic court setting to handle issues that had to do with grievances among traders and other related clients.

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 character of the system of applying justice, especially the criminal dimension that was established in Nigeria. Therefore, by 1872, the first formal colonial prison in Nigeria, designed to accommodate 300 deviants, was established in Broad Street, Lagos¹⁸. Apparently, the colonial prison that was founded was not intended 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 correctional facilities and the inmates were seen as an avenue of annexing and utilising unpaid and cheap manpower for the colonial administration. Therefore, it has been argued that the colonial administration capitalised on this advantage by deliberately refusing to enlist qualified penal officers which was capital intensive to the government. For this reason, the colonial confinement centres was deficient

¹⁷ National Archives Ibadan (NAI), 1862. *Lagos Blue Book*. Lagos: Government Printing Press. 87.

¹⁸NAI, 1914. BP, 261/14 Daily State Book and Daily Distribution of Prisoners Book-Keeping of Lagos: Government Printing Press. 46. See also, NAI, 1914. BP, 319/14 Transfer of 17 Prisoners from Sapele to Lagos. Lagos: Government Printing Press. 57.

of the competent prison staff of their department; infact, 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 prisons staff. Perhaps, it will be the opposite to assert that a significant portion of the challenges being encountered by the prisons service currently is as a result of the poor colonial foundation and structure of the system *ab initio*.

The British continued to penetrate the hinterland progressively, and by 1910, more penal centres were founded in Awka, Abeokuta, Warri, Port Harcourt, Ahoada, Benin, Lokoja, Sapele, Degema, Calabar, Ibadan, and Jebba. The prison situations were different in the various territories and regions based on the requirements as stipulated in the general penal regulations. Therefore, the colonial prisons were designed to a large extent to punishing those whom 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. For example, some key nationalists in Nigeria, such as Chief Obafemi Awolowo, Dr. Nnamdi Azikiwe etc., became victims of this colonial penal arrangements.

The year 1917 opened a significant chapter in the annals of colonial Nigeria as far as the Prisons Service is concerned; it was in that year that the Prisons Regulation was issued. This was the first ever comprehensive prisons regulations to be issued in the country. The Regulation highlighted several aspects of the Nigerian prison arrangements, especially regarding its development in the Western region. The terms of reference were to generally prescribe admission, custody, treatment, and classification procedures as well as staffing, dieting, and uniform regimes for the prison in a fairly big way¹⁹. The significant advantage of the Prisons Regulation was its clear distinction between inmates that were convicted and awaiting trial, 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 precise handling pattern of the inmates. 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

¹⁹Orakwe, W. I. "Origin of Prisons in Nigeria" www.prisons.gov.ng. Retrieved on 20th January, 2012

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 completed in 1938 under Colonel V. L. Mabb, who was selected Head of Penitentiaries by the then Governor, Sir Donald Cameron²⁰. Despite his military background, Mabb made a considerable attempt at reorganising the entire prison system. Although he could not complete his reforms, 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 region²¹. In addition, it was during his tenure that the Prisons Warders Welfare Board was established. This board was responsible for the welfare and upkeep 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 human resources 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 significant 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 and progressive earning schemes for the long term first offenders. One remarkable achievement

²⁰ National Archives Ibadan (hereafter, NAI), 1933. Annual Report for Prisons Department Colony and Southern Nigeria. Lagos: Government Printing Press. 34.

²¹Orakwe, W. I. "Origin of Prisons in Nigeria" www.prisons.gov.ng. Retrieved on 20th January, 2012

of Dolan was the relocation of the Prisons Headquarters from Enugu to Lagos to bridge the link with other Departments of State as well as for easy administration.

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 were hitherto centred on punitive motives. 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 programme²². 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.

1.2 Statement of the Problem

Existing bodies of knowledge on the prison systems have concentrated more on the sociological and historical dynamics of the prisons in different countries of the world, with little attention paid to the African continent, and Nigeria in particular. The few scholarly works on the prison system on the African continent have looked at its development in the postcolonial era in different countries in East and Southern Africa, neglecting the West African experience. Studies on West African penal system focused more on the Francophone sub-region and downplayed the Anglophone region. Available literature on the prison system in Nigeria have paid more attention to postcolonial thematic issues such as overcrowding, recidivism, jailbreaks, prisoners' welfare, and staff welfare, almost to a total neglect of the colonial background to its development, which forms a fundamental historical antecedent of the prisons in the country. In fact, there is currently no comprehensive published research on the Nigerian penal practices, which focuses exclusively on the colonial era. What are some of the dynamics of the historical

²² There were several challenges ranging from overcrowding, poor hygiene, and above all inadequate staffing. Oral interview conducted with: Mr. A. Olatunji, Retired Prison Officer, Ibadan, on the 25th September, 2018; Mr. Ike Okonkwo, Retired Prions Officer, Lagos, 24th June 2018; Baba Johnson Ajagbe, Local Historian/Farmer, Ibadan, 27th March, 2016.

development of the prisons service in colonial Nigeria, particularly the Western region where the first prison was established? What are the nature and dimension of the colonial prisons service? To what extent have the contributions and shortcomings of the colonial prisons service affected the development of the justice system.

1.3 Aim and Objectives of the Study

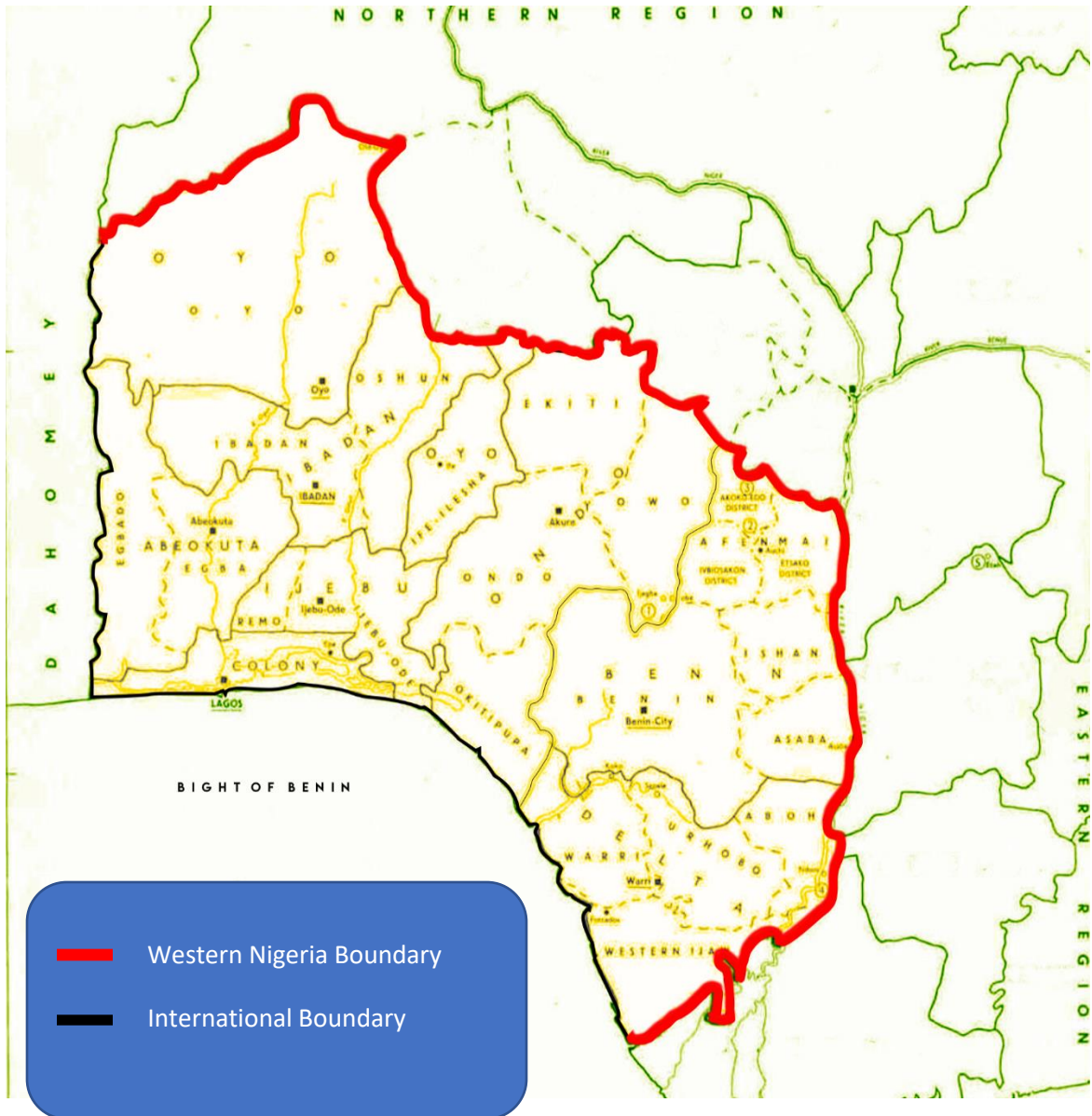
The core aim of this study is to document the history of colonial prison service in Western Nigeria, where the first prison was established in the country. The specific objectives of this thesis are:

- To study the processes involved in the historical development of prison service in colonial Western region of Nigeria.
- To assess the nature and dimension of colonial prison service; and,
- To explore the contributions, as well as shortcomings, of colonial prison service in the Western region.

1.4 Scope of the Study

This research is a study of the history of Prison Service in colonial Western Nigeria. The term Western Nigeria, as used in this study, is mainly a geographical as well as political expression. The area was classified during the colonial era under a sole political unit regarded as the Western Region. Indeed, during the colonial era, the area had witnessed different spatial expressions. Towards the end of the nineteenth century, Lagos and its environs were carved out from the West African region to form the Colony and Protectorate of Lagos; thus, redefining the region known as Western Nigeria. However, by 1906, the area was further expanded to include more territories within the Colony and Protectorate of Southern Nigeria, which was regarded as the Western Province, with Warri and Benin districts forming what was known as the Central Provinces during that period. This colonial arrangement lasted for over three decades until 1939, when the Central Province was abolished, and a more unified body was put in place; comprising Abeokuta, Benin, Lagos Colony, Warri, Ibadan, Ijebu, Ondo, and Oyo- all of which were collectively known as the

‘Western Group of Provinces.’ The above arrangement remained so until 1951, when the Western Region was created by the British colonialists. Thus, Western Nigeria as used in this thesis, is the area covered by present-day Lagos, Oyo, Ogun, Ondo, Ekiti, Osun, Edo, and Delta States. The study period is from 1872, when the first prison was officially established in Nigeria, up to 1960, when the country became independent. Picture 1.1 is a map of colonial Western Nigeria which covers present-day Lagos, Oyo, Ogun, Ondo, Ekiti, Osun, Edo, and Delta States.



Picture 1.1: Map of Colonial Western Nigeria

Source: Department of Urban and Regional Planning, University of Ibadan, Ibadan.

1.5 Significance of the Study.

This study will enable us to understand the continuity and change in the structure of the Nigerian prisons during the colonial and postcolonial periods. And, thereby, providing an insight into the modalities for the reforms of the prison system in the contemporary times. The study also deserve our attention in part because the prison is an important part of the justice system in addition to the court and police in the colonial period. It is a contribution to knowledge in the areas of penal and criminal justice systems in colonial Nigeria. It also contributes to the social and legal history of colonial Nigeria. It will enable us to rethink the long held notion on the operational principles and ethical functions of the prisons in the colonial period. In this way, the study reveals that the colonial prison was not only a correctional centre, but also a means to mobilising cheap and free labour for the British colonial administration.

1.6 Research Methodology

The research methodology adopted in this study is the historical method, which entails the use and exploration of both primary and secondary sources. The primary written materials include archival records collected from the National Archives in Ibadan, which has a large collection of colonial prisons documents on the Western region of Nigeria. Indeed, archival materials remain one of the major sources of reconstructing the colonial history in Nigeria. Thus, a large portion of my sources was collected from the archives. These archival materials comprise, but are not limited to, the following: Annual Reports, Colonial Secretary's papers, Provincial and Divisional Colonial papers, Government Gazettes, Intelligence Reports, and Assessment Reports, Magazines and Newspapers, Printed Colonial and Administrative papers. The secondary sources consist of articles in both journals and books; books relating to the prisons service and the Criminal Justice System have been fully utilised. The secondary materials include unpublished dissertations and theses, journals, books, as well as internet sources that are related to the above topic. In addition, some documents have been collected from the Prisons Headquarters in Abuja and its Zonal Commands in Western Nigeria; the libraries of the University of Ibadan,

University of Lagos, and the Obafemi Awolowo University, Ile Ife have also served as a point of collection of materials. Equally integral is the use of oral interviews²³. This was conducted among notable personalities who could be regarded as eyewitnesses of the colonial penal system, or other individuals who have vast knowledge of the Nigerian prisons service. However, because of the period of study, which is from 1872-1960, the number of interviewees is limited, given the fact that most of the respondents, particularly before 1900, are no more alive. In this case, the documentary materials collected from the archives augments the gap created by the inability to interview respondents before 1900.

1.7 Definition of Terms

Prison: A prison is an institution where people who have been convicted for committing a crime or awaiting trial are confined, and in most cases, they are being dispossessed of some of their fundamental rights and privileges. The Prisons form an essential aspect of the system of criminal justice of a country. However, in some cases, a suspect accused of a criminal offense or is probably to be arraigned for a criminal offense may be detained in prison if he is deprived of or incapable of meeting conditions of bail or is unwilling or unable to post bail. In the same vein McCorkle and Korn²⁴, defines a prison as an actual construction in a geological area where a gathering of individuals are put under profoundly specific conditions, use the assets and conform to the options introduced to them by an extraordinary sort of social climate that is not quite the same as the bigger society from various perspectives.²⁵

Prisoner: A prisoner, also regarded as an inmate or detainee, is a person who is confined and deprived of liberty against his or her intention. This can be by confinement,

²³ For more information on the relevance of oral tradition for historical reconstruction see, Vansina, J. 1965. *Oral tradition: a study in historical methodology*. London: Routledge & Kegan Paul. 11.

²⁴ McCorkle L, and Korn R. 1954. Resocialization within walls. *The Annals of American Academy of Political Science*, 293 (1): 88-98.

²⁵ Bamgbose, O. 2010. *The sentence, the sentencer, and the sentenced: towards prison reform in Nigeria*. An inaugural lecture delivered at the University of Ibadan, on Thursday, 15 July. 20.

incarceration, or by acute restraint. The terminology can also refer to those on trial or serving a prison sentence in prison.²⁶

Inmates: An inhabitant of a home that houses a few tenants, particularly an individual limited to an establishment, for example, a jail or clinic.

Convict: A convict is any person found guilty of a crime and sentenced by a court of law or a person after being sentenced by a court, is serving his or her term in prison. In some cases, convicts are usually referred to as “inmates,” “prisoners,” or in some advanced countries as “con”. However, there are other slang used by inmates themselves to address one another. These slangs usually coded languages to pass across particular messages. On the other hand, a standard tag for previous convicts, particularly those as of late delivered from jail, is "ex-con" ("ex-convict"). There is currently a debate regarding the label for non-custodial sentences pronounced on persons found guilty of crimes. These people indicted and condemned to non-custodial sentences tend not to be depicted as "convicts"²⁷.

Imprisonment: This means the act of restraint of a person's right, for any cause whatsoever, whether by the government’s authority or by a person acting deprived of such authority.²⁸ In the last case, it is "bogus detainment". Detainment does not really infer a position of constraintment, with jolts and bars, yet might be practiced by any utilization or show of power, legally or unlawfully, any place showed, even in the open road²⁹.

Penology: The term penology is gotten from the Latin *poena*, "discipline" and the Greek addition - *logia*, "investigation of". It is a part of criminology that manages the way of

²⁶How can I talk to an inmate for free? – Inmate Calling Service.

<https://inmateconnectsolution.wordpress.com/2018/01/17/how-can-i-talk-to-an-inmate-for-free/> .

Retrieved on 25 July 2015.

²⁷ “Convict” <https://en.wikipedia.org/wiki/Convict>, retrieved on 25 July 2015.

²⁸ “Imprisonment” - WikiMili, The Best Wikipedia Reader. <https://wikimili.com/en/Imprisonment>

Retrieved 25 July, 2015.

²⁹ “Imprisonment” <https://en.wikipedia.org/wiki/Imprisonment>, retrieved on 25 July 2015.

thinking and practice of different social orders in their endeavors to smother crimes and guarantee general assessment by means of a pertinent treatment system for people indicted for criminal offenses. Penology is worried about the handiness of those social cycles contrived and received for the counteraction of wrongdoing, through the concealment of criminal goal utilizing the dread of discipline.

1.8 Review of Literature

The universal and fundamental aim of establishing the prison institution is to provide a correctional, as well as a rehabilitative centre for those who have contravened the rules and regulations of the community³⁰. However, keeping to the primary purpose for its establishment is a subject of controversy. Taking a cursory survey of the various prisons system all over the world, including Nigeria, indicate that there are some systemic problems within the scheme; thus, the prisons system in most parts of the globe, particularly in Nigeria, is a far cry from its original terms of reference.

Indeed, the emergence of the Prison institution must have started not as definitive establishments for correction and punishment but rather a place set aside for the incarceration of persons awaiting trial and have found themselves within the criminal justice sectors. Therefore, the origin of the modern prison was, to no small extent, an offshoot of the growing sentiment against the punishment of the day, which includes banishment, brutal flogging, mutilations, hanging, etc.³¹ The foundation of the National Prison Congress in Cincinnati, Ohio, in 1870 gave a significant fillip to the restructuring and reorganization of the global prison system. A similar body was convened in Europe almost three decades before the 1870 Congress. However, very little was achieved during that period. In the 1870 Congress, about 130 delegates were in attendance, including governors, judges, wardens, prison chaplains, etc. The historical convention culminated in adopting a Declaration of Principles, whose terms of reference were centred on rehabilitation, education, religion,

³⁰Obioha E.E. 2002. Punishment in Society. *Currentsand perspectives in sociology*. Eds. U. C. Isiugo-Abanihe, A. N. Isamah , O. Adesina 'Jimi Lagos: Malthouse Press Limited, 367-379.

³¹Eze M. C. 2010. Institutional Reforms and the Development of Nigeria Prisons Service, 1999 – 2007, *Journal of African Studies and Development Vol. 2(5)*, 114-121. For further details see also, Roth, Mitchel, P. 2006. *Prisons and prison systems: a global encyclopedia*. 920.

training, and above all, the lobbying for the global ‘adoption of indeterminate sentencing and the end of political patronage’³².

In a three-hundred-and-ninety-page book, Roth³³ gives an extensive global historicism of the prison system, a chronological development of the various correctional institutions from a global perspective. Equally integral in Roth’s research is an exhaustive encyclopedia of the prisons. In his introductory chapter, Roth aptly opined that: the manner in which a general public treats its detainees can reveal to you much about its way of life. The prison framework is, in numerous regards, a magnificent crystal through which to inspect a specific culture. In the event that a prison framework is a reformatory, it may disclose to us that a specific culture is worn out on horror rates. Or then again, even better, it can pass on whether the general public regards fundamental freedoms³⁴.

In summary, Roth’s assertion simply implies that the nature and manner a country treats its prisoners reflects its respect for human dignity. The book corroborated the above idea *How Should Prisons Treat Inmates?*, which was edited by Michele Wagner³⁵. In the book, about twelve different scholars from various disciplines wrote exhaustively on nature and the dimension a prisoner should be treated and are being treated. Spencer P. M. Hanington³⁶, William F. Schulz³⁷, Nancy Neveloff Dubler³⁸, Tracy L. Meares³⁹, and Nina Siezel⁴⁰ put in different articles that are directed towards the ill-treatment of inmates in various parts of the world. The others wrote on the human rights of the inmates as regards their contributory functions in the societies. Their book, no doubt, has increased the scope of available literature on the treatment of prisoners.

³²Roth, Mitchel, P. 2006. *Prisons and prison systems: a global encyclopedia*. 1120.

³³ Roth, Mitchel, P. 2006. *Prisons and prison systems: a global encyclopedia*. 902.

³⁴Roth, Mitchel, P. 2006. *Prisons and prison systems: a global encyclopedia*.26.

³⁵ Wagner, M. 2001. Ed. *How should prisons treat inmates?* San Diego: Greenhaven Press. 12.

³⁶ Spencer P. M. Hanington, 2001. Supermax prisons are cruel and inhumane. *How should prisons treat inmates?*Ed. M. Wagner. San Diego: Greenhaven Press.

³⁷ William F. S., 2001. Electronic weapons should not be used to control prisoners.*How should prisons treat inmates?*Ed. M. Wagner. San Diego: Greenhaven Press.

³⁸Nancny, N. D. 2001. Prisoners should receive humane end-of-life care.*How should prisons treat inmates?*Ed. M. Wagner. San Diego: Greenhaven Press.

³⁹ Tracy, L. M. 2001. Chain gangs should be abolished, *How should prisons treat inmates?*M. Wagner. Ed. San Diego: Greenhaven Press.

⁴⁰ Nina, S. Sexual Abuse of Women Inmates Is Widespread.*How should prisons treat inmates?*M. Wagner. Ed. San Diego: Greenhaven Press.

The above assertion calls for the fundamental question of the essence of the prison system and its justification. Davis⁴¹, a staunch anti-prison activist, argues that the prison is long overdue and calls for an alternative to the act of imprisonment. According to her, the act of imprisonment has come of age, and over the historical lane has become obsolete. In her book, *Are Prisons Obsolete?*, she highlights the fact that in the U.S penal historical development system, the population as far as the prisons development is concerned, has continued to increase with great ‘rapidity’. Many people within the country presently have a far more prominent possibility of going to jail than of getting good schooling⁴². Indeed, this is a departure from and caricature of reality. According to Davis, many citizens of the US had decided to enroll in the military, which gives immunity against going to the prisons; and this brings to the fore an urgent need for an alternative to the prison systems globally, and of course, the US, which Davis’ argues has lost its original essence.

On the other hand, Michael Tonry and Joan Petersdia⁴³ also concentrate on the American prison system, but with a particular reference to the collateral results of imprisonment of children on the community prisoners. They argue further that overcrowding causes coping and prison suicide, and poor management and ‘interpersonal violence’ cause overcrowding and other anomalies in prison⁴⁴. Interestingly, this falls in line with the thesis of this work, which extensively looks at the general establishment and administration of the prison system in colonial Nigeria.

Roberson⁴⁵ focuses basically on the different global instruments that address the treatment of prisoners and conditions of detention. He further pontificates that prisoners are to be guarded against discrimination and be protected from torture and humiliating and inhuman punishment, which concerns overcrowding. This thesis also seeks to treat discrimination

⁴¹ Davis, A. Y. 2003. *Are prisons obsolete?* New York: Seven Stories Press.

⁴² Davis, A. Y. 2003. *Are prisons obsolete?* New York: Seven Stories Press. 10.

⁴³ Tonry, M and Petersdia, J. 1999..*Prison, Crime and Justice Review. Vol. 26*, Chicago: University of Chicago Press.

⁴⁴ Tonry, M. and Petersdia, J. 1999. *Prison, Crime and Justice Review. Vol. 26*...

⁴⁵ Roberson, C. 1997. *Introduction to Correction*. Incline Village, VN: Copperhouse.

and inhumane conditions within the Nigerian prison system and agree with the above assertion.

Doig in his book *Criminal Corrections: Ideals and Reality*,⁴⁶ states that the nature and dimension of the operation of prison are designed in such a way that individuals are denied their most basic needs as well as freedom. He belongs to the school of thought, which adumbrates that such individuals have no liberty and choice of any sort as control is built on a totalitarian system of governance with an economic system based on indentured servitude. Indeed, the lifestyle and death that heralds correctional institutions is a far cry from social justice⁴⁷. Doig has described the fundamental characteristics of the prison institution as a human climate from which the individual (detainee) has no control. Where a detainee resides, what time he hits the sack, what time he gets up, the individuals with whom he eats, works, mingles, and rests are picked for him. He is denied the chance to influence even the most ordinary component of his life⁴⁸.

Admittedly, the chains of shortcomings and the fact that incarceration has failed to meet its ideal aims, the prison system is today the most accepted criminal justice disposal mechanism by most countries of the globe. Available pieces of evidence indicate that act of inflicting punishment on offenders could serve as a deterrence to crime. Indeed, the purpose of punishing an offender is closely linked to societal negligence and disregard for those that violated its rules and regulations⁴⁹. Thus the penal philosophies of revenge, retribution, and deterrence, have witnessed a tremendous shift in modern times. The emergence of the theory of penology, which advocates that prisoners act of criminality, was deterministic, further assisted the need for change. Currently, in addition to satisfying society's demand for revenge-retribution and deterrence, penal institutions employ other means to bring about an offender's reform and subsequent reintegration and rehabilitation into the wider community.

⁴⁶Doig, J. 1983. *Criminal Corrections: Ideals and Reality*. Lexington, M. A: Lexington Books.

⁴⁷Ward, D. A. 1987. "Control Strategies for Problem Prisoners in American Penal Systems," *Problems of Long Term Imprisonment* A. E. Bottoms & R. Light.Aldershot, Eds. UK: Gower. 74-96.

⁴⁸ Doig, J. 1983. *Criminal Corrections: Ideals and Reality*. 23.

⁴⁹Lin, A. C. 2000. *Reform in the Making: The Implementation of Social Policy in Prison* .Ewing, NJ: USA. 227.

It is in the light of the above that Braggins and Talbot⁵⁰ pontificated that the promotion of prisoners' education should be an integral aim of the prison institution, and this should be extended to all persons that are involved, particularly prison officers and external service providers⁵¹. The above assertion was corroborated by Tonry and Petersdia⁵² when they emphasized on the essence of cooperation in the prison training offer and education. They further stated that the instructive specialists and prison and probation administrations at the public, territorial and nearby levels together talk about the extent of and need for instructive chances (seen according to the perspective of the requirements of both the prison populace and the foundations) for what courses are to be advertised. There ought to be equivalent chances for work, training and other endorsed exercises in the prison, all accessible during ordinary working hours⁵³.

According to Drapkin,⁵⁴ one fundamental issue confronting the prisoners in relation to the continuity of their educational pursuit is the length of their sentence. They opine that many prisoners serve short sentences, which, according to them, is an obstacle to participation in learning programmes. This is because short sentences at times lead to further criminality, and if not adequately checked, might disrupt the young prisoners' education. Thus, all prisoners, irrespective of the length of their sentences, should be encouraged to participate in educational activities, particularly among the Nordic countries. They emphasize that this will rely upon the participation with the educational systems from which prisoners, especially youthful prisoners, have come and to which they will be returning.

⁵⁰Braggins, J. and Talbot, J. 2005. *Wings of Learning: The Role of the Prison Officer in Supporting Prisoner Education*. New York: Esmee Fairbairn Foundation.

⁵¹Braggins, J. and Talbot, J. 2005. *Wings of Learning: The Role of the Prison Officer in Supporting Prisoner Education*.

⁵²Tonry, M. and Petersdia, J. 1999. *Prison, Crime and Justice Review*. Vol. 26...

⁵³Tonry, M. and Petersdia, J. 1999. *Prison, Crime and Justice Review*. Vol. 26...

⁵⁴Drapkin, I. 1989. *Crime and Punishment in the Ancient World*. Lexington, MA: Lexington Books.

From the African perspective, Orakwe,⁵⁵ in his article which was published in 2010, asserts that the major challenge of the African correctional institutions is the leadership. On a different note, he opines that

nothing makes the case [for] the enthronement of corrections in Africa than the high unemployment levels, the generalized poverty, the high rates of crimes and the unstable political system often fueled by other factors put together. All these are indications that Africa had not benefitted from corrections⁵⁶.

Orakwe further states that the systemic judicial structure and orientation is a bedeviling factor in the correctional institution; many of them judiciary are yet to see imprisonment as a medium to an end and not an end in itself⁵⁷.

A review of relevant literature on imprisonment in Africa cannot be complete without looking at the work edited by Florence Bernault, *A History of Prison and Confinement in Africa*.⁵⁸ The book is undoubtedly a significant contribution to the existing literature on incarceration in African history. The collection examines more than a specific set of penal systems; it depicts a determined effort to plan a colonial departure from certain strategies of authority. Bernault, in her introduction, asserts that the prison was a segment of a more extensive going endeavor to proliferating pioneer legacy. She contended further that imported acts of detainment regularly reverberated with pre-pilgrim practices of imprisonment, repression, or prohibition from society, even while provincial reformatory practice got cut off from the scholarly frameworks supporting European punitive change and imprisonment. The frameworks of detainment that arose during the colonial and postcolonial periods hence represent a mixed combination of African practices and frontier inconveniences. The construction is a goal and imaginative approach to handling a general issue as unpredictable as prison and detainment. Bernault hypothesized that advancements of control at the appropriate time established colonial social orders. Indeed, colonialism

⁵⁵Orakwe, I. W. 2010. "African Corrections and the Demand for Leadership". Reflections at the 12th annual conference of the international corrections and prisons association (icpa), Ghent Belgium October.

⁵⁶Orakwe, I. W. 2010. "African Corrections and the Demand for Leadership". 2.

⁵⁷Orakwe, I. W. 2010. "African Corrections and the Demand for Leadership".4.

⁵⁸Bernault, F., ed. 2003. *A history of prison and confinement in Africa*. Portsmouth,NH: Heinemann.

introduced strange organizational problems with the inauguration of capitalist wage labour, the abolition of slavery, and the increase in domestication and peasant agriculture. According to Pierce, detainment and control was one post of a more summed-up system of juridical tasks that on occasion condemned pre-colonial examples of work and sociality⁵⁹. By creating the collection's problematic in this way, Bernault brings to the fore a grave problem in colonial and postcolonial history.

Admittedly, none of the chapters addressed the difficulty in its totality, and even as case studies, they differ widely in superiority. However, the finest works are tremendously excellent, and the worst are merely perambulator; all are very comprehensible. The collection will therefore be useful for scholars with any interest in social history. The essays commence with Jan Vansina's study of prisons in Angola. He argues that incarceration had no foundation in pre-colonial practice in the Kongo kingdom or the other areas incorporated into the Portuguese colony. In fact, to a very large extent, prisons sprang up with the 'imposition of Portuguese law, and with the exigencies of Portuguese military fortification, the transportation of prisoners to Angola, and the slave trade'⁶⁰. Vansina further states that the nonexistence of imprisonment and other bodily constraints upon free people in pre-colonial society to "an African vision of human, individual, and social dignity"⁶¹, however, provides a compelling indication of a multifaceted historical development. On the contrary, Thierno Bah's study, which claims to address imprisonment in nineteenth-century West Africa, is a gasping directory of penal practices in various West African societies, ranging from sixteenth-century Songhai to pre-colonial Cameroon. The study is somewhat incoherent, more a compilation of anecdotes, and these culled from a very small number of, typically, secondary sources than a methodical study.

David Killingray's article on colonial punitive practice in Anglophone Africa is a much more vigorous investigation of a similarly enormous region. One of the fundamental aspects of Killingray's assertions was that the prison framework brought into pilgrim Africa spoke

⁵⁹ Pierce, S. 2004. "A Review of *A History of Prison and Confinement in Africa* by Florence Bernault, F. Janet Roitman" in *The International Journal of African Historical Studies*, Vol. 37, No. 2 .354.

⁶⁰Pierce, S. 2004. "A Review of *A History of Prison and Confinement in Africa* by Florence Bernault, F. Janet Roitman," 355.

⁶¹Vansina, J. 2003. "Confinement in Angola's Past" *.A History of Prison and Confinement in Africa*, Ed. F. Bernault, Portsmouth, NH: Heinemann. 64.

to another unique and generally obscure type of discipline. Prisons were among the soonest instances of frontier engineering. The first was changed over strongholds, for instance, Fort Jesus at Mombasa or a portion of the old exchanging ranks on the West African coast. As pilgrim rule was set up, new prisons were assembled. At the point when Port Harcourt, in Southern Nigeria, was made as another town and railroad port in 1911-1912, among its public structures, was a prison equipped for holding 1,100 prisoners⁶².

Corporal punishment was another strong area of penal systems in Africa that drew the attention of Killingray. He argues that Europeans and colonial officials in a different part of Africa during the late nineteenth century and first decades of the twentieth century misused corporal punishment. The act of flogging was used as an avenue of inflicting punishment, but to a large extent, it served as a tool to regulate and enforce African labour for railway and road construction. However, the colonial administrators had diverse opinions regarding the limit and extent of corporal punishment. For instance, Killingray states that: Lugard was a "flogger" while Walter Egerton, High Commissioner and Governor of Southern Nigeria from 1904 to 1912, viewed lashing as corrupting for both the individuals who dispensed it and the individuals who endured the discipline. Hugh Clifford, Governor of Nigeria after Lugard from 1919 to 1925, condemned sentences of beating given by Northern Nigerian local courts as "unnecessary" and "stunning," despite the fact that he was told clearly by the Colonial Office that he had not been sent there to sabotage the roundabout guideline arrangements presented by his archetype. This didn't imply that the Colonial Office in London was not keen on directing flogging in the African states. It plainly was, and each misuse that got public, for example, the "flagellated to death" case in Kenya in 1923, focused on the requirement for change and a lot tighter hand to be practiced over legal procedures and corrective practice. A Commission on Native Punishments, named to Kenya in 1921, heard numerous European observers who requested an expansion of flogging.⁶³

⁶² Killingray, D. 2003. Punishment to fit the crime? Penal policy and practice in British colonial Africa, F. Bernault (Ed.), *A History of Prison and Confinement in Africa*, Portsmouth, NH: Heinemann. 100.

⁶³ Killingray, D. 2003. "Punishment to fit the crime? Penal policy and practice in British colonial Africa"... 108.

Ibrahima Thioub's work on penitentiary schools in nineteenth and twentieth-century Senegal is one of the most intriguing and best-realised contributions. The schools were set up to deal with the problem of peripatetic youths, who first emerged as a predicament for authorities as a consequence of elimination and whose activities were increasingly understood as unlawful and thus call for reformation, rehabilitation, and (re-)education. It is a dense and intriguing study of the ambivalences of colonial ambitions and their consciousness. The contributions by Laurent Fourchard on deplorable conditions in Burkinabe prisons and by Dior Konate on the doubly luminal status of women prisoners in Senegal are also useful case studies. Odile Goerg and Christopher Gray present significant interpretations about the regulation of space; Goerg lays more emphasis on prisons in urban policy-making in Freetown and Conakry, and Gray on colonial attempts to make territory porous and vulnerable to regulation in southern Gabon. On the other hand, Sean Hanretta and Pierre Boilley then develop the focal point further than prison and penology-Hanretta examining labor regulation in Elisabethville's mining camps and Boilley policies aimed at sedentarizing Tuareg pastoralists. He asserted that the punitive reason of the mining site emerged from a connection of discourses on penitentiaries, a global discourse of labour stabilization, and postulations about African absurdity, tracing the complicated dialectic between workers' perceptions of the camps and colonial ambivalences undercutting their practical status as complete institutions. The book concludes with Michele Wagner's haunting paper on the *cachots* of Rwanda, jails in each commune where 120,000 suspected *genocidaires* are held. The article highlights the history of the *cachots* as an institution then moves to position them in post-genocide politics, looking at the bizarre irony of imprisoning a significant quantity of the general population and the relationship between criminality and social responsibility. She ends with the bleak observation that currently Rwanda is a domain of *cachots* and graves and *cachots*, where the dialogue about justice is coded by the number of dead⁶⁴. Indeed it is an important reminder of the significance, and the restrictions, of chronological attention to governance and to law's aggression.

⁶⁴Wagner, M. 2003. The war of the *Cachots*: a history of conflict and containment in Rwanda. *A history of prison and confinement in Africa*. F. Bernault, Ed. Portsmouth, NH: Heinemann. 240.

Available record indicates a profound and increasing disillusionment with the manner the prisons system in Nigeria is being conducted. Indeed, the historical development of operation of the penal practices in the country seem not to show any trace of achieving any meaningful rehabilitation and reformation of imprisoned offenders.⁶⁵ The present Nigerian Correction Service, which is built significantly upon the Prison Act No. 9 of 1972, points to the notion of offenders' reformation and rehabilitation as part of its cardinal aims. Nevertheless, it has become apparent that the rehabilitative and reformatory principles are made without a sufficient comprehension of the conceptual clarifications. Indeed, Ahire posits that reconstruction alludes to measures determined to give a moral improvement in an individual's character with the goal that he will be less disposed to re-offend later on. Rehabilitation alludes to present release endeavors made to allow it simpler for the wrongdoer to resettle in society.⁶⁶

Thus, based on the conceptual explanation and, in spite of the affirmed aspirations, the system in Nigeria is flawed with many challenges. As pontificated by Alemika, the Nigerian prison framework is a colonial creation and stays a landmark to colonial encounters in the organization of criminal equity in Nigeria.⁶⁷ The formal foundation in 1872 of Nigeria's first "modern" prison at Broad Street, Lagos, indicated the commencement of the present-day prison system in the nation. However, it has been argued, taking into account that the corrective, denying, and dehumanizing territory of Nigerian penitentiaries, that the pronounced destinations of transformation and restoration can scarcely be figured out.⁶⁸ In

⁶⁵ Awe, B. 1968. The history of the prison system in Nigeria. T. O. Elias, Ed. *The prisons system in Nigeria*. Lagos University Press; Alemika, E.E.O. 1990. Social structure and panel system: theoretical and comparative perspectives. Paper presented at the National Seminal on prison reforms, Abuja- FCT, June 18-20, 1990; Ahire, P.T. 1990. The Nigeria prison system: a social history. Paper presented at the National Seminar on Prison Reform in Nigeria, Abuja FCT; Odekunle, F. 1981. Crime and crime control in Nigeria. Paper presented at the Seminar on dimension of social problems in Nigeria, National Institute of Policy and Strategic Studies, Kuru, Nigeria, November, 24-27; Tanimu, B. 2006. Convict view of the criminal justice system in Nigeria. S. Hassan, et al. Eds. *The national question and some selected topical issue in Nigerian*. Ibadan: Vintage Publishers. 56.

⁶⁶ Ahire, P.T. 1990. The Nigeria prison system: a social history. 34.

⁶⁷ Alemika. E. E.O. (1983). The Smoke Screen, Rhetorics and Reality of Penal Incarceration in Nigeria. *International Journal of Comparative and Applied Criminal Justice*, 7(1), 141.

⁶⁸ Tanimu, B. 2010. Nigeria convicts and prison rehabilitation ideals, *Journal of Sustainable Development in Africa* 141. See also, Tanimu, B. 2006. Convict View of the Criminal Justice System in Nigeria". S. Hassan, Eds. et al. *The National Question and some Selected Topical Issue in Nigerian*. Ibadan: Vintage Publishers

fact, current Nigerian prisons have been labelled as inhuman confinement centre with no adequate facilities for vocational skill acquisition, correction, and reformation.⁶⁹

The Nigerian Prisons Service reform is a fraction of the Nigerian criminal justice system's reform policies that is in line with the international tendency to shift prisons service from a disciplinary and retributive penal system to a rehabilitative and reformatory system whereby the wellbeing of prisoners is adequately addressed. The most important issue affecting the well-being of detainees is respect for the rights of detainees despite their imprisonment. Among these violations are; inadequate benefit or treatment for serious medical situations; lack of adequate health education on disease management; and lack of conjugal visits, limited access to education, etc. Therefore, the need to involve professionals such as social workers, psychologists and physicians as correctional officers is a remarkable step in many countries towards providing equitable needs to inmates.

The importance of confinement functions coupled with the growing number of prison inmates has resulted in overcrowding of prisons. Enuke⁷⁰ states that most of the prisons currently contain twice the number of inmates they were designed for, particularly Awaiting Trial Persons (ATPs). In a new review of the penitentiaries, it was seen that shortage of assets had made the support of the detainees and arrangement of conveniences a close to unworkable accomplishment while facilities for recovery of detainees, which is the main *raison d'être* for imprisonment, are practically missing or grossly insufficient.⁷¹ All these above problems, as well as overcrowding and inhuman conditions in the prisons, necessitated the prisons being variously referred to as human zoos⁷² and "human cages".⁷³ The campaign for prison reforms dates as far back as the 1890s when Davitt⁷⁴ advocated for criminal and Prison reform. Before that time, the handling of offenders was not fair

⁶⁹Ahire, P.T. 1990. *The Nigeria prison system: a social history*. 56.

⁷⁰Enuke, U. E. 2001. Humanizing Nigerian prison through literacy education: echoes from afar'. *JCE*, 52(1), 18-22.

⁷¹Enuke, U. E. 2001. Humanizing Nigerian prison through literacy education: echoes from afar'. *JCE*, 18-22.

⁷²Enuke, U. E. 2001. Humanizing Nigerian prison through literacy education: echoes from afar'. *JCE*, 18-22.

⁷³Alemika E.E. 1987. *Organisational Management and Leadership Behaviour in Environmental Turbulence*. A paper presented at a seminar organized by the Prison Staff College, Kaduna.

⁷⁴Davitt, M. 1894. *Criminal and Prison Reform*. (Transcribed by Ted Crawford) Marxists' Internet Archive: 875-889 www.marxist.org > Archive > Davitt (08-02-2010)

enough; there was discrimination in punishment carried out against offenders. Punishment then was a function of origin or status of offenders in society, while the wealthy offenders could be banished or have properties confiscated. However, the ‘commoners’ were severely maltreated. The condition was not so different in the United States of America, whereby the reason for incarceration focused on Retribution, Incapacitation, and Deterrence and Rehabilitation.⁷⁵ Odusanya and Amusa quoted Hanson that data is ordinarily for use as opposed to for interest. It is looked for by their last clients for specific reasons and conditions. It is of greatest likely use to an individual who needs it when it addresses his issue not just as far as broad subject.⁷⁶

Information, therefore, is necessary either for domestic or professional use; Omoni and Ijeh⁷⁷ emphasise that what prisoners in Nigeria lack is adequate information and qualitative education to stalk the tide of recidivism. Recognising the significance of information, the United Nation’s Rule 39 pointed out that prisoners will be kept educated routinely of the more significant things of information by the perusing of papers, periodicals or uncommon establishment distributions, by hearing remote transmissions, by addresses, or by any comparable methods as approved by the administration.⁷⁸

Agaba, in an article which was published in 2009,⁷⁹ argues that the prisons are originally designed to house the convicted inmates who must have been found guilty of committing a crime; and it is supposed to be a rehabilitative and reformatory centre for the prisoners. According to him, the incarcerated persons awaiting trial should in fact constitute a minimal percentage of the total prisons population. Unfortunately, the Nigerian penal system is a clear indication of a distorted scheme. The author uses the Agodi prisons in Ibadan, which was established in 1895, as a case. To him, the irregularity between the convicted and

⁷⁵Flynn, E. E. and Zahn, M. 2010. Prison and Jail: Development of Prisons and Jails in the United States... 30.

⁷⁶Odusanya O. K. and Amusa O. I. 2004. Information needs and information seeking habits of Science Lecturers at Olabisi Onabanjo University. *Lagos Journal of Library and Information Science*, 2(1):24.

⁷⁷Omoni G. E. and Ijeh, S. U. 2009. Qualitative education for prisoners: a panacea for effective rehabilitation and reintegration into the society. *Edo Journal of Counselling*, 2(1), 28-37.

⁷⁸Ehonwa, O. L. 1993. *Prisoners in the Shadows: A report on Women and Children in Five Nigerian Prisons*. Lagos: CLO. 67.

⁷⁹Agaba, J. 2009. A study of unconvicted and convicted prisoners in the Nigerian prisons: implications for prisons congestion (A Case of Agodi). *Continental J. Social Sciences* 2: 1 – 5.

unconvicted prisoners has culminated in the overcrowding nature of most Nigerian prisons.⁸⁰

Penal study is one area of scholarship which since the postcolonial era has been dominated by researchers and scholars, mainly in the social sciences and law. There are so many debates surrounding the reason for this. In fact, the pioneer prison document, written in a thematic form, was done under the leadership of a scholar who had a law background – Taslim Olawale Elias. In 1968, Elias, who subsequently rose within the ranks of his legal profession to become the Attorney General of Nigeria, coordinated a gathering in Lagos to specifically interrogate the prison structure within the criminal justice arrangement in Nigeria. This gathering brought together scholars and decision-makers from various ministries and government parastatals in the country.

Apart from examining some core aspects of the Prisons Service in Nigeria, the meeting brought to the fore the issue of trafficking within the system. It is instructive to note that one common practice within the global prison system was trafficking. This was also found within the penal system in Western Nigeria, especially among the convict prisons in colonial Lagos.⁸¹ However, it had a different meaning to the various centres depending on the usage and application. It may mean the act of moving humans or goods from one place to another illegally. From the contemporary point of view, it means the carrying on a trade, especially of an unlawful or improper kind in some particular type of goods such as stolen or prohibited goods.⁸²

From the perspective of correctional studies, trafficking is an illegal act of dealing in any prohibited article in or out of prison. It is usually classified as illegal because it is not approved by the prison authority, especially the officer in charge of the prison management. There are other items that are restricted even among the prison officers. They included hot

⁸⁰ Agaba, J. 2009. A study of unconvicted and convicted prisoners in the Nigerian prisons: implications for prisons congestion...

⁸¹ Alli Balogun Private papers (ABPP), "Trafficking", Ibadan, 1968.

⁸² Alli-Balogun Private papers (ABPP), "Trafficking"...,

drinks (alcohol), Indian hemp, drugs, cocaine, etc. And, trafficking does not terminate in the act of bringing in or taking out of restricted items to or out of the prisons but also involves bringing in or taking out information from the prison yard to the outside world or taking information from the outside world to the prison yard. This may extend to the unofficial dealings between the prison staff and the families of inmates.

Some of the key issues classified as trafficking within the prison system in Western Nigeria included the following act: throwing, bringing, or otherwise introducing into or removing from within the penal setting, or giving certain prohibited provisions to inmates such as alcoholic drinks, dangerous drugs, or any other articles that are considered risky based on the Prison stipulated laws and guidelines. The practice of communicating or attempting to pass across some restricted information to prison inmates without the go ahead from the prison authority, especially the Superintendent. Information trafficking is also another prohibited act. This involves the illegal transmission of information to inmates about what is happening outside the prison or giving information to outsiders of what is going on within the prison yard.⁸³

Another significant aspect of the Nigerian prison arrangement was the management and control of prison inmates. According to Alli-Balogun,⁸⁴ the management of inmates and their control plays an important aspect in the efficient performance of Prisons duties on a global level and Nigeria as a country. Since the main aim of incarceration is the reformation and rehabilitation of the inmates under the care of prison officers. And to achieve this, prison

⁸³ Milner, A. 1972. *The Nigerian Penal System*. London: Sweet & Maxwell.

⁸⁴ All-Balogun Ismail was a veteran prison officer under what is currently regarded as the armed squad. He had worked in various regions in Nigeria, particularly in the Western region. He started his prison career as a young prison warder during the late 1950s. He is currently living in Ibadan, and he has vast collections of colonial documents on prisons in Nigeria.

staff must adhere to the rules and regulations of the system so as to secure the lives of the inmates. The prison officer personally allocates all prison inmates into gangs and workshops for easy management. The prison staff is always responsible for the security of his gang in the workshop or gangs both inside and outside the yard until he or she returns them their cells or brings them back to the yard. When taking inmates out, the staff must always keep a list showing the number of prisoners in his gang.

The above literature reviews are by no means exhaustive; the few ones highlighted above are some of the instances to demonstrate the available scholarly works that have been carried out in the study of penology both in Nigeria and globally; and indeed, they are from a very broader perspective related to this thesis. However, none of these research works has given an in-depth and comprehensive insight of the historical foundation, development, and advancement of the prison scheme in Nigeria, especially in colonial Western Nigeria, where the first conventional prison was established in the country. This thesis, therefore, apart from contributing to the existing literature on correctional studies in Nigeria and the world at large, this study will go a long way in documenting and throwing insightful light on the historical progress of the colonial prisons in colonial Western Nigeria.

CHAPTER TWO

EARLY BEGINNINGS OF PRISONS IN WESTERN NIGERIA, 1872-1930

2.1 The Prison System in Pre-colonial Western Nigeria-A Prelude

Incarceration as a form of reprimanding the offender is strange to many regions in Nigeria.⁸⁵ Prior to the imposition of colonialism in Nigeria by the British imperialists in the second half of the nineteenth century, most of the indigenous kingdoms and empires had accepted the accountability of taking care of the degenerate residents and of keeping them from doing havoc additionally.⁸⁶ Indeed, before 1861, these communities had developed a unique and traditional penal system whose focus was predominantly on non-custodial, as well as quasi-custodial administration. Thus, imprisonment as a form of curbing the deviants, as rightly pontificated by Awe,⁸⁷ existed fully in pre-colonial Nigeria.

Examples abound in different regions of Nigeria to demonstrate the existence of traditional prison systems in the pre-colonial era; however, for the purpose of this study, they will be limited to the Western region. Among the Yoruba ethnic group,

⁸⁵Amadi, H. C. 2007. *Elements of Computation of Sentence for Prison Officers*, Owerri: JohnJans Graphics. 15.; Oral interview conducted with Madam Rukayat Ishola, Local Historian/Businesswoman, Abeokuta, on the 1st January, 2017.

⁸⁶Amadi, H. C 2007. *Elements of Computation of Sentence for Prison Officers*,...16. ; Oral interview conducted with Madam Rukayat Ishola, Local Historian/Businesswoman, Abeokuta, on the 1st January, 2017.

⁸⁷Awe, B. 1968. *The History of the prison System in Nigeria*, ...6.

offenders who were found guilty of minor financial offences, particularly debtors, were usually held in a place traditionally called *Tubu*, which is a word closely related to prison.⁸⁸ The *Tubu* system constituted a significant aspect of the traditional Yoruba judicial system of administration. Each paramount ruler, as well as some key traditional Chiefs had their own *Tubu* within the palace where offenders were held in custody. According to Ajisafe (1924)⁸⁹ and Shajobi-Ibikunle (2014),⁹⁰ deviants kept in these places were usually those found guilty of non-criminal offences such as disobedience, debtors, drunks etc. Others guilty of criminal offenses were kept in a separate incarceration centres around the King's palace.

On the other hand, was the *Ogboni House*, which served as a complimentary arm to the *Tubu* system of traditional penology in some parts of Yorubaland.⁹¹ Awe (1968) rightly stated that 'the *Ogboni House* among the Yoruba served as a sort of prison for the state among the certain sub-ethnic group'. Offenders held in this House comprised mainly of criminals who were guilty of notorious burglary, unrepentant recidivists, witchcrafts, as well as ritual killers⁹². Indeed, the *Ogboni House* was dreaded by many offenders in pre-colonial Yorubaland, who felt threatened by the

⁸⁸Shajobi-Ibikunle, D. G. 2014. Challenges of Imprisonment in the Nigerian Penal System: The Way Forward, *American Journal of Humanities and Social Sciences*, Vol. 2, No. 2. 94-104; See also, Falola, T. 2012. *Ibadan: Foundation, Growth and Change, 1830-1960*, ... 34.; Amadi, H. C 2007. *Elements of Computation of Sentence for Prison Officers*...47.

⁸⁹Ajisafe, A. K. (1924). *Laws and Customs of the Yoruba People*, ...54.

⁹⁰NAI, 1949. Oshun Div. 1/1, 155/Vol. II "Oshogbo N. A. Prison-General Correspondence" 1945-49; NAI, 1951. Oshun Div. 155/2/Vol. II N. A. Prison Staff General Correspondence 1950-51. 78; NAI, 1958. Oshun Div 155/2/Vol. II Warders Training Dept. Enugu 1948-58. Lagos: Government Printing Press. 46.

⁹¹NAI, 1949. Oshun Div. 1/1, 155/Vol. II "Oshogbo N. A. Prison-General Correspondence"...46. Additional information: Oral interview conduct with Mr. Alli_ Balogun, Retired Prison Officer, Ibadan, on the 15th July, 2015. Oral interview conduct with Mr. Akeem Babatunde, Civil Servant, Lagos, on the 20th May, 2015.

⁹²NAI, 1949. Oshun Div. 1/1, 155/Vol. II "Oshogbo N. A. Prison-General Correspondence" 1945-49; NAI, Oshun Div. 155/2/Vol. II N. A. Prison Staff General Correspondence 1950-51; NAI, Oshun Div 155/2/Vol. II Warders Training Dept. Enugu 1948-58.; For further details see, Ogunleye, A. 2007. *The Nigerian Prison System*, ...50.

metaphysical prowess of the members of council of the *Ogboni* Society. It is instructive to point out that apart from the spiritual prowess of the *Ogboni* who served as checks to the Paramount ruler; they also simultaneously acted as a check to the excesses of notorious criminals who were held in their special incarceration centres⁹³. In addition, there were other names for prison in some regions of Yorubaland; for instance, among the Oyo and Abeokuta people it was referred to as *Ibi-Ihamo*; while *Ewan/Eon* was used among the Ekiti people as incarceration centres for criminals.⁹⁴The differences in nomenclature of prison among the Yoruba people is based on the issues of dialect. This is because of the variety of dialects that are found among the Yoruba. However, contemporary studies on Yorubaland indicate that *Ewan* is a more popular word for prison.

Another good example of a pre-colonial prison in the area that was later classified as Western region during the colonial era was found among the Edo people. They, like the Yoruba ethnic group, had an organized pre-colonial penal system of administration.⁹⁵ They had a special place reserved for offenders called '*Ewedo*'.⁹⁶ This was a place used traditionally among the Benin people to house deviants, as well as a slave camp for the temporary custody for those who were to be sold into slavery.⁹⁷ Available popular Benin traditional legend indicates that the *Ewedo* system of imprisonment was introduced into the ancient Benin Kingdom during the reign of

⁹³NAI, Oshun Div. 1/1, 155/Vol. II "Oshogbo N. A. Prison-General Correspondence" 1945-49; NAI, Oshun Div. 155/2/Vol. II N. A. Prison Staff General Correspondence 1950-51.

⁹⁴ Oral interview conducted with Prof. O. B. Olaoba, Institute of African Studies, University of Ibadan, Ibadan, on the 19th August, 2015.

⁹⁵ Oral interview conducted with Mr. Akhere Odion, Local Historian/Community Leader, Uromi, on the 20th January, 2015; Chief Mike Etimane, and Chief I Ekhire, both Community Leaders, Benin, 21/22 January, 2017.

⁹⁶Egharevba, J. 1960. *A Short History of Benin*, Ibadan: Ibadan University Press. 34.

⁹⁷Oral interview conducted with Mr. Akhere Odion, Local Historian/Community Leader, Uromi, on the 20th January, 2015.

Oba Ewedo c. 1255-1280 A.D. Criminals (known as *Ese ghan*), as well as minor offenders were usually incarcerated in the *Ewedo*; and specialized traditional prison keepers regarded as *Erigbo* kept watch over the prisoners,⁹⁸ and were responsible for the day-to-day administration of the prisons. The *Ewedo* system of penology which was introduced into the Benin Kingdom around the thirteenth century lasted for about nine centuries, before it was taken over by the British colonialists in 1897.⁹⁹

The above examples, corroborated by available oral tradition, point to the fact that there was hardly any pre-colonial society in Western Nigeria that had no trace of some form of imprisonment before the advent of colonialism; however, the nature and dimension of the incarceration of offenders, particularly the female offenders was perhaps an apparent demonstration of the non-custodial, as well as humane treatment of its deviants prior to the advent of colonialism. Infact, female wrongdoers who were seen as liable for carrying out wrongdoing were regularly given over to the most elevated positioning customary female Chiefs or the Queen mother in the land.¹⁰⁰ For example, in pre-colonial Ibadanland, up to the coming of the British colonialists in 1893, female offenders or guilty parties were normally placed under

⁹⁸ Oral interview conduct with Mr. F. Akata, Community Leader/Local Historian, Benin, on the 22 January, 2017.

⁹⁹ Oral interview conducted with Mr. Akhere Odion, Local Historian/Community Leader, Uromi, on the 20th January, 2015; Chief Mike Etimane, and Chief I Ekhire, both Community Leaders, Benin, 21/22 January, 2017.

¹⁰⁰ Onwuli, C. A. (2015). 65+, Deputy Controller General (DCG) (rtd.), Nigeria Prison Service, Oral interview conducted on the 10th January in Ibadan; Awe, B. (2014). 82 years; Retired Professor, Oral interview conducted on the 23rd November in Ibadan

the authority of the *Iyalode*,¹⁰¹ who was/is viewed as the most elevated positioning female Chief in the land.¹⁰²

This customary reformatory practice in Ibadanland before the introduction of foreign powers was a common feature among the other Yoruba communities, villages, and towns during this period. Subsequently, one intriguing perspective about this training was that the female prisoners were accorded humane treatment; infact, they were regarded and treated as part and parcel of their newfound household. Indeed, these highly respected female Chiefs who became responsible for the upkeep of the female deviants served as role models to the offenders who, after their stay with their ‘mentors,’ came out in most cases fully reformed and rehabilitated and were ready to contribute meaningfully to the society.

In essence, the pre-colonial practice of female imprisonment in Yorubaland, and indeed other parts of colonial Western Nigeria, was a classical demonstration of a non-custodial penal system of administration, as well as a reformative style of punishing the offenders.

¹⁰¹ The *Iyalode* is the most significant female traditional chieftaincy title in Ibadan. The Paramount ruler, *Olubadan*, and his high chiefs are responsible for the appointment of traditional chiefs among which is the *Iyalode* as the head. In addition, the *Iyalode* has the responsibility of ensuring progress and tranquility among the women populace in Ibadan and its surrounding neighbours. She ensures that women adhere to the values and norms of the society. Further information was gathered from oral interviews with: Mr. A. Fakorede, Local Historian, Abeokuta, 19th August, 2016; Mr. Abiodun Yussuf, Local Historian, Ibadan, 24th September, 2018; Baba Gabriel Akere, Ibadan, 24th September, 2018; Chief Ekundayo Gbegi, Community Leader, Abeokuta, 19th August, 2016.

¹⁰² Onwuli, C. A. (2015). 65+, Deputy Controller General (DCG) (rtd.), Nigeria Prison Service, Oral interview conducted on the 10th January in Ibadan. For further information on the above development see: NAI, Osun Div. 155/10 Upkeep of Government Prisoners in Local Government Prisons. Reimbursement of. 1952-58

2.2 The Early Development of the Prisons in Lagos Colony 1872-1930.

Lagos colony could be described as the base for the early beginnings of ‘modern’ prison in Nigeria. As mentioned earlier in this chapter, what existed in most pre-colonial Nigerian communities were mainly traditional style of imprisonment, which was guarded by its non-custodial tenets of penal administration. However, the introduction of British colonial rule in 1861 in the colony witnessed the gradual imposition of the formal Western prison system in the region.

Prelude to 1872-The Faji Confinement Camp.

The period 1861-1872 could be regarded as the incubation period of the development of the Western Style of incarceration in Lagos. This was because it served as a precursor to the introduction of a new system that was to emerge later in the 1870s. There are conflicting records as to where the first colonial prison was located in the Lagos Colony. However, according to Giwa- Osagie,¹⁰³ the Lagos Blue Book of 1862 indicated that there existed a confinement place for offenders at Faji, one of the communities in Lagos Island;¹⁰⁴ the inmates here were mainly responsible for community labour.¹⁰⁵

The post 1861 quasi penal system introduced to the Lagos Colony was to a large extent, a replication of the ‘then English penal practice’.¹⁰⁶ Nevertheless, the practice of imprisonment was not completely alien to the indigenes who had experienced

¹⁰³ Osagie, G. 1968. Problems of Prison Administration and Organisation, in T.O. Elias, (ed.) *The Prisons System in Nigeria*, Lagos University Press. 34.

¹⁰⁴ Oral interview conduct with the following Community Leaders in Lagos: Oba Fatai Aromire (Ojora of Ijora Kingdom), Chief Nurudeen Olubiyi Agoro (Ojan of Lagos), Oba Musiliu Adio (Onisiwo of Tomaro) on the 21st June, 2018.

¹⁰⁵ Osagie, G. 1968. Problems of Prison Administration and Organisation, ... 34. See also, National Archives Ibadan (NAI), Lagos Blue Book for 1862.

¹⁰⁶ Osagie, G. 1968. Problems of Prison Administration and Organisation, ...34.

several years of traditional incarceration prior to the advent of colonialism in the second half of the nineteenth century. As asserted by Awe :

When the British government finally came on the scene and accepted accountability for the organization of the Lagos Colony in 1861, they were, as far as the foundation and organisation of prisons were concerned, not introducing an entirely new concept into those societies which eventually coalesced into the modern state of Nigeria. Indeed, ...their prison administration during the years of ‘pacification’ at the turn of the century survived owing to the cooperation of the Africans who already had an idea of imprisonment as a form of punishment.¹⁰⁷

Taking a clue from the above, therefore, the Faji confinement camp, which was created in c. 1861, was built on the existing pre-colonial prison system in the Colony. Thus, this make-shift camp made up of mud and thatch roof lacked some basic requirements of a humane lock-up centre such as good ‘drainage, baths, lavatories or urinals’.¹⁰⁸ It was against this backdrop that the Freeman Commission of 1862 was constituted and empowered to appoint and inaugurate judges and other key officers who were to be responsible for the courts and other judicial matters. According to Awe, “under these provisions the organisation of prisons became one of the earliest features of the British government administration in Nigeria. For the existence of prisons is a necessary concomitant to the operation of courts and judges”.¹⁰⁹ Indeed, the presence of more and more courts to try suspects invariably called for the establishment of a proper prison to accommodate, punish, as well as rehabilitate the offenders.

¹⁰⁷Awe, B. 1968. *The History of the prison System in Nigeria*. ... 4.

¹⁰⁸Shajobi-Ibikunle, D. G. (2014). *Challenges of Imprisonment in the Nigerian Penal System: The Way Forward*. ... 95. Cf Lagos Blue Book, 1862.

¹⁰⁹Awe, B. 1968. *The History of the prison System in Nigeria*... 5.

The Faji Confinement Camp continued to serve this purpose for over a decade 1861-1872; and by 1872, the famous Broad Street Prison was completed and commissioned.



Picture 2.1: Temporary Confinement camp for Debtors Lagos, 1871.

(Source: National Archives, Kew Garden, UK. CO 147/24)

The Broad Street Prison of 1872

Available popular records indicate that the 1872 Broad Street Prison was the first ‘modern’ prison institution to be established in Nigeria; its original capacity was designed to accommodate 300 (three hundred) prisoners. Structurally, it was “an enclosure surrounded by a mud wall within which were two or three mud buildings divided into eight rooms that could hardly be called cells”.¹¹⁰ Interestingly, within the small building, there existed a mini classification of offenders; there were special wings meant to accommodate “debtors, lunatics and starving paupers”.¹¹¹ Indeed, it was, therefore, apparent that the prison accommodated both criminal and non-criminal offenders within its enclosure. However, there are no clear records regarding the wings for both juvenile and female inmates; available documents on the early beginnings of the prison system in Nigeria seem to be silent on this important aspect of correctional studies. And since there is no substantial documented evidence for the accommodation of children and women, it, therefore, suggests that they must have been housed within the same vicinity of the first prison.

It is instructive to note that the establishment of the Broad Street Prison, apart from its primary aim of punishing, as well as rehabilitating the offenders, it also became a source of cheap labour for the British colonial administrators. For instance, most of the prisoners during this period were sent outside the prison yard for construction works such as the building of government roads, houses, offices etc.

For almost four years, 1872-1876, the Broad Street Prison remained the major custodial centre for the Lagos Colony. During this period, it became obvious that the initial structural capacity of 300 inmates had been overstretched because of the increasing rate of deviants within the Colony and its environs. On the other hand, the above argument might not be correct because it is possible that the number of deviants must have been the same, but the negligence and incapacities of the colonial police force before 1876, affected the efficacy

¹¹⁰ Osagie, G. 1968. Problems of Prison Administration and Organisation, ... 55.

¹¹¹ Osagie, G. 1968. Problems of Prison Administration and Organisation, ... 67. Oral interview conduct with Alhaja Iyabo Tinubu-Ojo, *Iyalaja*-General of Nigeria, Lagos, on the 21st June, 2018.

of the criminal justice system in combing out the deviants. Thus, an alternative place to harbour prisoners became absolutely inevitable.¹¹²

It was on the above premises that the famous 1876 Prison Ordinance was proclaimed. The key terms of reference for the proclamation of this Ordinance was to create room for the establishment of additional prisons, as well as decongest the main prison located at Broad Street, Lagos. It was against this background that the Ikoyi Prison was established in 1876. It was initially ‘designed to serve as a reception centre’.¹¹³ Therefore, offenders at the Ikoyi prison during its early beginnings were mainly those awaiting trial. However, there were few convicted prisoners whose terms of imprisonment were not more than six months. The Ikoyi prison up to 1900 was more of an outstation of the main prison.

By 1885, the Broad Street prison, apart from being overcrowded, had also become obsolete structure-wise. Hence, it was finally rebuilt in 1885 and renamed the Lagos Prison. The new structure was made up of standard bricks of that period which were imported from England at the cost £16,000 (sixteen thousand pounds).¹¹⁴ According to Osagie (1968), the new prison comprised of “specially-built perimeter walls, capable of preventing attempts to drive a hole through them and such buildings as hospital, cell blocks and solitary confinement block together with a well-planned Administration Block”.¹¹⁵ In addition, “the construction of the blocks is [sic] of 14” or 18” thick brick cross-walls at about ten feet centres with vaulted cell brick first floors and ceilings springing from three courses of corbelling”.¹¹⁶

¹¹²War Prof 1 441 Vol. II Prison Department General Correspondence Wardens Quarters etc. 1948/51
War Prof. 2 441 Vol. III Prisons Department General Correspondence Wardens Quarters etc. 1951/57..

¹¹³War Prof. 2 441 Vol. III Prisons Department General Correspondence Wardens Quarters etc. 1951/57.

¹¹⁴ Wills, R. “How Nigeria Turned Her Majesty’s Prison into a Place of Pleasure”, www.bbcnews.uk.org
Retrieved on 19th December, 2014.

¹¹⁵ Osagie, G. 1968. Problems of Prison Administration and Organisation, in T.O. Elias, (ed.) *The Prisons System in Nigeria*, Lagos University Press, p. 67.

¹¹⁶ NAI, Lagos Blue Book, 1886.



Picture 2.2: Rebuilt Single Cell for Prisoners (Located in Freedom Park-Former Broad Street Prison, Lagos, Nigeria)

Source: <http://lagosfreedompark.com> (Accessed on 20 June 2018)



Picture 2.3: Rebuilt Single Cells for Prisoners (Located in Freedom Park-Former Broad Street Prison, Lagos, Nigeria)

Source: <http://lagosfreedompark.com> (Accessed on 20 June 2018)

Within the prison compound, there were also special wings regarded as condemned cells; the gallows, bathing arena, and mortuary. At the completion of the renovation, the Broad Street Prison stood as one of the finest correctional centres in the whole of the West African region. For the first time in the historical development of the Nigerian penal arrangement, a skill acquisition centre was introduced into its administration; special workshops/skill acquisition programmes were occasionally organized to empower the inmates with some form of industrial training. They were mainly taught such skills as tailoring, book-binding, carpentry, mat-making, as well as basket weaving.

The prison population in the Lagos Colony continued to increase; by 1898, there were 713 inmates at the Lagos Prison (formerly Broad Street Prison), comprising of 676 males, 26 females, and 11 juveniles.¹¹⁷ By the turn of the twentieth century, the Colony had expanded its area of penal jurisdiction, consolidating such surrounding towns as Ilaro, Ado, Igbesa, and Pokra; a similar prison system of administration was introduced to these territories.¹¹⁸

¹¹⁷ Wills, R. "How Nigeria Turned Her Majesty's Prison into a Place of Pleasure", www.bbcnews.uk.org Retrieved on 19th December, 2014.

¹¹⁸CSO 0200/s.2 Tours of the Director of Prisons 1921/57; CSO, 03035 Prison Diet Scales 1920-22 ; CSO, 03114 Prison Departments: N&S Province, Annual Reports 1920-21.



Picture 2.4: Broad Street Prison, Lagos, c.1872

Source: Lagoscityphoto.bloc.com (Accessed: 25 January, 2017)



Picture 2.5: Interior View of Broad Street Prison, c. 1885.

Source: Lagocityphoto.bloc.com (Accessed: 25 January, 2017)



Picture 2.6: Gallow for Hanging Prisoners in Colonial Lagos

Source: National Archives Ibadan (NAI), University of Ibadan, Ibadan. Collection of Pictures.

2.3 Historical Antecedents of the Prisons in Colonial Ibadan Province

As indicated earlier, before the introduction of British colonial rule in Nigeria, there existed some form of the traditional penal system in the country. In Ibadanland, like most other Yoruba traditional societies, offenders were kept under the custody of traditional rulers. They were usually locked up in a special place located around the Baale's palace. This trend continued for centuries. However, by 1893, when the British successfully imposed colonialism in Ibadanland, the system was changed to what was favourable to their taste. As was traditional with the British colonial policy, within a year of the establishment of colonial rule in Ibadan, they had set up a police force and native courts to instill law and order in the land. Thus, by 1894, they had set in motion the 'last agency of control'¹¹⁹ of the prison.

The prison in Ibadan, popularly known as the Agodi prison, was established in 1894 by the Native Authority, with an initial capacity designed for 301 inmates. Being a Divisional Prison, it was directly under the supervision of Captain R. L. Bower, who was the British Resident in Ibadan. Bower's area of influence included Ibadan, Oyo, Ijesa, Igbomina, Ife, as well as Ekiti zones; however, by November 1898, Ijesa and the Ekiti regions were carved out to form the North East District.¹²⁰

The Agodi prison was designed to accommodate male prisoners *ab initio*; it comprised two cells, one meant for Awaiting Trial Persons (ATPs), and the other for Convicted Persons (CPs). However, by the turn of the nineteenth century, an additional two cells were constructed to augment the former structures, as well as accommodate the female offenders who were before then kept under the custody of the *Iyalode*, as mentioned earlier. The two additional cells, just like what was obtainable with their male counterparts, were also meant for female ATPs and CPs, respectively. It is possible that these cells were created so that

¹¹⁹Falola, T. 2012. *Ibadan: Foundation, Growth and Change, 1830-1960*, Ibadan: Bookcraft. 601.

¹²⁰NAI, Oyo Prof I, 4241 Prisoners, Government and Native Employment of, on work other than Official forbidden 1924-45; Oyo Prof II/47-48 Uniforms for Ibadan Native Administration Prison Department 1947/48; Oyo Prof II, 28/1917 Aims of Prison, Forfeiture of on all Patriots Orders 1917/19.

the colonial authority could have easy and direct access of deviants who were hitherto under the control of the *Iyalode*.

Available popular records indicate that prisoners were admitted annually in the Agodi prison; between 1920 and 1930, three thousand, two hundred and ninety-three inmates were admitted into the prison in Ibadan; 204 in 1920; 242 in 1921; 319 in 1922; 312 in 1923; 460 in 1925; 610 in 1928; 533 in 1929, and 613 in 1930. In addition, there were also records of yearly discharge: 272, 272, 329, and 391 for the years 1921, 1922, 1923 and 1925, respectively.¹²¹Figure 2.1 below indicates a continuous increment in the admission of inmates to Agodi prison in Ibadan, from 1920 to 1930. The only exceptions were in the years 1923 and 1925. The increment, on one hand, must have been as a result of the increasing number of miscreants in Ibadan; on the other hand, is the improvement of the colonial justice system in the tact of apprehending criminals in the society. Also, Figure 2.2 below shows the number of inmates discharged from the Agodi prison from 1921 to 1925.

¹²¹Falola, T. 2012. *Ibadan: Foundation, Growth and Change, 1830-1960*, ... 601

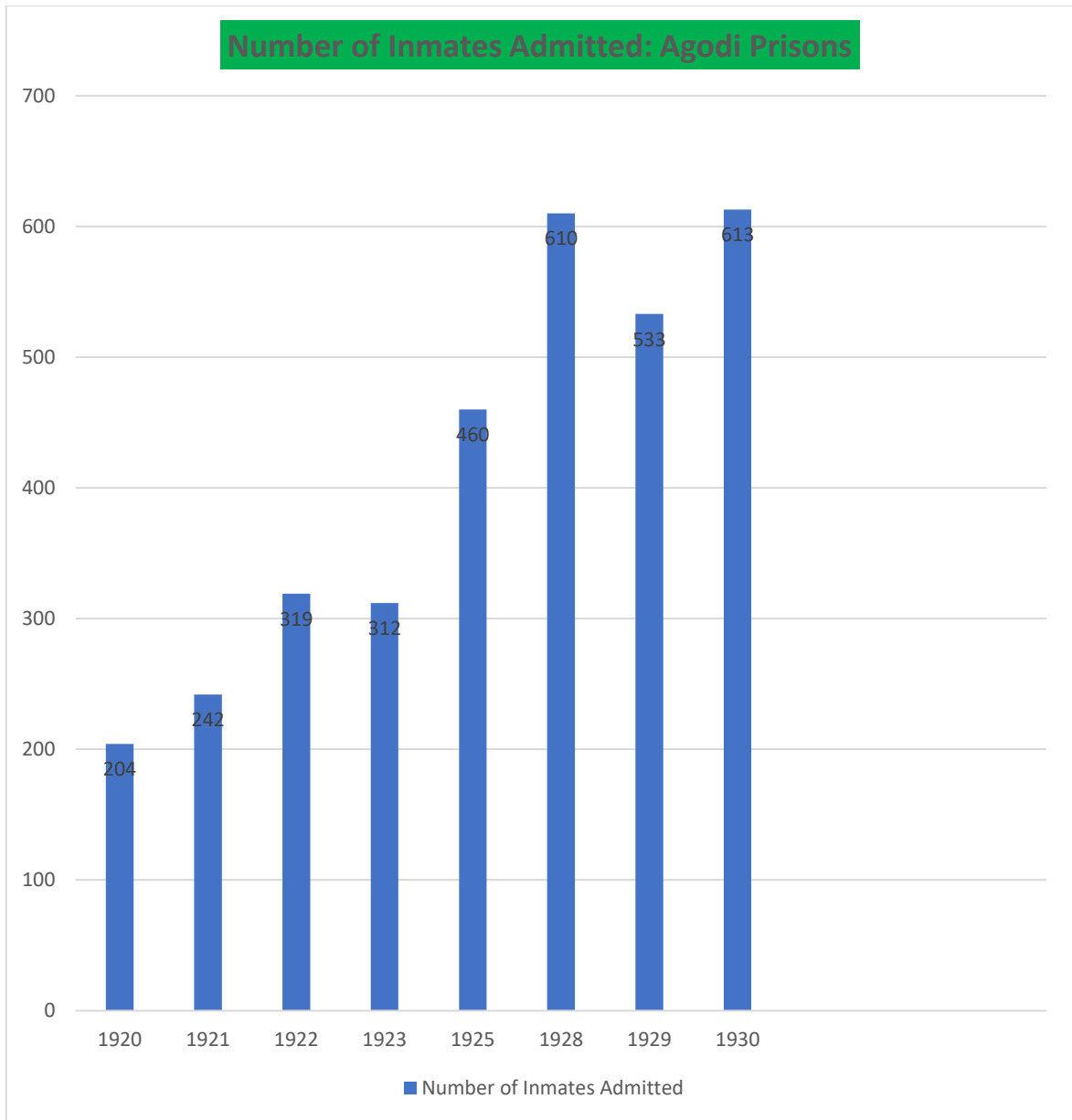


Figure 2.1: Number of Inmates Admitted to Agodi Prisons from 1920 to 1930¹²²

Source: Designed by researcher

¹²² The figures for 1924, 1926 and 1927 are not available.

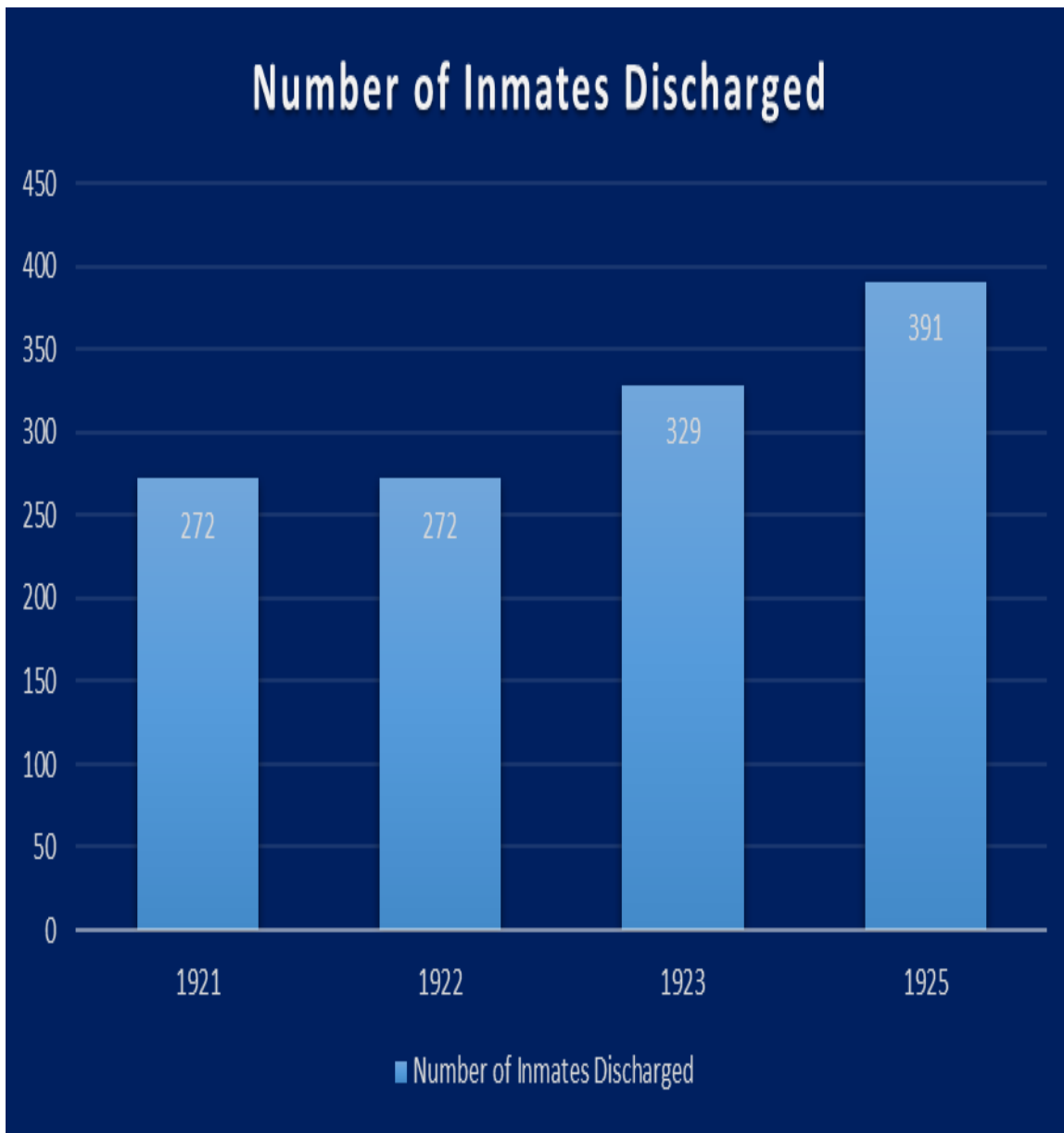


Figure 2.2: Number of Inmates Admitted to Agodi Prisons from 1921 to 1925¹²³

Source: Designed by researcher

¹²³ The figures for 1924, 1926 and 1927 are not available.

According to Falola:

The concerns of the government with regard to prisoners included their security and welfare. These were necessary to prevent escape, suicide, and natural death, all of which occurred occasionally. For instance, three people died in 1921, two in 1922, three in 1923, and one in 1925, while one prisoner escaped in 1921, six in 1922, two in 1923, and twelve in 1925. To prevent sickness and death, a medical officer who visited the prisons three times in a week examined prisoners. Inmates were also provided with three meals per day at the rate of 5d per prisoner. To prevent escape, warders kept close watch. In addition, fingerprints and photographs of prisoners were kept. In the N. A. prison, an inadequate staff of one gaoler, one matron, and thirteen warders (later, nineteen in 1929) were in charge. Prison officials were poorly trained, and their lapses were tolerated in order to retain their services¹²⁴.

In addition, prisoners were involved in various activities; the females were responsible for the cooking and cleaning of the cells, while their male counterparts participated in the cleaning of the prison environment, grass cutting, carrying loads for the officer, as well as road building and repairs¹²⁵.

In a bid to restructuring the prison arrangement in Ibadan and its environs, Mr. Victor Mabb, the Director of Prisons, who had visited the area earlier in October 1939, issued a circular in December of the same year to address some of the grey areas that needed urgent attention. In his telegram, he directed that the Ibadan Native Administration should accommodate in their prisons persons sentenced by the Protectorate courts to a period of under two years. And that the government should reimburse the Ibadan Native Administration at an all-in rate of 8d (eight pence) per prisoner per day. The Native Administration was also responsible for keeping accurate accounts of all prisoners that are within their custody. This arrangement was to be renewable after every two years, and reimbursement to be done on

¹²⁴Falola, T. 2012. *Ibadan: Foundation, Growth and Change, 1830-1960*, ... 602. See also, Oyo Prof 4/8/50/1920, Deputy Director of Prisons to the Residents Oyo Province, August 18, 1921. Enclosure; Oyo Prof 2/3/c187, Director of Prisons to Prison Department, October 30, 1924.

¹²⁵ Oral interview conducted with Dr. I Akinwale, Retired Lecturer, Lagos, on the 22nd June, 2018; Oral interview conduct with Mr. Amoo alias Baba Ikoyi, Local Historian, Ibadan, on the 16th August, 2015

a quarterly basis. The circular also looked at the welfare of the inmates. It states that Government prisoners were to be paid for at an all-in rate their labour which is made available for all Government works. In this regard, it was agreed that the question of where the Government prisoners are employed was one for local arrangement. For example, in 1939, a gang of eighteen station labourers was moved from the Government Hill, where initially they had been engaged in manual labour, to the Township area where they continued as Government prisoners.

On the issue of overcrowding, which was a common challenge to most prisons, it was agreed that accommodation could be arranged at a small cost by using the verandah outside the Agodi prison gate for offices and stores and that the existing offices and stores be converted into cell accommodation for inmates. And in the event of subsequent overcrowding, further accommodation could be arranged by temporarily converting the large workshop in the centre of the yard into associated cells. The issue of constant prison overgrowing was a major challenge to the colonial authority. And it seems that the British administrators never paid close attention in trying to address the increase of the inmates in Agodi prison. On the other hand, creating more accommodation amount to encouraging the imprisonment of more deviants in the society. The creating of more accommodation gives the colonial authority quick and easy access to cheap and free labour which certainly boost the colonial economy.

The system of completely leaving the entire control of the Native Administration Prisons in the hands of the local authority received some adjustments. A trained warder of the Prisons Department was transferred to the Native Administration Prison to assist in the supervision and clerical work for the first two to three months after the arrangement has been effected.

By 1943, the Native Authority Ordinance was issued. This proclamation was known as the Ibadan Native Authority (Declaration of Prisons) Order of 1943. The Ordinance, which came into force in April, stated that “the following prisons heretofore known as Native Administration Prisons are hereby declared to be Native Authority Prisons which the area of the Native Authority, to which sub-section (1) of section 89 of the Native Authority Ordinance, 1943 applies: Ibadan Native Authority and the Oshogbo Native Authority

Prison. Following the above ruling which was signed and certified by the Resident of Oyo Province, Mr. H. F. U. White, Ibadan Native Administration Prison changed its nomenclature to the Ibadan Native Authority Prison in line with other prisons in Western Nigeria¹²⁶.

To get a clearer understanding of the Native Authority Prison, it will be important to examine the policy document released by Mr. H. Marshall, the Government's Acting Chief Secretary, on the 4th of July 1946 and addressed to the Director of Prisons. In his statement, Mr. Marshall asserts that, as contained in the Prison Policy Document, the Director of Prisons with regards to the control of Native Authority Prisons, shall have the general superintendence of Native Authority Prisons; and shall advise the Native Authorities and submit to the Governor an annual report on the administration of these prisons and such other reports as the Governor or the Director of Prisons may consider necessary. By implication, this legal explanation of the Director of Prisons' position with respect to the Native Authority Prisons is considered sacrosanct. The Director of Prisons became responsible for ensuring that prison administration throughout the country was maintained at a reasonable standard. However, he was not directly responsible in overseeing and administering of the peneal centres at the grassroot level. But if there is any report or case in respect of Native Authority disregarding his advice, or a Native Authority Prison fails to meet up with the required standard, it was the duty of the Director to report to the Resident, the Chief Commissioner or, where necessary, to the Governor through the Chief Secretary to the Government¹²⁷.

¹²⁶ NAI, "The Native Authority Ordinance, (No. 17 of 1943)", N.A. Public Notice No. 17, 1943.

¹²⁷ NAI, CSO 45984/119, "Prison Policy", 4th July 1946.



Picture 2.7: Agodi Prison Ibadan

Source: National Archives Ibadan (NAI), University of Ibadan, Ibadan. Collection of Pictures.



Picture 2.8: Inside View of Agodi Prison, Ibadan

Source: National Archives Ibadan (NAI), University of Ibadan, Ibadan. Collection of Pictures.

2.4 The Beginnings of Colonial Prisons in Ilesa, Ondo, and Oyo Territories and its Environs.

Between 1872 and 1930, two prisons featured prominently under Oyo Province, namely: Ilesa and Oyo prisons. The Ilesa prison was a famous colonial prison classified under Ilesa Division. Like other prisons in the pre-colonial Western region, it was prior to colonialism administered by the paramount ruler and his sub-ordinate traditional chiefs.¹²⁸ However, by 1916 when the Native Authority Ordinance was issued by the British colonial administrators, it had become obvious that prison had to be situated in Ilesa to cover that area of Yorubaland. The Ordinance granted the native authority the autonomy to establish native courts as well as the Police Force in that region.¹²⁹

Consequently, the 1916 Native Authority Ordinance finally led to the foundation of a ‘lock-up station’ in Ilesa where offenders were kept under close watch. However, by 1920, a formal Ilesa native authority prison was founded. The prison was located in the heart of Ilesa town opposite the Owa Obokun’s palace. Being a Divisional prison, its prison officers were appointed from the Native Authority Administrative staff. These appointees were not necessarily trained, and as such, had some deficiencies in prison ethics. In addition, they were expected to report to the District Officer (D.O) in charge of the Ilesa Division.¹³⁰

On the other hand was the Oyo Native Authority Prison, which was established in 1917, a year after the issuance of the 1916 Native Authority Ordinance. Under the leadership of Captain Ross (first Resident of Oyo Province), and Oba Ladigbolu, the prison witnessed growth and development during its early beginnings. For instance, during the 1920s,

¹²⁸Oral interview conducted with Baba Ilesanmi, Local Historian/Security Man, Ilesa on the 25th February, 2015; Oral interview conduct with Mr. Francis Okon, Civil Servant, Ibadan, on the 20th June, 2016

¹²⁹Oyo Prof II 28/1917 Aims of Prison, Forfeiture of on all Patriots Orders 1917/19. See also: NAI, Oyo Prof I, 4241 Prisoners, Government and Native Employment of, on work other than Official forbidden 1924-45; Oyo Prof II/47-48 Uniforms for Ibadan Native Administration Prison Department 1947/48.

¹³⁰NAI, Oyo Prof I, 4241 Prisoners, Government and Native Employment of, on work other than Official forbidden 1924-45; Oyo Prof II/47-48 Uniforms for Ibadan Native Administration Prison Department 1947/48; Oyo Prof II, 28/1917 Aims of Prison, Forfeiture of on all Patriots Orders 1917/19.

through communal labour the ‘keepers’ house was built within the short “mud perimeter walls, partitioned with bamboo and had a separate gate from that of the prison”¹³¹. This prison was utilized almost all through the colonial period.¹³²

The 1910s to the 1950s witnessed the springing up of several Native Authority prisons in the Ondo Divisional axis of Western Nigeria. Between 1900 and 1930, four Divisional Native Authority prisons had been established: Ondo Native Authority Prison, 1910; Owo Native Authority, 1911; Ado-Ekiti Native Authority Prison, 1920; and Okitipupa Prison, 1929. These prisons served as incarceration centres for the Ondo Division during the colonial era.¹³³

2.5 Early Beginnings of Prison System in Colonial Abeokuta

The Abeokuta prison, presently located at Ibara, started as a police lock-up station. However, by August 1900, a formal prison had been established in Abeokuta. It is instructive to note that it was one of the few Convicts Prisons that were established by the colonialists in the Southern Province and Colony of Lagos. Others included the Calabar, Enugu, Lagos, as well as Port Harcourt prisons¹³⁴. These prisons were administered by trained and experienced officers of the Prisons Department, unlike the Provincial and Divisional prisons whose officers were mere *ad hoc* appointees selected from the administrative native authority and backed by Section 9 of the 1916 Prisons Ordinance. In addition, the convict prisons were designed to accommodate all classes of inmates,

¹³¹NAI, Oyo Prof 1, 19 Annual Reports Oyo Province 1950; Oyo Prof 1, 62 Annual Reports Oyo Province 1949-53; Oyo Prof 1, 18 B/26 Officers of Prison Department Movement of. 1952-55; Oyo Prof 1, 54 Vol. II Transfer of Prisoners 1937-50; Oyo Prof 1, 378 N. A. Prison Ilesha 1929/55; Oyo Prof 1, 2125 Prisons Department, Southern Provinces Orders and Circulars from 1938/56; Oyo Prof 1, Unification and Staffing of the Colonial Prison Service-Ibadan Native Prisons 1938-47

¹³² This was mostly in the areas of cheap labour for construction works in the community. Oral interview conducted with Mr. B. Falola, Retired Police Officer, Ibadan, on the 16th August, 2015

¹³³WPB 695 Annual Report on the Ondo Province 1927; Egu, M. A. 1990. *History of the Nigerian Prisons Service: An Insider's Account*, Nsukka: University of Nigeria Nsukka Press.67.

¹³⁴ National Archives Kaduna (NAK) Prisons Department Annual Records and Report (Southern Provinces and Colony) 1935, Kaduna: Government Printer.

including prisoners sentenced to two years or more; they were usually under the control of the central colonial government.¹³⁵

The Abeokuta prison, therefore, was operated as a government prison for over a decade; however, by 1912, it was merged with the Egba Native Authority prison to form a single entity under the control of the Resident Commissioner.¹³⁶ There were several reasons for this merger; nevertheless, two prominent factors were responsible for this development, namely: lack of qualified and trained prison officers and for administrative conveniences.

Therefore, between 1912 and 1930, just like other convicts/government prisons in Nigeria, a two-fold scheme of administration of prison was introduced into the Abeokuta prison. This was aimed at creating a unified penal arrangement within the British colonial territories. By implication, all convicts who were formerly under the Native Authority were transferred to be under the jurisdiction of the Abeokuta Convicts Prison which was directly administered by the British colonialists.¹³⁷ This was create an avenue environment for the easy access of inmates by the colonialists. Before the above period, the local rulers had more control of the inmates within the Abeokuta environs. Thus, this new arrangement was in favour of the cololial authorities.

2.6 Introduction of Colonial Prisons in Benin and Warri Provinces

As mentioned earlier, there are available evidence of pre-colonial penal system within most societies that later form what is currently referred to as Nigeria. Thus, there is no gainsaying that there were pre-colonial prisons in ancient Benin and Warri kingdoms before the arrival of British colonialists. Thus, as stated in chapter one, the Benin people had developed a unique penal arrangement before the imposition of colonial rule in the region.

¹³⁵C/L 240/13 Abeokuta Convict Prison: Lease of Land for Grantee: Egba Native Authority 1913. Oral interview conducted with Amb. C. Ariyo, Retired Civil Servant/Tradional Ruler, Ilesa, on the 22nd February, 2016.

¹³⁶C/L 240/13 Abeokuta Convict Prison: Lease of Land for Grantee: Egba Native Authority 1913.

¹³⁷ Oral interview conducted with Amb. C. Ariyo, Retired Civil Servant/Tradional Ruler, Ilesa, on the 22nd February, 2016.

During the earlier phase of British colonialism in Benin Province, two prisons featured prominently during this period; moreover, there were others that served as ‘detention camps’. The first prison of historical interest was the Old Benin Prison,¹³⁸ which had existed during the pre-colonial era. It was, however, taken over by the British colonialists in 1897, shortly after their imposition of imperial rule in that same year. The prison maintained its pre-colonial nature for almost a decade, until 1910, when it was renovated to accommodate both government and native prisons within the same complex.¹³⁹

One other notable prison under the Benin Province was the Ubiaja prison, which is currently situated in Esan North-East LGA of Edo State. The prison was established in 1906, almost a decade after the foundation of the Old Benin Prison. Its fundamental role as a notable Native Authority prison in Esanland under the Benin Province cannot be overemphasized;¹⁴⁰ indeed, it was regarded by the indigenes as an incarceration centre for criminals who were disturbing the peace of the region. Available records point to the fact that the prison was initially built with raffia palms and native mud walls; and was fenced with traditional bamboo sticks. The construction works were mainly carried out by the indigenes who saw it as welcome development aimed at instilling law and order in the land. Inmates comprised basically of those who were sentenced by the native courts and whose terms were below two years.

With the spreading wave of the formalization and re-institutionalisation of the Nigerian prison scheme during the 1920s, and under the Directorship of Mr. C. W. Duncan, the Ubiaja prison was restructured to accommodate one hundred and fifty inmates in 1920¹⁴¹. The prison continued to serve as a centre of reformation and rehabilitation of deviants in the land even after 1930.

¹³⁸BP343/14 Prisoners in Custody Benin Province 1914.

¹³⁹BP343/14 Prisoners in Custody Benin Province 1914.

¹⁴⁰ Oral interview conducted with Baba Egus, Community Leader, Benin, on the 22nd January, 2017; Oral interview conducted with Mr. Joseph Ojore, Uromi, on the 20th January, 2015; Oral interview conducted with Mr. A. Fakorede, Local Historian, Abeokuta, on the 19th August, 2016.

¹⁴¹Oral interview conducted with Amb. C. Ariyo, Retired Civil Servant/Traditional Ruler, Ilesa, on the 22nd February, 2016. NAI, BP343/14 Prisoners in Custody Benin Province 1914

In the Warri Province, there were mainly five prison centres in the region; one Provincial Prison located in Warri main town, which was the headquarters, and four Divisional prisons situated in Sapele, Kwale, Agbor and Ugwashi-Uku. Available archival documents indicate that the Agbor, Ogwashi-Uku, Kwale, as well as Sapele Divisional prisons, were established around the first decade of the twentieth century.¹⁴² Thus, they served during the colonial era as subsidiary correctional centres to the Provincial prison located in Warri town. Therefore, its inmates comprised of convicts serving shorter terms lesser than two years imprisonment, which was also obtainable in other similar Divisional prisons.

Nevertheless, the main prison in this province, as indicated earlier, was the Warri prison. Popular oral traditions assert that the prison was built by the Portuguese in the late eighteenth century.¹⁴³ It was meant to serve as a transit camp for the detention of slaves who were awaiting transportation to Europe, and Portugal in particular. Between 1900 and 1920, the Warri Prison served as an important imprisonment centre for prisoners who were convicted by the government courts around this territory. These inmates were convicted offences such as robbery, burglary etc. For instance, on September 15, 1909, Efeturi (no. H. 395) and Gumbari were sentenced to 6 months imprisonment with an option of £10 fine by Mr. W. B. Ramanu, Ag. Resident of Warri Province.¹⁴⁴

Generally, the period 1872 to 1930 could be described as the teething stage of the prison system in Western Nigeria. It witnessed the foundation, as well as early development of the penal system in the region. The few examples of some colonial prisons highlighted above are to give an insight of the historical antecedents and development of the prisons in the region. Additionally, most of the prisons established during this period became the

¹⁴²NAI, BP343/14 Prisoners in Custody Benin Province 1914.

¹⁴³Oral interview conducted with Amb. C. Ariyo, Retired Civil Servant/Traditional Ruler, Ilesa, on the 22nd February, 2016.

¹⁴⁴War Prof 1 441 Vol. II Prison Department General Correspondence Wardens Quarters etc. 1948/51
War Prof. 2 441 Vol. III Prisons Department General Correspondence Wardens Quarters etc. 1951/57.
NAI WPB 714 Annual Report on the Warri Province 1927.

harbinger and nucleus for the springing up of other prison centres not only in the Western region but in other parts of the country¹⁴⁵.

Indeed, the period 1872 to 1930 witnessed the gradual replacement of the pre-colonial traditional system of penal administration, which was mainly reformatory in nature, with a new Eurocentric, punitive, as well as repressive style of the prison administration. Thus, the Western region saw a departure from its old pre-colonial system into a conventional and centralized penal management, which was hitherto operated according to the traditional judicial system of the various kingdoms and empires¹⁴⁶. There is no gainsaying, however, that the establishment of prisons and the concept of prisonisation by the British colonialists were not aimed at rehabilitating the prisoners. Infact, the prisons became basically a dumping ground for those who opposed their colonial policies and administration. This trend became the hallmark of the new colonial penal administration that was introduced into Western Nigeria in the latter part of the nineteenth century, as well as early phase of the twentieth century.

¹⁴⁵ Oral interview conducted with Mr. Ojike Francis, Retired Prison Officer, Benin, on the 20th January, 2015

¹⁴⁶ Oral interview conducted with Mrs. Gladys Ajayi, Retired Prison Officer (Cook), Benin, on the 22nd January, 2017; Oral interview conducted with Mr. Chuks Azubike, Prison Officer, Abeokuta, on the 19th August, 2016.

Table 2.1: Colonial Prisons in Western Nigeria and their years of establishment.

Location	Year of Establishment
Broad Street Prison (Lagos)	1872
Ikoyi Prison	1876
Agodi (Ibadan)	1894
Benin Prison (old)	1895
Abeokuta	1900
Sapele	1900
Ilesa	c. 1900
Ugwashi-Uku	1905
Ijebu Ode	1905
Ubiaja	1906
Warri	1910
Owo	1911
Oyo	1917
Kwale	c. 1920
Ado-Ekiti	1923
Okitipupa	1929
Ilaro	c. 1938
Shagamu	c. 1938
Badagry	1941
Ile-Ife	1943

Source: Curled by researcher (NAI, University of Ibadan, Ibadan)

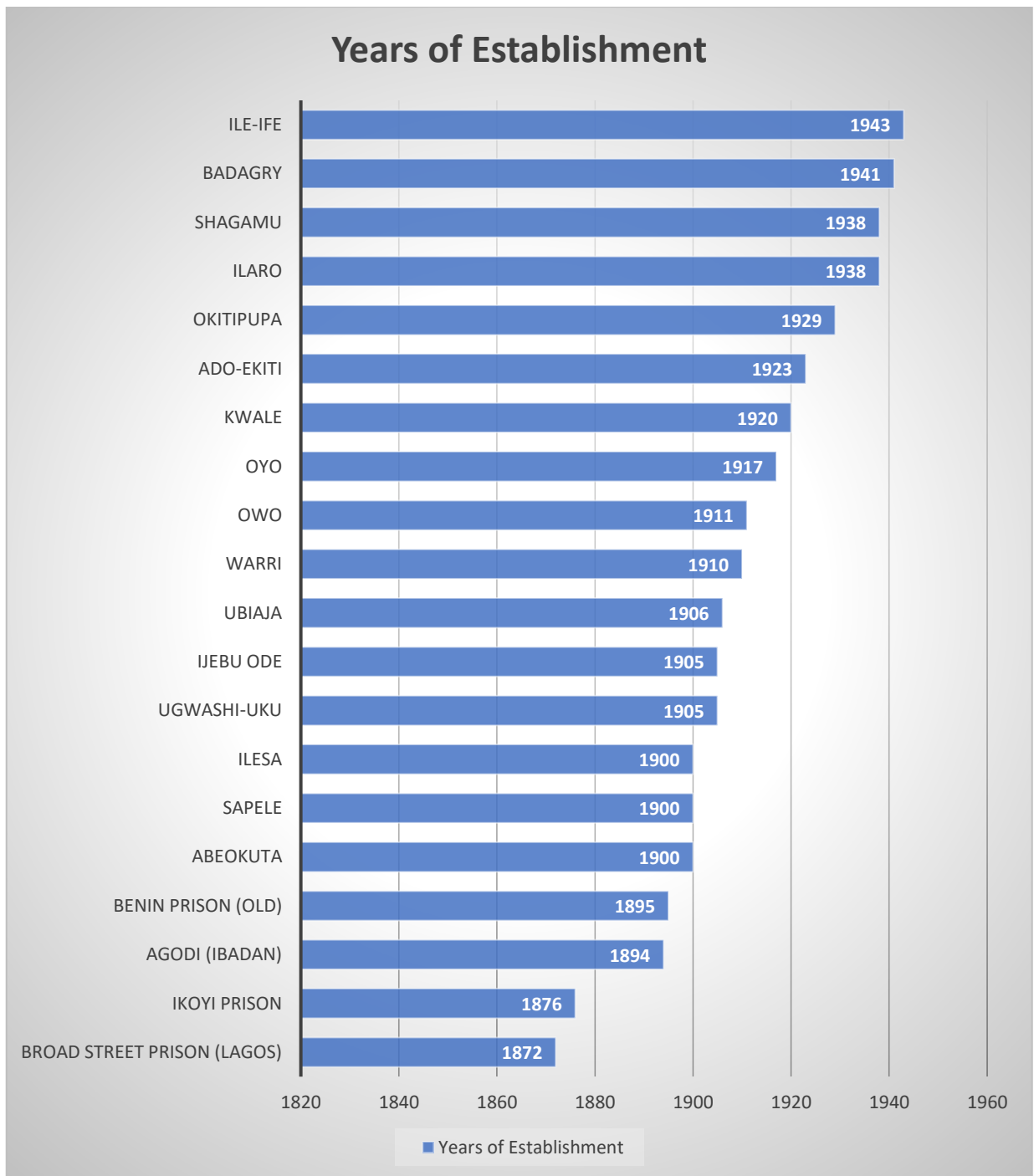
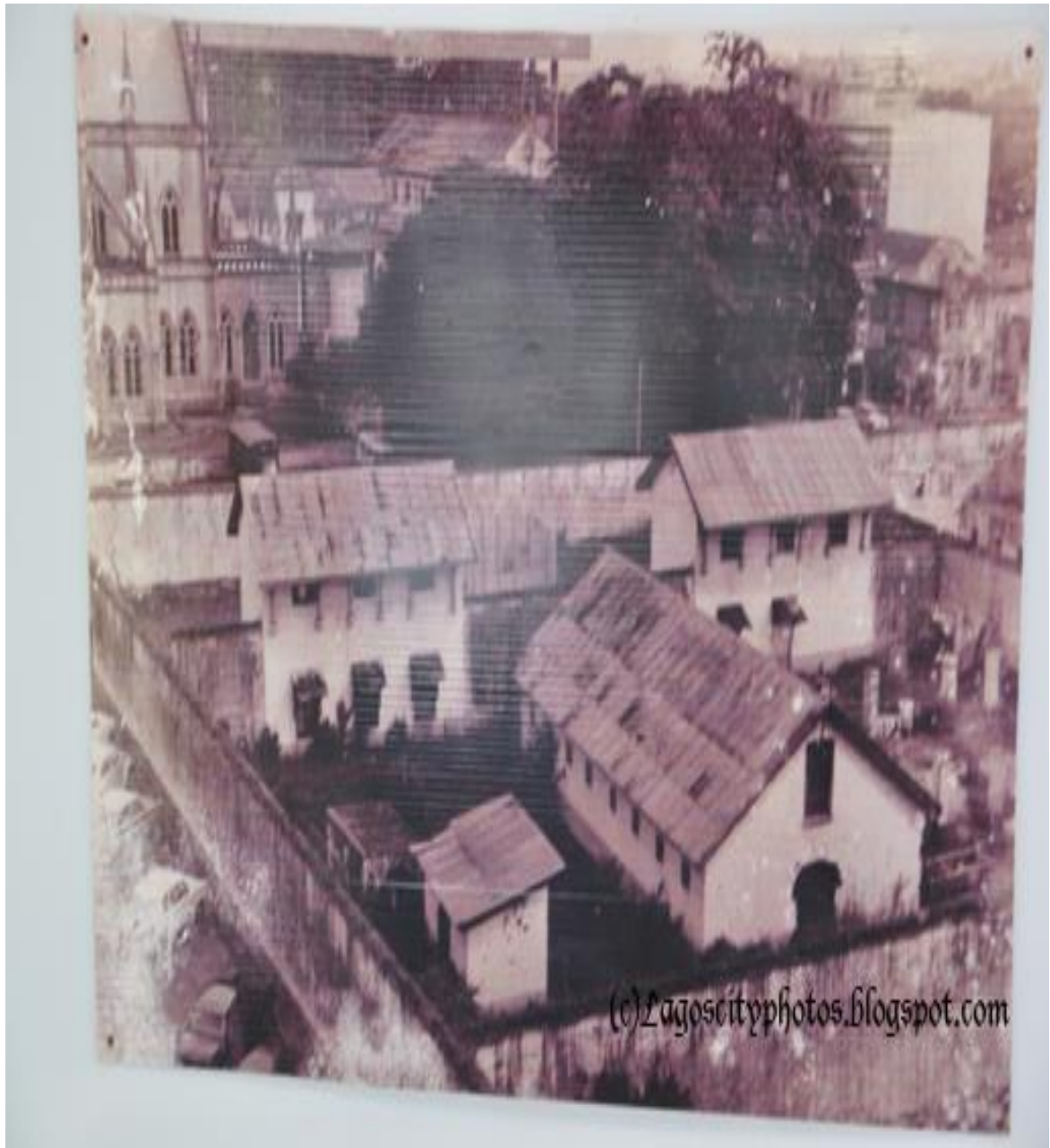


Figure 2.3: Bar Chart of Colonial Prisons in Western Nigeria and their years of establishment.

Source: Designed by Researcher (NAI, University of Ibadan, Ibadan)

Table 2.1 and Figure 2.3 show the various prisons in Western Nigeria and their years of establishment, starting from 1872 up to 1943. And Picture 2.9 shows an aerial view of the architectural design of the first prison in Nigeria shortly after it was renovated around the late 19th century.



Picture 2.9: Old Lagos Prison c. 1900

Source: www.lagocityphotos.blogspot.com . (Accessed 25 July 2016)



Picture 2.10: Old Lagos Prison c. 1900

Source: www.lagoscityphotos.blogspot.com . (Accessed 25 July 2016)



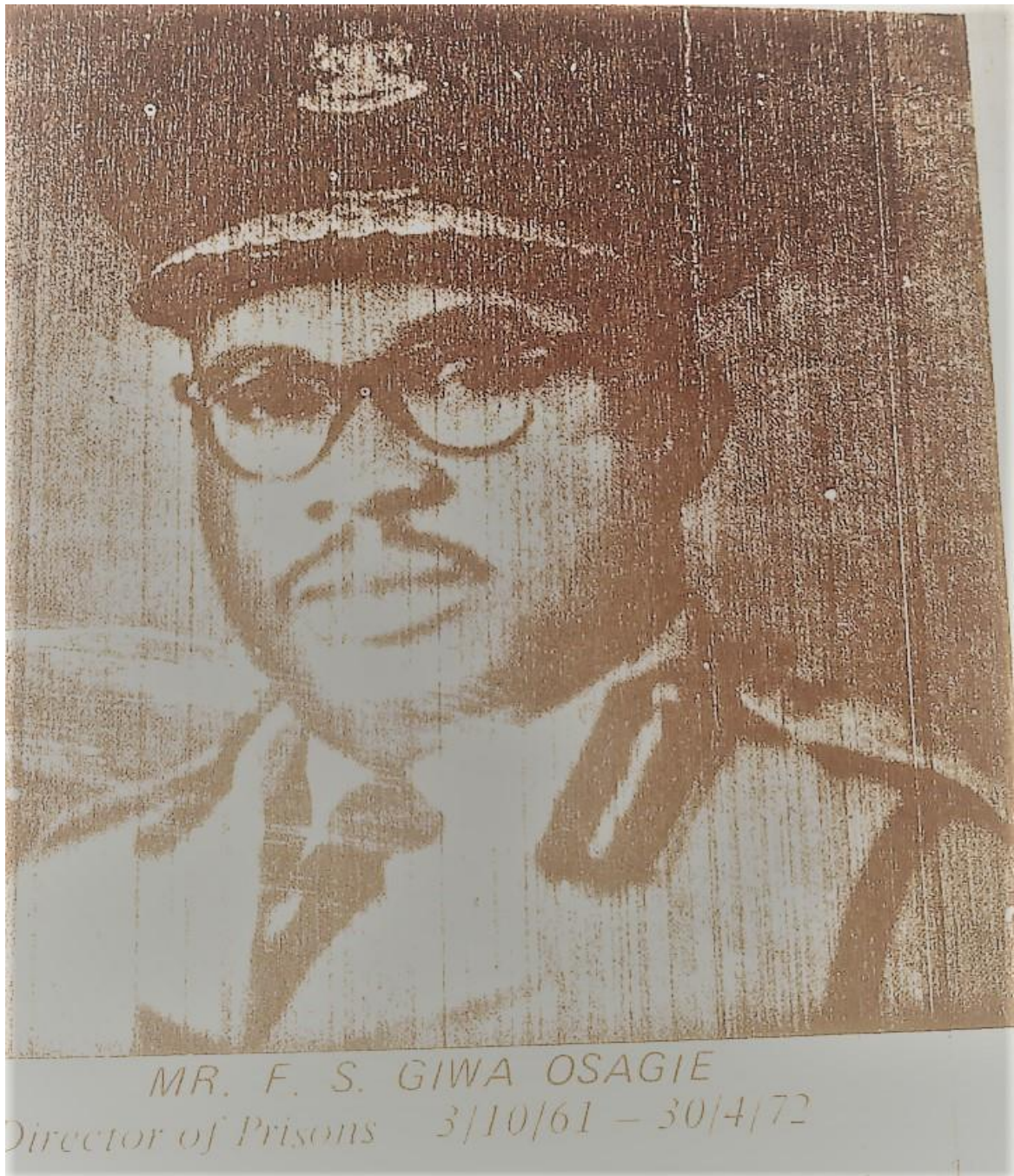
Picture 2.11: Sir Frederick John Dealtry Lugard (Governor-General of Nigeria, 1912-1919)

Source: Alamy Stock Photo. (www.alamy.com) (Accessed 25 January 2017)



Picture 2.12: Mr. M.C.M.K Carew (Director of Prisons, 1954-1961)

Source: Egu, M. A. 1990. *History of the Nigerian Prisons Service: An Insider's Account...* p. 4



Picture 2.13: First indigenous Director of Prisons in Nigeria, Mr. F.S. Giwa Osagie
Source: Egu, M. A. 1990. *History of the Nigerian Prisons Service: An Insider's Account...*P 5

CHAPTER THREE

COLONIAL PRISONS ORDINANCES AND REGULATIONS

3.1 Colonial Policies, Ordinances, and Regulations

The penal policy in colonial Nigeria was fashioned in line with the British penal system. Indeed, most of the Ordinances and Regulations were more of a replication of the mother country in England, however, with some modifications to suit their colonial hegemonies. The colonial administrators in 1876 created the Prison Ordinance Act. This Act was created for the smooth running of the penal system that was still at its very formative stage in Nigeria. This in fact, was the first of its kind in the history of penal administration in Nigeria. Abiodun opined that the Ordinance, which was modeled on the British Prisons Act of 1865, was the first statute designed to guide criminal proceedings and to curb all forms of social deviance in the Colony. It highlighted the reasons for close monitoring of detainees and the use of forced labour, which according to the colonial authority was unconnected with the idea of a separate system. In addition, it establishes the role and responsibilities of correctional officers. It also defines the modus operandi of inmates involved in criminal matters, namely: the movement of detainees; treatment of prisoners with psychiatric deformities; attending to the welfare and upkeep of prisoners; violation of criminal rules; escape; addressing all issues that have to do with corporal and physical punishment; capital punishment; and the well-being of the detainees. In addition, the ordinance provides for mainly two kinds of forced labour. First, all prisoners were mandated to use drills, break and carry stones. The second type of forced labor required inmates to perform unpaid work such as making rugs, sweeping

prison yards, and sweeping the streets. In addition, the decree calls for the clear demarcation and creation of special centres for female prisoners, the separation of minors under the age of 14 away from inmates who are classified as adults, demarcation of criminals and debtors wings and the segregation of inmates that are yet to be convicted, from other types of inmates¹⁴⁷.

3.2 The Prisons Ordinance of 1916¹⁴⁸

As demonstrated above, there were other Ordinances that were issued before 1916. For instance, as indicated earlier, there was the 1876 Prisons Ordinance which was the first of its kind to be issued after the first prison in Nigeria was established and commissioned in 1872. It served as a precursor to other Ordinances that were issued by the colonial administrators and came up four years after the commissioning of the first prison. And for the first time, an official document was issued which highlighted some of the fundamental *modus operandi* of the penal system in Nigeria. However, this Ordinance was short-lived because it was more of a testing document and, as such, was not comprehensive enough. Also, it was far short of the basics of global penal standards. In spite of these shortcomings, the 1876 Ordinance was to remain in force for two decades. In 1896, another Ordinance was issued. It was more of the previous Ordinance, but with several amendments. One significant point to note about the colonial authority as far as the penal administration was concerned was the issuance of the Ordinance every two decades. This was to cover up on some lapses of the previous ordinances and policies. Thus, exactly twenty years after the 1896 Ordinance was issued, the 1916 Ordinance was set in place to replace the former.

The 1916 Ordinance was issued on 29th May 1916. For the first time in the history of Nigerian prisons, a penal document that covers all the various regions in Nigeria

¹⁴⁷ NAI, Lagos Blue Book, 1876; CSO 0200/s.2 Tours of the Director of Prisons 1921/57

¹⁴⁸ This Ordinance was one of the definitive proclamation of the colonial authorities in re-defining the penal arrangement in Nigeria. For further information, check appendix for the full copy of the Ordinance.

was inaugurated. This document was also applicable to the Colony of Lagos. As contained in the preliminary page of the Ordinance, it was to provide for the establishment of prisons and for regulating the government thereof. And the very first article of the Ordinance states that “The Ordinance may be cited as the Prisons Ordinance, 1916, and shall apply to the colony and Protectorate”¹⁴⁹.

The 1916 Ordinance was divided into several categories. The first phase was centred on the meaning of prisoners and the powers of the Governor in Council. Apart from highlighting the contextual meaning of who was a prisoner and a criminal prisoner, this aspect apparently examines the duties and responsibilities of the Governor in Council. Article 2 defines a prisoner as an individual or person lawfully committed to custody. While the other phase looked at the brief regulations and welfare of the staff.

3.3 Regulations for the Government of Prisons, Nigeria (No. 2 of 1917)

Prior to 1917, there was no clear document that could serve or guide the prisons system in Nigeria. The 1916 Ordinance was merely colonial laws and policies directing the affairs of the system, which was still at its teething phase. Indeed, the penal system needed an additional binding document that could regulate its day-to-day activities. Thus, the issuance of the 1916 Ordinance served as a precursor to a regulatory document that was to come a year later. It became the final stage of the prelude to the introduction of a more formal document that stipulated the rules and regulations of the entire Nigerian prisons. Therefore, by virtue of section 7 of the Prisons Ordinance, 1916, the Prisons Regulations of 1917 was made by the Governor in Council. As contained in the Regulations, the word ‘superintendent’ included the Native Officer-in-charge of the prisons during the absence of the superintendent.

¹⁴⁹ NAI, Prison Ordinance, 1916. P.2

Admission and Discharge

The Regulations is categorized into thirteen subsections. The first aspect is on the admission of and discharge of prison inmates. It states that no prison inmates may be sent to prison unless accompanied by an arrest warrant, warrant or detention order, or pledge; and the superintendent will ascertain that the inmate is actually the person mentioned in the order, that the proper description and documentation of the criminal act are listed there, and that the order is signed by the authority competent. ¹⁵⁰.

By implication from the above quotation, it means that every inmate in the prison custody must be duly registered at the point of entry in the prison. All the necessary documents as stipulated in the prisons Regulation must be followed before admitting an inmate in prison. However, this requirement is liable to the final approval of the Superintendent of the prisons or as delegated by him.

On the other hand, is the practice of penal search of all inmates in custody. Again, the Regulation clearly states that every inmate shall be searched by a prison official at the point of admission and periodically during prison sentence as deemed fit by the Superintendent or the authority of the prison. As indicated earlier, this routine search according to the Regulations shall be carried out by prisons officers; but emphasized on the search being done by the officers of their own sex. This was done in order to check or regulate the challenge of assault by officers of the opposite sex, particularly female inmates. There were other specifications apart from the ones mentioned above. For instance, Article 2 of the Regulations states that: except for necessary clothing, all money, property, and items will be taken from criminal inmates, but not from debtors and other non-criminal inmates, except knives, weapons, items designed

¹⁵⁰NAI, Regulations for the Government of Prisons, Nigeria (no. 2 of 1917). P. 2.

to facilitate escape, prohibited items, and money¹⁵¹. However, the Superintendent had the prerogatives over these articles, and he was responsible for ascertaining that the necessary information is properly recorded in the prison's official register. Apart from the normal and general documentation, convicted inmates are mandated to provide additional and some peculiar information which are usually not demanded from other non-convicts. These included the following: height, weight, and other body marks or general features.

Globally, the medical welfare of inmates plays a very significant aspect in penal historiography¹⁵². Indeed, this was even evident in most colonial prisons documents in Nigeria¹⁵³. However, the 1917 Prison Regulations clearly highlighted the importance of this aspect of prisons development in colonial Nigeria. In accordance with Regulation 5, all prison inmates, must be immediately examined medically by the Medical Personnel as appointed by the Superintendent or other prison authority. The main duty of the health officer at this initial stage was to ascertain the health conditions of the inmates and make a necessary recommendation of possible vaccination or treatment before being transferred to the main cells or wards. The report as issued by the health officers shall be subsequently transferred to the prisons register. The medical certification as required by the colonial authorities was to be

¹⁵¹ NAI, Regulations for the Government of Prisons, Nigeria (no. 2 of 1917). P. 1.

¹⁵² The issue of medical welfare for prison inmates have been a source of concern right from the early beginnings of penal systems globally, and even in Nigeria. Since the 1870s when the first Western style prison was established in Lagos, the medical welfare had remained germane for the upkeep of the system. This is because of the special medical need of the inmates who in most cases were kept in an unhygienic and overcrowded environments. There were even cases of lunatics among the inmates. Most of them were not criminals, but because of the colonial deficiency in creating suitable asylum for lunatics, the prison yard became a ready station for the temporary deport of such social-environmental challenge. See also: NAI, COMCOL I, 197/147 Prisoners: Petition from. 1950/54; COMCOL I, 197/s.125 Abiola Iyalode Lunatic-Petition for the release of. 1944/46; COMCOL I, 197/s.127 Labode Olusomo Lunatic-Petition for the release of. 1945; COMCOL I, 197/s. 131 Ajibola of Afowa, Criminal Lunatic- Petition for the release of. 1945/46.

¹⁵³ NAI, Lagos Blue Book, 1894-1906; NAI, Prisons Annual Reports, 1914 & 1915.

followed by the final phase of checks before admission into the prison. This phase is known as the physical cleansing or “prison bath”¹⁵⁴. All inmates at this stage were mandated to undergo a compulsory physical bathing process closely supervised by the prison officer. The male convict will have his hair shaved very low or ‘cropped’¹⁵⁵. However, preferences were given to European and female inmates. This set of inmates for health reasons must cut their hair and keep their physical appearance neat¹⁵⁶.

Based on the Regulations, all prison inmates were also required to undergo another routine of examination and checks before discharge. In this regard, all inmates, before being discharged or removed from the prison, shall once again be medically checked by the health personnel, and on no account an inmate was to be released if not certified fit, unless at the prisoner's own request, which must be documented accordingly. All personal belongings of the inmates, which must have been collected at the admission phase was to be returned to the prisoner. These personal belongings may include but are not limited to the following: clothes, shoes or slippers, belts, wristwatches, etc. Nevertheless, there is a clause to the above stipulations, especially as regards the genuine loss of property by inmates, which was deposited with the prison's authority *ab initio*. In such instances, the government was liable, according to the Prisons Regulations, to return all articles destroyed or missing in the course of

¹⁵⁴This was/is a universal practice. The baths stage was the last point of call before being transferred to the main prison yard. This is where newly arrived inmates who were usually convicted, were supposed to cut their hair, sanitized and then moved to the waiting room where they were dressed in their prisoner clothing.

¹⁵⁵ This is prison slang commonly used to describe the complete shaving of a prisoner’s hair.

¹⁵⁶ NAI, Regulations for the Government of Prisons, Nigeria (No. 2 of 1917). P.2. Analytically looking at the above quotation indicated that there seems to be some form of discrimination even within the colonial arrangement of penal scheme in Nigeria. Apart, from the preferential treatment given to female inmates, possibly because of their gender, most of the available archival colonial documents regarded the European inmates as Very Important Personalities (VIPs). It should be noted that there were other non-Nigerian inmates particularly from the neighbouring West Africa region who were also incarcerated within the prison. However, they were not given any special treatment.

serving the prison sentence. On the expiration of prison sentence, Regulation 9 states that: irrespective of the misconduct on inmates, they must not be detained beyond the stipulated period of sentence. The extension of confinement can only be done with the order and permission from the court of law¹⁵⁷.

Suffice it to say that there were also special cases for the discharge or release of prison inmates. Again, European prisoners were given preferential treatment during this procedure. Indeed, as indicated in Regulation 10, if it becomes effective to release a European detainee before the expiry of his sentence so that he can cross the ocean by a certain date, the Director-General will make the request to the Governor, through the intermediary of the Director-General of prisons, and the Governor had the prerogative to question such a move, and can overrule that the prisoner's warrant is certified [sic] accordingly¹⁵⁸.

The above scenario was even more pronounced in Northern Nigeria. For example, in 1922, one European was convicted at Kano on a charge of obtaining money under false pretence and was sentenced to six months' imprisonment. As there was no provision for accommodation for European prisoners in the Northern Provinces, he was detained in an ordinary house under guard until arrangements were made for his transfer to Lagos prison. There was also a case in Jos where a European was detained in custody on an Extradition Warrant for a few days pending his transfer to Lagos. According to the report issued by A. G. Uniacke¹⁵⁹, he was given separate accommodation in a cell that is ordinarily used to accommodate twenty natives. He was eventually sent to England under the charge of a Scotland Yard Official¹⁶⁰.

¹⁵⁷ NAI, Regulations for the Government of Prisons, Nigeria...p.2

¹⁵⁸ NAI, Regulations for the Government of Prisons, Nigeria...p.2

¹⁵⁹ A. G. Uniacke was the Director of Prisons, Northern Nigeria in 1923.

¹⁶⁰ NAI, Prison Annual Report for the year 1923. P. 2

However, exceptions are given to inmates who have been proven to be medically unfit, and to remain within the prison confinement poses a threat to their life. According to this aspect of the Prisons Regulations, if a convict is ill in body or mind and confining such inmates would jeopardize his or her life, the Superintendent had the prerogative to release such inmates. Nevertheless, the Superintendent must work closely with the Medical Officer as to what measure to take after the release is granted. Usually, the family or close associates of such inmates were contacted to take full responsibilities for such persons after discharge. From the facial narratives of this stipulation, this action was taken in order to protect the life of the inmates, both the index case and other prison inmates. However, contextually, it also saved costs for the colonial authority. The extra cost of maintaining a sick prison inmate was tactically avoided. Apart from safeguarding the life of the individual inmates, as highlighted above, this section of the Regulations was to protect the lives of other inmates, particularly if such ailments were contagious in nature.

In addition, the perfection of the release of inmates with such cases must pass through the Director of Prisons to the Governor for his final mandate and approval. In case of any medical emergencies, the best option of communication was through telegraphs. And for proper record purposes and due process, the order of release must be forwarded subsequently to the Governor through the office of the Director of Prisons. And such order must state clearly the purpose of the discharge and the full detailed information of the person to be released.

Separation (Classification).:Hitherto, the 1876¹⁶¹, 1896¹⁶² , and 1916 Prisons Ordinances¹⁶³ had highlighted some form of prison classification in colonial Nigeria,

¹⁶¹ NAI, Lagos Blue Book, 1876.

¹⁶² NAI, Lagos Blue Book, 1896.

¹⁶³ NAI, Prisons Department, Annual Report for Southern Nigeria.

but they fell short of the global penal standard of that period¹⁶⁴. The 1917 Regulation was to build on these previous Ordinances, which to a large extent served as a template for the classification of the prison inmates. This classification fell under what was regarded as ‘separation’ of prison inmates. To this end, Regulations 15 stated that “male and female prisoners shall be confined in separate parts of the prison”¹⁶⁵. It is noteworthy to state that throughout the colonial period, there was no exclusive prison built for female inmates. Throughout this period, female inmates were usually incarcerated in ‘separate’ wings or make-shift areas within the ‘male designed’ prisons. Even worse was the cases of juvenile offenders held in the same custody with an adult, either male or female¹⁶⁶.

On a general note, prisons inmates of both sexes were divided based on the availability of space within the specified prison. They were graded as follows:

- a) Inmates await court trial was separated from convicted inmates
- b) Juvenile under fourteen (14) years of age were kept away from adult
- c) Insolvents and other non-criminal inmates, from criminal inmates
- d) European, away from native.

Significantly, it should be mentioned that the method of separation and grading within the prison system in colonial period was completely silent on the confinement of female inmates. However, special attention was given to European inmates who were usually treated like Very Important Personalities (V.I.Ps). It was quite apparent

¹⁶⁴ NAI, Lagos Blue Book, 1894 and 1904; Prison Ordinance, 1916.

¹⁶⁵ NAI, Regulations for the Government of Prisons, Nigeria...p.3. It should be noted that the document is silent on completely separate prison for female inmates. In fact, throughout the colonial era, there was no exclusive female prison. The first female prison in Nigeria was built sixteen years after independence in 1976, in Lagos.

¹⁶⁶ It was only in 1938 that the first Borstal Centre was built in Nigeria. Before that year juvenile offenders were held in the conventional prisons designed for adult. Only a small wing was created for them.

that they were kept away from ‘native’ inmates for some reasons. The reasons for the special treatment of European inmates are still not clear. But, available records show that they were kept completely in a different place away from African inmates. The colonial administrators argued that the European inmates because of their social and environmental background might not be able to cope with the conditions of the conventional Nigerian prison arrangement. There was also the issue of the diet system which the administrators felt might not be palatable for the European inmates. Nevertheless, it should be pointed out that there was this deliberate feeling that European were superior to the Africans in all ramifications, especially during the colonial period.

In spite of the reasons which was best known by the colonial penal administrators, this act demonstrated untold segregation in the system. Indeed, the fact was that there were special cells exclusively preserved for European offenders. As already mentioned, the reason for this special treatments are still not clear. Some scholars have argued that the separation of European inmates from ‘natives’ was a classic example of penal racism and human segregation in colonial Nigeria¹⁶⁷.

On the other hand, some inmates, because of their status and conditions in the prisons, are allowed some sort of special privileges and rights. For example, debtors, non-criminal convicts, and inmates awaiting trial are granted some privileges to provide personal clothing, food, and other necessities. This is in spite of their regular prison allowances for food. It should be noted that these rights are particularly in operation within the government prisons.

¹⁶⁷NAI, BP, 146/14 Annual Board of Survey on the Prison Store at Ogwashi-Uku 1914; BP, 147/14 Annual Board of Survey on the Prison Store at Asaba 1914.; CSO 0200/s.2 Tours of the Director of Prisons 1921/57; CSO, 03035 Prison Diet Scales 1920-22; CSO, 03114 Prison Departments: N&S Province, Annual Reports 1920-21.

Food and Nutritional Provisions

One fundamental aspect of the 1917 Prisons Regulations was the welfare package for prison inmates, especially as regards the provision of food and other nutritional supplements. The colonial penal arrangement as contained in Regulations 17 to 21 states that every prison inmates was granted an adequate amount of nutritious food. However, the distribution of this is based mainly on the conditions and duties assigned to each inmate. The criteria, as was the tradition with most colonial penal administrations, was measured based on the labour system. The labour system, which was introduced in the second decade of the twentieth century, was obviously to boost the colonial economy. The system emphasise on the classification of prison labour into skilled, unskilled, and domestic labour. Indeed, inmates that were considered or deemed profitable and productive to the penal system were given more food and other nutritional supplements. Below is a tabulated information on the kind of food and nutritioral diets offered to Eurpean and native inmates. The meals for Europeans as contained in Table 3.1 clearly shows the difference in their diets. The Eurpeans were offered more nutrional meals as against their native conterparts.

Table 3.1: Scale for Food and Nutrition

	Daily	Weekly
Scale A (European prisoners)	Meat (without bone, 1 lb.; Rice, 1 ½ lb. or Yam, 2 lb. [after peeling]); Coffee or Tea or Cocoa, 1 oz.; Milk, 5 ¾ oz.; Lime Juice, 1 oz. ; Sugar, 1 oz.; Salt, 1/8 oz. ; Pepper, ½ oz.; Flour, ½ lb.; Vegetables, 4 oz. or Greens, 8 oz.; Fruit, ½ lb.	Lard, ½ lb.
Scale B (Native Prisoners on full diet)	Agidi, 3 lb. or Farina, 2 lb. or Foofoo[sic], 2 lb. or Guinea Corn, 1 lb. or Rice, 1 to 1 ½ lb or Yam, 1 ½ to 3 lb. (after peeling); Greens, 4 to 8 oz. or Ochro [sic], 4 oz. or Vegetables, 1 oz. ; Palm Oil, ½ to 1 oz. ; Salt, 2 to 3 drms.; Native Pepper, 1 drm.; Ogiri, 2 drms.; Meat (fresh without bones), ½ to 2 oz. or Meat (Salt), 4 oz, or Fish (dried), ¼ to 1 oz.; Biscuits, 2 ½ oz	
Scale C (Native Prisoners on Reduced Diet)	(a) 1 to 3 days; Rice, ½ lb. or Guinea Corn, ½ lb. or Yam, 1 ½ lb. (after peeling); Salt, 1 ½ drms. (b) After 3 days and up to 6 days; Rice, ½ lb. or Guinea Corn, ½ lb. or Yam , 1 ½ lb. (after peeling); Palm Oil, ½ oz.; Salt, 3 drms.; (c) After 6 days and up to 14 days : (a) and (b) alternatively	

Source: NAI, Regulations for the Government of Prisons, Nigeria, 1917

The above table gives a detailed account of food and other supplements for prison inmates as enshrined in the Prisons Regulations of 1917. However, there are some exceptions and specifications. For instance, for the European inmates, when anyone needed medical attention, he was required to get special meal, which was usually approved by the medical personnel and must be documented in black and white.

Similarly, the Principal Medical Officer had the authority to direct the distribution of these items. He directs, in conjunction with the Superintendent, how the diet is to be distributed on a daily bases starting from 5:30am, 11 am, and 5 pm. For instance, oil and other fatty ingredients is usually added in the soup and serve with yams, flour, or rice. As mentioned earlier, prison inmates who are under medical treatment or are involved in extra penal labour such as quarry and mining may be granted more nutritious or extra meals to cover up for their conditions. As indicated in the 1917 Regulations, an inmate was to get as many other simple and healthy foods as medical staff deem necessary, and will order them in writing¹⁶⁸. If any of the articles of diet as contained in Scales A, B, and C, should not be procurable or difficult in supply by the necessary bodies or agencies, the Superintendent in collaboration with the Medical Officer, will arrange to provide substitutes.

Clothing/Dresses and Environmental Cleanliness

One other aspect of the Regulation is the clothing for prison inmates. Clothing was/is a significant trend in global penal systems. Fundamentally, it was easy identification and uniformity. The introduction, therefore, of a specialised clothing system into the prisons in colonial Nigeria was in conformity with the global standard of the prison institutions. Special dresses and clothing for prison inmates had been introduced into the Nigerian penal system as far back as 1872, when the first prison was established and commissioned in Lagos. However, it became clearly defined and gazetted with

¹⁶⁸ NAI, Regulations for the Government of Prisons, Nigeria... 4.

the 1917 Prisons Regulations. According to article 24 of the Regulations, each convicted criminal inmate must receive a full set of prison uniforms and must wear them at any time of the day”¹⁶⁹. The uniforms were issued based on the following classifications:

- A convicted local male prisoner, wearing two sweaters, two shorts and two hats; at the end of each six-month sentence, each of the previous articles; and at any time according to the doctor’s recommendation under the vest 1 Pieces of gray linen flannel.
- A European prisoner was sentenced to 2 coats, two pants, a set of fine boot, two plain shirts, one set of plain shoes, a pair of stuckings and a special hat; and, if necessary, add one each of the previous.
- Female inmates- with two gowns, and one wrapper; and when necessary, with a further one gown and one wrapper¹⁷⁰.

Inspite of the above specifications, in some instances, it might not be adhered to because of some financial challenges. The Regulation is completely silent on the provision for juvenile offenders within the penal institution.

The hygienic condition of the prison environment was equally vital and clearly spelled out in the 1917 Regulations. Article no. 27 indicate the nature and dimension of the cleanliness of the prison. It states that every room or cell and part of the prison environment, including the furniture, shall be kept clean and frequently be washed or white-washed with lime. In addition, the colonial prison authorities thought that the maintenance of the prison environment without giving significant attention to the health of inmates was a defeated effort. Thus, articles 28-30 were devoted to the health conditions of the prison inmates. Prison inmates employed in outside duties

¹⁶⁹ NAI, Regulations for the Government of Prisons, Nigeria... 5.

¹⁷⁰ NAI, Regulations for the Government of Prisons, Nigeria... 5.

were considered to have satisfied the requirement of an open-air exercise. However, the others were routinely taken out for open-air exercise based on the requirement of the Medical Officer. All these were done to keep the inmates fit and healthy.

Prison inmates that were ill were kept in the infirmary or a special room for the sick. A proper record of such inmates was usually kept with the Superintendent. He opens a record book for inmates that were in the sickbay indicating the date of admission and of discharge. In as much as the government had the responsibility of maintaining the health conditions of inmates, the inmates also had the shared responsibility of maintaining their health condition. They were mandated to stay neat and maintain good hygiene. Unless restricted by the Medical Officer, all inmates were required to take their bath daily.

Apart from the physical and environmental health condition of the inmates, the colonial authorities also tried to encourage their spiritual welfare. Indeed, article 38 made it compulsory for all Christian prisoners to attend Sunday divine service. It states that unless prevented by illness or other reasonable reasons, all Christian prisoners are required to attend worship service on Sunday¹⁷¹. However, the Regulations seem to have neglected the religious wellbeing of inmates that were not Christians, particularly the Muslim faithful. There is no clear explanation for this omission given the fact that the Western region had a significant number of Muslims. Perhaps, one may assume that it was an oversight by the colonial authorities. On the other hand, since the most popular faith among the colonialists was Christian religion, there was this unconscious disregard for the Islamic religion.

¹⁷¹NAI, Regulations for the Government of Prisons, Nigeria... 7.

Visits and Communications

According to article number 41, convicted prisoners were to be allowed once in every three months to receive a visit from friends in the presence of a prison officer, and to write and receive letter periodically. They were allowed more regular visits from family members and friends. In addition, all prisoners, except prisoners under sentence, can write and receive letters that should allow every reasonable opportunity to talk to their friends and legal counsel on a daily basis.

Offences

Offences as stipulated in the Regulations include:

- Going against rules and regulations by any prisoner
- General assault by one prisoner against another prisoner or officer
- Profane cursing and swearing by any prisoner
- The usage of abusive words against inmates and warders
- Illegal possession of items classified as exhibits by the penal authority
- Willfully damaging instruments, and other government properties.
- Intentional negligence and laziness at work by any prisoner, and willfully restraining from stipulated assignment
- Willfully pretence and labour mismanagement by any prisoner
- Trying, collaborating, or supporting to escape.¹⁷²

The Director of Prisons or Superintendent had the prerogative authority to listen and pass judgement on any inmate as regards any crime mentioned above. Any inmate found guilty of these offences was liable to be punished by ordering the ‘offender to be kept in close confinement in a refractory or solitary cell by keeping such offender under reduced meal as against what is contained in the terms and references of the

¹⁷² NAI, Regulations for the Government of Prisons, Nigeria...7-8.

penal laws. However, the duration should not go beyond six days, or by loss of marks¹⁷³. The mark system had been in existence in the Western world since around the 1840s; however, it was only domesticated in the Nigerian penal system in the second half of the twentieth century. Indeed, the 1917 Prisons Regulations gave full authoritative credence. According to Roth Mitchel (2006), in the mark system, sentences provided are no longer deterministic and fixed but of uncertain length. In this system, offenders can earn points for good behavior and hard work and thus be released early. Essentially, they will be allowed to buy with a certain amount of tokens to be released from prison. For example, a sentence of seven years can end up accumulating 6,000 points. Marks can also be exchanged for products: food, tobacco, and other luxury items can be purchased under the marks.¹⁷⁴

Repeated cases of offences by prisoners were in some instances deemed fit by the Director of Prisons to be placed under hard labour, however, not exceeding seven days. Corporal punishment¹⁷⁵ was also meted on serious offences. For instance, Article 48 indicated that offenders might be flogged for offences contravening the rules and regulations of the prison. Nonetheless, there were limitations to the flogging act. It stipulates that: provided that no more than eighteen lashes shall be inflicted for any offence, and that on no account should an inmate be flogged for two consecutive occasions, or be flogged within a period of about fourteen days from the previous flogging¹⁷⁶. One fundamental exception of this aspect of the Regulations

¹⁷³NAI, Regulations for the Government of Prisons, Nigeria... 8.

¹⁷⁴Roth, Mitchel, P. 2006. *Prisons and prison systems: a global encyclopedia*. 167. See also, Maconochie, A. 1857. *The Mark System of Prison Discipline*. London: Bridge Ltd.

¹⁷⁵According to the Microsoft Encarta (2009), Corporal punishment is a type of physical punishment that is applied to a criminal's body by a judicial order in a crime. For more information on the above see: NAI, BP, 146/14 Annual Board of Survey on the Prison Store at Ogwashi-Uku 1914; BP, 147/14 Annual Board of Survey on the Prison Store at Asaba 1914.; CSO 0200/s.2 Tours of the Director of Prisons 1921/57; CSO, 03035 Prison Diet Scales 1920-22; CSO, 03114 Prison Departments: N&S Province, Annual Reports 1920-21.

¹⁷⁶ NAI, Regulations for the Government of Prisons, Nigeria...p. 8.

was that female inmates were not allowed to undergo corporal punishment. This was equally applicable to inmates under civil process or juvenile offenders.

Special Class of Prisoners

The colonial penal system in Nigeria was designed in such a way that some specific inmates were kept in different wards or cells for several reasons. The first category of inmates who need special mention here are those prisoners who were seen as a threat to other prison inmates. Under this classification are those that were sentenced for capital offences. Such inmates as enshrined in Article 65 of the Regulations, may be restricted by placing them under handcuffs or shackles based on the instruction of the penal authority, especially the Superintendent, and may be placed in isolated confinement. Basically, because of their conditions in incarceration, they are allowed certain privileges and granted some weavers. Prominent among these privileges is the extended right to communication. They are allowed daily communication with their legal advisers or friends and more opportunities to send and receive mails. However, the prison officers were mandated to keep a close watch on these sets of inmates, especially during visiting hours. This is mainly to keep an open eye as well as to avoid any transmission of restricted items between the inmates and their visitors. To further corroborate the importance of checks for restricted items, the Superintendent under Regulations 68 was granted the express authority and responsibility to closely watch over and monitor the penal staff in charge of the inmates and prison inmates for a period not less than two times a day. In addition, he was to further check for any prohibited articles and document any necessary discoveries that needed urgent attention.

Another class of prison inmates that calls for special attention is those sentenced to death. Article 69, of the Regulations states:

every prisoner sentenced to death, shall, after being again searched, be confined in some safe place within the prison, and, if possible, apart from all other prisoners, and shall be placed under the constant charge and observation of two officers appointed by the Sherriff, both by day and night (in case of a female prisoner, the attendants should be females), and no keys are to be left with the guards¹⁷⁷.

Such inmates were allowed visits from close associates, for example, legal advisers or counsel, friends, family members etc. Regarding the clothing for these condemned inmates, they were usually clothed in “special dress composed of jersey and shorts which are made of ‘dangaree’ [sic]¹⁷⁸, with the inscription “C” on back and breast”¹⁷⁹. Like other inmates who have committed offences, they were inspected by the Superintendent twice a day and at the irregular interval as deemed fit by the penal authority. Again, because of the category of their offence they were allowed only an hour daily exercise and closely guarded by two prison officers as against the single prison guard attached to a prison inmate.

As contained in Regulations 75, the Governor or his representative shall decide where a condemned prisoner shall be executed. However, on the day of execution, some key prisoner officers must be present. They include the Sheriff, or Deputy Sheriff, the Superintendent, the Medical Officer, and the Chief Warder of the prison.

¹⁷⁷ NAI, Regulations for the Government of Prisons, Nigeria...p. 10.

¹⁷⁸ The correct word should be ‘dungaree’, also known as Blue Jeans, Denims, or Levi's. According to Encyclopaedia Britannica (2010), it could be regarded as a durable twill fabric with colored warp yarns (usually blue) and white fill yarns; it is also woven with colored stripes ... After the yarn dyeing and polishing treatment, it is generally all cotton, although a large part is cotton blend synthetic fiber. Decades of use in the garment industry, especially in the manufacture of heavy workwear and pants, have proven to be ... durable. This quality also made denim suitable for casual wear in the late 20th century.

¹⁷⁹ NAI, Regulations for the Government of Prisons, Nigeria...p. 11.

In the case of a female who is certified pregnant by the Medical Officer, such a case was directed to Governor, through the Secretary or the Commissioner of the Province. He has the final say on such occasions. After the execution of a condemned prisoner, Regulations 78 indicates that the body may not be released to the family members or close associates unless an approval is received from the authority, preferably, the Governor. In the event this is not granted, such bodies shall be buried in any area or place as designated by the Governor.

Prison Officers

The colonial prison officers, as enshrined in the Regulations 80, were classified into two main categories:

- the European Executive Staff, and
- the Native subordinate staff.

The European executive staff, as the name implies, comprised of exclusively European staff who were recruited directly by the colonial authority. During this period, it was very few of these staff that was trained as prison officers. Most of them were administrative staff who must have been in some other British colonial territories. And as such, they never had the real penal experience that was required of a prison officer. Apparently, this was a cover-up for the personnel shortage in the penal sector. On the other hand, was the Native ‘subordinate’¹⁸⁰ staff who were non-European and were mainly indigenous semi-trained prison officers. They comprised retirees from the military, colonial civil service, colonial administrative staff, and most cases, officers from the police force. As a general penal rule in the various colonial territories in Nigeria, it was obligatory for all prison warders to adhere

¹⁸⁰ This was a derogative term used by the colonialists to describe non-European staff. In fact most the available archival documents carried this appellation, without knowing the contextual and implicative meaning this connotes to the public.

sternly to the laid down laws and rulings of the penal system. They were also mandated to implement the general instructions of the Governor, to carry out any stipulated mandate as indicated by a higher penal officer, and to make sure the standing rules are obeyed, as well as implement obedience and the rule of law with all compliance to fair play.

At this juncture, it is relevant to point out that there were three fundamental restrictions attached to the colonial prison officers; they could be regarded as the “three (3) NOs” of the Nigerian colonial prison staff:

1. Prison officials shall not engage in any work unrelated to the government, nor shall they engage in any or have interest in any prison supply pact.
2. Correctional officers shall not collect fees or rewards from prisoners or their friends or visitors, nor shall they do business with them.
3. Prison guards are not allowed to beat prisoners unless it is for self-defense or to defend others. Prison officials who carry weapons will make use of them when it has become unavoidable. However, they will incapacitate them in such a way and will not kill¹⁸¹.

The preliminary aspect of this section clearly states out the physical appearance of the prison officer. On the outfit of prison officers, every European prison officer on permanent service was to provide himself with a uniform in accordance with the dress regulations and code in the force. They were also mandated to put it on at all times when on duty. However, other prison officers at the point of recruitment, especially ‘native’ officers, were to be provided with a free issue of the following: 2 suits of uniform, one cap, two shirts, and one water-resistant cape. The brass title can be updated as follows: one uniform suit and one shirt within a period of about six

¹⁸¹ NAI, Regulations for the Government of Prisons, Nigeria...p. 11.

months; one hat and water-resistant cape every year; and one baton, one whistle, and chain, one set of buttons, and one pair of designated brass, if needed¹⁸².

The above outfits were for both female and male prison officers. The only difference for female wardresses was the provision of two additional uniform gowns, which were also to be renewable when necessary.

One fundamental aspect of the 1917 Prison Regulations was the nature and dimension of the dual responsibility of each prison officer. By virtue of their recruitment, appointment, as well as assumption of office as prison officers, Article 85 of the Regulations indicates that they were also to be deemed as a police officer, in which they will have all the powers and privileges of a police officer for the purpose of fulfilling your duties as a warder¹⁸³. Thus, at the point of enlistment, each prison officer was to take a compulsory Oath of office declaring that:

I, A.B, do hereby solemnly and entirely declare that I will be faithful and bear true allegiance to His Majesty King George the fifth, His Heirs, and Successors, and that I will faithfully serve His Majesty the King, His Heirs and Successors, and the Government of Nigeria, during my period of service and will obey all orders of His Majesty and the officers placed over me, and subject myself to all regulations relating to the Prison Department of Nigeria, now in force, or which may from time to time be in force within the said period.

Signature of Declarant

¹⁸² NAI, Regulations for the Government of Prisons, Nigeria...p. 12.

¹⁸³ NAI, Regulations for the Government of Prisons, Nigeria...p. 12.

Dated at ... this day of

19...

Director of Prisons, Superintendent

Or Magistrate.¹⁸⁴

The Regulations also made certain provisions and guidelines for the financial welfare of the prison officers. Below is the salary structure of prison officers as contained in the document:

¹⁸⁴ NAI, Regulations for the Government of Prisons, Nigeria...

Table 3.2: Salary scale of Prison Officers¹⁸⁵

Position/Rank	Amount per annum (£)
Chief Warder	100
Senior Warder	60
1 st Class Warder	45
2 nd Class Warder	36
3 rd Class Warder	20-24 (rising by 2 annually)
Wardress	20

Source: NAI, Regulations for the Government of Prisons, Nigeria.

¹⁸⁵ The table was culled from 1917 Prison Regulations. For further information see also: NAI, Regulations for the Government of Prisons, Nigeria, 1917.

Table 3.3: Gratuities in Lieu of Pension- over 12 years

Position/Rank	Amount in British Pounds (£)
Chief Warder	60
Senior Warder	30
1 st Class Warder	20.10s
2 nd Class Warder	15
3 rd Class Warder	9
Wardress	9

Source: NAI, Regulations for the Government of Prisons, Nigeria.

The above salary structure in Table 3.3 showed that there were some discrepancies against female wardress. Regulations 99 states that a wardress will not be enrolled yet drawn in by understanding, under which she will be dependent upon similar principles as respects discipline and time away, as a corrections officer¹⁸⁶.

As indicated earlier, the European staff of the colonial penal systems in Nigeria were those at the very top of the administrative system. They include: The Director of Prisons, Superintendent, Sheriff and his Deputy etc. These positions were the exclusive preserve for the European staff, who had special privileges and rights compared to the native staff. However, there were certain responsibilities attached to these positions. For the Director of Prisons:

- The prison director will manage and control the penal system, however, this will not be outside his designated constitutional authority.
- He is responsible for the buildings and grounds • He is responsible for the discipline, feeding and work of the inmates, as well as the distribution and maintenance of bedding, clothing and supplies;
- He is responsible for the good behavior and efficiency of European and local employees;
- Correctly and systematically maintain prison records and register, provide accurate and timely records keeping, the economic control and scrutiny of funds that are related to the public, and strictly abide by all current prison regulations and instructions.¹⁸⁷

Another important prison officer was the Superintendent, who could be regarded as the chief administrative director of the daily activities of the prison system. He was

¹⁸⁶ NAI, Regulations for the Government of Prisons, Nigeria...p. 17.

¹⁸⁷ NAI, Regulations for the Government of Prisons, Nigeria...p.17

mandated to reside within the prison environment or close to it. There is no concrete provision of accommodation for him. He also had some key responsibilities to perform: without the consent of the Lieutenant-Governor or chief executive officer, warden, or administrative officer, he may found wanting as regards abscondment for one night, and his absence and the name of the authorized officer will be noted on his agenda. If he is absent for one night without authorization, he must indicate the facts and reasons in his annual journal report.

He was mandated to strictly abide by the laws and regulations related to the prison and be responsible for the compliance of its officers. And was held accountable to the Director for the proper administration of the prison, the comportment as well as competence of subsidiary officials, and the manner and approach towards the inmates. The implementation of appropriate prison-related savings, sign all store requirements, and maintain good hygiene and obedience to the laws within the prison environment by prisoners was also part of the responsibilities of the Superintendent. Additionally, he was expected to regularly inspect and check every corner of the penal yard every day and keep a contact with the inmates at least every twenty-four hours.

On weekly bases, he was to pay surprise visit to the yard at undisclosed time of the night and record this findings in his personal record dairy. And during the course of his visit to inmates, they must be accompanied by guards. From time to time, he was also expected to check the rate and nutrition of the food provided to prison inmates. He was equally mandated to investigate inmate complaints and listen to their requests as soon as possible and should pay attention to any inmate wishing to appeal to authorized visitors who must be given the opportunity to do so. However, if multiple unfounded complaints are made under these rules, the matter will be regarded as a violation of the laws of the prison, and the culprit will be dealt with in accordance with the rule. The provision of qualified doctors with a list of prisoners who are sick,

complaining, or who seem to need mental or physical care or are in group incarceration every day should be facilitated by the Superintendent; and will implement written instructions given by medical staff if they do not violate this rule.

In the case of any recorded death of a prisoner, he or she must immediately notify the coroner and, if possible, the most accessible known family member of the deceased. The following records and accounts should be prepared and kept: records of items taken or detained from prisoners; logs of matters intended to be recorded by this regulation and all other important events; records of all prisoners, including the term of prison, the date of imprisonment, and the end of the term dates; records of prisoners' working hours and work methods; prison criminal punishment records and general qualification accounts; a prison warehouse book with notes to be done every day; official guestbook; a special record document for keeping the records of visitors to prisons or prisoners; the book of ration, the notes made every day; the official report book and the records of all disease cases, distinguishes the nursing cases, and the number of days of hospitalization. He or she is responsible for the safekeeping of all diaries, records, account books, guarantees, and other documents entrusted to the institution. In the event of an emergency, the prison director must take whatever actions he deems necessary, record the details in the diary and immediately report the situation to the prison director¹⁸⁸.

On the other hand, were the general duties and responsibilities of native staff, which are contained in Articles 113 to 122. It stated that:

- They were to check the condition of the cell, locks, door latches, and locks every day, and confiscate all prohibited items and immediately hand them to

¹⁸⁸NAI, Regulations for the Government of Prisons, Nigeria...p.17

the superintendent. They must store the keys in the prison office before leaving the prison.

- They cannot accept visits in prison without the permission of [the] supervisor. And should perform duties as directed by the Superintendent.
- Unless the Superintendent grants permission, no local official may send letters, packages, objects or information to or from prisoners.
- Subordinate officials will immediately notify the Superintendent of any violations or irregularities by prisoners or officials. Prisoners will not be punished unless ordered to do so.
- The wardress shall be responsible for all female detainees while she is in the regions of the jail. She will answer to the central-local official of the jail, and should look for consent when she won't be near. She will play out similar obligations concerning the female detainees and be limited by similar guidelines, as apply to jailers on account of male detainees.
- She will not rebuff any female official or detainee, besides under his guidelines. At the point when she is missing or off the clock, she will leave the keys responsible for the central local official, who, with the exception of crisis, will not open the entryway of the rooms in which the female detainees are bound.
- Accompany all male authorities who go into female rooms or cells to direct examinations when there are female detainees¹⁸⁹.

From the above discussion, it is obvious that the penal Ordinance and Regulations of 1916 and 1917, respectively, defined the administration of the penal system in Western Nigeria and the entire country as a whole. As noted above, there were other

¹⁸⁹ NAI, Regulations for the Government of Prisons, Nigeria...p.18

ordinances, policies and regulations, which to a very large extent served as an appendage to the 1916 and 1917 prison ordinance and regulations, respectively.

Prisons Standing Order, 1960

The Standing Order of the Nigerian penal system was established in 1960. The document became a guiding principle for the overall administration of the prison system. It is divided into three major sections: Prisoners; Staff: Prison Officers Generally; and Organisation and Control: Constitution of the Service (Stores and Account). These major subdivisions cover all areas of the administration of the prison sector in the country. The Standing Order served as a blueprint for an organized penal setting for Nigeria during its teething stage of the post-independence era. The first part of the Standing Order, which deals with the prisoners, states some of the requirements for the well-being of the inmates. The second aspect is concerned with the staff. It handles all issues relating to staff welfare, discipline, and duties. The final phase talks about the general organization, constitution, store, and accounting sector of the penal arrangement.

In summary, before the introduction of these various penal Ordinances and Regulations, especially during the pre-colonial era, the various groups in Western Nigeria had their own separate penal arrangements and indigenous policies governing their criminal justice system. These documents were not written out in a single volume, but were spelt out within the customary traditions of the people. However, with the advent of colonialism and introduction of a new colonial penal system, a single and unifying system was created and controlled mainly by the Ordinances and Regulations issued by the colonial administrators. To a very large extent, the documents represented a British style of prison administration, but with amendments to suite their colonial purposes. By 1960, a comprehensive prison document known as the Prison Standing Order was handed over to the independent country of Nigeria. This particular document has continued to influence the several

policies and Prison Acts in the country, and the development of their penal system up to what is currently known as the Nigerian Correctional Service.

CHAPTER FOUR

PRISON ADMINISTRATION IN WESTERN NIGERIA, 1872- 1960

This chapter examines prisons administration in Western Nigeria in two phases: first, the administration of the prisons before 1920 when the prison service was carved out of the Police force;¹⁹⁰ and second, the period from 1921 up to 1960- the Directorate period of prisons administration. To achieve this, foreground information regarding this aspect of the prison system is interrogated within the context of Southern Nigeria and the whole country as a whole. The penal administration in the Southern Province and the Colony of Lagos was an extended administrative arrangement that covered the whole of Southern Nigeria. However, it is important to note that most of the ordinances and regulations were first tested in Western Nigeria, where the administrative headquarters was located before being replicated in other parts of the region.

4.1 Colonial Administration in Nigeria

By the turn of the 20th century, there had emerged a formidable colonial administrative structure in Nigeria. The major administrative, political arrangements of Nigeria were the Colony of Nigeria (Lagos), and two groups of Provinces, regarded as the Northern and Southern Provinces, which were collectively known as the Protectorate. This structure was designed for administrative convenience.

¹⁹⁰ Before 1920, the prison department was classified under the Nigerian Police Force. Thus, there was no official clear director of the unit who had autonomous jurisdiction to oversee the penal system. The head of the unit was referred to as the Chief Superintendent (CS), who reports directly to the Governor-General through the Police Force. For further information, see NAI, Annual Prison Report for 1921.

The British colonial administration in Nigeria had a historical development that spanned over a century. Their colonial administration and policy had some similarities in almost all the colonies they administered. However, it should be clearly pointed out that the early beginnings of the colonial style of government by the British in the various protectorates in Nigeria were not based on the conventional system and implementation during that period¹⁹¹. Available records indicate that the evolution of the British colonial style of government in the different territories of the country was in response to the unique scenario of each territory¹⁹².

The Governor and Commander-in-Chief were in control of the whole country. He was a representative of the British authority in the country, and was assisted by the Lieutenant Governors of the Northern and Southern Provinces, and was also the Administrator of the Colony. The administration was designed in such a way that the Executive Council, which consisted of a few top government officials, served as governing council to the British colonial administration. However, according to the 1920 Annual report, there was also a bigger advisory and deliberative Nigerian Council made out of official and informal individuals, every one of whom, except for three agents of the Chamber of Commerce and Mines, are selected by the Governor. There is a Legislative Council, the authority of which are kept to the Colony, laws influencing the Protectorate being authorized by the Governor. The individuals from the Legislative Council are designated by the Governor and there is an authority with larger official backing¹⁹³.

The Protectorate was sub-divided into 23 provinces, with each province under the direct superintendent of a Resident. Nevertheless, territories with centralized pre-colonial administrative system were considered for specific exemptions. For instance, by the first decades of the 1900s, in the Western territory of the Southern

¹⁹¹Falola, T & Heaton, M. M. 2008. *A History of Nigeria*. Cambridge: Cambridge University Press. 111.

¹⁹²Falola, T & Heaton, M. M. *A History of Nigeria*...112.

¹⁹³ NAI, Annual Report for Prisons Department, Lagos. 1920... 5.

Provinces and parts of the Northern Provinces, where there existed paramount rulers who were in charge of centralized traditional authorities, special attention was given to such native administrations. They were supported and recognized by the colonial government, and the entire traditional administrative system was left in the hands of the paramount rulers and their officials. However, in other regions where there was no central traditional pre-colonial administration, a direct, more or less colonial administrative system was applied in such regions.¹⁹⁴ These administrative arrangements also affected the daily smooth running of the penal service in the country.

4.2 The Administration of the Prisons in Western Nigeria, 1861-1920

There is a paucity of documents as regards the historical antecedents of the prison system in colonial Western Nigeria before 1872. One important reason for this dearth of materials was the make-shift penal arrangement that was in operation for almost a decade- 1861 to 1872. Also, most of the pre-1872 prisons were administered as an extension of the police lock-up stations. The penal system in operation during this period were basically temporary confinement centres that were restricted to the Colony of Lagos. The central confinement centre, which was located in the Faaji area of Lagos, served as the ruling body for other units around its environs. This period could be described as the prelude to the colonial penal system in Nigeria and the Western region in particular. From a broader perspective, prior to 1914, both the Northern and Southern Provinces operated a dual prison system of administration. They included the Native Administration Prison and the Government Prison administration¹⁹⁵. As indicative from its name, the government prisons were directly under the control of the colonial authority; and it was mostly the European officials

¹⁹⁴ NAI, Annual Report for Prisons Department, Lagos... p.6

¹⁹⁵ Abiodun T. F. 2013. "A Historical Study on Penal Confinement and Institutional Life in Southern Nigeria, 1860-1956". Dissertation for the award of Doctor of Philosophy, submitted to the Faculty of Graduate School, University of Texas at Austin, USA.145.

who supervised and managed these prisons. These prisons were usually built and situated around major cities and towns and government administrative quarters, perhaps, for administrative conveniences¹⁹⁶.

Under the government prisons was the Convict, Provincial and Divisional Prisons. The Convict Prisons were usually few in number and designed to admit inmates who were sentenced to more than two years, and they were regarded as convict prisoners. By implication, inmates held in the convict prisons were deviants that are serving more than two years in prison¹⁹⁷. On the other hand, the Provincial Prisons were meant for inmates serving less than two years of the sentence. And finally, was the Divisional Prisons, designed specifically to accommodate 'short-term prisoners serving less than six months sentence'¹⁹⁸. In most cases, inmates awaiting trial were kept in provincial or divisional prisons. The Native Administration (NA) prisons handle inmates convicted or remanded by the Native or customary Courts. Most of these prisons were placed under the jurisdiction of traditional rulers but were supervised by the Resident, District Officer, and the Government Medical Officers.¹⁹⁹

In summary, for administrative convenience, the Director of Prisons, which was a later arrangement that was introduced around the 1920s, was in charge of the general

¹⁹⁶ More Information on this arrangement was gathered from: Oral interview conducted with Mama Adeyanju, Local Historian/ Business Woman, Ibadan, on the 25th June, 2017; Oral interview conducted with Mrs. Felicia Ogara, Retired Police Officer, Benin, on the 22nd January, 2017 and Madam Obasa, Retired Prison Officer, Ibadan, on the 24th June, 2016.

¹⁹⁷ The duration of imprisonment was based on the classes of offence. Criminal offences such as robbery, burglary, etc were sentenced to two years and above, while civil offences such as domestic violence, debtors etc. were sentenced below two years. And finally was offences classified as minor crimes which included drunkenness, public fighting etc. all attracted six months of sentence and below.

¹⁹⁸ Oshun Divisional Office Papers Oshogbo (Oshun Div. 1/1-9/8), 155/10 Vol. II Upkeep of Government Prisoners in Local Government Prisons Reimbursement of. 1958; Oshun Div. 1, 155/F. Native Administrative Prison 1949-52; Oshun Div. 1, 655 Prisoners: Transfer of. 1942-55.

¹⁹⁹ NAI, Oshun Divisional Office Papers Oshogbo (Oshun Div. 1/1-9/8), 155/10 Vol. II Upkeep of Government Prisoners in Local Government Prisons Reimbursement of. 1958.

control and management of the penal administration. His seat was at the prisons headquarters situated in Lagos. Constitutionally, the Director was mandated to embark on an annual tour of all government prisons and some selected Native Authority Prisons. This was done basically to give him first-hand information on the progress and shortcomings of the penal system. He was closely assisted by Senior Prison officers who superintended over the Convict and Provincial prisons, and in some instances, the Divisional prisons. The Convict, Provincial and other prisons at the Division were placed under the leadership of colonial administrative staff. And at the bottom of the administrative ladder were the Resident Officers, being assisted by District Officers and traditional rulers to oversee the NA prisons. The above arrangement was a backdrop of the 1916 Ordinance, as well as the 1917 Prisons Regulations²⁰⁰ which will be discussed exhaustively in the subsequent chapter.

The British colonial authority laid the foundation for penal administration in the Western territories of Nigeria, and to a very considerable extent, the country. Apart from its punitive nature, the prison system established by the British during this period was in line with what was obtainable in the mother country. By the turn of the twentieth century, government and NA prisons had been established in Broad Street (Lagos), Ikoyi, Abeokuta, Ibadan, Ilesa, Oyo, Ilaro, Benin, Ubiaja, etc. However, to maintain the standard in accordance to universal agreements was a different kettle of fish on its own. The period from 1872 to 1900 could be described as the teething phase of prison administration in colonial Western Nigeria. It formed the nucleus for organized prison administration which blossomed in the 20th century. Up to 1873, that is, a year after the formal commissioning of the first modern prison in Lagos, the prison classification in the country did not go beyond the short and

²⁰⁰ NAI, Oshun Div. 1, 155/F. Native Administrative Prison 1949-52; Oshun Div. 1, 655 Prisoners: Transfer of. 1942-55.

long-term division of prisoners²⁰¹. There was no clear indication of the classification of the inmates on the universal class mark system. And, this situation was to last for over a decade until 1885, when inmates were divided into convicted and awaiting trial; they were further categorized into felons, debtors, juveniles, etc. The classification was mainly practiced in the Ikoyi Prison and partially in the Broad Street prison, all located in the Colony of Lagos. Some rudimentary form of vocational training was also introduced the same year into the prison system²⁰². Thus, during this period, responsibilities and areas of jurisdiction for the available administrative officers were not clearly outlined. For example, up to the turn of the 20th century, the Inspector of prisons who superintended over the various prisons in Western Nigeria had no clearly defined spheres of his influence.

Fundamentally, it should be noted that for a period of forty-five years (1872-1920), the prison department was classified under the colonial Police Force, which was also at its teething stage. Perhaps, this was in line with the situation on the ground so as to save administrative costs for the colonial government. The prison had to undergo some formative stage, as mentioned above. And, for a larger portion of this period, the prison was to remain an appendage under the Police Force. In addition, by the turn of the twentieth century, a two-tier system of judicial, administrative system was introduced first in Western Nigeria, later in other parts of the country. On the one hand, was the Supreme Court which was designed mainly for officials of the colonial authority and was superintended basically by the colonial authorities. Alternatively, was the Native Authority Courts which gained credence with the 1915 Native Authority Court Ordinance. Going by its literal meaning, the Ordinance was applicable to the native populace and managed simultaneously with the traditional

²⁰¹ NAI, Ife Divisional Office Papers. (Ife Div.) 1/1 – 3/9, 994 Refund by Govt. to N.A. (i) of cost subsistence of (ii) other than N. A. Prisons detained in N. A. Prisons (iii) Up keep of Govt. Prisoners in N. A. Prisons., 1954/58. ; NAI, Lagos Blue Book, 1873.

²⁰² NAI, War Prof 1 441 Vol. II Prison Department General Correspondence Wardens Quarters etc. 1948/51 War Prof. 2 441 Vol. III Prisons Department General Correspondence Wardens Quarters etc. 1951/57.

rulers. By this 1915 proclamation, the “native courts were to be established everywhere along the lines of those already operating in the north”²⁰³.

4.3 Prison Administration before 1914

It is significant to note that government and native administration prisons, as indicated earlier, had been in operation long before 1914. Initially, the administration of the prisons was mainly a governmental affair, especially when it has to do with the government prisons. In some areas, the government and native administration prisons, as mentioned above, were operated simultaneously by the colonial authorities and the traditional rulers. By 1900, the Southern Nigeria Protectorate was created. This led to the introduction of new laws as well as the re-organisation of all colonial government agencies²⁰⁴. With this new arrangement, Sir Ralph Denham Rayment Moor was appointed as the Higher Commissioner of the newly created British Southern Nigeria Protectorate. Six years later saw the creation of the Lagos Colony and Southern Nigeria Protectorate in 1906, with Sir Walter Egerton appointed as its first Governor. And by implication, the Lagos Colony and Southern Nigeria Protectorate were merged together to create a uniform territory. However, the administrative headquarters for this new arrangement still remained in Lagos.

Suffice it to say that from 1872 to 1906, all the penal institutions that were established during this period in colonial Western Nigeria were classified broadly under the Lagos Colony. Therefore, the central administrative headquarters for all prisons within the Lagos region, Yorubaland as well as Benin, Warri, and Sapele axis, was located in Lagos. Egerton’s very first assignment was the division of the

²⁰³NAI, BP, 652/14 Prisoner intended for transport by water, 14 days notice to be given to the Divisional Transport Officer. 1914.

²⁰⁴ NAI. Benin Province (BP), 76/19 Vol. I Prison Department. Miscellaneous, 1919, 1920, 1921, 1922 and 1923.

region into administrative territories: Central, Eastern, and Western Provinces. In each of the Provinces, he appointed Provincial Commissioners who superintended over government administration under their respective jurisdiction. Several Districts were created out of the above administrative setting, which was under the authority of Travelling Commissioners or District Officers.

It is noteworthy to mention that the Western Province, which is the focus of this study, had its seat of power located in Lagos. The Lagos Colony included Epe, Ikorodu, Badagry, and the Lagos Island. There were other adjoining territories that covered the whole of Yorubaland and even beyond. From a broader perspective, the Western Province in the colonial arrangement in Nigeria, was made up of Lagos as the Colony, and other surrounding territories. These territories, which were also regarded as the Lagos hinterland, comprised of Abeokuta, Oyo, Ijebu, Ekiti, Ilesha, Ibadan, etc. In all, apart from the various Native Authority prisons, there were forty-six government prisons in the whole of the Southern Province in 1935; and out of this number, sixteen (16) were located in Western Nigeria, namely: Abeokuta & Lagos (convict prisons); Benin City & Warri (Provincial Prisons); Ado Ekiti, Agbor, Auchi, Badagry, Bende, Forcados, Ibadan, Ikorodu, Ogwashi-Uku, Owo, Sapele and Ubiaja (Division prisons).

Based on section 9 of the 1916 Prison Ordinance, Officers of the Prison Department superintended over the convict prisons, while colonial Administrative Officers administered both the Provincial and Divisional prisons²⁰⁵. It is important to note that in most of the prisons, inmates were kept together inspite of their different biological and health conditions. For instance, as of January 1935, fifty-three lunatics were admitted into the various prisons in Lagos. Out of this number, forty-one were males, and twelve were females.

²⁰⁵ NAI, Annual Report Prison Department, Southern Province & Colony, 1935.

In addition, there were 12 male and three female criminals; and 29 males and nine females were civil lunatics. In all, by the end of 1935, there were 147 lunatics as compared with 137 of the previous year, which showed an increase of 10 additional lunatics. The cost of maintaining lunatics constituted a major challenge to the colonial penal authority. For instance, Col. V. Mabb²⁰⁶, in his annual report for the year, 1940 stated that “the cost of maintaining lunatics during the year was £741.17s. 8^{1/2} d. The warders, who are not trained to look after mental cases, deserve great credit for the tact and kindness they have shown when dealing with these unfortunate people.”²⁰⁷

4.4 Administrative Leadership from 1872 to 1920 (Lugardian Period)

As indicated earlier in chapter one, the first western-style of prison was established in Nigeria in 1872. A glean into the available records shows that between 1872 to 1920, there was no clearly defined head of the prison department. It was administered directly by the Governor-General through the colonial police department. Some documentary account regarded this period as the Lugardian Era;²⁰⁸ this was primarily because of the administrative arrangement during this period, as indicated above. It was only in 1920 that the first Director of Prisons was appointed.²⁰⁹ As stated above, Awe further argued that the arrangement at first in 1873 did not go past the division into long and transient detainees, and it was not until 1885 that detainees were partitioned into adolescents, criminals, account holders, and those anticipating preliminary. It was distinctly in 1885 that some proportion of professional preparation was presented. On the regulatory level, ranges of authority and obligations were not very much characterized; for example, in 1907, the Inspector of

²⁰⁶ Col. V. L. Mabb was the Director of Prisons from 1932 to 1946. He was the longest serving director of the prisons in colonial Nigeria and contributed significantly to development of the institution.

²⁰⁷ NAI, Annual Report of the Department of Prisons Colony and Southern Nigeria, 1940.

²⁰⁸ NAI, BP 76/19 Vol. I Prison Department. Miscellaneous, 1919, 1920, 1921, 1922 and 1923. 1919.

²⁰⁹ NAI, Annual Report Nigeria, 1920.

Prison who had ward over a portion of the penitentiaries in the West was questionable about the degree of his duty.²¹⁰

The prisoners' statistics for the year ending 1899 for Southern Nigeria was 1,316; this included four European and one Maltese²¹¹. Out of this number, 857 were discharged; 22 cases of escapees, out of which ten were recaptured. By 1900, an additional prison was established in Asaba. It was used mainly "for the accommodation of prisoners from the new Niger territories and from Northern Nigeria"²¹². The reasons for the transfer of inmates from Northern Nigeria to Asaba prison is not still not clear, however, it is most likely that this was done for administrative conveniences. The administration of this new prison was fashioned in line with what was obtainable in the Southern region. It received administrative directions from Benin City, which served as a mother station to the prison in Asaba and lock-up station in Agbor as already discussed in the earlier part of chapter three.

The administration of the prison in the various regions continued in its formative trend until the amalgamation in 1914 of the Northern and Southern protectorates. The main aim of the amalgamation was to unify colonial administration in the country. Thus, this was to have attendant effects on the various sectors or departments of the government. For instance, under the judiciary, the two-tier system of administration that was in operation in Western Nigeria was to be replicated all over the country for administrative uniformity. And by implication, this new arrangement created room for government prisons to operate simultaneously with local government or native authority prisons. It is important to note that there were seventeen government prisons and twenty-three government prisons in Southern and Northern Nigeria, respectively, prior to the amalgamation. However, the following years after the amalgamation indicated an increasing rate in the number

²¹⁰ NAI, Annual Report Nigeria, 1920.

²¹¹ NAI, Annual Report Southern Nigeria, Lagos, 1900. 16.

²¹² NAI, Annual Report Southern Nigeria, Lagos, 1901. 16.

of government prisons. For example, in 1915, the number of prisons under the control of the government increased to forty-two in Southern Nigeria. They include the following as indicated in Table 4.1 below:

Table 4.1: Prison Location in Colonial Southern Nigeria

Provinces	Location of Prisons
Abeokuta	Ilaro and Abeokuta
Benin	Ifon, Benin City, Agbor, Asaba, Ogwashi-Uku and Ubiaja
Calabar	Eket, Ikot-Ikpene, Calabar, and Opobo
Lagos Colony:	Badagry, Epe, Ikorodu and Lagos
Ogoja	Obudu, Abakiliki, Afikpo, Obubra, and Ogoja.
Ondo	Ondo and Ado
Onitsha	Idah, Udi, Okwoga, Awka, Enugu, and Onitsha.
Owerri	Bonny, Ahaoda, Aba, Degema, Okigwe, Port Harcourt and Owerri.
Oyo	Oyo town.
Warri	Kwale, Sapele, Warri, Brass, and Forcados,.

Source: Annual Prison Report, 1915 (National Archives Ibadan (NAI), University of Ibadan, Ibadan).

Prior to the 1914 amalgamation, the whole of Southern Nigeria had only seven native authority prisons as compared to the North, which had eighty-two. This is because of the indirect rule system of administration which had long been introduced into the Northern region. However, this number especially in the Western region increased gradually in the following years. At this point in time, the colonial administrators had capitalised on the amalgamated regions by implementing what they had administered in the Northern region. The government prisons were mostly located in the southwest where the administrative seat of the penal system in the country was sited. Since the headquarters of the prison service was located in the Southern region, they were able to control most of the prisons in the region; however, they also needed more local rulers especially in the Northern region to help manage the affairs of prisons in the region.

Looking at the period from 1914 to 1919, it is vital to highlight key measuring sticks of the prison framework in Western Nigeria during this period which falls under the tenure of Lugard. The awful staff welfare that was in place before 1914 persisted even after that period. The inadequate prison officers also affected the efficient delivery of duties. The records indicate that the few senior officers were, in most cases, unqualified and unskilled. Thus, the available personnel was far below the required number to manage a prison system. This, in turn, affected their punctuality to duty, and in most cases, the senior officers only acted as visiting warders and occasional supervisors ²¹³. This was particularly common among prison staff who were outside the Colony of Lagos. Additionally, these officers were also engaged in

²¹³NAI, BP, 265 Southern Provinces: Annual Report 1933-38

the political activities of the colonial authority.

Even at the early phase of penal development in Western Nigeria, staffing problems seemed to have been prominent in the prison administration. This was because the region had the highest number of prisons, both government and native authority prisons. Also, it served as the headquarters and administrative hub of the penal system in the whole country. Major W.H Beverly, whose seat of authority was in Lagos between 1914 and 1919, acted as the Chief Superintendent of the prison unit. He expressed discontent about the inadequacy and inefficiency of both expatriate and indigenous staff of the various prisons. To him, poor training and work experience, as well as poor remuneration, were mainly the cause of inefficiency²¹⁴. For instance, during the year 1916, it is on record that the amount of £36-£48 per annum was paid to warders on the unit of inferior. Their income was far beneath different workers who had the ends of the week as free hours and worked for lesser hours during the working days.²¹⁵ Similarly huge was the negative work guidelines, which made numerous corrections officers departing suddenly totally from obligations without earlier notification. For instance, in 1919, in Western Nigeria alone, 46 prison officials deliberately offered their acquiescence letters; while one hundred and twenty (120) officials had their tenure of service ended as a result of wrongdoing. And ten out of the above number were tried and found guilty, and were made to carry out different jail punishments.²¹⁶

²¹⁴NAI, War Prof. 2 441 Vol. III Prisons Department General Correspondence Warders Quarters etc. 1951/57.

²¹⁵NAI, Oyo Prof., 28/1917 Aims of Prison, Forfeiture of on all Patriots Orders 1917/19

²¹⁶Benin Province (BP), 76/19 Vol. I Prison Department. Miscellaneous, 1919, 1920, 1921, 1922 and 1923. 1919

The mode of recruitment of prison staff was another challenge to the colonial penal arrangement. The appointment terms of reference for choosing prison staff lacked the universal standard and were unethical. During the period of Lugard, appointment was mainly anti-merit in nature.²¹⁷ This was because most of the staff that were recruited were not really qualified for the job. Again, the recruitment of less qualified prison workers was beneficial to the colonial authorities because they spent less on such workforce compared to engaging people who were qualified. Therefore, outstanding ex-military men and ad-hoc officers with no formal education became the readily available supporting workforce for the prison department.

The deficient framework required for the suitable order of detainees as indicated by their sex, age, necessities, and classification of wrongdoing likewise influenced jail improvement. The vast majority of the penitentiaries in Western Nigeria, except for prisons in Warri, Lagos, Abeokuta, Asaba, Ibadan, Agbor, Sapele, Benin and Warri, were made of modest structure materials, for example, traditional burnt blocks, mud, tangle material, and excited iron.²¹⁸ Frail corrective designs made any arrangement of characterization unfeasible and unreasonable. In reality, punitive presiding officers had no way out other than to assemble various groups of detainees in accessible spaces that was provided by the penal authority. Adolescents were never provided with special cells in the prison environment; this arrangement was also similar for prisoners who committed an offence for the first time, account holders and common detainees. Additionally, no satisfactory course of action was made for

²¹⁷NAI B. D. 164 Vol. I Prison Matters 1941; B. D, Vol. IV Prison Matters 1944-53; B.D, Vol. VI Prison Matters 1937-42; B. D, Vol. VII Prison Matters 1942-49.

²¹⁸NAI, Lagos Blue Book, 1920; see also, NAI, Colonial Government Gazette, Lagos, 1935.

the partition of criminal and common insane people from the remainder of the jail populace. Ikoyi prison, which accommodated the highest number of lunatics during the 1920s and 1930s, never had a special asylum for these set of inmates. Insane person detainees got the most noticeably awful type of treatment in jails. They scarcely got clinical consideration essential for treatment and recuperation. At times, they were exposed to all types of unfeeling medicines, for example, flagellating and affixing.²¹⁹

Awful jail foundation empowered successive departure from jail. Between 1914 and 1919, as colonial records uncover, a huge number got away from the jail by burrowing through mud dividers and breaking covered rooftops which were made of thatch²²⁰. Likewise, feeble jail foundation adversely influenced the strength of detainees as they were presented to rotted woods, downpour floats, molds, dry spells, and creepy crawly bugs. It was accounted for in 1914 that a detainee kicked the bucket after a jail cell collapsed on him while he was asleep.²²¹ The bar chart below in Figure 4.1 and Table 4.2 indicate the rate of mortality in Western Nigeria prisons in 1916. Warri, Ogwashi-Ukwu and Lagos prisons respectively had high rate of mortality due to the prison conditions and population of the inmates in the prisons.

²¹⁹ NAI, Lagos Blue Book, 1920.

²²⁰ For detailed items and products during the year in question, additional information can be seen in : NAI, CSO, 03114 Prison Departments: N&S Province, Annual Reports 1920-21.

²²¹BP, 702/16 "Prisoners detailing of, at Benin City, Ugwashi-Uku and Ubiaja". 1916. See also: BP, 154/17 "Convict Odia, Escape of, from Benin City Prison, Enquiry with regard to". 1917.

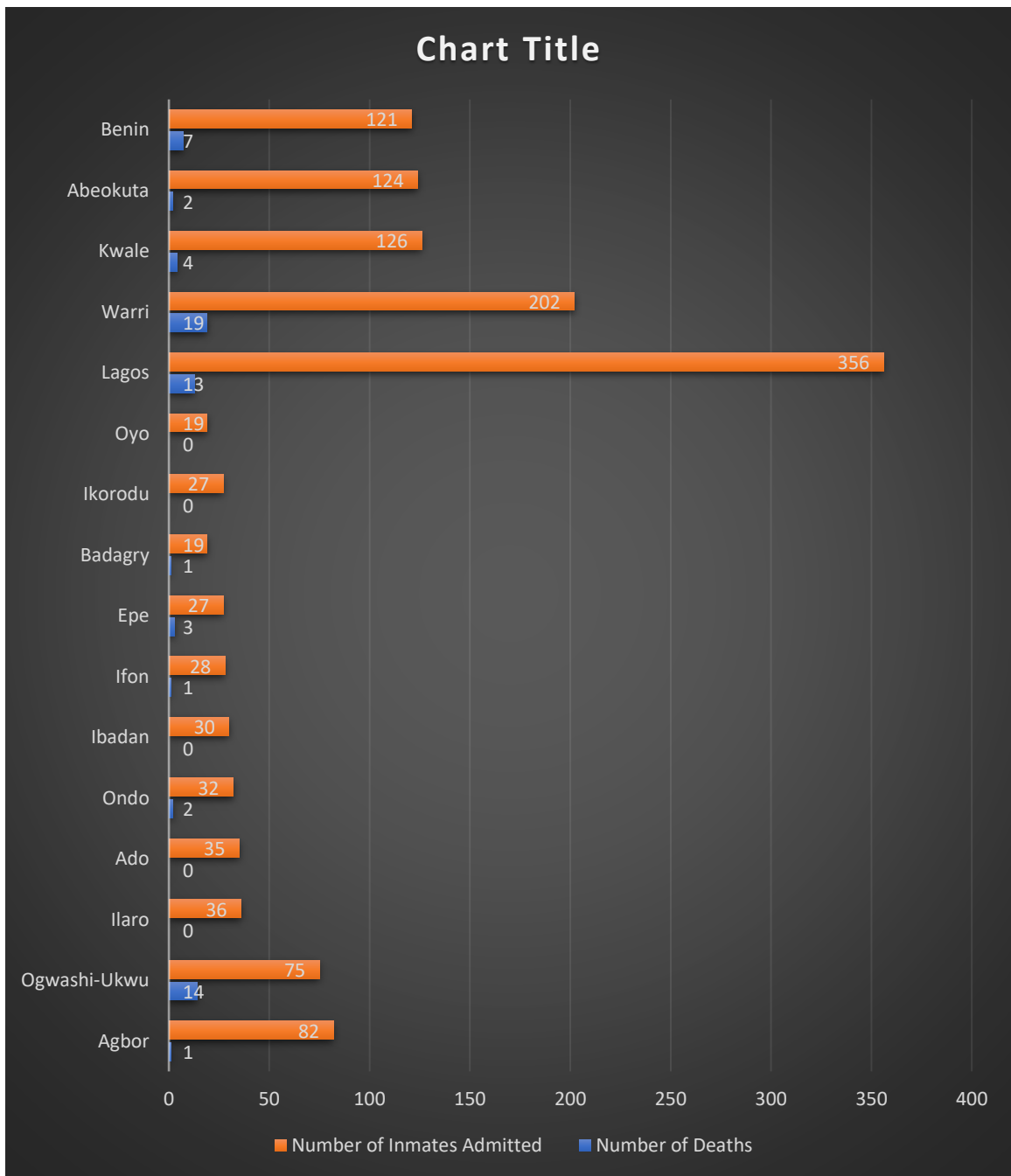


Figure 4.1: Prisoners Mortality Rate in Western Nigeria, 1916
Source: Designed by Researcher (NAI, University of Ibadan, Ibadan)

Table 4.2: Mortality Rate Western Nigeria, 1916

Prison	Number of Death	Number of Inmates Admitted
Agbor	1	82
Ogwashi-Ukwu	14	75
Ilaro	0	36
Ondo	2	32
Ado	0	35
Ibadan	0	30
Ifon	1	28
Epe	3	27
Badagry	1	19
Ikorodu	0	27
Oyo	0	19
Lagos	13	356
Warri	19	202
Kwale	4	126
Abeokuta	2	124
Benin	7	121

Source: NAI, BP, 58/ 17 Prison Returns for Quarters ending 31st Dec. 1916.

It is similarly essential to note that the programmes introduced by Clifford was in consonance with the era when the penal centres in Western Nigeria was at its teething phase. The office of the Police, which had been responsible for reformatory undertakings, were gradually relinquishing its assignment to the Prison Department. This new phase of penal arrangement witnessed the appointment of prison directors who were to take full charge of the complete separate unit of the justice system, known as the prison department. Thus, the following sub-headings examine the tenure of the various directors of the prison department, highlighting their various contributions towards the development of the system during the colonial era.

4.5 Administration and Leadership, 1921-1960

Lt. Col. E. L. Salier, 1921-1925

In 1921, following the retirement of Mr. C. W. Duncan as the Head of the Police in Southern Nigeria, a new vista was introduced into the colonial prison of Western Nigeria. Lt. Col. E. Salier, a retired military veteran, was appointed by the colonial authority to head the penal system in the country.²²² This arrangement was conceived to reduce the administrative burden of the justice system from the Police Force, which for a long time had rested on the Police. Early studies on the origin, foundation, and growth of the Police Force in Nigeria have demonstrated that the police department took over the prevention work in the western suburbs of the customs department. Also, the Police division assumed control over the organization of the office in charge of Fire Services²²³.

The new Head of the prisns in Nigeria, Col. Sailer, proceeded with a portion of the strategies

²²²Ogunleye, A. 1987. *The Nigerian Prison System*, ... 83.

²²³Tamuno, T. 1970. *The Police in Modern Nigeria, 1861-1965*, ...62.

set up by his archetype. One of such approach incorporated the arrangement of professional and specialized training for detainees. Salier set forward a proposition for utilizing long sentence detainees on jail enterprises²²⁴, particularly in Lagos. He argued that the scheme would serve an instructive reason as it would furnish detainees with abilities expected to get by in the general public upon their release from jail. He likewise upheld the arrangement on philanthropic bases, explaining that this arrangement might expand the income groundings of the penal scheme. Furthermore, Salier focused on the need to utilize gifted Europeans as "Exchange Instructors" to supplement crafted by neighbourhood educators and further create jail workshops.²²⁵

Almost certainly, the Director's plan was to some degree affected by foreign bodies, especially by the Phelps Stokes Commission. The major source of fund for the Commission was the Foreign Mission Societies of North America and Phelps Stokes Fund. The body also required the arrangement of specialized and professional training to locals, covering individuals for detainment facilities. In November 1920, representatives from the Commission make an historic tour of the prisons in Lagos; they also discussed extensively with personnel in charge of the penal centres, as well as with the top management of the entire prison in the country. In 1922, Clifford affirmed Salier's plan, and an arrangement was put in place to engage both expatriates and indigenous talented educators.

All through Salier's tenure, the jail division accomplished incredible steps in the territory of

²²⁴NAI, Chief Secretary Office, 06278 Vol. I Prison Ordinance 1916, Order, Regulations etc. made under 1916-23.

²²⁵NAI, Chief Secretary's Office Papers Lagos (Ref. No. CSO. 26/1), 09214 Transport facilities for Prison Warders, Staff and Families 1923-26.

specialized and professional schooling. Detainees got guidelines in various kinds of trading activities, including block mulling, making of special boots, weaving of crate, design and painting of staff/stick, fitting, and participating in various aspects of the printing press. Things produced by inmates were easily marketable due to their tested quality and point-by-point backaging.²²⁶ In 1925, the Director of Prisons noted that on account of the greater part of the articles produced (by detainees), the interest far surpasses the stock.²²⁷ The fabric weaving/fitting industry, which initiated in the Lagos jail, end up being the best of all jail businesses. Detainees supposedly made garbs for warders and detainees. They made outfits for Nigerian workforce, especially those under the ministries of Telegraphs and Postal Agencies, Marine, Railway, Public Works Department (PWD), Customs, and Secretariat divisions.²²⁸ Other products included white supper coats, wreck coats, white jackets, polo breaks, beddings, and vehicle coversheets for their African and European clients.²²⁹

As the weaving and fitting industry witnessed great boom within Lagos, the entire prison enterprises accomplished great outcomes in different territories. The prison centre in Lagos, and to an extent Port Harcourt and later Calabar became the epicentre for the production of stick furniture. This was because a huge number of this product emanated from these centres. In fact, during the 1924 Wembley exhibition of the British colonialists, over 200 seats for the Nigerian stand was made from the above centres. In addition, the reformatory

²²⁶ These products were described by the populace as relatively satisfactory.

²²⁷NAI, Chief Secretary's Office Papers Lagos (Ref. No. CSO. 26/1), 09214 Transport facilities for Prison Warders, Staff and Families 1923-26.

²²⁸NAI, Chief Secretary's Office Papers Lagos (Ref. No. CSO. 26/1), 09214 Transport facilities for Prison Warders, Staff and Families 1923-26.

²²⁹NAI, Chief Secretary's Office Papers Lagos (Ref. No. CSO. 26/1), 09214 Transport facilities for Prison Warders, Staff and Families ...

authorities in Western Nigeria made genuine specialized instructive plans for detainees. In any case, they neglected to acquaint detainees with formal schooling. The solitary type of openness that detainees needed to formal instruction were through the strict projects run in various penitentiaries by Islamic and Christian ministers. The Wesleyan and Church Missionary Society gave tremendous support to prison inmates in form of religious materials and documents. The Roman Catholic Church likewise played out similar obligations in penitentiaries situated in Western Nigeria.

As stated earlier, available records indicate that in the record of 1916, the Ikoyi detainees who were held in the penal centre produced about 3,000 containers, about 410 locally produced mats, 150 coats, which were in the form of khaki, wool-made pants- 156, jumpers - 570, 570 shorts, 55 serge-made coats; 199, 250, 162, 56, 31, screens, seats, stand, tables respectively. Also produced was 68 drilling coats which were made of white, 57 pants (white drill), and 45 pants.²³⁰ The pastry penal shop in Lagos was effective to such an extent that it turned into the favoured spot for Lagosians to buy heated merchandise. Eventually, a gathering of little neighbourhood bread sellers recorded a request against jail experts for utilizing modest jail work to the impairment of nearby organizations with wage workers. This agitation ultimately brought about the shutdown of the Lagos jail pastry shop in 1916.

²³⁰ BP, 702/16 "Prisoners detailing of, at Benin City, Ugwashi-Uku and Ubiaja". 1916.

F.W. Garvey, 1925-1932

Major F. W. Garvey assumed office as the new Director of Prisons on the 3rd of March 1925. He followed the footsteps of his predecessor, Lt. Col. Salier. However, by the following year, in 1926, he had begun to create his mark in his own capacity as the head of the penal system in the country. During the year ended 31st December 1926, there were forty-nine government prisons maintained by the colonial authority in the Colony and Southern Provinces of Nigeria. And out of this number, sixteen were located in Western Nigeria. Lagos and Abeokuta had two convict prisons, while Ondo, Benin, and Warri were provincial prisons. There were also eleven divisional prisons, namely: Ado-Ekiti, Agbor, Auchi, Badagry, Ibadan, Ogwashi-Uku (with a branch in Asaba), Oyo, Owo, Sapele, and Ubiaja. Apart from these government prisons, there were several native authority prisons in the region.

Garvey saw the overwhelming number of government prisons as a challenge to the prison system in the country. To address this problem, he closed down some prisons within Western Nigeria, which seemed to be a duplication of some other close-by prisons. The closure of these prisons might not be unconnected with the policy of the colonial authorities trying to cut down its expenses. In April 1926, for example, he closed down the Ilaro divisional prison and converted it into a native authority prison. All the government prisoners were transferred to Abeokuta and Ibadan prisons²³¹. In the same vein, the 1926 Annual Report pointed out that by Order-in-Council No. 8 dated 6th April 1926, the Police Station of B. Division of the Colony Police in Tinubu Square, Lagos, which was declared a prison in June 1925, ceased to be used as a prison.

Prior to Garvey's assumption of office, the administrative arrangement was such that the convict prisons, especially the Lagos prison, was administered by a Superintendent of Prisons being assisted by an Assistant Superintendent Grade I or Grade II. However, it was sometimes necessary to place an Assistant Superintendent in charge of one of these prisons. Thus, Garvey authorised that the Ikoyi prison, which was used as an overflow for the Lagos

²³¹ NAI, Commissioner of Colony Office Lagos (COMCOL), 382 Annual Report –Colony 1927, 1928; COMCOL, 463 Vol. I Prisons: Miscellaneous 1928/49.

prison, should be administered by the Personnel-in-Control of the Lagos prison. Again, the Abeokuta convict prison, which all along had been under the supervision of a Political Officer, was changed by Garvey. He felt that the duties of the Superintendent of Prison, in addition to the duties attached to his own office, were too much for him. Therefore, on the 17th of August, 1926, Garvey posted a trained European prison officer to take over the prison as an Assistant Superintendent Grade II. By so doing, almost all the convict prisons became under the supervision of European prison officials.²³²

One recurring problem that affected Garvey's administration was the issue of recruitment for his penal arrangement. In the year 1925, he recruited fifty penal officers under the scheme known as Probationer Warder Establishment. The essence of this establishment was to revitalised and restructure the recruitment procedures. Officers recruited under this scheme were placed under probation. Originally these probational officers were to be trained at Ikoyi for a period of six to nine months before being confirmed and promoted to Third Class Warders. They were subsequently posted to various prisons in Western Nigeria to carry out their penal duties. Owing largely to the number of dismissals in the 1920s in the provincial and divisional prisons,²³³ it was, thus, almost impossible for the penal arrangement introduced by Garvey to completely address the deficit in the number of penal officers. The implication was that most of the prison warders were posted to various prisons without the required and sufficient training and orientation.

In 1926, Garvey reviewed the Probationers' establishment by reducing it to forty-five, which was a shortfall of five. This resulted in a similar state of affairs before his assumption of office. Dismissals of prison officers continued unabated. For example, in 1929, forty-nine warders were dismissed from the service on the ground gross misconduct ranging from persistent absence from duty, smuggling of restricted items to and from the prison yards and involvement in criminal acts. This was mainly based on general misconduct among warder staff. This was because the provincial and divisional prisons where European supervision

²³² Commissioner of Colony Office Lagos (COMCOL), 382 Annual Report –Colony 1927,1928; COMCOL, 463 Vol. I Prisons: Miscellaneous 1928/49.

²³³ NAI, COMCOL, 463 Vol. I Prisons: Miscellaneous 1928/49.

was supposed to be frequent were only done occasionally. In divisional prisons, where the Officer-in-Charge of the prison is frequently absent from the Station on tour, stagnation and slackness always occurred. This situation in most cases, encourages trafficking with prisoners and other penal irregularities and anomalies.

Towards the end of Garvey's tenure, he introduced the mark system in Western Nigeria and the whole of Southern Nigeria. And by this system, inmates who are meant to serve two or more years within the bars, may acquire a great reduction of their sentence if found diligent and hardworking. In addition, Garvey accepted the blame that prison grouping and the division of the various classifications of wrongdoers, as practiced in Great Britain, was not possible to implement during the late 1920s. He, however, stated that this was only practicable when there are enough funds. The British colonialists were always not ready to put in fund into ventures that was not beneficial to its administration. Thus, the colonial authorities preferred utilising local unskilled staff which was cheaper for them in the administration of the penal system. He further pointed out that the separate ward system, suggested by the Committee for adoption in Colonies where separate institutions are impracticable, was one which will be introduced immediately in the convict prisons, especially at Lagos and Abeokuta, and perhaps other parts of Western Nigeria. This form of separation, he argues, though not perfect, should go a long way in increasing the hygienic nature of the prison system.

Col. V. L. Mabb, 1932-1946

The administration of Colonel V.L. Mabb was more concerned with the actualisation, of the suggestions set forward by Committee Z²³⁴. In addition to the fact that he implemented a portion of the plans proposed by his archetype, he additionally presented some creative arrangements. In the year 1932, Col. Mabb broadened the fresh arrangement of

²³⁴ This was a committee set up to improve the prison arrangement in Nigeria, particular in the area of the composition and welfare of the entire system.

characterization to common as well as sectional penitentiaries.²³⁵ Additionally, with his vast experiences, Colonel Mabb directed most of his ideas and concentration toward the administration of juveniles. In an offer to forestall the repression of youthful wrongdoers close by ongoing crooks, he urged jail authorities to train youthful guilty parties by different methods other than detainment.

Shortly after the end of World War II in 1945, several global penal advancement policies were introduced, especially in the western world. However, the domestication of these policies in the various colonial territories, particularly in the British colonies across the globe, was delayed for several reasons. First, since they were new policies with a few amendments, the colonial government in Britain had to test-run its efficacy and practicability in the mother country. On the other hand, Britain had to stabilize its penal system, which was recovering from the aftermath of the war. Secondly, and most fundamentally, was the unavailability of high-ranking and experienced prison administrative personnel. On a general note, the issue of inexperienced prison personnel had always been the challenge of the penal system in Nigeria during this period. And coupled with the outbreak of World War II, it became even worse because it affected the penal administrative strength of the British authorities, which served as a channel for the supply of some of its administrators to man the prison department.

Following the above development, Mabb in 1946 released a post-war development scheme of penal arrangement and administration in the country. He felt that it would be impossible to carry out large-scale prison construction with the available skilled prison labour, and after

²³⁵NAI, Commissioner of Colony Office Lagos (COMCOL), 382 Annual Report –Colony 1927,1928; COMCOL, 463 Vol. I Prisons: Miscellaneous ...

the routine prison visitation of most of the prisons in the country, and considering the labour resources, it was impossible to dwell mainly on prison labour. This was because, in most of the Convict Prisons, where skilled labour was concentrated, the men were fully engaged in maintenance work and the construction of badly needed quarters. And in most colonial reports, the number of prison labourers was exaggerated. For example, as in 1946, there are not more than three mason Technical Instructors on the strength, and the number of prisoners who had acquired the rudiments of the trade was less than thirty. There was also a short prison labour arrangement which was useful only in the prisons to which they were admitted and could not for obvious reasons be sent to distant outstation labour.

There were also about 15 warders who, during the process of carrying out their duties, have acquired a little knowledge of mason but could be trusted only with minor work such as digging and plastering of foundation. Thus, it became necessary to examine the department's building record covering a period of about twenty years. Apart from occasional maintenance work, no single new prison was constructed during this period. Other occasional building works include warder's quarters and extension of some overcrowded prison buildings, especially in Lagos and Abeokuta. However, Mabb argued that with the handful of works carried out in prison so far, as well as the modest achievements and masons, the prison department was capable of undertaking major works to the value of several thousands of pounds.

With regards to the issue of Industrial Schools, otherwise known as the Approved School, it was proposed that the prison authority be relieved of the duty of looking after juvenile delinquents. This was mainly because of the workload, which was already weighing down

the administrative capacity of the system. Such responsibilities should be moved to the Education Department or the Social Welfare Department. The above proposal never saw the light of the day. It was decided by the colonial authority that the schools are to be controlled by the prison authorities, and its construction was to be carried out by prison labour.

R. H. Dolan Administration, 1946-1954

Coincidentally, Colonel Mabb, who had been long due for annual leave, had to proceed on terminal leave in 1945. Thus, from 1945 up to March 1946, Vernon and Brittain Long, who lacked penal experiences, acted as Directors until Robert Dolan officially took over that same year in July²³⁶. As stated by Awe, the appointment of Dolan as the Director of the Prisons Service in Nigeria was significant for many reasons. For the first time, a trained and highly experienced prison officer was appointed to head the prison. Dolan had equally garnered a lot of penal training in several places before assuming office as the head of the prison department in Nigeria²³⁷. He started his penal career as an ordinary prison officer and rose through the ranks until he got the peak and was appointed in 1930 as the Superintendent of Prison in Trinidad²³⁸. Available records indicate that between 1936 to 1945, he had served in the same capacity as head of the Prisons Services in Sierra Leone, Tangayinka (Tanzania), and Gold Coast (Ghana).²³⁹

²³⁶ NAI, Commissioner of Colony Office Lagos (COMCOL), 2862/s.17 Development of Proposals-Colony District : Prisons Dept. 1945/49; COMCOL, 3213 Ikoyi Prison 1947.

²³⁷ BP. 12/1914 Progress Report on Agbor Prison Farm 1913-14

²³⁸ Rotimi, A. 1995. Prison Administration in Nigeria,... 75. See also CSO 0200/s.2 Tours of the Director of Prisons 1921/57

²³⁹ NAI. CSO 0200/s.2 Tours of the Director of Prisons 1921/57. Rotimi, A.1995. Prison Administration in Nigeria,... 75.

The Dolan administration laid a sound prison system for the country. However, a summary of his achievements could be captured within the general report of 1953 for the whole country. During that year, 46 prisons were maintained by the Government and 63 by the Native Authorities. The Government prisons for the country are distributed as follows:

Table 4.3: Prison Classifications Southern Nigeria

Convict Prisons (9)	Provincial Prisons (6)	Divisional Prisons (31)
Abeokuta, Buea (this is in the Cameroons under United Nations Trusteeship), Calabar, Enugu, Jos, Kaduna, Lagos, Port Harcourt and Warri	Bamenda, Mamfe, Ogoja, Onitsha, Owerri and Benin City	Aba, Abak, Abakaliki, Uyo, Bende, Sapele, Owo, Ado-Ekiti, Ubiaja, Afikpo, Agbor, Ahoada, Aro-Chukwu, Obudu, Badagry, Auchi, Awka, Eket, Degema, Ikom, Ikot-Ekpene, Ilaro, Itu, Kumba, Kwale, Nsukka, Ogburna, Ogwashi-Uku, Okigwe, Okitipupa, and Opobo.

Source: NAI, Annual Prisons Department Report, 1953.

During the above period, convict prisons received and retained all classes of prisoners irrespective of the sentence. Apart from Buea, all Convict Prisons were controlled by Officers of the Prisons Department. On the other hand, Provincial and Divisional Prisons were supervised by Officers of the colonial administration whose appointments were approved by the Superintendents in line with the Prisons Ordinance.

Statistically, for the year 1953, the total number of persons in custody in Government Prisons at the commencement of the year was 8,041, and on the last day of the year under review, it was 8,149. The lowest number in custody in any one month was 6,782. At the same time, the daily average of all prisons was 7,983.13 and 6,057.24 for both Government and Native Administration Prisons, respectively. Thus, the total daily average population, including both Prisons, stood at 14,040.37. During the period under review, the total number of persons, including Native Administration prisoners admitted to prison, was 31,679 on conviction, and 35,177 for safe custody. These numbers include 1,482 convicted women and 1,544 unconvicted women. An examination of the nature of the crime committed by inmates shows that many were charged for stealing, assaults, burglary, and unlawful possession.²⁴⁰ The percentage of sentences of six months and under, both in Government and Native Administration Prisons for the period 1950-1953 are captured in Table 4.4 below as follows:

²⁴⁰ NAI, Annual Prisons Department Annual Report for the year 1954.

Table 4.4: Government and Native Administration Prisons

Government Prisons	Native Administration Prisons
1950-51 (66.23%)	1950-51 (56.47%)
1951-52 (61.81%)	1951-1952 (42.70%)
1952-53 (62.72%)	1952-53 (56.94%)

Source: NAI, Annual Prisons Department Annual Report for the year 1954.

Dolan in trying to replicate what was obtainable in the Western region, established a new minimum-security prison in Kakuri in Kaduna, Northern Nigeria. The prison was designed to accommodate five hundred (500) long-term first offenders. The essence of the Kakuri prison was to create a link between the Northern and Southern Nigeria. Kakuri was regarded as the penal headquarters for the Northern regions. All European deviants within the country were sent to Kakuri before being transferred to the Ikoyi Prison in Lagos. Both Kakuri and Ikoyi prison were equip with special centres for the custody of foreigners. The construction of the prison was carried out by prison labour, under the supervision of the Public Works Department (PWD) engineers. The building was also designed to accommodate prison officers who had issues with accommodation. Adjoining the building was a large area of good arable land used for prison farms and a vocational training centre mainly for the educational training of inmates. This centre was the first of its kind in the country. In practice, the Kakuri prison farms and vocational training centres were actually designed to serve as an economic centre to boost the colonial economy.

Structural difficulties in many of the prisons became a challenge for the effective classification system. It was against this background that special funds were released in 1953 for the construction of two new prisons planned to accommodate approximately 1,400 inmates in Lagos and Kaduna. One was a maximum-security prison for recidivists, and the other was a minimum-security prison in tune with the Kakuri prison mentioned above. Again, the British colonialists wanted to create a penal channel for the smooth control of both the Northern and Southern regions. The minimum-security prison in the North will

serve as a feeder to the Maximum-security prison in the South.

The health management of the inmates was not too much of a problem to the Dolan administration because of the basic environmental and sanitary provisions inherited by him from the past administration. However, serious ailments were transferred to nearby civil hospitals, and the role of the Prison Medical Officers remained mainly preventive in nature. This arrangement must have been influenced by the inadequate medical personnel to treat the prisoners. The common disease of avitaminosis was curtailed to an extent in 1953. This disease which has to do with long-time or chronic deficiency of vitamins had been a recurrent medical challenge to the prison system in the country. This was even more pronounced in Western Nigeria because of the high number of prison inmates in the region. The high number of prison inmates in this region is not unconnected with colonial prisons headquarters being located in the region. And most of the government prisons were also located in the region. Usually, the government prisons accommodates more inmates compared to Native Authority prisons which were situated more in other regions of the country. There were also cases of venereal diseases²⁴¹ of both females and males who were treated with the latest drugs. Inmates with leprosy benefitted from the regular injections of hydnocarpus oil.

From the educational perspective, an organised educational system was firmly established

²⁴¹ Venereal diseases was a common occurrence among prison inmates even in the advanced countries. It was a disease that was prevalent in places with high number of persons concentrated in a particular place with poor hygienic conditions. So having this disease within the confines of the prison yard was something that was not unusual.

in certain convict prisons, and many prisoners learnt the basic rudiments of grammar and arithmetic. Vocational training was considered to be of much importance, but it was restricted to long-term prisoners so as to keep them engaged and productive. Most of these inmates who were engaged in skilled industries practiced their trades even after their release. The mobile units of the educational sectors provided educational films of tremendous interest, and wireless receivers (which were called radio diffusion) were installed in the prisons at Lagos, Warri, Abeokuta, Kaduna, Jos, Enugu, Port Harcourt, and Calabar.

One important aspect of the prisons system which received more attention was in the area of compensating inmates who were outstanding in character and were committed to their duties. Before you could be classified as 'outstanding in character' there must have been a track record of the inmates' compliance to the rules and regulations of the prison. However, this ruling was sometimes abused by the staff who out of seeking for favour from some well-to-do inmates manipulates this ruling so that they could gain some benefits from the such inmates. During the early 1950s, all prisoners who had completed two years of their sentence were eligible to participate in an "earning" scheme which, with good conduct and industry, entitles them to earn two shillings per month. These incomes were kept in their private savings, which were monitored by the welfare unit. However, the inmates were allowed to make use of their accumulated fund on certain needs to carteer for their welfare such as tables and chairs, and the balance is given to them on discharge. In addition, by evidence of good conduct while serving his or her jail sentence, a prisoner may earn remission equal to one-third of his sentence, but if found guilty of misconduct, he may lose

the whole or part of it under existing Prison Regulations.

As at 1953, there were two Approved Prisons Schools administered by Government; one was located in Lagos, which was directly under the control of the Social Welfare Department, and the other at Enugu was under the control of the Director of Prisons. The prison administration made efforts to upgrade these two institutions to conventional schools and make sure that stigma was not attached to the period of detention in any of these institutions. The Enugu wing received boys from all parts of the country and was not meant for Eastern Nigeria alone. By the end of 1953, the School had a population of 284 students. In the school, boys were usually committed to the school for a period of four or five years, but it was not unusual for a mandate to remain in force until he attains his eighteenth birthday. Such arrangement enables the School authorities to give the boy concerned an opportunity to reach a higher standard of education and attain a greater degree of skill in the trade of his choice. Occasionally, recidivist boys are transferred to a section of the Port Harcourt Prison statutorily designated as a Borstal Institution. Parents, friends, and relatives were encouraged to visit the School, and home-leave were given to boys who have earned it by good conduct and proven industry. The home-leave arrangement was done in such a way that parents of the affected boys were allowed to go home with their wards for a period of time, which was based on the improvement in character by the victims. One of the qualification for admission into the School was the age factor. Any offender who was below the age of seventeen (17) was usually sent to this place instead of being taken to the conventional adult prisons.

It is important to note that After-Care Officers and follow-up were introduced into the Schools in 1953. In addition, six permanent and pensionable officers were employed mainly on rehabilitation and after-care duties. And Prison Vote includes the sum of £1,520 to provide financial and other aid to deserving inmates on discharge.

M.C. Carew (1954-1960)

The penal framework towards the end of Dolan's tenure as the head of the prisons in Nigeria, witnessed various phases of authoritative changes which was as a result of the poticial climate during that period in the country. By 1954, a new constitutional arrangement was introduced to the country; this arrangement divided the nation into three major areas: the North, East, and West. Additionally, this constitutional setting carved out the Southern part of Cameroon from the Eastern territories of Nigeria. These established plans influenced penal organization in various manners. To begin with, all government managed penal centres were elevated to the status of Federal governed penal centres. Secondly, since the Southern part of Cameroun was removed from what was classified as the Eastern region, the penal centres in this region became under the leadership of the Camerounain penal system. In the year 1956, another head of the Southern part of the Cameroun was delegated to coordinate that region. Thirdly, it was during this period that the Ministry of Internal Affairs was given the mandate to manage the penal centres in the country.²⁴²

²⁴² NAI, "Treatment of Offenders", Annual Report for Prisons, 1956-57.

Table 4.5: Directors of Prisons (Colonial Era, 1920-1961)

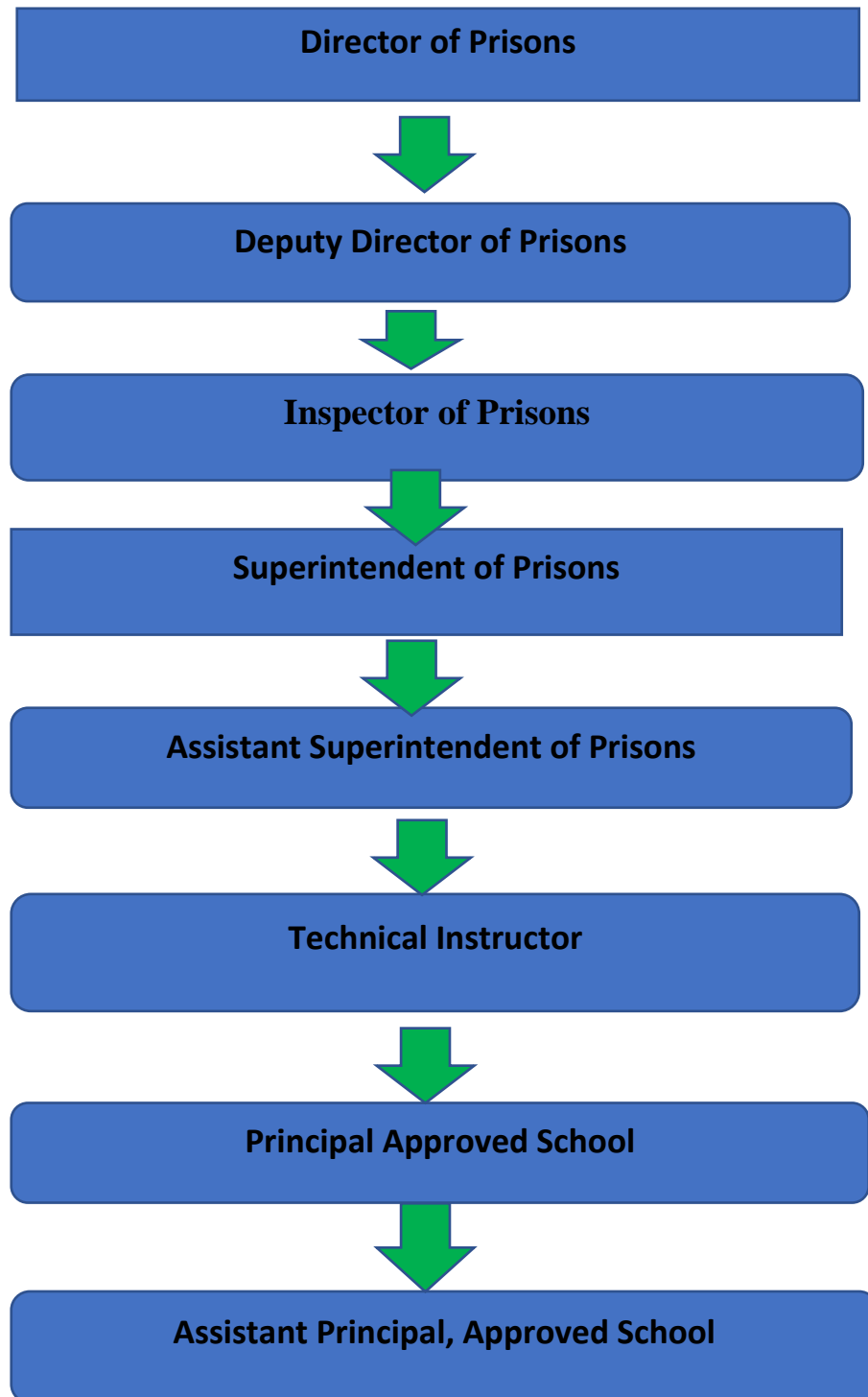
S/N	Name	Duration	Origin
1	Duncan C. W.	29 October 1920- 01 Nov. 1921	England
2	Lt. Col. Salier, E. L.	02 Nov. 1921 – 30 March 1925	England
3	Garvey F. W.	31 March 1925 – 18 May 1932	England
4	Col. Mabb, V. L.	19 May 1932 – 03 July 1946	England
5	Dolan, R. H.	04 July 1946 – 29 March 1954	England
6	Carew M. C. M. K.	1954-1960	England

Source: Curled by Researcher. (NAI, University of Ibadan)

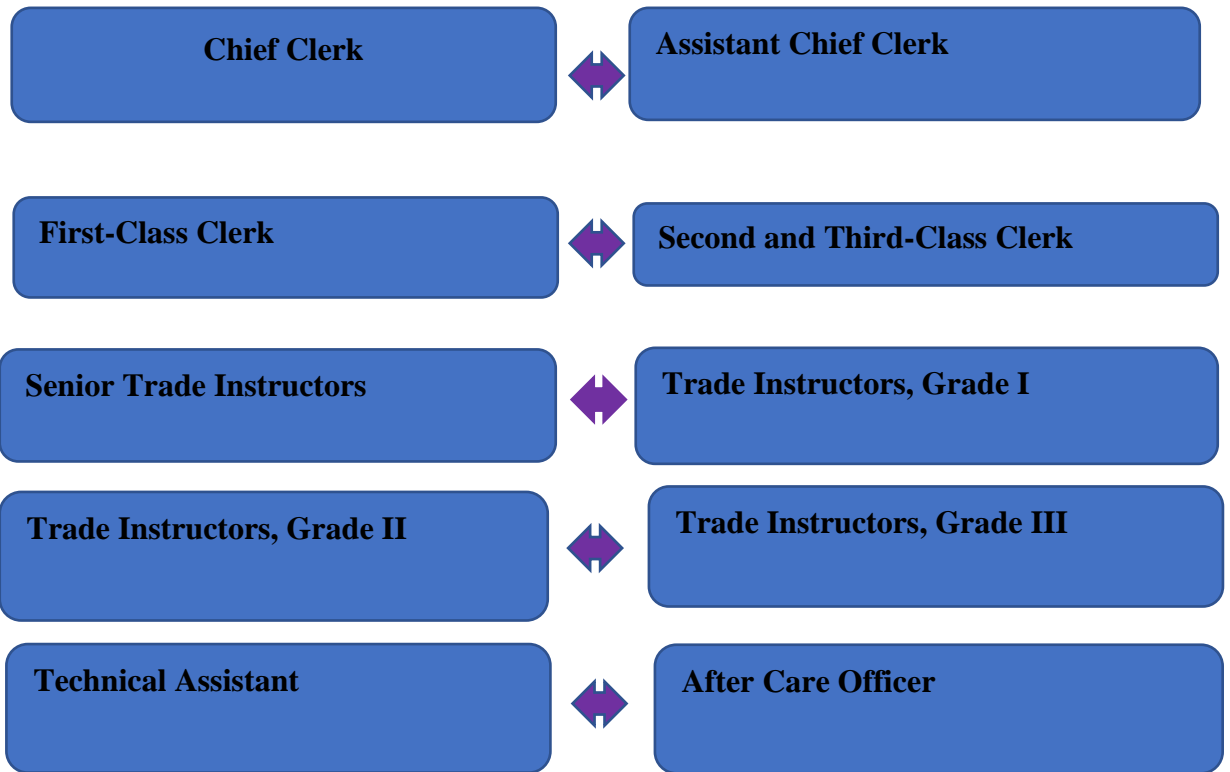
Table 4.5 above shows the Directors of the Prison Service in colonial Nigeria, from 1920 when the first Director was appointed up to 1960 when Nigeria gained her independence from the British colonialists. While Figure 4.2 below indicates the administrative structure for both the senior and junior staff that was created by the colonialists to govern the penal system.

Figure 4.2: Administrative Organogram of Prisons Personnel

Senior Service (SS)



Junior Service (JS)



Subordinate Warders Service (SWS)

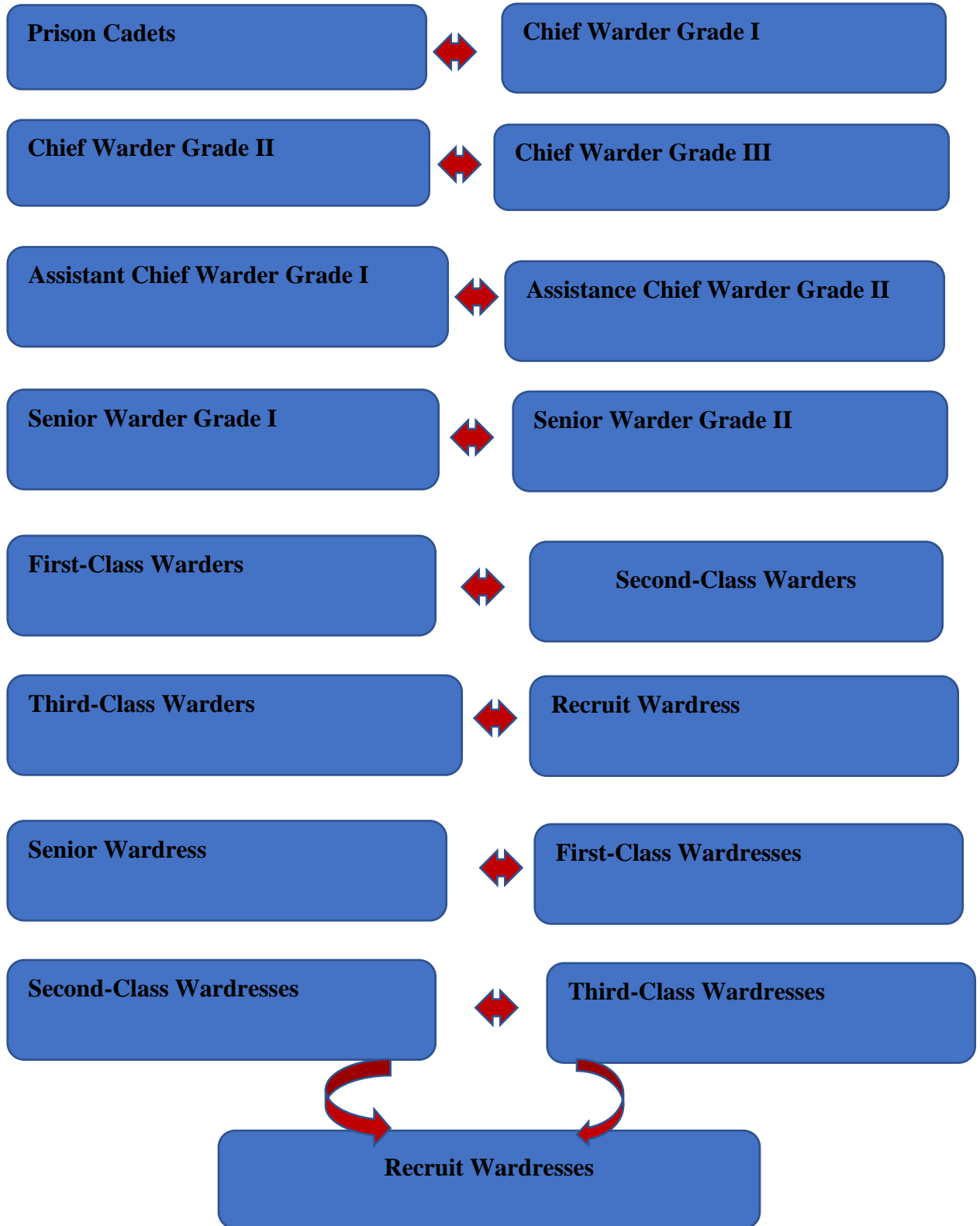


Table 4.6: Prison Staff Strength 1954 (Senior Service)

Personnel	Establishment	Strength
Director of Prisons	1	1
Deputy Director of Prisons	1	1
Inspector of Prisons	4	4
Superintendent of Prisons	8	8
Assistant Superintendent of Prisons	9	7
Technical Instructors	2	2
Principal, Approved School	1	1
Assistant Principal, Approved	1	1
Director of Prisons	1	1

Source: Designed by Researcher. (NAI, University of Ibadan)

Table 4.7: Prison Staff Strength 1954 (Junior Service (JS))

Personnel	Establishment	Strength
Chief Clerk	1	1
Assistant Chief Clerk	4	4
First-Class Clerk	12	11
Second and Third-Class Clerk	34	34
Senior Trade Instructors	3	3
Trade Instructors, Grade I	7	7
Trade Instructors, Grade II	8	8
Trade Instructors, Grade III	4	4
Technical Assistant	1	1

Source: Curled by Researcher. (NAI, University of Ibadan)

Table 4.8: Prison Staff Strength 1954 (Subordinate Warders Service SWS)

Personnel	Establishment	Strength
Prison Cadets	2	1
Chief Warder Grade I	7	7
Chief Warder Grade II	5	5
Assistant Chief Warder Grade I	12	12
Assistance Chief Warder Grade II	18	18
Senior Warder Grade I	44	44
Senior Warder Grade II	56	55
First-Rate Warders	316	314
Second-Rate Warders	526	526
Third-Rate Warders	230	228
Recruit Wardress	33	33
Senior Wardress	1	1
First-Class Wardresses	2	2
Second-Class Wardresses	59	59
Third-Class Wardresses	13	13
Recruit Wardresses	4	4

Source: Curled by Researcher. (NAI, University of Ibadan)

Table 4.9: Ethnic Composition of Staff in 1954²⁴³

	Male	Female
Ibo	661	48
Yoruba	36	2
Hausa	275	-
Ibibio	16	3
Benin	71	4
Urhobo	10	-
Jekri [sic]	9	2
Efik	30	7
Ijaw	31	7
Cameroons	53	-
French Cameroons	17	2
Others	26	2
Total	1,235	77

Source: Curled by Researcher. (NAI, University of Ibadan)

²⁴³ This was as at 1954. See NAI, Annual Reports for Prisons Department, Nigeria, 1954.

Tables 4.6, 4.7 and 4.8 show the prison staff strength in 1954 for senior, junior and subordinate services respectively. Table 4.9 indicates that ethnic composition of the indigenous staff with Ibo ethnic group having the highest number.

CHAPTER FIVE

PRISON ADMINISTRATION AND LABOUR SYSTEM IN WESTERN NIGERIA

5.1 Penal Labour and Administration in Westren Nigeria

Penal labour played a sigificant role in the administration of the British colonial rule in Western Nigeria. It was not just in prison section alone, but in the entire system of their administration. It against this background that this chapter assesses the role palyed by prison labour in the British colonial economy, and the development of the prison service itself.

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 includes 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 is used as an avenue of securing labour, and labour for occupational purposes for inmates. The most common channels of accessing penal labour were 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/or rehabilitation of such prison inmates, who at the long run, may serve as a 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 prison²⁴⁴. The prison system that was established during this period were 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 colonial economy in Africa. As argued by Bernault, “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”²⁴⁵. Available records indicated that African prisoners during the colonial era became very useful in the private and public sectors where their manpower were mostly needed; indeed, the prisoners became the ready tool of 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 who 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”²⁴⁶. 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

²⁴⁴NAI, BP. 12/1914 Progress Report on Agbor Prison Farm 1913-14; CSO 0200/s.2 Tours of the Director of Prisons 1921/57 BP., 609/17 Yam Stealing Ogwashi-Uku Prison farm 1917.

²⁴⁵Bernault, F., ed. 2003. *A History of Prison and Confinement in Africa*. ... 22.

²⁴⁶Bernault, F., ed. 2003. *A history of prison and confinement in Africa*. ...22.

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”²⁴⁷. 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 a source of cheap labour²⁴⁸. 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 success.²⁴⁹

Integral to the penal administration in Nigeria was its prison labour scheme. As already mentioned in the introductory section of this chapter, 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, also made sure that they planted their political and capitalist hegemony. Indeed, the above Ordinances and Regulations indirectly gave new upliftment to the prisons department; however, they were to a large extent contextually designed to favour the

²⁴⁷Bernault, F., ed. 2003. *A history of prison and confinement in Africa...*23.

²⁴⁸ Archives Nationales du Niger, 3N35. “Enquete et plaints concernant le maintien des recrues a Maradi”, 1927.

²⁴⁹Bernault, F., ed. 2003. *A history of prison and confinement in Africa...*140.

colonial authorities. It should also be noted that they were basically and exclusively drafted and amended by the colonialists. This arrangement was particularly more pronounced during the era of Lord Lugard from 1914 to 1919, which could be described as the consolidation period of the penal labour system. However, before this period, there existed some form of penal arrangements in the country.

For a period of over four decades, 1872 to 1916, 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 prisons administration in the country. However, it should be noted that, up to 1920, the administration of the prisons in Nigeria, particularly in the Western 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 Western 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 was 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.²⁵⁰ On the other hand, the second-class category was

²⁵⁰NAI, Lagos Blues Book, 1894 & 1910.

involved mostly in 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 the coffin, etc.

Prison labourers during this period were supervised by prison warders, who were also referred to as gang drivers and keepers²⁵¹, and they served as representatives of the colonial authorities. It is apposite to note that the income realized from such works, both outside and within the prison premises, were credited to the colonial government purse²⁵². In 1894, it was reported that the Public Works Department (PWD) kept the financial account of the prisoners' earnings, which was not stated whether the inmates got their money after discharge. Below is the statistical data for the earnings for prisoners located in Lagos in the year 1894 as contained in Table 5.1; and it represents their labour in different section of the colonial administrative structure for both within the prison yard and outside. On the other hand, Table 5.2 shows the types of in-door labour and income earned by inmates in the Ikoyi Prison in Lagos. And the table aslo shows that rope making seems to have been the common trade that fetched high income for the prison inmates; while screen and brush making were the list trade that generated earnings for the inmates.

²⁵¹ Gang drivers and Keepers was a popular slang used by the colonialists and prison inmates for penal warders who were assigned as escorts for inmates, especially during outside penal labour and other off yard assignments.

²⁵² NAI, Lagos Blues Book, 1910.

Table 5.1: Prisoners earnings during 1894 (Lagos prisons)

Out-door	Pounds (£)
Public Works Department (PWD)	81 .3 .0
Roads, Street and Bridges	45 .4 .4
Transport	18 .6 .6
Sanitary	57 .1 .5
Miscellaneous	28 .13 .6

Source: Lagos Blue Book, 1894 (NAI, University of Ibadan)

Table 5.2: Prisoners earnings during 1894 (Lagos prisons)

In-door	Pounds (£)
Book binding	56 .12 .6
Basket making	51 .10 .8
Brush making	24 .13 .0
Carpentering	35 .3 .0
Rope making	117 .6 .0
Screen making	22 .10 .0
Tailoring	34 .0 .1
Miscellaneous	287 .18 .5
Grand Total (both out-door and in-door)	860 .3 .1

Source: Lagos Blue Book, 1894

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 to the colonial government treasury²⁵³.

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 format of penal administration in the country. By implication, the new Ordinance gave the Governor 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 clearly spelt 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.

It is noteworthy to mention that the classification of penal labour as highlighted above, was applicable 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 this 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 economy²⁵⁴.

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

²⁵³ NAI, Lagos Blues Book, 1910.

²⁵⁴ NAI, BP. 12/1914 Progress Report on Agbor Prison Farm 1913-14; CSO 0200/s.2 Tours of the Director of Prisons 1921/57 BP., 609/17 Yam Stealing Ogwashi-Uku Prison farm 1917.

(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”²⁵⁵. 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 manpower. In addition, forced and penal labour was cost-effective to the colonial authorities.

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. These gangs were supervised by warders and police officers.

The cost-efficiency postulation, as argued by some scholars, cannot be overemphasized. As indicated earlier, the 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

²⁵⁵NAI, BP. 12/1914 Progress Report on Agbor Prison Farm 1913-14; CSO 0200/s.2 Tours of the Director of Prisons 1921/57 BP., 609/17 Yam Stealing Ogwashi-Uku Prison farm 1917.

savings were achieved through the utilization of prison labour by the colonial authorities. For instance, in 1907, it was reported that all prison uniforms had been made in the vicinity. In the Provinces, the detainees have been basically utilized on ranch work, conservancy, and making and fixing streets... in Zungeru and Lokoja; the jail ranch supply adequate nourishment for the upkeep of the inmates²⁵⁶. In addition, the colonial prison administrators trained convicts on various trades within the prison. In as much as these pieces of training 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.

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 was 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. 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.

5.2 Nature and Dimension of Penal Labour in Colonial Western Nigeria.

The courts had the prerogative to decide whether imprisonment shall be with or without hard labour.²⁵⁷ In fact, unless contrary stipulated, penal labour is usually in the form of hard labour.²⁵⁸ For instance, in 1954, the Advisory Committee on the treatment of offenders in the colonies, in their “Memorandum on the Treatment of Offenders” to the Colonial

²⁵⁶National Archives Kaduna (NAK), Northern Nigeria Annual Report, 1910-11. 21.

²⁵⁷Milner, A. 1972. *The Nigerian Penal System* London: Sweet & Maxwell. 235.

²⁵⁸Milner, A. 1972. *The Nigerian Penal System...*236.

Secretary, pointed out that hard labour could “only be regarded as a relic of the days of the treadmill and crank”²⁵⁹ and encouraged the colonial authorities to review their positions on this unfavourable form of prison sentence.²⁶⁰ The above statement was issued based on the constant report researching the colonial office in London about the misuse of authority by the prison warders. For instance, it was discovered that most of the death rates in Ikoyi prison in Lagos during the 1940s and 1950s was as a result of the kind of punishment meted on the inmates for going against the rulings of the penal system. The purpose for the punishment was to reprimand the inmates, however, this never went down well with the colonial authorities because increase in death meant a reduction in the labour force required to boost the colonial economy.

According to the colonial Prison Act, the “effect of a sentence of imprisonment, in the words of section 39(1) of the Prison Act, is that the prisoner be engaged in penal labour as instructed by the officer in charge of the prison”²⁶¹. However, in spite of this Act, an inmate may be excused on the ground of medical ailment as confirmed by the Medical Officer. During the colonial era, there was a heated debate, particularly amongst the various British authorities, both within its colonial territories and the mother country, on the essence of penal labour. Available records show that some factions of the colonialists argued that physical work or labour was seen as part of the punishment to inmates. According to Milner, “it was deliberately made as hard and degrading as possible”²⁶². In Nigeria, shot and crank drills²⁶³ was introduced into the penal system at the turn of the twentieth century. Indeed, underpinning the punitive essence of prison work was hard work, which came after prison servitude. Milner further opined that for over five decades of colonial domination, whatever

²⁵⁹ Milner, A. 1972. *The Nigerian Penal System...*235.

²⁶⁰ Annual Prison Report, 1954; as cited in Milner, A. 1972. *The Nigerian Penal System...*235.

²⁶¹ This was major guiding document for penal administration in almost all the British colonies; cited in Milner, A. 1972. *The Nigerian Penal System...*235

²⁶² Milner, A. 1972. *The Nigerian Penal System...*235.

²⁶³ Short drills consisted of lifting, walking with and lowering a 24 lb. cannonball, moving six a minute for three hours a day. While crank drill on the other hand involved giving a crank like handle a prescribed number of turns each day. for further information see: BP, 609/17 Yam Stealing Ogwashi-Uku Prison farm 1917

amendment that must have been introduced into the prison policy, hard labour or work provisions as contained in the Prison Regulations, was still to a large extent similar to what was made under the 1916 Prison Ordinance.

The Prison Regulations stated that:

The concept of penal “hard labour” would be categorized into two phases:

- (a) the act of breaking and conveying stone, or the participation in other similar substantial hard work, as might be named ... and
- (b) Such different portrayals of substantial work as might be named ...

In each jail where detainees condemned to incarceration with hard work are restricted, satisfactory “means... will be accommodated authorizing hard work of the five stars. Work in the essential administrations of the jail may, on account of a set number of detainees to be chosen by the director of the jail, be considered to be hard work of the second class”.²⁶⁴

Towards the end of the nineteenth century and early twentieth century, penal labour included the following: bricklaying, book-binding, carpentering, tailoring, basket, seen [sic] and mat making, bush and broom making, carrying Public Works Department Stores, and assisting Public Works Department, and Sanitary Department²⁶⁵; it also includes, farm work, road construction, transport of luggage, woodcutting, water carrying, conservancy²⁶⁶ which was common in Northern Nigeria, environmental sanitation, building labour, coaling and loading cargo ships, and laundry work²⁶⁷. Nevertheless, some prison inmates were employed outside the prison yard, and they carry out such tasks as mending, cleaning, and constructing public roads, streets, and bridges, transporting government stores, and sanitary work²⁶⁸. However, prisoners that were engaged in outside jobs were

²⁶⁴ NAI. Prison Regulations, 1917 [1923 Laws, cap 34].

²⁶⁵ Lagos Blue Book, 1894. P. 33

²⁶⁶ Northern Nigeria Blue Book, 1911; cited in Milner, A. 1972. *The Nigerian Penal System...*236.

²⁶⁷ NAI, Nigeria Blu Book, 1919. Pp. 1-12.

²⁶⁸ NAI, Lagos Blue Book, 1894. This was common feature particularly in the Lagos area.

usually accompanied by prison officers who were referred to as gang drivers towards the end of the nineteenth century.

Another dimension for the introduction of prison work was to basically keep the inmates occupied and to guide them against idleness. However, the classification of the task was undefined. It is noteworthy to mention that specialized skills such as “sewing mailbags and disassembling electronic equipment,” which was commonplace in the British penal system was not fully replicated and domesticated in the Nigerian prison system. Indeed, what was in practice was a poor copy of the British system. It was against this background that Sir Alexander Paterson stated in 1944 that:

is light and unskilled labour needed (with foreman supplied free) to stroke and slice the grass in the gardens of the great, the prison is ordered to send each day a party of able bodied men who will soon grow skilled in seeking shade and evading supervision for seven hours a day²⁶⁹.

While trying to put the correctional arrangement in Lagos in accordance with the English punitive framework, provincial authorities set up rules for jail activity by approving the 1876 Prison Ordinance. The new mandate was a replica of the English Prison Ordinance of 1865, which was the principal enactment formed to direct reformatory strategy and the detainment of lawbreakers in the state²⁷⁰. This enactment called for the total overhauling of the whole system and for diligent supervision of the inmates as well as enshrining the principle of hard labour. However, the labour system was to be based on a separate arrangement. In addition, it reorganized the prison officers by setting out clear rules and regulations on how to administer its terms of reference. The mandate also defined some procedures on some key penal matters. For example, the management of inmates with a psychiatric disorder, transfer and movement of inmates, imbalances of prison rules and regulations, escape and recidivism in prison, corporal and capital punishment of inmates, and the entire prisoners’ wellbeing.

²⁶⁹ Paterson, A. 1944. *Report to His Excellency the Governor of Nigeria on Crime and its Treatment in the Colony and Protectorate*, Para. 3.

²⁷⁰ NAI, BP, 146/14 Annual Board of Survey on the Prison Store at Ogwashi-Uku 1914; BP, 147/14 Annual Board of Survey on the Prison Store at Asaba 1914.

Based on the ordinance, the labour system was divided into two categories: extensive hard labour and light or mild hard labour. The first category involved the engagement of prisoners in the act of cracking and lifting of stones, as well as short compulsory exercise-which was designed as a form of punishment. The second category of labour expected inmates to participate in outside the prison yard chores such as cleaning of public streets and some menial skilled jobs. The separation of prison inmates was another aspect of the penal arrangement that the ordinance was aimed at resolving. Female inmates were to be separated from male inmates, and juveniles below the age of 14 (fourteen) were to be separated from adult inmates. And lastly was the classification of inmates based on the offences; and awaiting trial, inmates were separated from the convicted ones²⁷¹. However, the ordinance remained silent on where to place foreign deviants, especially European inmates. Most of the European inmates were kept in some special government lockup centres in the Colony of Lagos. Even for those that were convicted outside Lagos, a special arrangement was made for them to be transferred to the Colony. There were even instances in Lagos where some European inmates were taken abroad under cover of medical attention.

The promulgation of ordinances was one aspect, and its implementation was completely another ball game. Therefore, the 1876 Ordinance never stood the taste of time. It was more of a theoretical proposition than a pragmatic act. For instance, the Broad Street prison, which served as a model to other penal centres in the country, could not practicalise the ordinance. Inmates were still subjected to manual labour which had long been eradicated in the British penal system. The principle of the association system, which never gave any regard to inmates' classification, was still in place as against the separate system. Infact, findings revealed that the female and male cells were only separated with feeble walls but

²⁷¹NAI, BP, 146/14 Annual Board of Survey on the Prison Store at Ogwashi-Uku 1914; BP, 147/14 Annual Board of Survey on the Prison Store at Asaba 1914.; CSO 0200/s.2 Tours of the Director of Prisons 1921/57; CSO, 03035 Prison Diet Scales 1920-22; CSO, 03114 Prison Departments: N&S Province, Annual Reports 1920-21.

were still accommodated within the same blocks and wings. Even after the rebuilding of the Broad Street prison in the late 1880s, very minimal success was achieved in the classification of inmates.

It is noteworthy to mention that the penal Ordinance of 1916 which was planned by the leadership of Lugard as well as his administrators was to guarantee the consistent availability of convict-related labour for the colonial authority. The Colonial prison powers that he were granted special authority to direct inmates to participate in forced labour within and outside the prison yard in any territory of the nation and must abide by the dictum of the supervisors²⁷². It was against this arrangement that prison inmates became a ready avenue for the access of cheap and quick labour in both Southern and Northern parts of the country. Indeed, the colonial authority did everything to maintain the above statuesque for the benefit of the colonial system²⁷³. Therefore, the colonial authority was advised to look for means of sustaining the population such that constant penal labour will be available for the system.

However, it should be noted that there were laid rules on how to acquire this penal labour. Interested colonial administrators were mandated to apply and provide a permit before gaining access to the available labour force from the prison system. And once this procedure

²⁷²NAI, CSO, 03114 Prison Departments: N&S Province, Annual Reports 1920-21; BP, 146/14 Annual Board of Survey on the Prison Store at Ogwashi-Uku 1914; BP, 147/14 Annual Board of Survey on the Prison Store at Asaba 1914.; CSO 0200/s.2 Tours of the Director of Prisons 1921/57; CSO, 03035 Prison Diet Scales 1920-22.

²⁷³NAI, BP, 146/14 Annual Board of Survey on the Prison Store at Ogwashi-Uku 1914; BP, 147/14 Annual Board of Survey on the Prison Store at Asaba 1914.; CSO 0200/s.2 Tours of the Director of Prisons 1921/57; CSO, 03035 Prison Diet Scales 1920-22; CSO, 03114 Prison Departments: N&S Province, Annual Reports 1920-21.

is adhered to, the required penal labour as contained in the requisition will be delivered to the applicant. Thus, the colonial authority monopolised the penal labour; it was an open secret that prison labour was only available for colonial government officials. It was on the very rare occasion that private indigenous firms were granted the usage of penal labour during the colonial era.

There is no gainsaying that convict labour, apart from contributing to the infrastructural development of the country, was also a key source of internal revenue generation for the prison system. The financial turnover from this penal labour was sent to the penal account. It is equally integral to point out that some convict labour was even engaged in some risky and labor-consuming task. The records indicate that because of the nature of infectious diseases which were rampant in Lagos around the 1910s and the paucity of medical remedies to the diseases, prisoners were constantly used as labour force by the Department of Health and Sanitation. Their argument was that it was easy to curtail the spread of infectious diseases within the prison yard as against the general populace.”²⁷⁴ The above arrangement clearly demonstrates the less value placed on inmates, who were mainly indigenous deviants. However, this practice was terminated by F. W Garvey in 1924, shortly after his assumption of office as the Prisons Director.

By 1957, the Prisons Department under the Federal Minister of Internal Affairs issued four basic principles to guide the prison labour in Nigeria:

- Prisoners should, as far as possible, be employed on work of vocational value. Their work in prison should teach them new skills, or increase existing skills, so as to enhance their productivity and earning power on release.

²⁷⁴NAI, Osun Div., 155/10 Upkeep of Government Prisoners in Local Government Prisons. Reimbursement of. 1952-58

- Work on prison farms is of great vocational value to prisoners who have been farmers. They can be taught improved methods of farming. Food crops and livestock produced at Prison Farms normally cost the government less than their purchase in the market would cost, and so the cost of keeping prisoners is reduced.
- If work of vocational value for prisoners cannot be found, then prisoners should be employed on government or Local Authority development schemes, such as roadmaking and land settlement, whenever such employment offers. While Local Authorities must pay for prison labour...no charge should be made against Government Department²⁷⁵
- As far as possible prisoners should be employed in places where they have no contact with members of the public²⁷⁶.

Thus, at the eve of Nigeria's independence, the work done in its prisons, according to the various Prisons Department's *Annual Reports*, was mainly carpentry, road construction, public sanitation etc. And during this period, a more consolidated labour system had been established for the various prisons across the country, namely:

- (a) Industrial labour employed on prison manufactures and in learning trades and handicrafts which may prove useful after discharge from prison.
- (b) Domestic labour, such as cooking, sweeping, scavenging, gardening, fuel cutting and general routine labour necessary in the administration of a prison.

Unskilled labour, such as quarrying, road-making, station labour, general sanitation, and station upkeep. As convict establishments are the only prisons at which technical instruction is given, prisoners under category (a) with a few exceptions are serving their sentences at Calabar, Enugu, Kaduna, Lagos, Jos, Abeokuta, and Port Harcourt. Category (b) with the

²⁷⁵ NAI, Osun Div., 155/10 Upkeep of Government Prisoners in Local Government Prisons. Reimbursement of...

²⁷⁶ NAI, Osun Div., 155/10 Vol. II Upkeep of Government Prisoners in Local Government Prisons Reimbursement of. 1958.

exception of fuel cutters and fuel carriers, consists of light labour convicts, serving both long and short sentences.

From the foregoing, it was obvious that there was a wide range of skilled and semi-skilled industrial trades available in prison during the colonial period. Prominent among these trades, especially in Western Nigeria, are painting, blacksmithing, tailoring, joinery, carpentry, block and brickmaking, cloth-weaving and embroidery, polishing and decoration, raffia weaving, shoe repairing, chain-link-fencing, printing and book-binding, rubber-mat-making and fibre, and cane work. The various prison craft-making units in some instances, performed some extended functions such as the compulsory maintenance of prison buildings. For example, the Ikoyi and Agodi prison buildings which were completed in 1876 and 1894, respectively, were built mainly through penal labour. In addition, prison labour was used in the construction of a large number of staff quarters and clubs²⁷⁷. As stated by Idaba, a former Chief Superintendent of Prison in Nigeria, “this service provides a wide field of valuable work, and the labour employed is mainly trained on the job in bricklaying, plumbing, painting and decorating”²⁷⁸.

Penal gardens and farms also formed an important part of the prison labour force. In Western Nigeria, by the end of the 1950s, the colonial prison authority had begun to experiment on piggery and poultry keeping. For this purpose, special farms were opened in Ibadan, Akure, Lagos, and Ilesa. These farms boosted the agricultural skills of the inmates. Nigeria being an agrarian society during this period, had to direct prison labour towards utilising these potentials. It has been argued that for the purpose of reformation and rehabilitation, the skills acquired through agricultural training had more benefits than indoor workshop training for prisoners, particularly during the colonial period. The point being made here is that in as much as indoor works done by prisoners is significant, the outside work, usually done

²⁷⁷ Idada, S.E. 1968. The Aims and Philosophy of Imprisonment: How Far these are Being Realised by Traing:A. Education and B. Industry (Wages Inclusive), in T. O. Elias (ed.) *The Prison System in Nigeria*. Lagos: University of Lagos Press. 180.

²⁷⁸ Idada, S.E. 1968. The Aims and Philosophy of Imprisonment: How Far these are Being Realised by Traing:A. Education and B. Industry (Wages Inclusive),...180.

outside the confines of the prison yards, is equally important. This is clearly stated in the Ministerial Order of 12th May 1959: “prisoners should as far as possible be employed on work of vocational value. Their work in prison should teach them new skills, or increase their existing skills, so as to enhance their productivity and earning power on release”²⁷⁹.

The above assertion is corroborated by the 1960 Standing Order Prison Service, where it stated that it is the duty of the instructor, officer-in-charge of workshops, and officers-in-charge of outside labour, to set a daily task which will keep the prisoners in their charge fully employed for the whole period during which they are requested to work. And allowances were given to those involved in this form of labour. However, such outside labour was mainly designed for long-term prisoners. Article 383 of the Standing Order points out that on account of jails characterized for the convenience of long sentence detainees alone, the individuals who are least fit skill acquisition will be chosen for homegrown obligations. Nevertheless, most of the inmates that went out for industrial labour were usually long-sentenced inmates²⁸⁰.

There were also guiding rules for inmates doing outside labour. The first was for the protection of the fundamental human rights of inmates, while on the other hand, was to check the possible incidence of the breach of the rules by inmates. As contained in the Standing Order, it stated that special care was to be accorded to inmates when assigning them to firms outside the prison, and it shall be the responsibility of the Chief Warder or Warder acting in that capacity to ensure that potential escapees are not with outside working parties when proceeding to labour. This will not in any way absolve the warder in charge of the party from checking his party to ensure that he has only those prisoners that have been allocated to him or of bringing to the notice of the Chief Warder prisoners whom he considers are likely to escape. Therefore, to check on these possible lapses, the following categories of inmates were exempted from participating in any outside working party:

- Known escapees

²⁷⁹ Ministerial Order May 1959. Cited in Idada, S.E. 1968. *The Aims and Philosophy of Imprisonment: How Far these are Being Realised by Training: A. Education and B. Industry (Wages Inclusive)*,...181.

²⁸⁰ Standing Order Nigerian Prison Service, Lagos, 1960.

- Inmates awaiting trial by any court
- Inmates known to have outstanding charges
- Have a disciplinary charge pending
- Appellants
- Unsuitable by virtue of their crime, sexual offenders, grievous bodily harm, and the like.
- Who act in an abnormal manner
- Have more than six months of their sentence still to serve
- For any reason which the Superintendent may consider as unsuitable for an outside working party²⁸¹.

5.3 Penal Labour and Trafficking

Before the 1950s in Western Nigeria, outside prison labour was basically “of the scavenging type, which was meant to be irksome, fatiguing and degrading in order to reflect a repressive system”²⁸². Thus, the changes that took place in the late 1950s, was a turning point in penal administration in Nigeria; however, this did not go far enough. As argued by Idada, the system needed re-organisation and re-orientation rather than a total withdrawal. It is needless to say that both indoor and outside prison labour has its own skill acquisition value as long as it is productive in nature. The inmates had a lot to gain not only in their physical and mental health but also in their morale since it is designed to boost their self-respect and personal responsibility as the system is based on trust.

One common practice within the global prison system was trafficking²⁸³. This was also found with the penal system in Western Nigeria, especially among the convict prisons in colonial Lagos. However, it had a different meaning to the various centres depending on the usage and application. It may mean the act of moving humans or goods from one place to

²⁸¹ Article 383, Standing Order Nigerian Prison Service, Lagos, 1960. 65-66.

²⁸² Idada, S.E. 1968. The Aims and Philosophy of Imprisonment: How Far these are Being Realised by Training: A. Education and B. Industry (Wages Inclusive),...181.

²⁸³ Ali Balogun Private Papers (ABPP), “Trafficking”, Apete Area, Ibadan, 1960.

another illegally. From the contemporary point of view, it means the carrying on a trade, especially of an unlawful or improper kind in some particular type of goods such as stolen or prohibited goods²⁸⁴.

From the perspective of correctional studies, trafficking is an illegal act of dealing in any prohibited article in or out of prison. It is usually classified as illegal because it is not approved by the prison authority, especially the officer in charge of the prison management. There are other items that are restricted even among the prison officers. They included hot drinks (alcohol), Indian hemp, drugs, cocaine, etc. Trafficking does not terminate in the act of bringing in or taking out of restricted items to or out of the prisons but also involves bringing in or taking out information from the prison yard to the outside world or taking information from the outside world to the prison yard. This may extend to the unofficial dealings between the prison staff and the families of inmates.

Some of the key issues classified as trafficking within the prison system in Western Nigeria included the following act: throwing, bringing, or otherwise introducing into or removing from within the penal centres, or giving to or takes from an inmate any implicating substance that is regarded as injurious to the human health, or any other articles prohibited by the Prison Regulations. In addition, trafficking also means the practice of communicating or attempting to pass across an information to inmates without the express go-ahead by the prison authority, especially the Superintendent. Information trafficking is also another prohibited act. This involves the illegal transmission of information to inmates about what is happening outside the prison or giving information to outsiders about what is going on within the prison yard²⁸⁵. Finally, it is important to note that penal labour influenced a major practice in prison known as trafficking. This was because most of the cases of trafficking in prison were facilitated by prison labourers who hide under the cover of trying to carry out their designated assignments.

²⁸⁴ Ali Balogun Private Papers (ABPP), "Trafficking", ...p. 2

²⁸⁵ Ali Balogun Private Papers (ABPP), "Trafficking",

As already mentioned above, penal labour formed a significant aspect of the entire administration of not only the penal system, but the whole British colonial arrangement in the country. For a large portion of the fund needed for the administration of the penal structure in Western Nigeria were derived from prison work. On the other hand, penal labour assisted the inmates in keeping fit and healthy. The only challenge was the nature and dimension of labour system which went out of the mandated policy of universal penal labour system.

CHAPTER SIX
CHILDREN, WOMEN AND THE SOCIAL AND MEDICAL WELFARE OF
PRISON INMATES IN WESTERN NIGERIA

6.1 Introduction

This chapter looks at children and women in prisons in colonial Nigeria. It also examines the effectiveness of health care services provided to prison inmates in colonial Western Nigeria. The concluding aspect of this section specifically engages the social and healthcare welfare within the above-mentioned region, however, locating it within the context of the entire colonial Nigerian penal history.

Although the penal system in Western Nigeria seems to have focused more on adult male offenders and prison inmates;²⁸⁶ there were some instances where cases of juvenile and female inmates were mentioned. The several ordinances and prison regulations, as discussed in chapter three was utterly silent on issues of children or under-age inmates, which no doubt, were incarcerated in some prisons. For a better understanding, the history of children in colonial Western Nigerian prisons could be approached within the context of young persons and crime in colonial Nigeria. Legally speaking, as opined by Fourchard, until the 1940s, there was no clearly stated definition of a ‘young person’²⁸⁷.

²⁸⁶ . Oral interviews conducted with: Mr. Abel Maya, Retired Prison Officer, Ibadan, on the 23rd June, 2018; Mama Ibeji, Local Historian/Cook, Ibadan, on the 24th September, 2018; Baba I. Fayum, Local Historian/Blacksmith, Lagos, on the 24th June, 2018; and Mr. Mutiu Ajala, Retired Prison Officer, Akure, on the 26th January, 2017

²⁸⁷Fourchard, L. 2006. “Lagos and the Invention of Juvenile Delinquency in Nigeria, 1920-60”, *The Journal of African History*, Vol. 47, No. 1. 122.

With the promulgation of the Children and Young Person's Ordinance (CYPO) in 1943²⁸⁸, a 'young person' as enshrined in the document was classified into two groups: "a child is under 14, and a young person is over 14 and under 17²⁸⁹. However, it should be noted that before the 1943 promulgation, young person's offenders or juvenile delinquency had become more pronounced two decades ago- precisely during the mid-1920s. Put differently, by the turn of the second decade of the twentieth century, offences relating to young persons below the age of 17 years had become prominent in colonial Nigeria. Four fundamental characteristics defined the young offenders during the 1920s and the 1960s: the expansion in the quantity of youthful guilty parties, the affirmation of the presence of male wrongdoer youthful gatherings, the development of a coordinated organization of prostitution among juvenile ²⁹⁰and the establishment of specialised Remand Homes and Borstal centres for young offenders.

6.2 Management of Young Lawbreakers

The several penal ordinances and regulations that were enacted during the colonial period never gave adequate attention to the management and treatment of young offenders. This was most likely because of the colonial penal arrangement, which laid more emphasis on adult inmates, especially the male. For example, the Childrens' Ordinance and other market regulations made no explicit arrangement and provisions for the prosecution of young persons between 14 and 18 so as to check the menace of juvenile delinquency. In a report published in the *Nigeria Daily Times* in 1942, it highlighted the resolution restricting girls that were below the age of 14 from street marketing which was enshrined in Lagos, in Western Nigeria.²⁹¹ Nevertheless, the resolution lacked the support of the social welfare

²⁸⁸ For further details on the Children and Young Persons Act, check appendix.

²⁸⁹ Oral interviews conducted with: Mr. Abel Maya, Retired Prison Officer, Ibadan, on the 23rd June, 2018; Mama Ibeji, Local Historian/Cook, Ibadan, on the 24th September, 2018; Baba I. Fayum, Local Historian/Blacksmith, Lagos, on the 24th June, 2018; and Mr. Mutiu Ajala, Retired Prison Officer, Akure, on the 26th January, 2017.

²⁹⁰Fourchard, L. 2006. Lagos and the invention of juvenile delinquency in Nigeria, 1920-60...56.

²⁹¹ NAI, COMCOL I, 197/147 Prisoners: Petition from. 1950/54; COMCOL I, 197/s.132 Richard Ukwuani- Discharged Prisoner- Petition re three months detention in prison. 1945; Abeokuta Province (Abe Prof.)ABP.

service, which eventually affected the adequate implementation of the programme. Since the resolution of 1942 did not have any headway, in 1943, the colonial authority was encouraged by notable administrators to cross-examine the CYPO, which was a replica of the Children's Act in Britain in 1933. It was impossible, again, to put into practice the above Act without a concrete social welfare service on the ground. Thus, Alexander Patterson, a seasoned colonial administrator who visited Nigeria around the 1940s, canvassed for the establishment of a precise welfare division for the country. He suggested that the social welfare unit in Lagos will challenge congestion and mercilessness. It will assist with working the new Ordinance managing Juvenile and Young people. It will argue for the annulment of youngster traders.²⁹²

Patterson further the most effective means of combating juvenile misdeamour in the region was through the social welfare unit in Lagos, and the entire country at large, especially in Western Nigeria. However, the recommendations put forward by Patterson and Faulkner blossomed in the post-World War II era, which witnessed the exigency of their suggestions.

The issuance of the Children and Young Persons Ordinance by colonial authority gave a short landing for the Patterson report that followed the next year in 1944. The ordinance stated explicitly that under no circumstance should an underage person be confined. It also emphasised on the non-custodial policy of the penal system. In Section (11) subsection 2 it points out that no juvenile be confined if there are alternative means of reprimanding the deviant. As already stated, a child as contained in the ordinance is a person that falls under the age of fourteen, while those from the ages of 14 to 17 are classified as young persons. Therefore, the age grade covered by the young person can also be found in some approved schools set up during this period. The difference lies perhaps in the point that a young person involved in a crime before he attains the age of 14 may find himself dealt with in a juvenile court and, if found guilty, may be committed to an approved school until his 18th birthday.

32 Rations for Prisoners Egba Division 1951-52; ABP, 47 Vol. II Government Prisons Department Correspondence Re. 1936-57.

²⁹²Alexander Patterson Report, NAI, COMCOL I, 2600, "A report on social welfare on the Colony and Protectorate", Mar. 1944. See also: NAI, COMCOL I, 197/147 Prisoners: Petition from. 1950/54; COMCOL I, 197/s.132 Richard Ukwuani-Discharged Prisoner- Petition re three months detention in prison. 1945; Abeokuta Province (Abe Prof.)ABP. 32 Rations for Prisoners Egba Division 1951-52; ABP, 47 Vol. II Government Prisons Department Correspondence Re. 1936-57.

In contrast, a young person of the same age grade may end up in prison if the case is not adequately handled²⁹³.

The other classes of young inmates are the young female offenders. Although they do not necessarily end up in prison or other correctional institutions, they are nonetheless known to have grown to be basically sex offenders who may likely end up by serving short prison sentences at regular periods, usually during the festive season or just before that period. The maintenance of young female offenders is relatively minimal regarding the court and official expenses; however, there is no gainsaying that the cost effect to the society is enormous. This is because their problems do not end with themselves alone. Most of them end up producing illegitimate children and also spread diseases²⁹⁴. It is also instructive to note that apart from the penal classification in the regular prison, there are no exclusively separate institutions for young female offenders in Nigeria during the colonial period, as was the case in Britain. This was despite the country's penal system, which was designed in line with the British.

From the preceding, it was evident that the lack of adequate administrative policy in the treatment and management of young offenders was missing within the entire penal arrangement in the country. The deserving inmates had to be trained and housed in the same Borstal institutions designed for the boys. This arrangement was certainly for administrative convenience and not necessarily in observing the Borstal and Remand Centre Act which gives no room for such practices.

²⁹³ Oluwole, O. 1968. The Young Prisoner, in T. O. Elias. Ed. *The Prison System in Nigeria...*218. For further reading, check *The Laws of Nigeria*, 1948.

²⁹⁴ Oluwole, O. 1968. The Young Prisoner...219.



Picture 6.1: Bostal training institute, Adigbe, Abeokuta

Source: <https://hotels.ng/places/school/2051-borstal-training-institution-abeokuta>

(Accessed 25 August 2020).

It is noteworthy to mention that as far back as 1957 in Lagos²⁹⁵, a semi scheme was designed to accommodate the labour system among the young offenders. It was fashioned in such a manner that young offenders and Borstal inmates would be allowed to take up employment during the last few months of their penal sentence. According to Oluwole²⁹⁶, such inmates would live in prisons or in the Borstal Institution. They would go to work like ordinary persons in civilian clothes every day and return to the prison at the close of work. The wages earned from such penal labour would be paid to the prison authorities who had the constitutional rights to retain parts of the earnings for the upkeep of the inmates; and the other parts is divided into two: one is kept as pocket money, and the other is retained and paid to the inmates on discharge. This system was known in the United Kingdom as the Hostel Scheme²⁹⁷. However, this scheme was not adequately carried out in Nigeria because of the lack of fund and administrative negligence by the colonial administration. There is no doubt that it was a good attempt aimed at improving a lot of the young offenders if it had been appropriately implemented and given good administrative support. It was aimed at introducing an ideal reformatory and rehabilitative system.

6.3 Women in Colonial Prisons

Colonial prisons were seen as pathways to imposing colonial hegemony and coercing the African populace²⁹⁸. The universal aim of imprisonment, which was meant to rehabilitate and reform inmates held under incarceration, was to abuse the colonialists. And the colonial penal system was usually patriarchal in nature. Indeed, this affected the foundation of the penal system in Nigeria that was introduced by the colonialists.

²⁹⁵ Oluwole, O. 1968. *The Young Prisoner*...220.

²⁹⁶ Mrs. O. Oluwole was veteran prison officer, who served as Superintendent of Prison (Women), Headquarters of the Prison Department, Lagos.

²⁹⁷ Oluwole, O. 1968. *The Young Prisoner*...220.

²⁹⁸ Bernault, F., ed. 2003. *A History of Prison and Confinement in Africa*...413.

There were several reasons for the delay in setting up an exclusive female prison in Nigeria. The first and perhaps fundamental issue is the patriarchal and societal system that was/is in place in the country. These existing structures created an obstacle in the respect and protection for women's rights; thus, instigating widespread gender-based discrimination within the society. Indeed, this discrimination has played itself out in the establishment and architectural designs in the Nigerian penal system. As argued by Agomoh, prisons are an impression of the social orders inside which they are found. Accordingly, it is obvious that this segregation is made to show the inside reformatory establishments whose institutions were actually constructed and administered to adapt to the necessities of the male majority in confinement. Subsequently, a small number of female prisoners were essentially admitted to these penitentiaries and expected to adapt to similar schedules and facilities as men paying little attention to their extraordinary and complicated needs²⁹⁹.

Another point is the low population of imprisoned females. As already stated, from a global perspective, the number of female inmates in prison is considerably low compared with their male counterparts. Closely related to this point is the argument which states that compared with men, women are less likely to commit violence and serious crimes³⁰⁰. Thus, they are most likely to receive non-custodial sentences and short sentences. The emphasis here is that the population of female inmates in the world, and Nigeria in particular, is low; thus, the necessary provisions are usually absent. This is even more pronounced in the healthcare delivery services. In fact, in some cases, faith-based organisations (FBOs) and non-governmental organizations (NGOs) make some periodic donations to the prison inmates, particularly females.

The historical development of females in the Nigerian prisons system is one area that has been grossly understudied. The sub-title in this thesis, which is devoted to women in prison, might not be exhaustive enough to cover a substantial aspect of this crucial area of the Nigerian penal system. However, a glean into the available records might throw some

²⁹⁹ Agomoh, U. 2006. Assessment and Treatment of Female Prisoners in Africa. 157th International Training Course Visiting Expert's Paper Resources Material Series No. 94. 50.

³⁰⁰ Agomoh, U. 2006. Assessment and Treatment of Female Prisoners in Africa...52.

valuable light on the historical development of female incarceration in the country. For example, the press complained about the the representatives of the colonial body, especially the British and local establishments, for utilising colonial prisons as an instrument to subjugate the local opposition, especially women in Western Nigeria. For example, in 1949, there was a mass condemnation of the nature and dimension the Ijebu Remo Native Administration sent an approximately 30 women to jail. In fact, the way they were maltreated and eventually sent to prison under the cover that they defaulted in the payment of their taxes also called for close investigation.³⁰¹

To corroborate the above point, in 1948, the colonial office in London, through a report issued by Creech Jones, stated that:

I have the honour to inform you that I requested my Treatment of Offenders Sub-committee to consider the treatment and training of women in colonial prisons as the question of women's prisons presents some special difficulties. The Sub-committee appreciate that the question of women's treatment is complicated by the number of short sentences, by the comparatively small number of prisoners involved and of the existence of what are virtually single prisoners as well as the difficulty of concentrating such prisoners in a unit large enough to make training easy. They hope to make some useful suggestions on the subject but have informed me that, as a preliminary, it would be of value, if they could have up-to-date information ...I consider it important that the Sub-committee should have the information necessary to enable them to advise me fully on this difficult subject; and although some of it could, no doubt, be collected by research within the Colonial Office, I am sure you will agree that it is preferable to have a complete and authoritative statement from each Colonial Government itself...³⁰²

Nevertheless, the treatment of female inmates during the colonial era never received any significant boost from the colonial administrators. Available records show that the colonial authority up to the 1920s still made use of notable traditional female chiefs for the safe custody of female offenders who were not able to find a place within the colonial prisons³⁰³.

³⁰¹NAI, Oshun Div. 1/1 155/4 Women Prisoners: Treatment of. 1948-1959.

³⁰² NAI, Oshun Div. 1/1 155/4 Women Prisoners: Treatment of. 1948-1959.

³⁰³ Oral interview conducted with Mama Adeyanju, 80+, businesswoman, Ibadan, 25/06/2017. See also, NAI, Annual Report Prisons Department, Nigeria, 1929.

This was particularly common in places like Abeokuta, Ibadan, and Benin³⁰⁴. As mentioned earlier, the first-ever female exclusive prison in Nigeria was built after the colonial era in 1963.

Standing Order for Women in Prison

Apart from paragraphs 108 and 316, which mentioned some aspects of the treatment of female inmates, the main section that deals with welfare is under the medical requirements. Paragraph 417 spells out the treatment of women under the sub-heading: Pregnancy, Confinements, and Infants. The first aspect of it states that in the eventuality of pregnancy, the Medical Officer shall immediately be contacted by the prison officers. And once it is medically confirmed that an inmate is pregnant, the Superintendent will be contacted; he shall be the one to give marching orders to the Medical Officer for necessary action.

The pregnant inmate shall be in association by day and night, right from the point the pregnancy was confirmed. This is irrespective of the stage of the pregnancy. The inmate was, however, expected to work mildly during the day as long as she shows signs of capabilities. She should be given enough time to sleep in a room with no more than two occupants. The essence of the occupants is in case of any emergency so that they could render assistance by calling the warder or Medical Officer. The ward or room is usually provided with some specified means of calling the officer-in-charge, especially at night. At the proper period, the Superintendent or Medical Officer shall immediately move her to the labour ward to civil hospital, or ward, if provided within the prison premises. Apart from clothing for the expected child, the prison authority takes responsibility of all medical bills of the inmate. This applies to nursing mothers received into the prison with infants.

There are some special cases which have to be reported to the Prisons Director. When the Medical Officer, for example, discovers that an inmate is in such an advanced point of pregnancy, and it coincides with period of discharge, she may be required to stay longer for the safety of her health. Nevertheless, this must be adequately documented by the medical

³⁰⁴ NAI, Annual Report Prisons Department, Nigeria, 1929

officer. Closely related to the above is the circumstance when a child accompanies the mother to prison custody or is born in prison, in which the mother has no option other than to take responsibility for the baby. In such an instance, the prison management has to make adequate provisions for the upkeep of the child. The mother of such child shall be issued a cradle or cot, and the mother will be held responsible for any accident in the cause of making use of the items provided. The arrangement is usually made by the Medical Officer in the case of malnutrition as a result of poor breastfeeding.

One important aspect of the colonial prison system was the check against the stigmatization of children born in prison. The rights of the children are carefully protected. The system was organized in such a way that it never affected their future endeavours in life. Their existence was tied to the provisions of their mothers. In reporting the birth of a child in prison, adequate care will be taken so that the appellation 'prison' does not appear in the notification. For record purpose, the name of the road or street and the plot number will be given as the address.

6.4 Social and Health Welfare of Prison Inmates

The health care sector of the penal historiography in Nigeria plays a very significant aspect in its development, particularly during the colonial era. For example, the *Lagos Blue Book* of 1894 and 1902 indicated that the health of prison inmates was on average. Available records show that there are several cases of different diseases within the confines of the colonial prisons. However, there were some very common diseases among the prison inmates during that period, prominent among which are:

- Diarrhea
- Dysentery
- Fever
- Rheumatism
- Intestinal worms
- Cardiac related issues
- Bronchial trouble
- Wounds and injuries.

The above ailments were prevalent among inmates. Even far back as the 1890s there several cases of the above mention diseases in the Broad Street Prison (Lagos), Ikoyi, Ibadan and Abeokuta prisons. But, the colonial penal administrators in their wisdom had to from time to time improve on the dietary provision for the inmates as a means of reducing this menace within among inmates. This was because they felt that most of the ailments were closely related to poor nutritional provisions. Again, it should be noted that penal administration in Nigeria during this period, especially in Western Nigeria, was still at its teething phase, and as such, most of its units were also affected by the poor prison arrangements. This apparently, was by no means peculiar to the prison department alone. Thus, the health dimension was equally affected by this scenario.

In Nigeria, particularly during the colonial period, the provision of health care services to prison inmates was certainly worse than that of ordinary citizens. Prisoner's health was relatively not different from the average masses outside the confines of the prison walls. But as was common in most developing countries regarding the treatment of prison inmates, Milner argues that "the maintenance of health standards has posed the problem of how far convicted lawbreakers should be offered better treatment than those who do not break the law"³⁰⁵. The argument for such treatment as put forward by the colonial authorities was that since they were confined in a certain environment, they were mostly prone to environmental and sanitary health challenges. But to what extent is this "good treatment" is highly debatable. This was because what was described as a good treatment to the inmates could at the long run, be damaging to their health. For example, most of them reacted to the change of diet leading to a recurring bowel problem. The kind of diet provided for the indigenous inmates was strange to most of them compared to what they were used to.

By 1910, George Gray, the Inspector of Prisons of the Southern Region in Nigeria, complained of the deplorable state of the healthcare system in the country. In his report, he stated that the health condition in the various prisons in the country during 1909 was a source of great anxiety to the colonial authority, especially the Prison Staff and the Medical

³⁰⁵ Milner, A. 1972. *The Nigerian Penal System...*263.

Officers who had direct contact with inmates. Unfortunately, as at when he was sending in his report, there was no encouraging modalities put in place to address the situation. Table 6.1 indicates the mortality rates in Western Nigerian Prisons in 1910. This same information is captured in Figure 6.1 in the form of a bar chart to clearly show the death and pollution rates of inmates in Western Nigeria during the year 1910.

Table 6.1: Mortality rates in Western Nigerian Prison, 1910

Prison	Number of Deaths	Daily Average Population
Lagos	13	356
Warri	19	202
Kwale	4	126
Abeokuta	2	124
Benin	7	121
Agbor	1	82
Ogwashi	14	75
Ubiaja	7	73
Ilaro	0	36
Ado	0	35
Ondo	2	32
Ibadan	0	30
Ifon	1	28
Epe	3	27
Badagry	1	19
Ikorodu	0	27
Oyo	0	19

Source: created by researcher NAI, University of Ibadan.

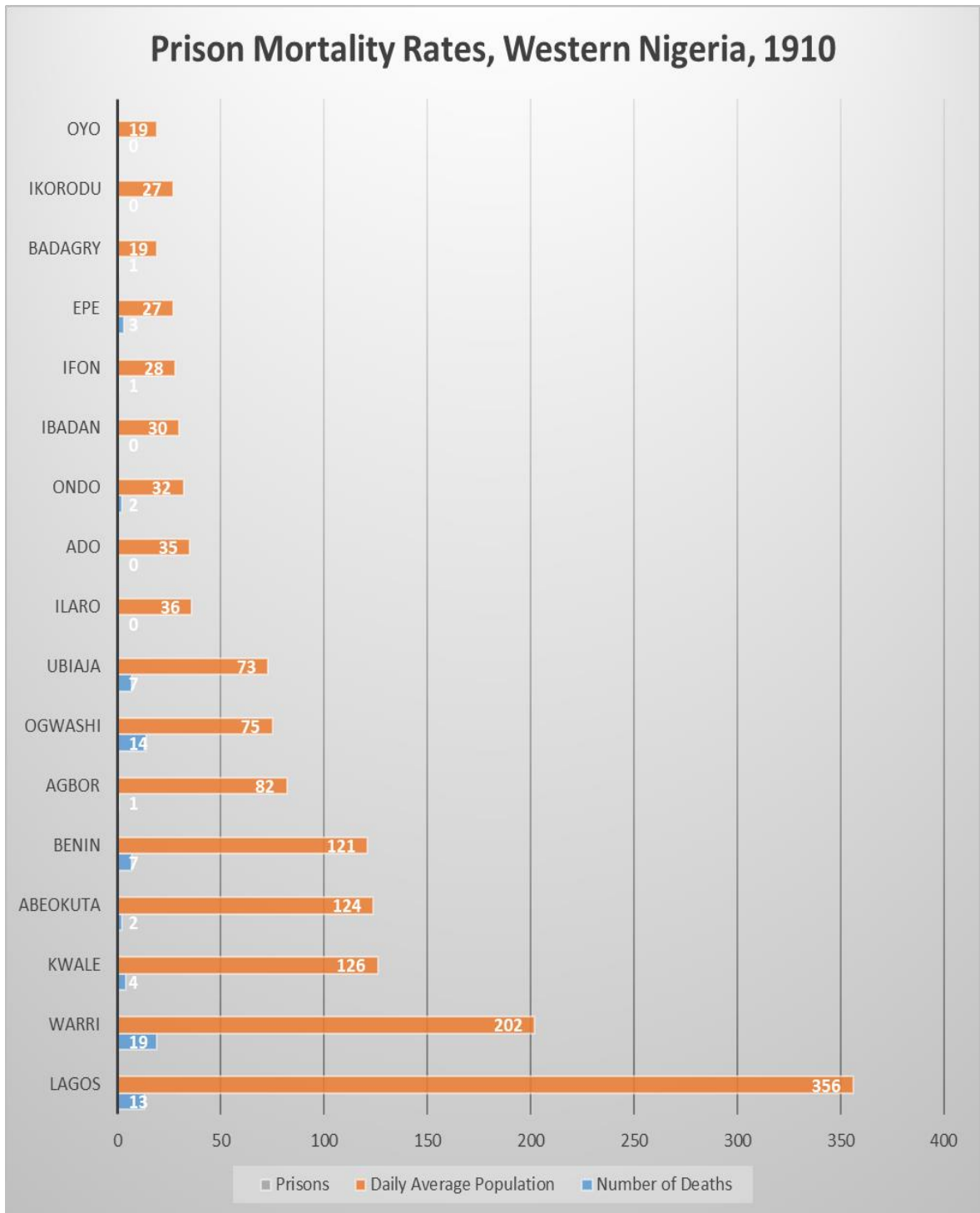


Figure 6.1: Prison Mortality Rate Western Nigeria, 1910

Source: Designed by Researcher

As recorded by Awe 1968: mortality rates in some government prisons were so high that in 1918 and 1919, a Commission had to be established in 1920 to investigate food and other problems affecting the health of prisoners in prison in the Southern Province. In the North, the health and hygiene situation was not much better; there was no provision for isolation facilities for infected prisoners, and it was not until 1926 that isolation cells were built at the Kaduna and Jos prisons. In fact, in most prisons in the North and the South, there is no provision to separate mad criminals from other inmates.³⁰⁶

Having highlighted a few instances on the general health conditions in the whole of Southern Nigeria, it will be apposite to narrow down the situation to Western Nigeria, which is the scope of this study. For example, in 1911, in Western Nigeria, the total number of deaths resulting from health conditions reduced by 90 compared with the previous year. This was mainly because of the increased expenditure which was pumped into the medical comforts as it was regarded then. Also, that same year, the Sapele prison where there was a major outbreak of ankylostomiasis received a sum of £74.18s to take care of the health and medical comfort of the prison.³⁰⁷ To increase the well-being of the prison, the Lagos and Warri prisons in 1911 built an expanded kitchen and a standard installation of coppers for the boiling of water, as well as overhauled and tanks cleaned and fitted with a pump. To create more space for the female inmates who were accommodated in an unhealthy rooms,

³⁰⁶ NAI, BP, 24/1914 Increase of Prisoners' diet- Recommendation on by District Medical Officer Benin City 1914

NAI, BP, 146/14 Annual Board of Survey on the Prison Store at Ogwashi-Uku 1914; BP, 147/14 Annual Board of Survey on the Prison Store at Asaba 1914.; CSO 0200/s.2 Tours of the Director of Prisons 1921/57; CSO, 03035 Prison Diet Scales 1920-22; CSO, 03114 Prison Departments: N&S Province, Annual Reports 1920-21.

³⁰⁷ NAI, Lagos Blue Book for 1909,1910 and 1911. See: CSO 0200/s.2 Tours of the Director of Prisons 1921/57; CSO, 03035 Prison Diet Scales 1920-22.

an additional room in the matron quarters was allocated to them. The health condition in the prisons improved significantly in 1911 in Western Nigeria, such that the Badagry prison for that year was adjudged as the healthiest prison in the country.

By the 1930s, the health condition of the prisons, particularly in the Western region, had begun to deteriorate. In a report by F.W. Garvey in 1931, he stated that the total number of deaths from diseases in Southern Nigeria during the year 1931 stood at 119 as against 153 in 1930. And of this number, 116 were males and three females as against 139 males and 14 females in 1930³⁰⁸. Of interest was the comparative return of the deaths at the convict prisons during the years 1930 and 1931:

³⁰⁸ NAI, COMCOL I, 197/147 Prisoners: Petition from. 1950/54.

Table 6.2: Comparative Return for Convict Prisons Southern Nigeria, 1930 and 1931

Convict Prison	1930	1931
Lagos (including Ikoyi)	16	12
Calabar	14	7
Port Harcourt	7	5
Abeokuta	3	3

Source: Lagos Blue Book, 1931.

As already noted earlier, there were cases of colonial segregation and preferential treatments accorded to European inmates. For example, an inmate published a work in a local media about the deplorable situation in most of the prisons in the country. He said the convicts sent to Lagos prison were being held in very harsh conditions that ordinary people could not stand.³⁰⁹ Tables 6.3 and 6.4 below show the death rates of prison inmates in 1931 in Western Nigeria, and the kind of diseases that was common among inmates during the period.

³⁰⁹ NAI, COMCOL I, 197/147 Prisoners: Petition from. 1950/54; COMCOL I, 197/s.132 Richard Ukwuani-Discharged Prisoner- Petition re three months detention in prison. 1945; Abeokuta Province (Abe Prof.)ABP. 32 Rations for Prisoners Egba Division 1951-52; ABP, 47 Vol. II Government Prisons Department Correspondence Re. 1936-57

Table 6.3: Death rate 1931, Southern Nigeria

Prison.	Number of Deaths.	Prison.	Number of Deaths.
Aba	8	I b a d a n	-
Abak	-	Ikom	2
Abakaliki	3	Ikot-Ekpene	7
Abeokuta	3	I t u	2
Ado-Ekiti	-	Kumba	2
Afikpo	4	Kwale	1
Agbor	6	Lagos	12
Ahoada	5	Mamfe	7
Aro-Chuku	1	Nsukka	-
Auchi	1	Obubra	2
Awgu	1	Ogoja	3
Awka	-	Ogwashi-Uku	-
Badagry	-	Okigwi	-
Bamenda	6	Ondo	-
Bende	1	Onitsha	1
Benin-City	-	Opobo	-
Busa	2	Owerri	-
Calabar	7	Owo	1
Degema	1	Oyo	-
Eket	1	Port Harcourt	6
Enugu	13	Sapele	4
Epe	-	Ubiaja	2
Forcados	-	Uyo	-
Warri	5		

Source: NAI, 1931 Annual Records for Penal System in Nigeria.

Table 6.4: Deaths, Diseases and the Causes in Western Nigeria, 1932

Number of Deaths.	Causes.	Number of Deaths.	Causes.
1	Pneumonia & Myocarditis	2	Strangulated Hernia
1	Septicaemia following gangrene	2	Natural Cause.
5	Broncho-Pneumonia following Influenza.	1	Kidney disease.
1	Chronic Enteritis	1	Cancer
16	Pneumonia	2	Acute Pneumonia
3	Bronchitis	1	Exhaustion and Chronic Dysentery.
1	Diarrhoea	1	Debility and Wounding.
1	Mania, Exhaustion and cardiac failure.	1	Complication of Influenza
1	Cerebral Haemorrhage	1	Coryza
1	Dropsy	2	Chronic Nephritis
1	Acute dilation of the stomach .	1	Acute Tuberculosis of the lungs.
1	Gangrene of the leg.	1	Apoptotic Pneumonia.
3	Chronic Bronchitis	1	Acute inflammation of the intestines and Enteritis.
8	Dysentery.	1	Aortic Aneurism.
4	Lobar Pneumonia.	1	Cardio-renal disease.
2	Amoebic Dysentery.	1	Ulcerated Colitis.
4	Right lobar Pneumonia	2	General Peritonitis.
1	Acute Bronchitis.	1	Ankylostomiasis.
2	Tuberculosis.	1	Heart Stroke.
2	Unknown	1	Gastritis.
1	Trypanosomiasis.	1	Hydrocele.
1	Post-operative peritonitis.	1	Chronic Gonorrhoea with extravasation of Urine.
1	Mania and exhaustion.	3	Septicaemia.
1	Acute lobar pneumonia and cardiac failure.	1	Pleurisy.
1	Inguinal Hernia.	1	Myocarditis
1	Valvular disease of the heart.	1	Syphilitic Aortitis.
2	Heart failure.	1	Broncho Pneumonia.
1	Pyelonephritis with pyaemia.	1	Valvular disease and acute Bronchitis.
1	Shock and Intestinal obstruction.	1	Fit following Epilepsy.
1	Gangrene of the Bowel.	2	Cardiac failure following double pneumonia.
1	Small Pox.	1	Peritonitis following tubercular enteritis.

Source: NAI, Lagos Blue Book, 1932.

By 1960 the colonial authorities had come up with concrete steps on how to address the medical challenges of inmates in Western Nigeria and the entire country as a whole. One press problem was the incarceration of lunatics and lepers among regular prison inmates. And to address this challenge, the Director of Prisons in Lagos gave an order as contained in Article 432 of the Prison Standing Order that all inmates infected with leprosy in the Western region should be transferred to Benin Prison, where special provisions are put in place to cater for their needs. However, the inmates that were entitled to these privileges must have been sentenced to serve not less than three months in prison custody³¹⁰.

³¹⁰ Prisons Standing Order, 1960. P. 80

CONCLUSION

This study has brought to limelight several fundamental aspects that are closely related to the nature and dimension of the prison systems in Western Nigeria from 1872 to 1960. It examined the historical development of the administration of colonial penal systems and pontificates that the prisons system played a significant role in the tripartite justice system introduced by the British colonialists to consolidate their oppressive tendencies and to, above all, gain easy access to cheap and needed labour. As already stated in Chapters One and Two, the Western region, precisely Lagos, served as the base where the first Western-style prison was established and later spread to other parts of the country. In addition, apart from examining the colonial penal administrative structure, policies, labour system, ordinances, and regulations, this study has also brought to the frontline the treatment and management of certain classes of prison inmates, namely: the physically and mentally ill as well as women and children in prison. By examining these categories of prisoners, this study has notably engaged but challenges the conventional Eurocentric ideologies and theories that depict the African penal systems as archaic and barbaric. Apart from the open revolts and resistance embarked upon by prison inmates in colonial Nigeria, these inmates also participated in the unconventional mode of anti-colonial carceral system of administration such as suicide, prison escape, and feigning illness. The colonial prison system also witnessed the emergence and development of a penal culture that was completely new and alien to the people. And the available records demonstrate the gradual adjustment of prison inmates to this new form of colonial confinement and imprisonment.

There is no gainsaying that some fundamental challenges such as poor health and sanitary conditions, overcrowding, poor penal classifications, insufficient and unskilled personnel, and poor infrastructure are some of the drawbacks of the Nigerian prisons system. Indeed, these challenges, to a very large extent, can be traced to the colonial period, which seemed

to be missing in most of the literature of correction studies in Nigeria. The colonial prisons dislodged and replaced the pre-colonial African centred non-custodial penal arrangement that had hitherto flourished in the land prior to the advent of European colonialism. Driven by the forces of imperial capitalism, the prison system introduced into the Nigerian space was mainly punitive and void of global rehabilitative or reformatory tendencies.

The colonial penal historiography in Western Nigeria during our period of study underscores the fact that there is strong connectivity among the various sectors of the colonial administration. The prisons department was one of the fundamental units of the colonial justice system utilised to consolidate her stronghold among the various regions in Nigeria. However, in spite of the giant strides taken by colonial authorities in the establishment and development of the prisons department, there were some certain shortcomings. The prisons system in the above region was never a smooth sail all through. As already mentioned in the body of this study, one of the salient challenges to the colonial penal authority was the lack of personnel. Indeed, a very large percentage of prison staff from the 1870s up to the 1940s were predominantly unskilled and lacked proper penal training. Until the 1950s, a significant number of prison staff were mere colonial administrators who had little or no training at all on prisons management. In the whole of Southern Nigeria, up to 1920, the prison unit was classified under the police department. This, was most likely connected with the dearth of prison staff that could independently man the affairs of her unit. Funding was another shortcoming that was, however not peculiar to the prisons department alone. This singular problem affected all aspects of the penal administration: health, administration, welfare, personnel, etc. Apart from the above challenges, there were other problems like recidivism, escapism, indiscipline among prison staff and inmates, infrastructure, lunatics in prison, etc.

Findings in the course of this study indicated that there was a vast level of colonial segregation and racism within the penal system in Nigeria. It is important to point out that this aspect of penal historiography has been grossly neglected by scholars in the field of correction study, especially in Nigeria. A glean into the available archival documents reveal

that European inmates were treated as first-class citizens and VIPs within the prison system. The 1916 Prison Ordinance and 1917 Prison Regulation which to large extent defined colonial penal policies in Nigeria allocated some special preferential treatment to the European inmates. It should be noted that there were also some non-Nigerian inmates who were not Europeans. This set of inmates were classified alongside the Nigerian inmates as far as the above ordinances and regulations were concerned. They included inmates from neighbouring countries such as the Republic of Benin, Cameroun, Gold Coast (Ghana), Mali, etc. But, the European inmates were accorded special meals, clothing, accommodation, etc. On the other hand, while the colonial government gave special treatment to European offenders, it was completely silent about the elderly in prison custody. Women and young offenders were another set of inmates that were never given any special treatment, which a contradiction of the universal penal arrangement was. Indeed, findings from this study also revealed that the colonial prisons were never designed to accommodate women and young offenders. Throughout the colonial period, there was no female exclusive prison built to accommodate the female inmates. They were accommodated on the make-shift arrangement within the confines of the larger prison. The case was even worse for young offenders.

Equally integral is the 1938 amalgamation of the Northern and Southern prison administrations in Nigeria. As indicated in chapter three, before this period, both regions had different penal administrative systems and were administered by different personnel. Despite the complete withdrawal of the Police Force from prison administration in Southern Nigeria in 1920, this trend still continued until 1938 in the North. To fully amalgamate the different prison systems within the country, most of the Native Administration had to be shut down. This was mainly aimed at deregulating the penal staff system, which was massively infiltrated by untrained prison officers. For example, Col. V. Mabb, the Director of Prisons during that period, argued that the closure of the Government prison at Ibadan in 1938 could benefit both the Government and the Ibadan Native Administration. According to him, it could give the Native Administration enough short sentence prisoners to employ

on NA works and at the same time grant them the opportunity to create something reasonable for the inmates serving longer terms in jail.

In the case of the Abeokuta Convict Prison, it was too small then to warrant its supervision by a European Prison Officer due to the limited European staff. It was in a bid to solve this problem that the 101 long-sentence prisoners were distributed to Port Harcourt, Lagos, and Enugu. And its status reverted to a Provincial Prison under the supervision of an Administrative Officer. The prison, which was designed to accommodate a maximum of 170 inmates, was usually overcrowded because of the long and short sentence inmates from Ijebu Ode, Ibadan, Abeokuta, and Ilaro. The above arrangement was not too comfortable with the Alake, who had a contrary opinion. To him, the Abeokuta Convict Prison should have been converted to a mental hospital, and the inmates are transferred to Egba Native Administration. In an initial visit by the Director of Prison to the Egba Native Administration Prison in 1937, he stated that the Alake had informed him that the average number of inmates (sixty-one) did not give the chance of utilizing penal labour. He argued that the Egba Administration had gone to a considerable expense in building such a good prison, and the keen interest shown by the Alake towards prison administration was never encouraged by the poor penal arrangement in the area.

This study has attempted to give a comprehensive historical foundation and expansion of the prisons arrangement in Western Nigeria. It highlighted fundamentally the administrative, labour system, social and health welfare, and the children and women in the colonial penal settings. However, there is still room for scholars, especially historians, to investigate some other aspects of the prisons system; for example, the elderly, lunatics, staff welfare, etc., are grey areas that need some historical-analytical examination. Indeed, as a whole, the field of correction study, especially prison studies, is still one aspect of scholarship that has been grossly understudied, particularly by historians in this part of the globe.

The colonial historical antecedents of the prison service in Western Nigeria created a racial structure within the prison system in the country, which is now known as the Nigerian Correctional Service. However, the administrative pattern and procedure of prison service did not reflect the reformatory purpose for which the institutions were established.

In conclusion, this thesis has established that as important as the institution of prisons in the process of the administration and execution of justice during the colonial era, no study has been conducted to document its dynamics in Western Nigeria where the first colonial prison was established and commissioned. This study has pioneered and provides a scholarly touch on the dynamics of the prison system with focus on the colonial prison system in Western Nigeria. Unlike the conventional Eurocentric ideologies and theories that depict the African penal systems as archaic and barbaric, similar experiences were also found in the colonial prisons that led to open revolt and resistance by inmates, in the form of the committing of suicide, prison escape and feigning for illness to escape from some of the heinous treatments. The colonial prison system in Western Nigeria experienced a number of drawbacks that include poor health and poor sanitary conditions, overcrowding, poor penal classifications, insufficient and unskilled personnel, as well as poor infrastructure, which were a consequence of colonial imperialist ideology. The colonial imperialist ideology that defines the philosophy behind colonial rule ensured through the 1916 prison Ordinance and 1917 prison Regulation giving special preference to European inmates. Unlike other inmates, European inmates were accorded special meals, clothing and accommodation. Neither were other foreign nationals, the elderly, children, or women were given such treatment in the prisons of Western Nigeria.

REFERENCES

Primary Sources

Oral Interviews Conducted

Informant	Age	Occupation	Place	Date
Prof. B. Awe	82	Retired Professor	Ibadan	23/11/2014
Prof. O. B. Olaoba	50+	Lecturing	Ibadan	19/08/2015
Prof. E. Bankole	66yrs	Lecturer	Akure	25/01/2017
Barr. Onwuli, C. A.	65	Deputy Controller General (Rtd.), Nigeria Prison Service	Ibadan	10/01/2015
Madam Rukayat Ishola	80+	Local historian/businesswoman	Abeokuta	20/01/2017
Mr. Akhere Odion	70+	Local Historian	Uromi	20/01/2015
Mr. Alli Balogun	68yrs	Retired prison officer	Ibadan	15/07/2015
Mr. Ojike Francis	60+	Retired prison officer	Benin	20/01/2015
Mr. Akeem Babatunde	60+	Civil Servant	Lagos	20/04/2015
Amb. C.Ariyo	70+	Retired civil servant	Ilesa	4/02/2016
Oba Musiliu Adio	70+	Traditional ruler(Onisiwo of Tomaro)/Community Leader	Lagos	21/06/2018
Oba Fatai Aromire	80+	Ojora of Ijora Kingdom/Community Leader	Lagos	21/06/2018

Chief Nurudeen Olubiyi Agoro	50+	Ojan of Lagos/Comm. Leader	Lagos	21/06/2018
Alhaja Iyabo Tinubu-Ojo	60+	Iyaloja General of Nigeria/Community Leader	Lagos	21/06/2018
Baba Ilesanmi	74+	Local historian /Security man	Ilesa	25/02/2015
Mr. Francis Okon	70+	Civil Servant/ex-convict	Ibadan	20/06/2016
Mama Adeyanju	80+	Local historian/Businesswoman	Ibadan	25/06/2017
Dr. I. Akinwale	80+	Retired lecturer	Lagos	22/06/2018
Mrs. Gladys Ajayi	80+	Retired prison officer(cook)	Benin	22/01/2017
Mr. Amoo (Baba Ikoyi)	89yrs	Local historian	Ibadan	16/08/2015
Mr.Chuks Azubike	61yrs	Prison officer	Abeokuta	19/08/2016
Mr. B.Falola	72yrs	Retired Police officer	Ibadan	16/08/2015
Mrs. Felicia Ogara	82 yrs	Retired police officer	Benin	21/01/2017
Madam Obasa	70+	Retired prison officer	Ibadan	24/04/2016
Chief Mike Etimane	70+	Community leader	Benin	21/01/2017
Chief I. Ekhire	80+	Community leader	Benin	22/01/2017
Chief Ekundayo Gbegi	84yrs	Community leader	Abeokuta	19/08/2016
Baba Egus	70+	Community leader	Benin	22/01/2017

Mr. Akatah, E.	60+	local historian	Benin	22/01/2017
Mr. Sunday Ojore	75yrs	Retired prison officer	Uromi	20/01/2015
Mr. A. Fakorede	70+	Local historian	Abeokuta	19/08/2016
Mr. Abiodun Yussuf	84yrs	Local historian	Ibadan	24/09/2018
Baba Gabriel Akere	76yrs	Local historian	Ibadan	24/09/2018
Mr. Abel Maya	70+	Retired prison officer	Lagos	23/06/2018
Mama Ibeji	70+	Local historian	Ibadan	24/09/2018
Mr. A. Olatunji	80+	Retired police officer	Ibadan	25/09/2018
Baba I.Fayum	90+	Community Leader	Lagos	24/06/2018
Dr. Ike Okonkwu	70+	Retired Lecturer	Lagos	24/06/2018
Mr. Mutiu Ajala	75yrs	Community Leader	Akure	26/01/2017
Baba Johnson Ajagbe	76yrs	Local historian/farmer	Ibadan	27/03/2016

Archival Sources

National Archives, Ibadan

Annual Report on the Prisons Department (Southern Provinces and Colony) for the Year 1935, Kaduna: Government Printer, National Archives Ibadan (NAI).

BP343/14 “Prisoners in Custody Benin Province” 1914, NAI.

National Archives Ibadan (hereafter NAI), CSO 26, 30015, (Amendment of Prison Regulation for the Punishment of Officer against Prison Discipline) “The Acting Secretary Southern Province to the Chief Secretary to the Government: Corporal

- Punishment for Prison Offences,” November 23, 1934.
- NAI, Annual Report on Prisons Department of the Southern Provinces of Nigeria for the Year 1915.
- NAI, Annual Report on the Prisons Department of the Southern Provinces of Nigeria for the Year 1919.
- NAI, Annual Report on the Prisons Department of the Southern Provinces of Nigeria for the Year 1933.
- NAI, Annual Report, Lagos, Nigeria, 1886.
- NAI, Annual report on the Prisons Department, Colony and Southern Provinces for the year 1922.
- N.A.I, Lagos Blue Book, *Gaols*, 1894, 1899.
- NAI, Lagos Blue Book, 1876
- NAI, Lagos Blue Book, 1900-1906;
- NAI, Annual Reports, Lagos, Nigeria. *Prisons* 1914 & 1915.
- NAI, Annual Report on the Prisons Department: Colony and Southern Provinces of Nigeria for the Year 1914.
- NAI, Annual Report Prisons Department: Northern and Southern Provinces, 1925.
- NAI, Annual Report on the Prisons Department: Colony and Southern Provinces, 1925.
- NAI, CSO 26/2 03114, Annual Report Prisons Department: Northern and Southern Provinces, 1926.
- NAI, CSO 26/2 12686 (Vol. IX), Annual Report Prisons Department: Northern and Southern Provinces, 1935 & 1936.
- NAI, CSO 26/2 12686 (Vol. IX), Annual Report Prisons Department: Northern and Southern Provinces, 1936.
- NAI, CSO 26/2 18519/SI (Vol.1), “Director of Prisons to the Chief Secretary to the Government: Mark System: With reference to the endorsement no 18519/47,” May 10, 1938.
- NAI, 06277/51, CSO 26, Prisons Ordinance: Orders in Council under Section 25 A, 1916.
- NAI, Regulations for the Government of Prisons, Nigeria. 1917.

NAI, C/L 240/13 “Abeokuta Convict Prison: Lease of Land for Grantee: Egba Native Authority” 1913, NAI.

Oyo Prof 2/3/c187, “Director of Prisons to Prison Department”, October 30, 1924, NAI.

Oyo Prof 4/8/50/1920, “Deputy Director of Prisons to the Residents Oyo Province”, August 18, 1921. Enclosure, NAI.

Oyo Prof II 28/1917 “Aims of Prison, Forfeiture of on all Patriots Orders” 1917/19, NAI.

WPB 695 “Annual Report on the Ondo Province” 1927, NAI.

WPB 714 “Annual Report on the Warri Province” 1927, NAI.

War Prof 1 441 Vol. II Prison Department General Correspondence Wardens Quarters etc. 1948/51

War Prof. 2 441 Vol. III Prisons Department General Correspondence Warders Quarters etc. 1951/57.

War Prof, 441 (i) Prison Dept. General Correspondence and (ii) Prison Warders Quarters 1945-48

War Prof , 441/3 Prison Dept. Dispositions 1953-56

Newspapers

Lagos Weekly Reports 24th June 1945.

Southern Nigerian Defender, 10 August 1952.

The Nigerian Daily Times, December 4, 1933.

The West African Pilot, July 10, 1941.

The Nigerian Tribune, 4th July 1953.

Yongo P.P. 2000. “Prisons Await Obasanjo’s Attention”. *The Punch*, 21 November.

Secondary Sources

Books

Ajisafe, A. K. 1924. *Laws and Customs of the Yoruba People*, Lagos: University Press.

- Amee Schwitters 2014. *Health Interventions for Prisoners*, New York: World Health Organization.
- Amnesty International, 2008. *Nigeria: Prisoners' Rights Systematically Flouted*, London: Amnesty International.
- Atkinson, J. 1978. *Discovering Suicide*. London: Macmillan.
- Ayandele, E. A. (1966). *The Missionary Impact on Modern Nigeria*, London: Longmans.
- Bernault, Florence, ed. 2003. *A History of Prison and Confinement in Africa*. Portsmouth, NH: Heinemann.
- Bosworth, M. Ed. 2005. *Encyclopedia of Prisons and Correctional Facilities*, London: Sage Publications, Inc.
- Braggins, J. & Talbot, J. 2005. *Wings of Learning: The Role of the Prison Officer in Supporting Prisoner Education*, New York: Esmee Fairbairn Foundation.
- Carpenter, E. 1905. *Prisons, Police and Punishment: An Inquiry into the Causes and Treatment of Crime and Criminals*. London: Arthur C. Fifield.
- Coyle, A. 2003. *Humanity in Prison: Questions of Definition and Audit*. London: International Centre for Prison Studies.
- Coyle, A. 2002. *Managing Prisons in a Time of Change*, London: International Centre for Prison Studies.
- David C., Pamela B. & Jacqueline H., 1990. *Psychology in Prisons*, London: Routledge.
- Davis, A. Y. 2003. *Are Prisons Obsolete?* New York: Seven Stories Press.
- Delvin, A. 1998. *Invisible Woman*, Winchester: Waterside Press.
- Doig, J. 1983. *Criminal Corrections: Ideals and Reality*, Lexington, M. A: Lexington Books.
- Dow, M. 2004. *American Gulag : Inside U.S. Immigration prisons*, London: University of California Press, Ltd.
- Drapkin, I. 1989. *Crime and Punishment in the Ancient World*. Lexington, MA: Lexington Books.
- Egharevba, J. 1960. *A Short History of Benin*, Ibadan: Ibadan University Press.
- Egu, M. A. 1990. *History of the Nigerian Prisons Service: An Insider's Account*, Nsukka: University of Nigeria Nsukka Press.

- Ehonwa, O. L. 1993. *Prisoners in the Shadows: A report on Women and Children in Five Nigerian Prisons*. Lagos: CLO.
- Falola, T. 2012. *Ibadan: Foundation, Growth and Change, 1830-1960*, Ibadan: Bookcraft.
- Flynn, E. E. & Zahn, M. 2010. *Prison and Jail: Development of Prisons and Jails in the United States*. New York: Vintage.
- Foucault, M. 1977. *Discipline and Punish: The Birth of the Prison*. New York: Vintage.
- Gabriele, M. 2009. *Faith, Ideology and Fear Muslim Identities Within and Beyond Prisons*, New York: Continuum International Publishing Group.
- Goffman, E. 1961. *Asylums*. New York: Garden City Anchor Books.
- Graham, J. T., Ed. 2006. *Psychology in Prison*, Oxford: British Psychological Society and Blackwell Publishing Ltd.
- Greifinger, R. B., Bick, J. & Goldenson, J. 2007. *Public Health Behind Bars from Prisons to Communities*, New York: Springer Science+Business Media, LLC.
- Hassan, R. 1995. *Suicide Explained*. Melbourne: Melbourne University Press.
- Hatty, S., & Walker, J. 1986. *A National Study of Deaths in Australian Prisons*. Canberra: Australian Institute of Criminology.
- Her Majesty's Chief Inspector of Prisons. 1997. *Women in Prison: A Thematic Review*, London: HM Inspectorate of Prisons.
- 2007. *The Mental Health of Prisoners: A Thematic Review of the Care and Support of Prisoners with Mental Health Needs*, London: HM Inspectorate of Prisons.
- Jeffrey, F., 2006. *Prisons*, New York: Facts On File, Inc.
- Karen, D. 2003. *Drugs, Prisons and Policy-making*, New York, Palgrave Macmillan.
- Keay, E. A. & Richardson, S. S. 1966. *Native and Customary Courts of Nigeria*, Lagos: AUP.
- Kellogg, R. H. 1865. *Life and Death in Rebels Prison*, Conn: L. Stebbins.
- Lars M., Heino S., Ralf J., Alex G. & Haik, N. 2007. *Health in Prisons A WHO Guide to the Essentials in Prison Health*, New York: World Health Organization.

- Liebling, A. 1992. *Suicides in Prison*. London: Routledge.
- Lin, A. C. 2000. *Reform in the making: The Implementation of Social Policy in Prison*. Ewing, NJ, USA.
- Lynch, M. J. 2007. *Big Prisons, Big Dreams : Crime and the Failure of America's Penal System* New Brunswick: Rutgers University Press.
- Melvin D. & Denise Humm-Delgado 2009. *Health and Health Care in the Nations Prisons: Issues, Challenges and Policies* , New York: Rowman & Littlefield Publishers, Inc.
- Ogunleye, A. 2007. *The Nigerian Prison System*, Lagos: Specific Computer Publishers Ltd.
- Okunola, R. 1986. *Institutional Treatment and Social Stigma: A Comparative Study of Amanawa Leprosarium and Sokoto Prisons*. Sokoto: F. S. S. A Research Publication, University of Sokoto.
- Paul B. P. 1988. *Prison Crowding: A Psychological Perspective*. New York: Springer-Verlag.
- Player, E. & Jenkins, M. Eds. 1994. *Prisons after Woolf: Reform Through Riot*. London: Routledge.
- Prisons Act 1972. *An Act to Make Comprehensive Provisions for the Administration of Prisons in Nigeria and Other Matters Ancillary Thereto*. Lagos, Federal Government of Nigeria.
- Radcliff-Brown, R. 1952. *Structure and Function in Primitive Society*. New York: The Free Press.
- Ramsbotham, D. 2004. *The Shocking State of Britain's Prisons and the Need for Visionary Change*. London: Free Press.
- Ravlich, A. G. 2008. *Freedom from our social prisons : the rise of economic, social, and cultural rights*. Plymouth: Lexington Books.
- Richard H. 1987. *The Penal Colony*, London: Grafton Books Ltd.
- Richard Wortley 2004. *Situational Prison Control Crime Prevention in Correctional Institutions*, Cambridge: Cambridge University Press.
- Roberson, C. 1997. *Introduction to Correction*, Incline Village, VN,: Copperhouse.

- Roth, M. P. 2006. *Prisons and Prison Systems: A Global Encyclopedia*, London: Greenwood Press.
- Rudolph P., 2005. *Crime and Punishment in Islamic Law: Theory and Practice from the Sixteenth to the Twenty-first Century*, New York: Cambridge University Press.
- Scott, D. & Codd, H. 2010. *Controversial Issues in Prisons* (Berkshire: Open University Press)
- Sim, J. 2009. *Punishment, Prisons, Power and the Carceral State*. London: SAGE Publications Ltd.
- Simon Wilson & Ian Cumming, 2010. *Psychiatry in Prisons, A Comprehensive Handbook*, London & Philadelphia: Jessica Kingsley Publishers.
- Simon, Rita J. & Christian A. de Waal, 2009. *Prisons the World Over*, Plymouth: Lexington Books.
- Sweeney, M. 2010. *Reading is My Window: Books and the Art Of Reading in Women's Prisons* Chapel Hill: The University of North Carolina Press.
- Sykes, G. 1958. *The Society of Captives*. Princeton: Princeton University Press.
- Thomas, J. E. 1972. *The English Prison Officer Since 1850*. London. : Routledge and Kegan Paul.
- Thomas, M. 2012. *Violence and Colonial Order : Police, Workers and Protest in the European Colonial Empires, 1918–1940*. New York, Cambridge University Press.
- United Nations, 2007. *Handbook of basic principles and promising practices on Alternatives to Imprisonment: Criminal Justice Handbook Series*, New York: United Nations Publications.
- United Nations 2005. *Human Rights and Prisons: A Pocketbook of International Human Rights Standards for Prison Officials*, (New York, United Nations Publication).
- United Nations 2005. *Human Rights and Prisons: Manual on Human Rights Training for Prison Officials*. New York, United Nations Publication.
- United Nations 2009. *Handbook on Prisoners with special needs Criminal Justice Handbook Series*, New York: United Nations Publications.

United Nations 2009. *HIV Testing and Counselling in Prisons and Other Closed Settings, UNAIDS and the World Health Organization*, New York: United Nations Publication.

Vivien, S.2006. *Creating Criminals Prisons and People in a Market Society*, Halifax: Fernwood Publishing Ltd.

Wagner, M. 2001. Ed. *How should prisons treat inmates?* San Diego: Greenhaven Press.

Watson, R., Stimpson, A. & Hostick, T. 2002. *Health care and change management in the context of prisons: Part 1 rapid review of the literature in two parts*. England: University of Hull.

Articles in Books and Journals

Abrifor C.A., Atere A.A. & Muoghalu C.O. 2011. Gender differences, trend and pattern recidivism among inmates in selected Nigerian prisons, *European Scientific Journal* October edition vol. 8, No.24: 25-44.

Aduba, J. N. 1993. Overcrowding in Nigerian Prisons: A Critical Appraisal, *Journal of Criminal Justice*, 21(2), 185-191.

Agaba, J. 2009. A Study of Unconvicted and Convicted Prisoners in the Nigerian Prisons: Implications for Prisons Congestion (A Case of Agodi), *Continental J. Social Sciences* 2: 1 - 5,

Agunbiade O. M., 2013. Prison Health in Nigeria: A Sociological Discourse African, *Journal of Political Science and International Relations*, Vol. 7(2): 38-41.

Ahire, P.T. 1990. The Nigeria Prison System: A Social History. *Paper presented at the National Seminar on Prison Reform in Nigeria*, Abuja FCT.

Ajayi, J. O. 2012. Nigeria Prisons and the Dispensation of Justice, *International Journal of Arts and Humanities* Vol. 1 (3): 208-233.

Akande, J. 1992. Women in Crime, *Being a paper presented at the symposium on Women in Crime*, Nigeria Institute of International Affairs, Lagos.

Alemika E. E. 1987. Organisational Management and Leadership Behaviour in Environmental Turbulence. A paper presented at a seminar organized by the Prison Staff College, Kaduna.

- 1990. Social Structure and Panel System: Theoretical and Comparative Perspectives. Paper Presented at the National Seminal on Prison Reforms, Abuja-FCT, June 18-20.
- Alexander, O. 2008. The Danville Public Library Spreads Literacy, Reading and Opportunity to Ex-Offenders. *Virginia Libraries*. July – September, October – December. 25-26.
- Amy, Kirby, Tim McSweeney, Paul Turnbull & Bina Bhardwa, 2010. Engaging Substance Misusing Offenders: A Rapid Review of the Substance Misuse Treatment Literature, *Institute for Criminal Policy Research*, November, 34-42.
- Anna, L. S. 1976. Rehabilitation as the Justification of a Separate Juvenile Justice System, *California Law Review*, Vol. 64, No. 4: 984-1017.
- Asokhia M.O. & Osumah O. A. 2013. Assessment of Rehabilitation Services in Nigerian Prisons in Edo State, *American International Journal of Contemporary Research Vol. 3 No. 1; January*: 224-230.
- Awe, B. 1968. The History of the Prison System in Nigeria. In Elias, T.O. Ed. *The prisons system in Nigeria*. Lagos: University Press. 4-25.
- Audu, O., Ogboi, S. J., Abdullahi, A.U., Sabitu, K. Abah, E. R. & Enokela, O. P. 2013. Sexual Risk Behaviour and Knowledge of HIV/AIDS among Male Prison Inmates in Kaduna State, North Western Nigeria, *International Journal of Tropical Disease & Health 3(1)*: 57-67.
- Ayuk, Awunghe Achu, Emeka Josephat Owan & Omono Cletus Ekok 2013. The Impact of Prison Reforms on the Welfare of the Inmates: A Case Study of Afokang Prison, Calabar, Cross River State, Nigeria, *Global Journal of Human Social Science Sociology & Culture* Volume 13 Issue 2 Version 1.0: 206-210.
- Bamgbose, O. 2010. The Sentence, The Sentencer, and the Sentenced: Towards Prison Reform in Nigeria. An inaugural lecture delivered at the University of Ibadan, on Thursday, 15 July.
- Bernault, F. 2003. The Politics of Enclosure in Colonial and Post-colonial Africa, In Bernault, F. Ed. *A History of Prison and Confinement in Africa*, Portsmouth: Heinemann. 34-50.
- Camilleri, P. 1997. Young People and Suicide: Issues, Concerns and Role of Social Work. Paper delivered to the 25th National Conference of the Australian Association of Social Work 21st –24th September 1997, Canberra.

- Chigbu, L. N. and Iroegbu, C. U. 2010. Incidence and Spread of Mycobacterium Tuberculosis-associated Infection among Aba Federal Prison Inmates in Nigeria, *Journal of Health, Population and Nutrition*, Vol. 28, No. 4: 57-62.
- Clement I. Imhabekhai 2002. Non-Governmental Organization and Prison Support Services in Nigeria: A Case Study of the Justice, Development and Peace Commission, *Journal of Correctional Education*, Vol. 53, No. 4:51-54.
- Clifford, W. 1969. Zambia. In Milner, A. Ed. *African Penal System*. London: Routledge and Kegan Paul. 56-65.
- Daniel B. 2005. Imprisonment and Colonialism in Kenya, c.1930-1952: Escaping the Carceral Archipelago, *The International Journal of African Historical Studies*, Vol. 38, No. 2: 239-265.
- Daniel L. & Greg N. 2014. Risk Assessment in New Zealand Prisons: Questioning Experiential Outcomes, *Journal of Prisoners on Prisons*, Volume 23(1): 56-66.
- Dean G. Rojek & Maynard L. Erickson, 1981. Reforming the Juvenile Justice System: The Diversion of Status Offenders *Law & Society Review*, Vol. 16, No. 2: 45-59.
- Diekstra, R. 1989. Suicide and attempted suicide: An International Perspective, *Acta Psychiatrica Scandinavica*. 80 (Supple. 354):40-46.
- Durosaro, I. A. 2002. Counselling Needs of Female Prisoners in Nigeria. *The Nigerian Journal of Guidance and Counselling*, 8(1), 154-161.
- Earthrowl, M., O'grady, J. & Birmingham, L. 2003. Providing Treatment to Prisoners with Mental Disorders: Development of a Policy, *British Journal of Psychiatry* Vol. 2(1): 36-47.
- Enuku, U. E. & Enuku, C. A. 1999. Incorporating AIDS Education in Prison Adult Education Programs in Nigeria, *Journal of Correctional Education*, Vol. 50, No. 3: 96-100.
- Enuku, U. E. 2001. Humanizing Nigerian Prison Through Literacy Education: Echoes from Afar. *JCE*, 52(1):18-22.
- Eze M. C. 2010. Institutional Reforms and the Development of Nigeria Prisons Service, 1999 – 2007, *Journal of African Studies and Development* Vol. 2(5): 105-113.
- Eze, M. Okafor, E. E. 2007. The Prison as an Institution of Social Reformation and Rehabilitation: A Study of Nigerian Prisons (Medium) Kiri-Kiri, Lagos, *Pakistan Journal of Social Science* Vol. 4 (1): 23-31.

- Frans, V. 2005. The Special Rapporteur on Prisons and Conditions of Detention in Africa: Achievements and Possibilities, *Human Rights Quarterly*, Vol. 27, No. 1:125-171.
- Hinke, C. J. 1990. Letters From Gaol: The Prison Experience of a Tree Protector, *Journal of Prisoners on Prisons Vol. 2 No. 2 Spring*:43-48.
- Holley, H., & Arboleda-Florez, J. 1988. Hypernomia and self-destructiveness in Penal Settings. *International Journal of Law and Psychiatry*, 11(2):167-178.
- International Centre for Prison Studies. 2006. Does custodial sentencing work? Alternatives to Prison, *The Royal Society of Edinburgh*, Vol 4, 8 December. 47-65.
- International Centre for Prison Studies. 2008. International Experience in Reform of Penal Management Systems. A Report by the International Centre for Prison Studies September 2008.
- Jailhouse Lawyers Manual, 2011. Chapter 41: Special Issues of Women Prisoners, *Columbia Human Rights Law Review*, Ninth Edition: 1401-1449.
- Kevin Walby 2014. Pains of Imprisonment, Everyday Deprivation and the Meanings of Post-Prison, *Journal of Prisoners on Prisons*, Volume 23(1): 85-87.
- Killingray, D. 2003. Punishment to Fit the Crime?: Penal Policy and Practice in British Colonial Africa”, in Bernault, F. (ed.) *A History of Prison and Confinement in Africa*, Portsmouth: Heinemann.
- Kim, G. 2000. Slavery and Prison —Understanding the Connections, *Social Justice*, Vol. 27, No. 3 (81): 195-105.
- King, S. 2001. Prison- A New or Renewed Response to Crimes? Paper Presented at the 4th National Outlook Symposium on Crime in Australia, New Crimes or New Responses Convened by the Australian Institute Criminology and held in Canberra, from 21st to 22nd June.
- Laurent F.2006. Lagos and the Invention of Juvenile Delinquency in Nigeria, 1920-60, *The Journal of African History*, Vol. 47, No. 1: 115-137.
- Lawal, M. A., Omili, M., Bello, T. O., Onuha, L., & Haruna, A. 2009. Tuberculosis in A Nigerian Medium Security Prison, *Benin Journal of Postgraduate Medicine Vol. 11 Supplemental December, 2009*.
- Little R. R., 1990. Rehabilitation: Contrasting Cultural Perspectives and the Composition of Church and State, *Journal of Prisoners on Prisons Vol. 2 No. 2 Spring*: 2-16.

- McCorkle, L. & Korn, R. 1954. Resocialisation within Walls, *The Annals of American Academy of Political Science*, 293 (1):88-98.
- Michael Johnson 2014. Institutionalized Indifference: Rape with a View, *Journal of Prisoners on Prisons*, Volume 23(1): 23-30.
- Mobley, A. 2014. Seeing Shame: Legal Storytelling and Prisoner Rehabilitation. *Journal of Prisoners on Prisons*, Volume 23(1):45-51.
- Muntingh Luka, 2004. South Africa Rules on Inmates Rights Vote, *Correction Today Vol. 2 No. 1*: 89-98.
- Nancy, N. D. 2001. Prisoners Should Receive Humane End-of-Life Care, In Wagner, M. Ed. *How should prisons treat inmates?* San Diego: Greenhaven Press. 98-119.
- Nina, S. 2001. Sexual Abuse of Women Inmates Is Widespread. In Wagner, M. Ed. *How should prisons treat inmates?* San Diego: Greenhaven Press. 46-58.
- O'Brien, P. 1998. Prison on the Continent, Europe 1865-1965. In N. Morris & D. J. Rothman, Eds. *The Oxford History of the Prison*. Oxford: Oxford University Press. 65-87.
- Obioha E. E. 2002. Punishment in Society. In U.C. Isiugo-Abanihe, A.N. Isamah , O Adesina 'Jimi Eds. *Currents and Perspectives in Sociology*. Lagos: Malthouse Press Limited. 44-59.
- 2011, Challenges and Reforms in Nigerian Prisons System”, *J Soc. Sci*, 27(2): 29-48.
- Obot, J. S. 1990. Morbidity and Mortality Among Inmates of Nigerian Prisons: Causes and Solutions, Being a paper presented at the National Seminar on Prison Reform in Nigeria, NICON-NOGA Hilton Hotel, Abuja.
- Odekunle, F. 1981. Crime and Crime Control in Nigeria. Paper Presented at the Seminar on Dimension of Social Problems in Nigeria, National Institute of Policy and Strategic Studies, Kuru, Nigeria, November, 24-27.

- 2007. Overview of Prison Reforms. A paper delivered at the 2007 Controller-General of prison's Retreat for Senior Officers at the MicCom Golf Hotels and Resort Ibokun, Ada, Osun State, Nigeria.
- Odusanya O. K. & Amusa O. I. 2004. Information Needs and Information Seeking Habits of Science Lecturers at Olabisi Onabanjo University. *Lagos Journal of Library and Information Science*, 2(1): 23-40.
- Okwendi, J. S., Nwankwoala, R., Ushi, V. 2014. The Plight of Female Prisoners in Nigeria and the Dilemma of Health Rights Violations, *Asian Journal of Social Sciences & Humanities Vol. 3(4) November*: 152-161.
- Omagbemi, Clement O. & Odunewu, Abiodun O. 2007. An Appraisal of Library Services Provision to Prison Inmates in Nigeria, *Samaru Journal of Information Studies Vol. 7 (2)*:36-49.
- Omoni G. E. & Ijeh, S. U. 2009. Qualitative Education for Prisoners: A Panacea for Effective Rehabilitation and Reintegration into the Society. *Edo Journal of Counselling*, 2(1), 28-37.
- Orakwe, I. W. 2010. African Corrections and The Demand for Leadership. Paper presentation at the 12th annual conference of the international corrections and prisons association (icpa), Ghent, Belgium, October.
- 2014. Awaiting Trial Congestion in the Prisons and Its Implication for National Security. Being term paper submitted to the 5th advanced command course of the Nigerian prisons service held at the prisons staff college, Kakuri, Kaduna. April/May.
- Orubuloye, I. O., Omoniyi, O. P. & Shokunbi, W.A. 1995. Sexual Networking, STDs and HIV/AIDS in Four Urban Gaols in Nigeria, *Health Transition Review*, Vol. 5: 32-47.
- Osagie, G. 1968. Problems of Prison Administration and Organisation. In Elias, T.O. *The Prisons System in Nigeria*, Lagos: Lagos University Press. 46-88.
- Penal Reform International, 2007. History in Prisons: Realising the Right to Health, *Penal Reform Briefing* No. 3(2): 30-47.
- Penal Reform International, 2008. Women in Prison: Incarcerated in a Man's World, *Penal Reform Briefing* No. 3(1): 40-58.
- Pete, S. 2008. A Brief of Human Rights in the Prisons of Africa. In Sarkin, J. Ed. *Human Rights in African Prisons*, Cape Town: HSRC Press. 89-98.

- Pierce, S. 2004. A Review of *A History of Prison and Confinement in Africa* by Florence Bernault, Trans. by Janet Roitman, *The International Journal of African Historical Studies*, Vol. 37, No. 2:34-49.
- Prison Watch Sierra Leone & Dignity, 2013. Children and Juveniles in Detention: Study on Compliance with International Standards in Sierra Leone, *DIGNITY Publication Series on Torture and Organised Violence in Sierra Leone*, No. 4.:34-46.
- Ristad, R.N. 2008. A Stark Examination of Prison Culture and Prison Ministry. *A Journal of Theology*. 47(3), 292-303.
- Robert “Diesel” Shoemaker, Brandon “B” Willis & Angela Bryant 2014. We Are the Products of Our Experiences: The Role Higher Education Plays in Prison, *Journal of Prisoners on Prisons*, Volume 23(1): 58-74.
- Sarkin, J. 2008. An Overview of Human Rights in Prisons Worldwide. In Sarkin, J. Ed. *Human Rights in African Prisons*, Cape Town: HSRC Press. 46-56.
- Shajobi-Ibikunle, D. G. 2014. Challenges of Imprisonment in the Nigerian Penal System: The Way Forward, *American Journal of Humanities and Social Sciences*, Vol. 2, No. 2. 94-104.
- Smart E. O., Sorochi O. & Mary J. E. 2013. Coping Strategies and Adjustment Patterns Among Female Inmates in a Nigerian Prison, *The Peer-reviewed Journal of the American Correctional Association, Correction Compendium, Fall, Vol. 37, No. 3: 57-69*.
- Spencer P. M. Hanington, 2001. Supermax Prisons Are Cruel and Inhumane. In Wagner, M. Ed. *How should prisons treat inmates?* San Diego: Greenhaven Press. 67-90
- Susanna, P. 2007. Voicing the Non-Place: Precarious Theatre in a Women's Prison, *Feminist Review*, No. 87: 45-53.
- Tanimu, B. 2006. Convict View of the Criminal Justice System in Nigeria. In Hassan Saliu, et. al Eds. *The National Question and some Selected Topical Issue in Nigerian*. Ibadan: Vintage Publishers. 24-46.
- 2010. Nigeria Convicts and Prison Rehabilitation Ideals, *Journal of Sustainable Development in Africa* Volume 12, No.3. 141-156.
- Tenibiaje D. J., 2010. Counselling For Productive Employment Of Prisons Inmate, *European Journal of Educational Studies* 2(3): 64-79.

----- 2011. Personality Traits, Sex and Age of Inmates in Nigerian Prisons, *European Journal of Educational Studies* 3(1): 67-89.

The John Howard Society of Ontario, 2014. Prisoners' Struggles, *Journal of Prisoners on Prisons*, Volume 23(1): 89-97.

Tracy, L. M. 2001. Chain Gangs Should Be Abolished. In Wagner, M. Ed. *How should prisons treat inmates?* San Diego: Greenhaven Press. 102-134.

UN Standard Minimum Rules for the Treatment of Prisoners, 1977. Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May.

Vansina, J. 2003. Confinement in Angola's Past. In Bernault, F. Ed. *A History of Prison and Confinement in Africa*, Portsmouth: Heinemann. 68-97.

Wagner, M. 2003. The War of the *Cachots*: In Bernault, F. Ed. *A History of Prison and Confinement in Africa*, Portsmouth: Heinemann. 204-236.

Ward, D. A. 1987. Control strategies for problem prisoners in American penal systems. In A. E. Bottoms & R. Light Eds., *Problems of long term imprisonment*. Aldershot, UK: Gower. 89-102.

Watson, R., Stimpson, A. & Hostick, T. 2004. Prison Health Care: A review of the Literature. *International Journal of Nursing Studies*, 41, 119-128.

William F. Schulz, 2001. Electronic Weapons Should Not Be Used to Control Prisoners. In Wagner, M. Ed. *How should prisons treat inmates?* San Diego: Greenhaven Press. 87-106.

Internet Sources

Coyle, A. G. 2017. Prison. *Encyclopaedia Britannica*, Retrieved on January 23, 2016 from <https://www.britannica.com/topic/prison>.

Davitt, M. 1894. Criminal and Prison Reform. (Transcribed by Ted Crawford) Marxists' Internet Archives. Retrieved on January 23, 2016 from www.marxist.org > Archive > Davitt.

- Don John O. O. 2013. Riots/Jail Breaks in Nigeria Prisons: An Aetiological Study, *Canadian Social Science*, 9 (1):158-164.
- Dooley, E. 1990. Prison Suicide in England and Wales, 1972-87. *British Journal of Psychiatry*, 156: 40-45.
- Encyclopaedia Britannica. 2016. Penology. *Encyclopaedia Britannica*, Retrieved on June 23, 2017 from <https://www.britannica.com/topic/Penology>.
- Hassan, F. 2010. Agony of Nigerian Prison Inmates”. Retrieved on June 23, 2017 from www.nigeriabestforum.com/blog//p=33899 Retrieved January 20, 2015.
- Hill, I. 1988. The Professional Role of Prison Officers, In Biles, D. Ed. *Current Australian Trends in Corrections Sydney*: Retrieved on Dec. 23, 2015 from <http://law.jrank.org/pages/18929/Prisons-Jails.html>.
- Nigerian Prisons Service. 2014. The Nigerian Prisons Statistics. Retrieved on January 10, 2015 from www.prisons.gov.ng .
- Orakwe, W. I. 2011. Origin of Prisons in Nigeria. Retrieved on January 20, 2014 from www.prisons.gov.ng.
- Prison Reform Trust. 2014. Bromley Briefings Prison Factfile, *Autumn*, Retrieved on January 20, 2015 from www.prisonreformtrust.org.uk.
- Wills, R. 2013. How Nigeria Turned Her Majesty’s Prison into a Place of Pleasure, Retrieved on December 19, 2014 from www.bbcnews.uk.org.

Unpublished Theses/Dissertations

- Abiodun T. F. 2013. A Historical Study on Penal Confinement and Institutional Life in Southern Nigeria, 1860-1956. Ph.D. Dissertation, University of Texas at Austin, USA. XI+346.
- Dawn Marie Daggett, 2014. Pathways to Prison and Subsequent Effects on Misconduct and Recidivism: Gendered Reality?, Ph.D Dissertation, University of Maryland. XII+233.
- Onwuli, C. A. 2002. An Assessment of Nigeria Prisons as Corrective Rather than Punitive Establishment. An Essay submitted in partial fulfillment of the requirement for the award of member of the National Institute (*mni*), National Institute for Policy and Strategic Studies, Kuru, Jos, Nigeria.

APPENDIX I

Mabb's Development Plan, 1946.

M. P. No. P. H. Q. 292/139. 183

Headquarters Office,
Prisons Department,
Enugu, 22nd February, 1946.

The Honourable
The Chief Secretary to the Government,
L a g o s.

Prison Development Plan.

My Prison Development Plan, submitted to you with my letter No. P. H. Q. 292/116 dated the 26th October, 1945, was based on the assumption that it would be financed from Development Funds and that the new prisons and staff quarters required would be constructed by the Public Works Department.

2. The plan was considered at a meeting held in your office on the 6th November, 1945, but as the Development Secretary stated that the Public Works Department would be unable to undertake more than a very small portion of prison building requirements until after 1951, other proposals had to be considered.

3. After discussion it was decided that the cost of the two new penal prisons so urgently required should be met from Development Loan Funds and, that the remainder of the prison requirements should be regarded not as a Development matter but as ordinary departmental expansion financed from revenue, and carried out by the Director of Prisons with prison labour, and such assistance as could be given by the Public Works Department from time to time.

4. It was agreed that the construction of the preliminary buildings of the two new penal prisons should be constructed by the Public Works Department during 1946/47. Thereafter all buildings would be constructed by the Prisons Department.

5. My original proposals were also based on the assumption that all new prisons or lock-ups required by Native Administrations would be paid for by Government but staffed and maintained by the Native Administrations concerned. This side of my proposals was not discussed at the meeting however and until it has been settled there would be little point in drawing up a new programme.

6.

6. I shall be grateful therefore for decisions on the following points:-

- (a) the extent to which the Native Administration Prisons of the Northern and Western Provinces will come under the control of the Director of Prisons;
- (b) whether the present system under which the Government and Native Administration prisons have different standards of administration is to continue, or should they both maintain the same standard and be subject to the same rules and regulations;
- (c) whether a number of small Native Administration prisons in the Northern Provinces shall continue to be classified as prisons or should they be reduced to the status of lock-ups for the detention of persons awaiting trial or serving sentences of under thirty days;
- (d) whether Government will provide the funds for the new Native Administration prisons required and the Native Administrations provide for their staffing and maintenance or, are the Native Administrations to be responsible for the whole expenditure in connection with their prisons;
- (e) the types of work at which prisoners may be employed.

7. As regards (a) the control exercised by the Director of Prisons as adviser to Native Administration prisons need not be absolute but it should be much more than it is at present. I have discussed the matter with the Sultan of Sokoto, the Emirs of Kano, Katsina and Ilorin, the Alake of Abeokuta, the Awujale of Ijebu-Ode and the Omi of Ife and the reply in each case was that they would like to be told what to do. These Emirates and Administrations already maintain a fair standard of administration and with a little encouragement would maintain a good standard.

8. I have also discussed the question with many of the Residents and District Officers of the Northern and Western Provinces and with the exception of a very few die-hards they

are

in favour of the Director exercising a wider
 Provision that the control is exercised through
 accidents nothing but good could result from it.

In the case of (b) there is not much difference
 rules and regulations in force in the Government
 Native Administration prisons and I can see no
 reason why there should not be one set for both. The
 time has passed when two standards of prison
 administration can be justified. The Prisons Ordinance
 and the Regulations made under section 7 both require
 revision and bringing up to date and it would not be
 difficult when framing new regulations to allow for slight
 modifications in respect of prisons which cannot fully
 carry them out. There are a number of Government prisons
 in the outer areas where facilities for following
 regulations fully are not yet available and in which we
 carry them out as fully as circumstances permit.

10. The Native Administration prisons of the
 Western Provinces have already adopted the Government
 prison dietary scale and as far as circumstances permit
 they follow the rules and regulations laid down for
 Government prisons.

11. As regards (c) there is little justification for
 allowing small Native Administrations to maintain small
 prisons which are of bad structure and design and in
 which supervision, and diet and equipment are of a poor
 standard. In earlier days when prisoners transferred
 from outstations had to make the journey on foot such
 prisons might have been justified but at a time when
 motor roads exist and each administration maintains at
 least one lorry, they should be reduced to the status of
 lock-ups for the detention of persons awaiting trial and
 those sentenced to terms of imprisonment of less than
 thirty days.

12. In my opinion Government should lay down a very
 definite minimum standard of supervision, diet, clothing
 and bedding. Native Administrations unable to afford to
 maintain the minimum standard should not be allowed to
 maintain a prison.

13. As regards (d) I discussed the question of new
 Native Administrations prisons with the Chief Commissioner,
 Northern Provinces and we were both of the opinion that the
 cost should be borne by Government. Many of the

existing

4
existing prisons are unsuitably sited, the layout of most of them is wrong and the design of the buildings so bad that it is barely possible to maintain even a minimum standard of health and hygiene.

14. The new prisons should be built to the approved prison layout and design and if Government paid for their construction proper design and layout would be assured. Such an arrangement would be welcomed by responsible Administration because it would enable them to spend available funds on staff and maintenance.

15. As regards (e) the question of the employment of prisoners is one of great importance and in any programme of development it must be given full consideration. The present system under which prisoners employed on all sorts of labour which takes them into the town and markets and allows them to come into close contact with the public is thoroughly bad from all points of view. It leads to trafficking in prohibiting articles and the conveyance of unauthorised messages between prisoners and their friends and relations and has an extremely bad effect on discipline generally.

16. I can see no objection to the employment of prisoners on any form of labour at which they can be kept at work without coming into contact with members of the public. The employment of short sentence prisoners on the building of roads, drains and other forms of public works in outstations is not only justified but desirable. The work is constructive and the labour sufficiently arduous to constitute hard labour.

17. On the other hand the carrying of mails and the personal loads of Government officials arriving or departing by train, road, ship or river steamers is definitely bad. Such labour not only involves the opening of the prison before it should be, and keeping it open after it should be closed but takes the prisoners in to ferries, ships and railway stations where all sorts of offences may be committed however alert the warden in charge may be. Under such a system a large part of the deterrent value of a sentence of imprisonment is lost.

18. Such labour is also unsatisfactory in that it causes the warders to work much longer hours than they should. Warders in the ordinary course of events work from nine to ten hours a day plus night patrols and duty at alternate

alternate week ends. Those employed on carrying mails and the personal loads of departing and arriving officials frequently work eleven hours. The demand for prison labour for this type of work became so great in Calabar that I had to issue instructions forbidding the sending prisoners out of the prison before 7 a.m. or keeping them out after 4.30 p.m. I have also informed the Divisional Surveyors of the Posts and Telegraphs Department at Enugu, Aba, Port Harcourt and Calabar that as from the 1st of April, 1946, prisoners will not be available for the carrying of mails.

Summary of decisions required:-

- (a) The extent to which the Director of Prisons is to exercise control over Native Administration prisons.

Is the Director to issue instructions through the Residents or Chief Commissioners, or is he merely to advise and leave it to the Chief Commissioners and Residents to decide whether the advice should be acted upon or not.

- (b) Should both Government and Native Administration prisons maintain the same standard of administration and be subject to the same rules and regulations or, are we to continue with the present system under which some Native Administrations maintain prisons regardless of whether they can afford to maintain a reasonable standard of administration or not.

- (c) Are the small Native Administration prisons in the Northern Provinces to continue to be classified as prisons, or are they to be reduced to the status of lock-ups for the detention of persons awaiting trial or serving sentences of under thirty days. The daily average number of prisoners in some of these prisons varies from three to seven and rarely exceeds ten.

- (d) Will Government provide the funds for the building of the new Administration prisons required in order that the Administrations can spend more on the staffing and maintenance of their prisons or are the Administrations to be responsible for the whole expenditure in connection with their prisons.

(e)

6.

188

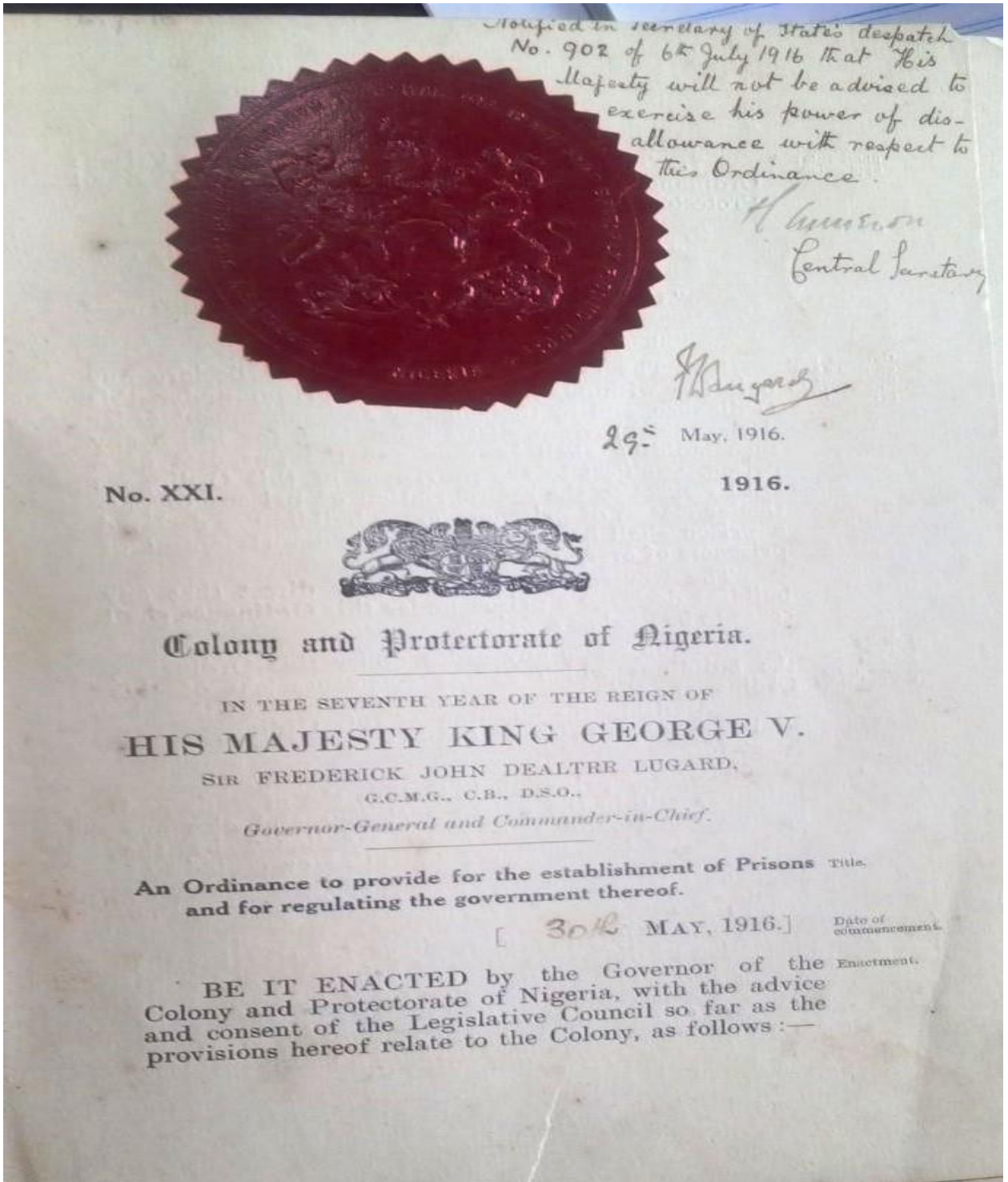
(e) Is prison labour to be limited to certain approved types of work or is it to be employed on works which save expenditure on station labour regardless of whether the work is suitable or not.

(Sgd.) V. L. Mabb
Director of Prisons.

Awo.

Appendix II

Prison Ordinance 1916



Short Title and application.

1. This Ordinance may be cited as the Prisons Ordinance, 1916, and shall apply to the Colony and Protectorate.

Definitions.

2. Definitions:—

“Prisoner” includes any person lawfully committed to custody.

“Criminal prisoner” means any prisoner charged with or convicted of a crime.

“Sheriff” includes a Deputy Sheriff.

Governor may constitute and discontinue prison by Order in Council.

3. The Governor in Council may declare any building within Nigeria to be a prison under this Ordinance, and by the same or any subsequent order declare the province, district, or place, for which any such building shall be used for the purposes of a prison. Subject to the provisions of this Ordinance with respect to the appropriation of prisons to particular classes of prisoners, every building so declared a prison shall be a prison for the imprisonment of prisoners of every description.

The Governor in Council may direct that any building declared a prison under this Ordinance shall cease to be used as a prison.

Existing prisons declared prisons under this Ordinance.

4. Subject to any order under this Ordinance, the buildings which at the commencement of this Ordinance are in use as prisons, shall each of them be a prison within the meaning of this Ordinance, and shall be appropriated in the same manner as heretofore.

Extent of prisons.

5. Every prison shall include the grounds and buildings within the prison enclosure and also any lock-up house which may be sanctioned by the Governor for the temporary detention or custody of prisoners, newly apprehended or under remand, or awaiting trial, and declared by Order in Council as forming a part of such prison.

Appropriation of prisons to particular classes of prisoners.

6. The Governor may, either for effecting the separation of different classes of prisoners, or for the enforcement of penal labour, or for other reasons, appropriate particular prisons to particular classes of prisoners, or limit the classes of prisoners who may be imprisoned in particular prisons, and any prisoner

of the class for which any prison shall be so appropriated, may be lawfully conveyed to such prison and imprisoned therein, notwithstanding that the warrant or order for the imprisonment of such prisoner shall have been issued by a court not having its ordinary local jurisdiction in the place where such prison is situated.

7. The Governor in Council may make regulations for the regulation and government of prisons, and for the appointment, powers, duties and conduct of the officers and other persons employed in prisons; and for the punishment of such officers or other persons; and for the duties of visitors of prisons; and for the classification, diet, clothing, maintenance, employment, discharge, discipline, instruction, and correction of prisoners, and the remission of a portion of their sentences; and for all other matters relating to prisons.

Prison regulations.

Prison Officers.

8. The Governor may appoint a Director or Directors of Prisons who shall have the general charge and superintendence of the prison system in the whole or such part of Nigeria as the Governor may direct.

Director of prisons.

9. (1) The Governor may appoint fit and proper persons to be Superintendents of each of the said prisons, and also such subordinate officers, male or female as may be necessary, and may remove any such officer.

Prison officers.

(2) The duties of the Medical Officer of a prison shall be performed by such of the medical officers of the Government as the Governor may direct.

10. The Lieutenant-Governors, the Administrator, the Attorney-General, the Inspectors-General of Police, the Central Secretary, and the Secretaries of the Northern and Southern Provinces, all Medical and Sanitary Officers, Field Officers of the W.A.F.F., and all Magistrates and Justices of the Peace and all such other persons as the Governor may from time to time nominate, shall be visitors of the several prisons.

Visitors of prisons.

Prison
Committee

The Governor shall appoint one or more of the visitors to be a Visiting Committee for each prison, but the appointment of such Committee shall not interfere with the general right of visitation on the part of other visitors.

Custody and Removal of Prisoners.

Prisoners in
legal custody
of superin-
tendants.

11. Every prisoner confined in any prison shall be deemed to be in the legal custody of the Superintendent thereof: provided that nothing in this Ordinance shall affect the jurisdiction or responsibility of the Sheriff in respect of prisoners under sentence of death, or his jurisdiction or control over the portion of the prison where such prisoners are confined, and the officers thereof, as far as may be necessary for the purpose of carrying into effect the sentence of death, or for any purpose relating thereto. Every prisoner shall be subject to the prison discipline and regulations during the whole time of his imprisonment, whether he is or is not within the precincts of any prison.

Removal of
prisoners in
case of
infectious
disease.

12. In case of a contagious or infectious disease occurring in any prison, it shall be lawful to remove any of the prisoners from such prison to another place although such place may not have been declared a prison under this Ordinance, and such removal may be made in pursuance of an order under the hand of a Lieutenant Governor or the Administrator or, in a case of emergency, of the Superintendent or of any of the Visiting Committee of such prison, and if such place be a place of confinement it shall be deemed during the continuance of any prisoner therein to be a part of the prison from which such prisoner was so removed, and when such disease shall have ceased any prisoners so removed from any prison shall be taken back to the prison from whence they were removed, if still liable to be confined therein.

Provisions in
case of lunacy
of prisoners.

13. If any prisoner shall be found to be of unsound mind in any prison the Superintendent shall forthwith report to the Medical Officer, or in his absence to one of the visitors, and the Medical Officer or visitor shall visit and enquire into the state of mind

ORDER

MADE UNDER

THE PRISONS ORDINANCE,

(Chapter 34).

In exercise of the Powers conferred upon the Governor in Council by section 25A of the Prisons Ordinance, the following Order is hereby made:—

1. This Order may be cited as the Imprisonment in Native Authority Prisons Order, 1940.

2. Any person committed to custody for not more than two years by the Supreme Court, the High Court, or any magistrate's court, sitting in any of the provinces of Ijebu, Abeokuta, Oyo or Zaria may be imprisoned and serve the sentence imposed upon him in the native authority prisons situate at Ijebu Ode, Abeokuta, Ibadan and Zaria respectively.

3. Any person committed to custody for not more than three months by the Supreme Court, the High Court, or any magistrate's court, sitting in the Ilaro Division may be imprisoned and serve the sentence imposed upon him in the native authority prison situate at Ilaro.

MADE by the Governor in Council at Lagos this 31st day of March, 1940.

A. G. DALGLEISH,
Clerk of the Executive Council.

06277/S.1.

Printed and Published by the Government Printer, Lagos. 881/40 2d. per copy.