IN THE PROVINCIAL COURT

NOTES OF CASES TRIED IN THE PROVINCIAL COURT OF KABBA, NORTHERN NIGERIA

THE jurisdiction of the Provincial Court is extensive and peculiar. In criminal matters it is as ample as that of the English Supreme Court, and it also enjoys the power conferred on the High Court of Justice, presided over by Bradshaw, of trying kings guilty of misgovernment. In cases where land is concerned its jurisdiction is more on a par with that of an English County Court. It exercises authority over Native Courts, from which it may remove cases. It administers English law, Mohammedan law, and Pagan law, according to the status of the parties before it, and may supplement or modify the law in the interests of justice—like the old Court of Equity.

The Judge of the Court is the Resident, or Acting Resident, who may be a doctor, a storekeeper, a military subaltern, an old Niger Company clerk, or a young adventurer of any kind. The procedure is supposed to follow that of an English Court, but the resemblance is not always strict. One Provincial Judge, an army lieutenant, thus reported his proceedings in a case of highway robbery, in which six natives were implicated:—"Five of them pleaded guilty. The sixth pleaded not guilty. I was convinced he was lying, and ordered him a dozen lashes. He afterwards pleaded guilty." A trained lawyer might have felt it necessary to take some evidence.

The cases which come into Court are of a highly miscellaneous character, and often throw an interesting light on native customs. The first case to come before me in Lokoja was one in which two men, whose names were entered on the

summons as Nokkoji and Abdallah (I am not sure about the second name), were charged with robbery, under the following circumstances:—

The prosecutrix, a native woman, was coming down the Niger in a canoe, with a girl named Wonza. Opposite the town of Budū she was stopped by the two prisoners, who were on the bank; they intercepted her canoe, made her a prisoner, and robbed her of all her property, including about £8 in cowrie shells. The defence of the prisoner Abdallah was that he and Nokkoji had been hailed by the girl Wonza, who called out to them that she was being taken to Lokoja to be sold as a slave.

At that point the case had been adjourned by my predecessor in office, for the attendance of Nokkoji, whose arrest had not been effected.

On the trial being resumed it came out in the first place that "Nokkoji" was not a name, but a title. The Nokkoji was either vizier, or "captain of the boat" to the King of Budū, and as such a magistrate, empowered, and in fact bound, to take notice of such an appeal as Wonza's. He had arrested her in the discharge of his duty, the other man being merely his alguazil. He had duly convicted the prosecutrix of the offence of slave-dealing, forbidden by the White Man, and had fined her to the extent of all her worldly possessions.

The prosecutrix was detained in captivity while the fine was being levied. And now a curious point of Black Man's law stood disclosed. The cowrie shells were at the prisoner's home, in a town many miles away. The Nokkoji's messengers arrived to fetch the money, authorised thereto by the prisoner, who had no other means of effecting her own release. But before they were allowed to carry off the money the king of the town impounded a sufficient sum to pay the outstanding debts of the prisoner in the locality. This proceeding was recognised by all parties as the proper one in the circumstances.

As soon as she had paid her fine, and been set free, the prosecutrix came down to Lokoja, and appealed to the White Judge. Her case was that the accusation of slave-dealing had been a mere excuse for plundering her.

The Nokkoji was still absent, but he had sent down the whole amount of the fine, to await my decision, and he was represented in Court by a very respectable chief living in Lokoja, but owing allegiance to Budū.

The really important witness was the girl Wonza, who had fled on the arrest of the prosecutrix, but who had now been found, and brought before me. Her tale sounded natural and did not favour one party more than the other. She was a runaway slave, she said, and had made her way to Bida, a large town in a neighbouring Province. There in the market-place she had sunk down, faint with hunger and fatigue. An old woman passing by saw her, took pity on her, and carried her home with her. After giving Wonza some food the old lady sent for the prosecutrix to cure the sufferer. It thus appeared that the prosecutrix was a woman doctor—the Court interpreter informed me that this was quite a recognised calling among the Black Moors. The cure not being complete at the end of some days, Wonza was asked if she would take a trip down the river with her medical attendant. To this she consented, but got frightened on the way, and so called out as they passed Budū that she was being taken to be sold as a slave.

Wonza now declared that she no longer entertained any such suspicion. The philanthropic lady of Bida was in Court, a quaint old figure, and confirmed Wonza's story. I could only hand back the fine to the lady doctor, and dismiss everybody with unstained characters.

Another curious case was brought before me by a Pagan native from some unknown place in the interior of the Province. He stated that some years before he had paid a sum of money to the local Echumaza (=Heir Apparent+Prime Minister) for the title of Bafeia. I asked the meaning of Bafeia, and was told that it meant a rich man. I was tempted to translate it *Baronet*. On the death of the Echu (king) the Echumaza had succeeded in due course, and had proceeded to sell the slaves of the deceased. The Bafeia, who seemed to be well acquainted with our attitude towards slavery, remonstrated, pointing out that though the White Man did not interfere with domestic slavery, the sale of slaves

was strictly forbidden. The Echu dared not go on with the sale of the slaves in face of this protest, but he revenged himself by depriving the Bafeia of his title.

The ex-Bafeia wanted to sue the Echu in my Court for the restoration of his Bafeiaship, or the consideration originally paid therefore. The case ended amicably; the Echu, on being summoned to Court, declaring formally that he still recognised the plaintiff as a Bafeia.

The jurisdiction of the Court in matrimonial causes was not often appealed to. One husband summoned a ferryman for taking his wife from him. The woman had left her home on a visit to her relatives, but meeting the ferryman on the way she was induced to remain with him. On the parties appearing in Court, the woman expressed her willingness to return to her husband, the ferryman declared himself willing to part with her, and the husband professed himself perfectly satisfied. The case was thus settled by consent.

A more tragic case was sent before me by the King of Egga, a town of some importance higher up the Niger. The prisoner was charged with murder. He told his story simply and with most evident sincerity, and more than once, as I listened, I felt the whole drama might have taken place in an English village.

The prisoner lived in Egga, and his wife had left him on a visit to her mother in a small country place some miles away. As she did not return, the husband went to fetch her. She received him coldly, and refused to treat him as a husband. He found she was constantly visiting at the house of a stranger in the village, some kind of travelling merchant, as I gathered. The prisoner described his anguish on making the discovery; the painful progress from doubt to certainty in his mind, and the struggle between resignation and feelings of revenge. On the last day he had gone for refuge to the Koran, and read in the sacred pages hour after hour. At night, finding his wife absent from her mother's house, he had gone round to the paramour's. Outside the door of the room in which the guilty pair were, he heard them reviling and laughing at him. On his entrance, the other man rushed forward with a knife to attack him; the husband managed

to gain possession of the knife, and gave his enemy a mortal wound.

I found the prisoner guilty of manslaughter, but imposed no penalty. Three weeks after his discharge a Mallam, or scribe, appeared in Lokoja, sent by the King of Egga, to thank the White Judge for his disposal of the case.

ALLEN UPWARD.