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# A Journal of

# West African Studies

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#### A.A. LAWAL

Since the 1960s, a number of authors<sup>1</sup> have been preoccupied with an unusual critical analysis of corruption in the emerging African states. Some of these authors have been enthnocentric in their approach. Many unverified factors have been suggested as the causes of bribery, misappropriation and theft of public funds; these include lack of cultivated, educated and upright men; general poverty in Africa; lack of tradition of bank balances and public responsibility; general affliction by the love of ostentation in all classes.

Of particular interest and concern is the book titled *Corruption in Developing Countries* co-edited by Ronald Wraith and Edgar Sempkins. In it, the contributors claimed that Britain, as a developing country until about the 1880s was bedevilled by such chronic social maladies as bribery, corruption, peculation and frauds and that by the end of the century, she succeeded in eradicating them wholesale and thereby achieved "a standard of public integrity which is perhaps without any precedent."<sup>2</sup>

However, recent research effort has demonstrated beyond any reasonable doubt that their observations and generalisations were at variance with the conduct of some British personnel in Nigeria. It will not be preposterous to assert that corruption in public life is universal phenomenon that can be traced to the dawn of history and that in every society there are some powerful forces always fighting against it. From time immemorial corruption had been seen as a disease of the body politic and a threat to orderly public life. Even the optimism has been universally shared that once its correct dianosis has been pinpointed, its cure becomes a practical possibility. It is interesting to note that early efforts at combating frauds in public life had been pioneered by an eleventh-century Chinese Minister of State, Wang An-Shil and the celebrated Arab historian Ibn Khaldun (1332–1406) in their respective societies.<sup>3</sup>

Therefore, where there is temptation, corruption must then exist and only the successful suppression of temptation in all its ramifications can spell doom for corruption in public life. It will be shown later how some British personnel who were "heirs to comfortable bank balances" yielded to temptation in Nigeria and committed frauds. Indeed, ample documentary evidence has been uncarthed to controvert the eurocentric assertion that corrupt Åfricans who held public offices since independence were not cultivated, educated and upright Men. It is interesting to note that there were some bad eggs among the British ranks and file in colonial Nigeria, who succumbed to agonizing pressure of legitimate ambition which they thought could only be achieved by illegitimate means in their various departments.

#### Schematic Model of Financial Malpractice

Corruption can be defined simply as an unsanctioned, illicit and unacceptable act. In terms of public immorality, it can be an unsanctioned use of public resources or goods for private ends. Thus in an administrative establishment, it could be a transaction which evidently violates written and unwritten norms of official behaviour by which public resources are converted into private goods. This paper focuses on malversation and malfeasance in the colonial setting and attempts to explain how colonial authorities tackled the problem.

Perhaps a conceptual framework is necessary in order to have an insight into the procedural machinery that is employed in perpetrating administrative and financial malpractices. This conceptual framework is an abstraction from a comprehensive survey of financial malpractices in several British colonial territories. Indeed, empirical data are available to verify all aspect of the framework with particular reference to colonial administration in Nigeria.

The initial stage begins with an office holder, who in course of performing his official duties resolves to commit fraud in so far as he sees an opening for it. He therefore knows now and when to manipulate administrative regulations to commit fraud. In anticipation of a later detection, which he must prevent, he concocts a cover-up. This initial stage is tagged "the core process".<sup>4</sup>

The second stage is the extended process when fraudulent practices transcend a single office and becomes widespread within the whole department. At this stage office-holder within the department or institution, as the case may be, have to establish a certain kind of relationship which facilitates the perpetration of frauds. It involves regular contacts and communication and monitoring of movement of public resources and those entrusted with their security. The extended process therefore can only be effective on the basis of transaction relationships that are developed by officials either from different offices or departments.

For both core and extended processes, the administrative procedures of performing official duties are corrupted in order to commit fraud. Through the net work of corrupt relationship, already developed across the echelons of the departmental hierarchy, administrative procedure is still perverted by the members of the same interest group. This is exemplified by forgery or accounting malpractices in a public treasury which may not be detected or exposed because of existing corrupt relationship among the rank and vile of treasury workers.

The conclusion from the foregoing is that fraudulent practices often materialise when the administrative process is perverted or when administrative powers and regulations are abused. The core process does not require transaction relationships as it concerns only an individual whose fraudulent practices are confined to the walls of his office. But the extended prece solve entials a large scale fraud, intra-departmental or inter-departmental malpractices. This scale of operation requires inbuilt conversion networks as well as transaction relationships which serve as channels through which public goods find their ways into private hands.

## Financial Malpractices in Colonial Nigeria

Early writers on financial malpractices in Nigeria were Margery Perham, Robert Heussler and Walter R. Crocker,<sup>5</sup> who directed their attacks to local clerks, treasurers and guards. Robert Heussler in particular lambasted the various Northern emirs for their greed and incurable temptation to misappropriate public funds.<sup>6</sup> These writers gave an erroneous impression that European officials in the colonial service were not involved in the same nefarious scandal. However, archival investigation has demonstrated that there were a few bad eggs among the British colonial officials who worked in Nigeria. They were apprehended, found guilty and punished where necessary. In certain instances, they were covered up by their kith and kin in the office.

At the inception of colonial rule in Northern Nigeria, Lord Lugard, in anticipation of official corruption and financial malpractices, issued a proclamation which was translated in to Hausa on 29 November 1899 by Robinson Canon.<sup>7</sup> The proclamation affirmed that Lugard had been invested with powers to appoint a commission of enquiry whenever he received reports of fraudulent practices. In 1901 another proclamation was broadcast in Hausa,<sup>8</sup> which stated in clear terms that those found guilty of official misconduct would be dismissed summarily.

Indeed, Europeans in the colonial audit departments, treasuries and post offices were equipped with financial and accounting instructions, by which they were guided in their day to day transactions for the purpose of balancing their accounts. These accounts were to be submitted, on demand, to auditors for necessary inspection.

But before long, and despite all the precautionary measures introduced by colonial officialdom, accounting malpractices were being entrenched in the various treasuries. Figures were manipulated to cover up mistakes in the vouchers, invoices and other documents.

#### Boards of Enquiry

Separate boards of enquiry were instituted whenever and wherever financial malpractices were reported in Nigeria. Each board was endowed with juridicial powers to cross-examine any official that was apprehended for fraudulent acts or embezzlement. Eye witnesses, wherever possible, were also invited to give accounts of what they knew about the circumstances surrounding such frauds that led to loss of public funds. The board would then submit a report of its findings to the colonial governor for his actions. At times, he complied with the recommendations of the board of enquiry on the punishments to mete out, but generally, he exercise his discretion on its recommendations. However, whatever action he took, he had to inform the Secretary of State for his approval.

Whenever officials were held responsible and culpable for losses of public funds, they were made to refund part thereof in instalments while a small fraction of the losses was written off. Invariably the colonial governor formally sought the approval of the secretary of State to write off irretrievable losses. Yet, the latter did not always given his sanctions when in his opinion the officials were culpable because they failed to comply with financial instructions and regulations governing the safe custody of public funds. He would then authorise the governor to make them refund the whole losses or part thereof.

Generally, losses of public funds could be ascribed to contravention of financial instructions, accounting inconsistencies and outright theft. At times stories were concocted by culprits to escape the rigours of the law. Indeed, European officials were fond of this habit whenever they were apprehended and arraigned before the board of enquiry.

#### Frauds in Colonial Administration

The earliest report of embezzlement was made in 1901 involving one Mr. C.V. Lougland, an assistant accountant, who contravened the financial regulations and lost \$88.<sup>9</sup> Rather than accept the verdict of the board of enquiry which required that he refunded the money, he denied any knowledge of the requisite financial regulations and even attributed the loss to an unauthorised Nigerian clerk who had access to the box of money. The Secretary of State in reacting to the culprit's appeal for leniency, ruled that the amount be written off. He was thereby saved from the hardship of making good the loss and the case was closed. The claim of ignorance of the requisite financial regulation was a pretext and a smart cover-up employed by Mr. Lougland. This cover-up was reinforced by his attribution of the loss to an unauthorised Nigerian clerk who was at large. The board of enquiry disbelieved his statement and thereby held him responsible although the Secretary of State ruled otherwise.

In the same year, Captain Gonstedt, master of 'Heron' at Lokoja, embezzled  $\pounds$  \$3 out of government money. The loss was discovered while he was on leave in Britain. The Secretary of State ruled that whatever his defence and whether he returned to Nigeria or not, he should be dismissed forthwith.<sup>10</sup>

Losses of public fund by theft were again reported in 1902 at Ilorin, Kabba and Illo. The auditors held Major Hall of the West African Frontier Force responsible for the loss of <sup>4</sup>\$28 at Ilorin.<sup>11</sup> On hearing about the charge, he deserted the army, but was later apprehended by a search party for trial. After cross-examination, it was discovered that Major Hall did not comply with the Frontier Force Order 443 which reads "In cantonments and the line of March and on all occasions whenever possible, double sentries will invariably be posted on treasure".<sup>12</sup> Rather, Hall placed the boxes of money under a guard, private Awudu Zaria of 1st Northern Nigeria Regiment. According to an eye witness, Assistant Resident K. Dougan Harrison, the cash box was placed in the guardroom in his presence and was securely locked by Major Hall. He added that the key was still in Hall's possession until the robbery, which was alleged to have been committed about 4.00 a.m. Wednesday 5 March, 1902, was reported to him by Sergeant Sharpe. It is interesting to note that the board of enquiry did not invite Private Awudu for interrogation and neither did it investigate the circumstances under which the loss was discovered.

The board just considered the theft practicable because of lack of necessary precautions, the inadequate number of sentries, the portable nature of the despatch box and the ease with which it could be hidden. In the end however, Major Hall was exonorated and the amount was written of as irrecoverable. It is apparently clear that the board of enquiry intentionally begged the question of robbery and left important areas of the incident unexamined. For example, why was Private Awudu Zaria not interrogated? Why did Major Hall flee when he first heard about the charge? The board, while working in concert, did not bother to consider the possibility of making a duplicate key by the culprit. This is a classical procedure used by the colonial administrators to cover-up financial malpractices by their kith and kin.

Another similar incident of theft of \$250 at Illo was reported by the auditors in 1902 and Captain Maclachlan of Northern Nigerian Regiment was apprehended for embezzlement.<sup>13</sup> He protested against the decision of the board of enquiry, which demanded that he paid part of the loss. In his defence he stated that an empty cash box was mistakenly substituted for the locked one that contained money. While the empty one was kept in the guardroom, the one containing money was left outside and at night the box of money was stolen. It is ridiculous that on account of this single stupid behaviour, Lord Lugard got the consent of the Secretary of State to write off the loss. Thus far, the cases cited were symptomatic of perversion of administrative process in the colonial setting whereby European culprits were exonorated. The active involvement of the colonial governor and his administrative relationship with the colonial office already constituted a conversion network by which the captain was prevented from bearing the brunt of his negligence and carelessness.

One can at this juncture notice the development of a trend in the perpetration of fraud by the colonial personnel whereby stories were concocted to escape the full penalty of their crimes. While fully aware of this trend, the various boards of enquiry tried to reverse it by applying rigid punitive measures. Perhaps this is exemplified by another case of theft of public fund by Mr. Kentish Rankin, Assistant Resident Kabba in 1902.<sup>14</sup> While explaining to the board of enquiry how \$28 was lost, he concocted a story that when he went to bed at night (because of his sickness), he kept the key to the safe under his pillow. While he was fast asleep, one of his servants abstracted the key from his bed and stole the money. Rankin could not

Lages Colony Southern Protectorate J 1906 unalgamation / 1914 analgamat Aborthern Protectorate produce any of his servants to testify; whereas it was discovered that he kept public money in his private quarters instead of complying with the financial instructions which demanded that he kept the money in the guardroom garrisoned by about forty soldiers. It was therefore clear that Rankin misappropriated the money and was thereby entitled to the full penalty of his crime, but Lord Lugard in his despatch to the Colonial Office clandestinely attempted to reverse the verdict of the board of enquiry and demanded the Secretary of State to write off the loss on the ground that Rankin was ill when the money was stolen. The Sectretary of State objected to his request and ruled that Rankin should refund the money.<sup>15</sup> This was another case of outright violation of official instruction in order to embezzle public fund. The colonial governor repeatedly perverted the course of justice to safeguard the career of Rankin, contrary to the verdict of the board of enquiry. This was an example of aiding and abetting frauds by the god-fathers of colonial officials.

Because of an urgent need to check the rising wave of financial malpractices, several circulars were sent to all colonial officers throughout the length and breadth of Nigeria concerning their strict adherence to financial regulations. More than that, the Imperial Treasury and the secretary of State despatched letters of warning to all officers concerned to desist from fraudulent practices otherwise those apprehended would be dismissed.<sup>16</sup>

Yet the contravention of the financial regulation by Mr. S. Charters, a District Superintendent of Police at Bassa in 1908, led to the loss of \$20.<sup>17</sup> The sum in his care was meant for the expenses of Tobe station. When querried by the board, he quickly paid back the amount but thereafter forwarded an appeal to exonorate himself.<sup>18</sup> In his appeal, Charters explained that he suspected the key of the safe would be taken from under his pillow during his sleep; he thereby decided it would be safer if he kept it behind a bookshelf. He reasoned that the place of concealment must have been discovered and the money stolen, the safe relocked and the key put back in its place of concealment. This concocted story, funny as it was, amused the secretary of State, who in his reply to Governor Hesketh Bell said that inter alia "It would be very easy for a dishonest official to concoct similar stories of robbery with the object of making out a claim for the refund of a portion of the supposed loss".<sup>19</sup> Charters lost his appeal to the shame of his

ktih and kin who gave him moral support, in particular the Resident of Bassa and his god-father who pleaded thus "I consider Mr. Charters took every precaution for the safe-guarding of his money and it would be kind of the Secretary of State to write off the amount". The Secretary of State blamed Charters for his carelessness in not locking the door of the room where the safe was kept. Charters was thus made to learn his lessons the hard way. The foregoing has described the core process where colonial officials singlehandedly planned and carried out frauds by violating official regulations and by concocting stories to cover up. Where god-fathers like the colonial governor, the residents and other senior political officers pleaded on behalf of the culprits for exoneration, they formed a transaction relationship which aimed at perverting the administrative process to achieve their aim.

Similar fraudulent practices were also prevalent in Lagos Colony and Southern Nigeria among the ranks and files of some British personnel. In 1901, a British officer, Lieutenant Byrne, commading the Detachment of Southern Nigerian Regiment at Oguta, lost \$100 out of \$600 being public money in his care for the payment of his men who were engaged in the Aro expedition.<sup>20</sup> Byrne kept the money in the magazine, but at night the money was reportedly stolen. He was blamed for not keeping the money in the guardroom and was asked to refund \$10 out of the total loss. The balance was written cff as irrecoverable. Captain C.J. O'Connell of the West African Frontier Force was exonorated in 1904, from a charge of stealing \$255 f which was lost in transit from Degema to Owerri.<sup>21</sup> According to the culprit, an anonymous disserter stole the money. Also in Lagos, a local auditor discovered in 1907 that Butler Wright, the Deputy General Manager of Governmant Manager of Government Railway, misappropriated \$150 from the £ construction account.<sup>2</sup><sup>2</sup> When called upon to account for the loss, he became nervous and dumb-founded. Neither could he concoct any story. He instantly paid back the money and no punishment was meted out to him. Indeed, between 1905 and 1906, the total sums recovered from culprits apprehended for fraudulent practices in Southern Nigeria was \$942 while queries involving  $f_{3640}$  were yet to be replied.<sup>23</sup> Yet the central government did not relent in its effort to minimise these dishonest practices. By the 1920s and thereafter,  $\star$ more qualified auditors and accountants were employed and were made to conduct frequent tours of inspection of accounts of the various central departments and Native Administrations. The construction of roads and network of railway in the country, which facilitated the movement of personnel and accounted for improved communication, helped a lot in unravelling various forms of official misconduct. The Colonial Office was even embarrassed at receiving an avalanche of frequent reports of misappropria-tions, stolen funds and stores in the 1940s.<sup>24</sup>

### Corrupt Practices in the Banking Institutions

Apart from these personnel in the colonial service, European officials in the Bank of British West Africa were also hands in glove in corrupt practices. Through their dishonesty, robbery, forgeries, and falsification of accounts from 1912 to 1960, the bank sustained several losses although those apprehended were made to face the full rigours of the law.<sup>25</sup> In 1920, a European bank manager was arrested on a charge of forgery and sentenced to eighteen months hard labour. In 1929, two European officers at Ibadan branch of the bank, were held responsible for the loss of \$400. As a result they resigned and returned to England after being black-listed.

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Thus one can postulate at this juncture that corruption was a pervasive phenomenon in all the sectors of the colonial economy - an economy that was super-imposed on the traditional society. With its introduction, Nigeria inherited all the follies of sophistication imported by Europeans. A research into the corrupt practices in the European commercial houses and companies will no doubt educate us more about the malpractices of the later-day Nigerian middle-men who cause artificial inflation through hoarding and price-hike.

## Collusion of European Firms With Colonial Officials

Perhaps an interesting account of how European firms colluded with the customs officers in the first decade of this century, to avoid payment of duties, will afford some insight into the kinds of sharp practices European business magnates introduced to Nigeria. This was a sensational and orchestrated case about the manipuation of institutional deficiency and official conspiracy to corrupt the process of customs collection for self-enrichment. Some European firms at the Lagos port provided an impetus for maladministration of customs by which they avoided payment of customs duties from 1901 to 1904 on trade in spirits.

The sordid deal between the firms and members of the customs department was exposed by one Mr. Brown, a European ship magnate. He decidely spotted a particular European firm for a showdown because that firm was underselling him. His was therefore a calculated attempt to bungle the firm's fraudulent practices which involved a default in paying cumulative customs duties amounting to \$11,847 in four years.<sup>26</sup> Mr. Brown unceremoniously leaked the secret to the government of Lagos Colony. Governor Egerton, who calculated that his government had suffered an annual average loss of \$4,000 as a result of this fraud, enthusiastically instituted a legal action against the firm, confident that all the documents placed at his disposal by Mr. Brown, the informant, would guarantee his triumph in checking such common malpractices among the firms, and even making the firms a scapegoat.

Mr. Sapara Williams was employed as the government's advocate. With the documentary evidence in his possession, he performed so brilliantly well that the firm lost the case and was ordered to pay \$5,000 out of \$11,847 at once but to refund the balance in three months unfailingly to the government. For a brilliant performance, governor Egerton had approved a reward of six hundred guineas for Sapara Williams, while Mr. Brown, the informant was to receive \$500, subject to the final approval of the Secretary of State.

# The Reaction of the Colonial Office

The report of the orchestrated case excited the personnel of the Colonial Office. Their opinions on the actions taken by the colonial governor so far, influenced the reaction of the Secretary of State who had the finall say. While governor Egerton was rubbing his hands with glee that he had scored a point over an influential firm, the parent body of the firm was at the same time contacting the Secretary of State in London over the same issue. Not much can be highlighted here about what went on behind the screen other than that the parent body filed an application for a redress in the British Court of Appeal, fuming with rage that the guilt was not well proved or established in Lagos and that the documentary evidence that was used and accepted for convicting the firm for dodging customs duties, was masterfully fabricated. Was feelin casicn of a genice.

In short, the despatch of the Secretary of State, in terms of its content and tone, confirmed beyond any reasonable doubt that he was prevailed upon to reverse the judgement in favour of the firm. His order to the colonial governor was that the case must be terminated on the ground that a comprehensive investigation was not conducted in order to rope in officials of the customs department. He believed that through their collusion with the said firm the fraud was covered up and abetted. His panacea for an immediate eradication of such moral lapses lay therefore in executing a general purge and the reorganisation of the customs department. The despatch deprecated the kind of gesture of Egerton in rewarding Sapara for a good defence and neither was Mr Brown to receive his reward for blackmailing the firm at the centre of the storm.

The colonial government would be seen to have taken the right decision; a criminal offence had been punished as a deterrent to other firms, but the Secretary of State countercharged that the firm must not be made a scapegoat out of many other firms that were involved in the same dishonest practice, because doing so would be sheer injustice to punish only one of them.

A fraudulent practice of this considerable dimension was thereby facilitated by firm's collusion with the members of the customs department. This involved the extended process which necessitated the establishment of intra-departmental relationship for effective monitoring and counterfeiting of the firm's waybill and manifest in order to cover up and abet fraud. Thus the process of customs collection has been perverted through the transaction relationship between the firm and the customs personnel. Through the network of conversion methodology already established, administrative loopholes were created for converting customs duties to personal accumulation. The extended process was further reinforced by the relationship between the parent body of the firm and the colonial office by which considerable pressure was exerted on the latter for perversion of written norms of official behaviour, hence the reversal of the judgement in favour of the firm and the termination of the case.

The list of the cases cited is very long, but suffice it to say that European expertise in perpetrating corrupt practices in public life was incidentally introduced to Africa from the inception of colonial administration. While the paper concentrates on Europeans, it does not pretend to prove that Africans were not involved in similar malpractices. Indeed, official correspondences were replete with reports of fraudulent practices by Africans as well as misappropriations jointly committed by African's and Europeans in concert.

Nevertheless, one may be emotionally relieved to discover that the economic effect of the cumulative misappropriations and thefts on Nigeria was very small in relation to the revenue during any financial year. This is exemplified by the case of Northern Nigeria from 1901 to 1910. Total losses in 1901/2 amounted to \$728 as against the revenue of \$318,424, thus losses represented 0.22 per cent of the annual revenue. The percentage losses for other years are as follows:

Financial Year	1902/3	1903/4	1904/5	1905/6	1907/ <b>8</b>	1909/10
Annu <b>al</b> Revenue	<b>≠</b> 340,316	<b>f</b> 508,727	<b>≠</b> 559, <b>526</b>	<b>£505,20</b> 3	<b>≢</b> 508,00	<b>≢</b> 505,000
Total Annual Losses	<b>₽</b> 278	<b>\$</b> 80	<b>≠</b> 1,1 <b>5</b> 1	<b>≠</b> 984	<b>≠</b> 560	<b>≠</b> 335
Percentage of Losses over reve-	y y					n in the second s
une	0.08%	.016%	0.2%	0.19%	0.11%	0.0 <b>6</b> %

Yet, this situation was a lementable one because the tax payers were being robbed either directly in cash or indirectly by illegitimate expenditure being made on their behalf. The tax payers who knew nothing about this moral issue were eventually made to bear the brunt of making good the losses which had been written off.

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- 1. Leys, Colin, "What is the problem about corruption" Journal of Modern African Studies 3, No. 2, 1965, pp. 215-230.
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- 3. Ronald Wraith and Edgar Simpkins (ed.) Corruption in Developing Countries, London: George Allen and Unwin Ltd., 1963, p. 12.
- 4. Alatas, Syed Hussein, The Sociology of Corruption: The Nature, Function, Causes and Prevention of Corruption, Singapore, Donald Moore Press, 1968, p. 80.
- 5. This conceptual analysis is a simplified version of the comprehensive type developed and used by Victor T. Le Vine in his well researched and scholarly work - Political Corruption: The Ghana Case, Hoover Institution Press, Stanford University, Stanford, California 1975.
- See Margery Perham, Native Administration in Nigeria, London 1937; Robert Heussler, The British in Northern Nigeria, London 1968; Walter R. Crocker, Nigeria - A Critique of British Colonial Administration. New York, 1971.
- 7. Robert Hessler, pp. 36-37;47-48; 90, 95, 117, 119, 159-161.
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- 11. CO 446/16 Desp. 440 27th September 1901, Lugard to S. of S. P.R.O. London
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- 15. CO 446/24 Desp. 449 27th April 1902 Lugard of S of S P.R.O. London
- 16. CO 446/24 Desp. 693 21st November 1902 S of S to Lugard P.R.O. London
- 17. CO 446/482149/805 1st Dec. 1905 Lugard to S of S P.R.O. London.
- 18. CO 446/76 Desp. 610 13th Nov. 1908 Governor Girourd to S of S P.R.O. London.
- 19. Charters confessed that none of his servants knew that he kept the key to the safe behind some books on a sehlf before retiring to bed at night. Yet the safe key was in exactly the same position the following morning as he left it in the previous night, but on going to the safe, the money was missing, nor was the safe left open.
- 20. CO 446/76 Conf. 5th 1908 S of S to Girourd, P.R.O. London.
- 21, CO 520/14 Desp. 214 21st May 1902, Moor to S of S P.R.O. London.
- 22. CO 520/31 Desp. 225 4th June 1905, Egerton to S of S P.R.O. London.
- 23. CO 520/53 14th May 1908 Audit Office to Colonial Office, P.R.O. London.

- 24. Through queries \$300 was recovered in Lagos in 1905. At Akassa, \$40 was embezzled, but small sums of money already stolen were paid back at Bonny, Warri and Asaba.
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