

UNIVERSITY OF GHANA

**UNSUNG NATIONALIST HERO: THE BIOGRAPHICAL
SKETCH OF SIR KOBINA ARKU KORSAH**

The background of the page features a large, light purple watermark of the University of Ghana crest. The crest is a shield-shaped emblem with a yellow border. It is divided into three horizontal sections. The top section contains three stylized yellow leaves or branches. The middle section contains the word 'BY' in yellow capital letters. The bottom section contains the name 'KWEKU DARKO ANKRAH' and the number '(10551701)' in yellow capital letters. The bottom section also features a large, stylized yellow floral or scrollwork design.

BY

**KWEKU DARKO ANKRAH
(10551701)**

**THIS DISSERTATION IS SUBMITTED TO THE UNIVERSITY
OF GHANA, LEGON, IN PARTIAL FULFILMENT OF THE
REQUIREMENTS FOR THE AWARD OF MASTER OF
PHILOSOPHY DEGREE IN AFRICAN STUDIES.**

DECEMBER, 2017

DECLARATION

Candidate`s Declaration

I hereby declare that except for references to works which served as sources of information and which I have duly cited, this dissertation presented to the University of Ghana, Legon, is the result of my own original investigation and that it has neither in whole or in part been previously presented to this or any other university for a degree.

Candidate Signature..... Date..... (Kweku Darko Ankrah)

Supervisors` Declaration

We hereby declare that the preparation and presentation of the thesis were supervised in accordance with the guidelines on supervision of theses laid down by the University of Ghana, Legon.

Supervisor`s Signature..... Date.....
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(Dr. (Mrs.) Mercy Akrofi Ansah)

DEDICATION

This work is dedicated to the memory of Sir Kobina Arku Korsah; Kofi Amoako Ankrah, my late father and three other friends who died very young, Gladys Nkansen, Kwesi Appietse Browne and Kwabena Boadu.



ACKNOWLEDGEMENT

For me, the journey which culminated in this thesis was not only a pursuit for accumulation of intellectual knowledge, but also a process of studying how best to live. Thus, my first and foremost gratitude goes to “Ɔtweduapon Nyame” (Almighty God) for granting me life and knowledge to bring this work into fruition.

Many important people contributed their time, energy and finances to enable me to construct a comprehensive biographical sketch of Sir Kobina Arku Korsah, the first sub-Saharan African Chief Justice of the Gold Coast and Ghana. I say ‘Ase Kusuun’, literally meaning ‘Thanks for Work’ in Nawuri-Guan to my supervisor, Dr. Samuel Aniegye Ntewusu, whom I call ‘Master of Historiography’ for his relentless interest in my work, from the beginning to the completion. His advice, directions and criticisms contributed to the success of this thesis. I salute Dr. Mercy Akrofi-Ansah for her wonderful skills, care, concern and guidance as my second supervisor for going the extra mile to tidy my work to conform to high academic standard. Prof. Sebastian Kojo Amanor is greatly acknowledged. Our usual interactions and sharing of knowledge on the subject of Korsah as well as pointing me to right historical materials helped to reduce my stress and keep me at ease, especially when he nods in affirmation to my arguments.

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further to purchase documents such as “*Reports of the United States Congress, Senate Committee on Judiciary: Ghana students in United States oppose U.S. aid to Nkrumah, Staff conference of the Subcommittee to investigate the administration of the Internal Security Act and other Internal Security Laws on the Committee of the Judiciary, United States` Senate, Y. 4. J 89/2: G34, 29 August 1963-11 January 1964,*” which added immensely to my work. My profound appreciation also goes to Mr K. K. Adusa-Amankwaa in London, who spent his own resources and time to go to The National Archives, Kew, in London to procure documents: “*Ghana, Appointment of Judges to sit on the Judicial Committee of the Privy Council (1957-1958), 2 April 1957*” and “*File no J1641/4/G, Discussion with Sir Arku Korsah on his dismissal as Chief Justice of Ghana, 9 January 1964,*” for my work. Lawyer Kwamena Ewusi-Brown, Jerry Dyson, Dr Nana Ama Kum Browne Klutse and John Andoh-Arthur who helped financially; I am grateful.

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ABSTRACT

This thesis documents the life of Sir Kobina Arku Korsah (1894 - 1967), the first African Chief Justice of Ghana. The thesis also critically examines his contribution towards the nationalist struggles that led to the independence of Ghana. Two major topical areas underpin this study. The first is Korsah`s political career as a British-trained lawyer and a legislator. The second is his nationalist politics. The thesis argues that Korsah was one of the first Cape Coast intellectual heavyweights of his time to launch his political career in the elite political pressure group, Ratepayers Association (RPA), after cross-carpeting from the antagonistic Aborigines Right Protection Society (ARPS). Korsah utilised Ratepayers Association as a political vehicle for his nationalist and intellectual erudition to challenge British hegemony as well as contributing towards the development of Gold Coast.

The work further highlights the major achievements of Korsah as the Legislative Council member for Cape Coast, and some landmark issues that occurred in his first elections, and how he handled it with savvy, his political activism in the inter-war period as well as his discourses in the Legislative Council of the Gold Coast. Secondly, it highlights the extent to which Korsah as an eminent jurist contributed towards the constitutional development and legal jurisprudence during and after the colonial era, as well his great contribution towards education in general, culminating in the creation of the University College of Gold Coast (University of Ghana). In addition, this study shall also look at his final court ruling that caused his dismissal as the chief justice of Ghana. The study seeks to highlight the comprehensive biography of Korsah via historical approach to fill the gaps in the few selected works in which he was mentioned, but does not explore his well-deserved recognition in the context of Gold Coast nationalism.

The methodology deployed in this thesis were primary and secondary data qualitative method.

This work opens the door to some of the hidden accounts of Ghana`s journey to self-rule, especially the roles played by Korsah, the freemasons and some traditional chiefs.



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LIST OF ABBREVIATIONS

ADB	Agricultural Development Bank
A-G	Attorney-General
AGDC	Assistant Grand Director of Ceremony
AMEZC	African Methodist Episcopal Zion Church
ARPS	Aborigines Right Protection Society
ARA	Accra Ratepayers Association
BCL	Bachelor of Civil Law
LEGCO	Legislative Council
CBE	Commander of the Order of the British Empire
CIA	Central Intelligence Agency
CJ	Chief Justice
CMG	Knight Commander of the Order of St Michael and George
CMS	Church Missionary Society
COMESA	Common Market for Eastern and Southern Africa
EC	English Constitution (of Freemasonry)
FAO	Food and Agriculture Organisation
FBC	Fourah Bay College
GAAS	Ghana Academy of Arts and Sciences

GBC	Ghana Broadcasting Corporation
GCIS	Gold Coast International School
GCP	Ghana Congress Party
GCYC	Gold Coast Youth Conference
GIS	Ghana International School
GLC	General Legal Council
GLG	Grand Lodge of Ghana
GLR	Ghana Law Reports
IC	Irish Constitution (of Freemasonry)
ICJ	International Commission of Jurists
J	Justice
JCPC	Judicial Committee of the Privy Council
JA	Justice of Appeals Court
JPC	Joint Provincial Council of Chiefs
JSC	Justice of the Supreme Court
K C	King`s Counsel
LEGCO	Legislative Council
LT. COL.	Lieutenant Colonel
KBE	Knight Commander of the Order of the British Empire

KC	King`s Counsel
KNUST	Kwame Nkrumah University of Science and Technology
Kt	Knight Bachelor
MAP	Muslim Association Party
MCO	Municipal Corporation Ordinance
MM	Master Mason
NAACP	National Association for Advancement of Coloured People
NAO	Native Administration Ordinance
NCBWA	National Congress of British West Africa
NJO	Native Jurisdiction Ordinance
NLC	National Liberation Council
NLM	National Liberation Movement
NPP	Northern Peoples Party
PDA	Preventive Detention Act
PGL	Provincial Grand Lodges
PM	Provincial Master
PNDC	Provisional National Defence Council
PRAAD	Public Records
RPA	Ratepayers Association

SC	Scottish Constitution (of Freemasonry)
SSD	Swollen Shoot Disease
TCP	Togoland Congress Party
TUC	Trades Union Congress
UCC	University of Cape Coast
UCCC	University College of Cape Coast
UCGC	University College of Gold Coast
UG	University of Ghana
UK	United Kingdom
UAC	United African Company
UNO	United Nations Organisation
UP	United Party
USA	United States of America
USAD	Union of Students of African Descent
UGCC	United Gold Coast Convention
WACA	West African Court of Appeal
WACRI	West African Cocoa Research Institute
WASU	West African Students Union

CHAPTER ONE

BACKGROUND TO THE STUDY

1.1 Introduction

*How often do we tell our own life story? How often do we adjust, embellish, make sly cuts? And the longer life goes on, the fewer are those around to challenge our account, to remind us that our life is not our life, merely the story we have told about our life. Told to others, but—mainly—to ourselves.*¹

Julian Barnes, 2011.

Sir Kobina Arku Korsah, Kt., O. B. E., K. B. E., popularly known as Sir Arku, was a Fante who became the first African Chief Justice of the Gold Coast and Ghana. He was not only a judge who achieved the great milestone as the first black Chief Justice in Sub-Saharan Africa and the first Governor-General of modern independent African nation, but he was also one of the Twentieth Century's Gold Coast politicians who commentators such as Charles Hutchison, Lawrence H. Ofose-Appiah, Margaret Priestley, Stanley Shaloff, Andrew Ofoe Amegatcher, Kojo T. Vieta, among others, have acknowledged for his immense knowledge on myriads of issues on the floor of the Legislative Council, especially during debates and national discourses in the Gold Coast.

Sir Arku did not write memoirs, scholarly articles and books like other nationalist figures of his era such as J. E. Casely Hayford, Kobina Sekyi and Dr. Joseph Boakye Kyeretwie Danquah did.² He, however, had three works published on his behalf, but his own inability to publish is

¹ Julian Barnes, *The Sense of an Ending*. London: Vintage, 2011, p. 95.

² Sir Arku Korsah did not publish his own works/speeches, but he had two articles and a booklet published on his behalf by institutions/organisations which found it necessary to do so for intellectual illumination, posterity and historical records. The first journal article "*Indirect Rule—A Means to an End*," was an address he gave to combined meeting of the Royal African and Royal Empire Societies on 26 July 1944, under the Chairmanship of Sir Henry Galway, when Korsah worked in London as a member of the Gold Coast Governor's Executive Council and a member of the African Elliot Commission on Higher Education. See Kobina Arku Korsah, "Indirect Rule—A Means to an End." *African Affairs* 43, no. 173 (1944): 177-182. The second article, "*The Place of Law in the Republic of Ghana*" was a lecture he gave as a founding member of Ghana Academy of Arts and Sciences on July 1963 in Accra, see Kobina Arku Korsah, "The Place of Law in the Republic of Ghana." *Proceedings of the Ghana Academy of Sciences*, Vols. 1-4, 1965, p. 34. The published selected

typical of the larger symptom of prominent Ghanaians` lack of interest in writing biographies as part of efforts to chronicle Ghanaian history.

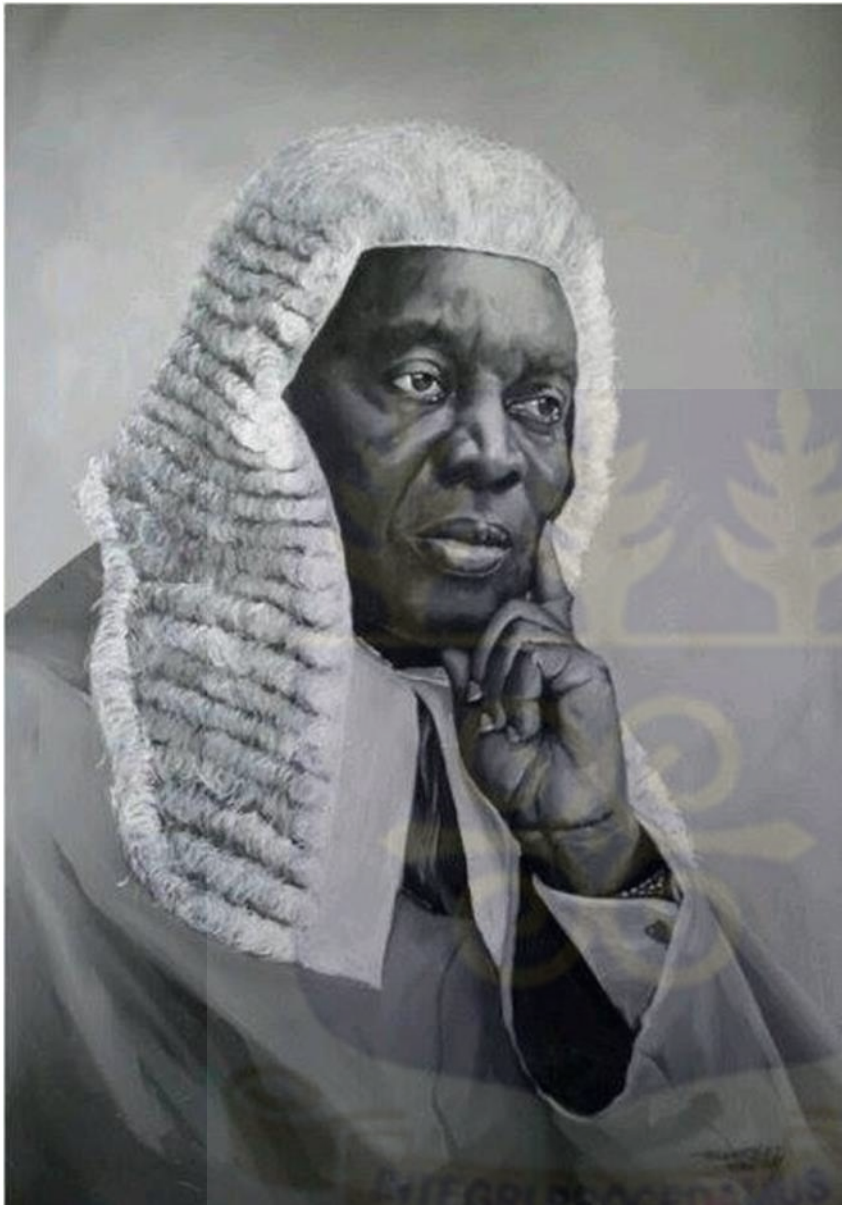


Image 1: Portrait of Sir Justice Kobina Arku Korsah, Kt., O. B. E., K. B. E., Chief Justice of Ghana. Circa 1957. Source: Mark Kaufman, Getty Images.

This lack of interest in biographical writing presents a serious gap in obtaining the full history, for “apart from restaging past situations, telling a story is the only way to come close to an integral reproduction of what happened at that time or the past experiences” in organised

speeches of Sir Arku in booklet form was selected speeches of Sir Arku Korsah delivered in July and November, 1963 in his capacity as Chief Justice of Ghana, put together for publication by the Ministry of Information, see Sir Arku Korsah, *Law in the Republic of Ghana*. Accra: Ministry of Information, 1963.

whole.³ Thus, the need to undertake biographical writing for a country presents an integral aspect of the role of history in national development.

The rising interest in biographical writing is a recent phenomenon in Ghana, and the large volume of works available concentrates on pre-independence personalities who undoubtedly contributed immensely to the socio-economic and political development of Ghana.

The earliest known attempted biographical work in Ghana was the Reverend Jacob Benjamin Anaman's 1902, *Gold Coast Guide*.⁴ The work was short biographical pieces on the elite indigenous coastal families of the Gold Coast during the period of cultural nationalism in the 1860s and the 1900s.⁵ The 1900s was the period Britain tried to lay the fabric for weaving Indirect Rule in the Gold Coast following the victory of Liberals' Sir Campbell-Bannerman and his Fabian Socialist loyalists over the Conservatives, whose administration's imperialist policy was based on Direct Rule.⁶ Reverend Solomon Richard Brew Attoh-Ahuma followed with his 1905, "*Memoirs of West African Celebrities in Europe, 1700-1850, with Special References to the Gold Coast*", a compendium which chronicled the life and achievements of people of African descent in Europe, including Gold Coasters like William Anton Amu in Germany and Quobna Ottobah Cugoana in Britain.

The early 1900s was the period of protest nationalist struggles which witnessed the emergence of nationalist pressure groups such as the National Congress of British West Africa (NCBWA), Ratepayers Association (RPA) and Ga Mambii Party in addition to the existing Aborigines

³ Gabriele Rosenthal, "Biographical Research," in C. Seale, G. Gobo, J. F. Gubrium and D. Silverman (eds.), *Qualitative Research Practice*. London: Sage, 2004, p. 52.

⁴ Jacob Benjamin Anaman's work first appeared in 1984 as "*The Gold Coast Guide for the Year 1895-6*."

⁵ Some scholars have also divided nationalism activities in Africa into three eras. For instance, historians G. R. Mutiso and S. W. Rohio in their introduction to "*Readings in African Political Thought*," identified three phases of African nationalism: cultural nationalism, which they date from the 1860s; plaintive nationalism, from the 1900s; and radical nationalism, from about the end of the Second World War, see Gideon-Cyrus M. Mutiso & S. W. Rohio (Eds.), *Readings in African Political Thought*. London: Heinemann, 1975, pp. 11-14.

⁶ Joseph Chamberlain was the ideological fountain of Direct Rule in the Conservative Party.

Right Protection Society (ARPS), which was founded in 1897. Charles Francis Hutchison came out with his 1930 book, *The Pen-Pictures of Modern Africans and African Celebrities. [With Portraits]*.⁷ The work carved a niche as a “well-known source for the history of the Gold Coast (modern Ghana)” with extraordinary “biographical sketches, photographs and additional biographical data for many members of the non-European Gold Coast elite.⁸ Magnus J Sampson also documented a 224-page book in 1937 titled, *Gold Coast Men of Affairs (Past and Present)*, which built on the earlier works of Hutchinson (1930).⁹ It also explored, in diverse methodological and interpretive ways, lives of individuals and their experiences within the contemporary cultural, political and structural settings.

Apart from these biographical works published in the colonial period extolling some of the elite Gold Coast figures whose lives and activities had affected the destiny of the nation, the post-colonial period (1970-2000) also witnessed a series of biographical works in the form of collected volumes such as I. S. Ephson`s 1979 book titled, *Gallery of Gold Coast Celebrities, 1632-1958, Vol. 1*, L. H. Ofose-Appiah`s 1977 edited volume titled, *Dictionary of African Biography: Ethiopia, Ghana (Vol. 1)*” and Kojo. T. Vieta`s *The Flagbearers of Ghana: Profiles of One Hundred Distinguished Ghanaians (Vol. 1)*. The solely full biographical books on single individuals include Justice Azu Crabbe`s 1971 book, *John Mensah Sarbah, 1864-1910: His Life and Works*; L. H. Ofose-Appiah`s 1974 book, *The Life and Times of Dr. J.B. Danquah*; Alex Kwaku Danso-Boafo`s 1996 book, *The Political Biography of Dr. Kofi Abrefa Busia*; June Milne`s 1999 book, *Kwame Nkrumah: A Biography*, among others.¹⁰ The period also saw biographical seminal and journal works related to John Mensah Sarbah, J. E. Casely

⁷ Charles Francis Hutchison, *The Pen-Pictures of Modern Africans and African Celebrities.[With Portraits.]*. Accra: African Library Press, 1930

⁸ Ibid; Michel Doortmont, *The Pen-Pictures of Modern Africans and African Celebrities by Charles Francis Hutchison: A Collective Biography of Elite Society in the Gold Coast Colony*. Vol. 7. Leiden: Brill, 2005. p. X.

⁹ Magnus J. Sampson. *Gold Coast Men of Affairs (Past and Present)*. London: Dawson's of Pall Mall, 1937.

¹⁰ All the biographical works mentioned were compendium on important Gold Coast figures. It was only Justice Azu Crabbe`s work on Sarbah which was a book solely dedicated to the life and works of John Mensah Sarbah.

Hayford, George Ekem Ferguson, William Essuman Gwira Sekyi (Kobina Sekyi), Dr Kwame Nkrumah, and Dr J B Danquah, among others.

The advancement in technology, media pluralism and emerging popular culture under thriving democratic environment since 2000, had seen an exponential increment in the writing of biographical works. These notable works from academic and non-academic writers under the period include Michel Doortmont's reproduction of Hutchison's work, *The Pen-pictures of Modern Africans and African Celebrities by Charles Francis Hutchison: A Collective Biography of Elite Society in the Gold Coast Colony. Vol. 7*, Ivor Agyeman-Duah's 2003 book, *"Between Faith and History: A Biography of JA Kufuor"*, Kwesi Amoak's 2016 book, *Unfinished Journey: The Life and Times of VCRAC Crabbe, A Legal Luminary*", Ivan Addae-Mensah's, *"Hilla Limann: Scholar-Diplomat-Statesman-President of the Republic of Ghana 24th September 1979 to 31st of December 1981: A Biography"*, Obed Bofo's 2017 work on the Ghanaian media guru and entertainment impresario, Nathan Kwabena Anokye Adisi (aka Bola Ray), titled, *It is Possible: The Bola Ray story: A Biography*, among others.¹¹

In academia, students have also produced biographical works on leading Ghanaian personalities.¹² At the same time certain Ghanaian public officials and leaders have also written/co-authored and published their own biography (autobiography). The most recent of these classic autobiographical works include Emmanuel Evans-Anfom's 2003 book titled, *To*

¹¹ Of all the biographical and autobiographical works that have been produced in Ghana, only one book, Kwesi Amoak's *"Unfinished Journey: The Life and Times of VCRAC Crabbe, A Legal Luminary"*, which is on a former Supreme Court Judge in Ghana.

¹² Students have produced autobiographical thesis in recent times. For example, De Valera N.Y.E. Botchwey, *"Jemisimiham Jehu Appiah (Akaboha I): The Man, His Vision and Work."* MPhil Thesis, University of Cape Coast, 2000; Agape Kanyiri Damwah. *"Dr. Hilla Limann 1934–1998: His life and times."* MPhil Thesis., University of Cape Coast, 2011; Akosua Serwaa Kobia. *"The Life and Times of Jones Clifford Akosa (1911-1992)."* MPhil Thesis., University of Ghana, 2013; Ibrahim Babaginda Ibrahim. *"The Life and Times of a Patriot: A Biography of Chief Simon Diedong Dombo."* Mphil Thesis., University of Ghana, 2014; and Stephen Anti. *"Placing Nana Susubribi Krobea Asante in the Context of Ghana's History and Development 1933-2014."* MPhil Thesis., University of Ghana, 2016. I am also mindful of Dr Samuel Aniegye Nteuwusu's recent (2016) biographical work, *"Between Two Worlds: A Biography of Honorable chief Nana Obimpe of Ghana,"* which emphasized the importance of context in the collection of oral history and the ubiquity of self-fashioning of historical, and ordinary people.

the Thirsty Land: Autobiography of a Patriot, Akenten Appiah-Menka`s 2010 book titled, *The River in the Sea: The Autobiography of Akenten Appiah-Menka*, ex-President John Dramani Mahama`s 2012 book titled, *My First Coup D'etat: Memories from the Lost Decades of Africa*, Nyaho Nyaho-Tamakloe`s 2016 co-authored work with Felix Nii Odartey-Wellington, *Never Say Die!: The Autobiography of a Ghanaian Statesman*, Sam Okudzeto`s 2016 co-authored masterpiece with Maria Franka Andoh, *Sam: A Life of Service to God and Country*, and George Yaw Owusu`s 2017 book with the famous ghost writer, M. Rutledge MaCall, *In Pursuit of Jubilee: A True Story of the First Major Oil Discovery in Ghana*, among others.

Apart from the recent autobiographical works, the majority of the biographical works produced over the years spotlight the same nationalist celebrities of old. They were people who actively participated in the nationalism activities that spanned 1900s-1940s; period of aggressive protest nationalism led by ARPS, NCBWA, RPA, and the Ga Mambii which sent deputations and petitions to England. The post-1940 nationalists engaged in radical nationalism following the Manchester Conference of Pan-Africanism which was attended by Dr Kwame Nkrumah, and other Gold Coast nationalists. The political parties formed in the period such as the United Gold Coast Convention (UGCC), and Conventions People`s Party (CPP), had the main objective of attaining independence for the Gold Coast. The objective came into fruition in 1957.

As a result of the radical nationalism of 1940-1957, notable personalities of immense political, cultural and social clouts within the period of protest nationalism who worked with the British at the Legislative Council (LEGCO) and happened to be members of the Ratepayers Association (RPA) were perceived as laid backs or collaborators. They included Sir Kobina Arku Korsah, Dr. Frederick Victor Nanka-Bruce, John Glover Addo, Akilagpa Sawyerr and Sir Emmanuel Quist, among others, who operated within the framework of elitist politics and evinced their greatest displeasure in instances wherein the elite was threatened with the loss of

one of its few prerogatives.¹³ Unlike their contemporaries in ARPS and NCBWA, who succeeded in defeating obnoxious Bills, these RPA Legislators collaborated with the chiefs and their only delegation comprising the chiefs and delegations from Ashanti territories sent to England to protest against Water Works and Sedition Bills of 1934 was a massive failure. Sir Arku as RPA member collaborated with the chiefs and was part of the abortive 1934 Gold Coast and Ashanti Delegation. This somehow explains part of the reason why he has attracted little biographical attention. So far, Hutchison's original work and the reproduction by Doortmont and the works of Ofori-Appiah and Vieta are the only ones which factored Sir Arku in their volumes.¹⁴ At the moment, no biographical work in a form of a book or scholarly thesis has been dedicated to him.

Consequently, the need to remedy the lack of adequate intellectual and in-depth biographical works on Sir Arku Korsah, in particular, forms the basis for this research. This work seeks to throw light on the personality of Sir Arku Korsah and his hardworking leadership qualities which he utilised to serve Ghana. As noted above, biographies offer society windows of opportunity "to better understand some issues which historians and other scholars have struggled with in their teaching, research and writing."¹⁵ This researcher, therefore, believes that a detailed work on Korsah's major contributions in colonial and post-colonial Ghana towards independence offers unique understanding to issues such as education, socio-economic and constitutional development.

¹³ Stanley Shaloff. "The Africanization Controversy in the Gold Coast, 1926-1946." *African Studies Review* 17, no. 03 (1974): 493-504, p. 497. On the part of Korsah, the other factor which also militated against possible books on him is the fact that he did not follow his political career to the end like his contemporaries such as Danquah, Sekyi and others.

¹⁴ The books mentioned are all works that chronicled body of celebrated personalities from pre-independence Ghana and post-independence Ghana. None of the books mentioned is solely dedicated to Sir Arku Korsah's memory.

¹⁵ Botchwey, "Jemisimiham Jehu Appiah (Akaboha I)."

Additionally, a study of Korsah will serve as sign-post for Ghanaian citizens to understand the patience, commitment and resilience individuals ought to possess in order to fathom diverse socio-economic and development conundrums facing the country and the judicious policy trajectories that must be taken to resolve them for the betterment of the nation. This is a necessary consideration with regard to the problems facing Ghana currently, especially within the context of democracy and development.

1.2 Statement of the Problem

A study of leaders in nationalist struggles and their public and personal lives presents an opportunity for understanding their contribution to national development and the history of a country. Sir Kobina Arku Korsah is among the great political and nationalist leaders that ever graced Ghana`s socio-political and judicial landscape.

Legal historians such as Andrew Ofoe Amegatcher and Kojo Vieta made some attempts to expatiate on Sir Arku`s roles as an astute legislator, a champion of Africanisation, reformist of the colonial civil service and promotor of education in his capacity as a politician and judge.¹⁶ However, it has been observed that information on Sir Arku`s multi-faceted life as an anti-colonial politician and student activist, a devout Christian, Freemason and observer of African traditions had not been covered by academics. There is, therefore, the need to fill the gap with regard to the life of Sir Arku Korsah. In other words, much has not been captured on the social and the political life, nationalist struggle and contributions of Sir Arku Korsah towards the attainment of independence and as one of the main architects of Ghana`s history.

¹⁶ *West Africa*, December, 14, 1963. Lawyer Andrew Ofoe Amegatcher in his article “*Two Contemporaries*” published in *West African* magazine sought to celebrate the historical importance of Sir Kobina Arku Korsah and Dr. Joseph Boakye Danquah for their roles in shaping the destiny of modern Ghana in the field of law, constitutionalism, and education.

Indeed, much is not known about the position of Korsah in the intellectual history of Ghana and his immense contribution towards higher education whilst he was in the LEGCO, and a member of the Elliot Commission on Higher Education in West Africa. His role in the Governor's Executive Council and Elliot Commission gave birth to the University College of Gold Coast (University of Ghana) and the development of education in Ghana.

Unfortunately, the scholarly works of notable historians such as Albert Adu Boahen's, "*Ghana: Evolution and Change in the Nineteenth and Twentieth Centuries*," David Kimble's, "*A political history of Ghana: the rise of Gold Coast nationalism, 1850-1928*," Dennis Austin's, "*Politics in Ghana, 1946-1960*," David Apter, "*Ghana in Transition*," F. K. Buah original (1988) and revised 1998 work, "*A History of Ghana*," among others, did very little to discuss the role of Sir Arku Korsah in the history of Ghana. These historians mention Sir Arku only in relation to certain important political and legal issues without adequate expatiation on his full contributions.

There is a need to redress the gap in the social life, anti-colonial activities and educational development agenda of Korsah. This in essence is the reason for which this researcher embarked on a biographical study of Sir Kobina Arku Korsah. It is the conviction of the researcher that such a study will offer an opportunity to bring to the limelight his contributions as one who utilised his intellectual, social and political connections to play his part in Ghana's history of independence, education, legal and constitutional development.

1.3 Review of Related Literature

This section examines literature related to the overall biography of Sir Kobina Arku Korsah. It critically examines both the primary and secondary sources related to the research. Scattered works mention him with regard to certain historical events spanning many years throughout his political and legal/judiciary profession.

For example, Hutchison and Doortmont firmly place Sir Arku Korsah as a political activist within the context of Gold Coast proto-nationalist movement. Doortmont, for instance, described Sir Arku as a Cape Coast barrister and political activist who was a member of West African Students Union (WASU) and a member of the Youth Conference Movement as well as a member of the LEGCO for the Cape Coast RPA in 1928.¹⁷ His involvement in protest movements such as the ARPS and NCBWA was also briefly commented on by Hutchison and Doortmont, but the two authors failed to offer adequate insight into Sir Arku's nationalist activities and social life after 1928.¹⁸ In 1928, Sir Arku Korsah, at the age of thirty-two years, was elected to the Gold Coast LEGCO as the member representing Cape Coast Municipal Council. It was also the first time Cape Coast sent a representative to the LEGCO after ARPS' boycott of the first municipal council elections in 1927.

Whilst Hutchison and Doortmont adequately established Korsah's political activities within the context of Gold Coast nationalism in pre-1928 Gold Coast, they paid no attention to his international anti-colonial and students union political activism in England, where he was a founding member of the Union of Students of African Descent (USAD). The USAD and other short-lived African students associations in England served as an impetus for the formation of WASU, which emerged as the most radical political vehicle for fighting colonialism, the rights and equitable opportunities for the people of African descents in the metropole, diaspora and Africa.

¹⁷ Michel Doortmont, *The Pen-Pictures*. Korsah also held executive positions in both ARPS and NCBWA. After he launched his political career by joining Cape Coast's branch of Aborigines Right Protection Society (ARPS), he was swiftly catapulted into the position of Secretary and was involved in the activities that gave the movement vigour.

¹⁸ As noted earlier, Doortmont's 2005 work was a reproduction of Hutchison's original work published in 1930. Doortmont added few important information, including Korsah's appointment as member of the Governor's Executive Council in 1942; his appointment to the Bench, and eventually as the Chief Justice of the Gold Coast/Ghana (1956-1963) as well as his role as an Acting Governor-General of the Gold Coast in 1957. But these information did not include his contributions and roles at the Legislative and Governors' Council, educational development and the socio-religious activities in the freemasonry.

Peter Frye and Marc Matera in their discourses on black internationalism and black students' political and anti-colonial activities in Britain place Sir Arku as one of the founders of USAD.¹⁹ USAD, which was acknowledged as the first black student union in Britain, and was utilised in fighting for the rights of Africans in Britain, was the brainchild of Sir Arku and his four contemporaries. Unfortunately, Matera and Frye misspelled Sir Arku's name; they identified him as K. A. Keisah, instead of K. A. Korsah.²⁰ This inadvertent mistake, which comes from the original source in the Africanist newspapers, *African Times* and *Orient Express*, contributed to the camouflaging of Sir Kobina Arku Korsah's name from the history of the first African anti-colonial student activities in Great Britain. Apart from the wrongful spelling of Korsah as "Keisah", the four other founding members of USAD, namely E. S. Beoku Betts, T. Mensah Annan, Samuel F. Edduh Atakora and Charles Awoonor Renner had their names spelled right. But Matera, whose work, according to Antoinette Burton, outlines the significant contributions of people of African descent to London's rich social and cultural history by stitching together the stories of many famous historical figures and presenting their quests for personal, professional, and political recognition against the backdrop of a declining British Empire, later admitted:

*"Keisah" is a misspelling. I'm not sure how I made that error given that elsewhere in the thesis I have Korsah's name spelled correctly. In any case, I don't think that I reproduced the error in the book which came out of the thesis, so that's some small solace.*²¹

Similarly, Dr William E. B. Dubois in his 1929 letter inviting Korsah to the abortive fifth Pan-African Conference in Tunis and pleading with him to propagate the conference in the Gold

¹⁹ Peter Fryer, *Staying Power: the History of Black People in Britain*. London: Pluto Press, 1984; Marc Matera, *Black Internationalism and African and Caribbean Intellectuals in London, 1919--1950*. Ph.D Dissertation Rutgers: The State University of New Jersey-New Brunswick, 2008; Marc Matera, *Black London: The Imperial Metropolis and Decolonization in the Twentieth Century*. Vol. 22. Berkeley: University of California Press, 2015.

²⁰ Matera, *Black Internationalism*, p. 11; and Fryer, *Staying power*, p. 324.

²¹ Email reply from Professor Marc Matera, 30 March 2017.

Coast circles, had Korsah's first name, Kobina, mistakenly spelled as "Kobрила."²² This, in addition to the earlier spelling of "Korsah" as "Keisah" amongst other misspellings, could further explain why Sir Arku's name has been visibly silent in the list of Gold Coast and global Pan-Africanist figures.

From the perspectives of Kimble, the political historian, Korsah was a young smart politician who stood for Gold Coast Legislative Council elections on the ticket of the Cape Coast branch of the RPA when a rift arose between the conservative and moderate ARPS factions on whether or not they should participate in the municipal elections.²³ The old Cape Coast politics of antagonism towards colonial administration was at its zenith, and dire acrimony also emerged in ARPS over the new Guggisberg constitution of 1927, which made it possible for Gold Coasters to be elected to represent their municipal areas for the first time. The Cape Coast conservative wing of the ARPS, which had an old tradition of using boycotts to achieve their political victories, decided not to participate in the elections, but Korsah joined Ratepayers amidst massive character assassination and invocation of oaths against him and his supporters.²⁴

Kimble in his analysis of the famous Cape Coast election described Korsah as decent, level-headed and a peaceful politician whose election campaign "propaganda was restrained from the extreme."²⁵ This portrayal confirms Stanley Shaloff's assertion that, apart from admiration from Gold Coasters, Korsah was also "a nice man of considerable character, generally, liked by Europeans."²⁶ Kimble's work, despite its in-depth discussion on Gold Coast ARPS and

²² Special Collections and University Archives, University of Massachusetts Amherst Libraries, W. E. B. Du Bois Papers (MS 312): Letter from W. E. B. Du Bois to The Honorable Kobрила Arku Korsah, October 7, 1929

²³ David Kimble, *A Political History of Ghana: The Rise of Nationalism 1850-1928*. Oxford: The Clarendon Press, 1963.

²⁴ *ibid*

²⁵ *Ibid*, p. 455.

²⁶ Stanley Shaloff, "Press Controls and Sedition Proceedings in the Gold Coast, 1933-39." *African Affairs* 71, no. 284 (1972): 241-263. Korsah's character as a peaceful individual and a team player is well chronicled by all the writers who have attempted works on him. He could be very hard and uncompromising when certain issues

socio-economic situation of the time, had little discussion on Sir Arku's social life with regard to his elitist upbringing, education, social connections and anti-colonial activities. Thus, the opportunity to understand the life of Sir Arku as a politician, nationalist and as both colonial and post-colonial public office holder within the social and educational contexts of the period is missing. Critical discourses on Korsah's life can help to understand the reason why after becoming a Legislative Council member for Cape Coast, he refused to engage in retribution against his opponents after winning the court case brought against him by Nana Mbra III, Omanhen of Cape Coast and others.²⁷ It will further enhance the understanding into Korsah's direct non-involvement in the protracted and volatile Asafo Company litigation which blew into the full scale Cape Coast Asafo Riot of 1932.²⁸ Similarly, when President Kwame Nkrumah sacked Sir Arku in 1963 after the treason trial of Tawia Adamafio, Ako Adjei and Coffie Crabbe, which he presided over and freed the defendants, Korsah went away quietly. He only surfaced into the public scene when the National Liberation Council (NLC) military junta gave him a role as goodwill ambassador.

Vieta, whose work was a build up on Professor Ofosu-Appiah's original work on Korsah in the *"Dictionary of African Biography: Ethiopia, Ghana (Vol. 1)"*, summarily traced the family background of Korsah, his educational and professional career as a judge as well as his contributions towards debates for expansion of the colonial civil service to include Africans in the British Colonial Administration from 1928 to 1946. Vieta further analysed Korsah's contributions as a legislator and how he worked towards the improvement in agriculture production, infrastructure provision and development of law. Vieta expatiates on Korsah's role

arise, see the secret report of Thomas to Cunliffe-Lister, 23 June 1934, CO 96/717/21750/ 1934. For some Africans within ARPS (radicals led by Kobina Sekyi) and later his opponents in the CPP, his decision at contesting the elections, and subsequent involvement as member of the Governors Executive Council and his 1963 court ruling on Kulungugu bombing trial show that he was imperialist and self-preserving elite.

²⁷ PRAAD, Cape Coast, Central Private Collections (CPC) 7/1 Late W. E. G. Sekyi (Sekyi Papers), Cape Coast Elections Election Petition 21 August 1928.

²⁸ PRAAD, Accra, ADM 11/1632 Cape Coast Asafo Riot of 1932.

in bringing peace between the intelligentsia and the African Chiefs. As a member of the Governor's Executive Council, he became the Gold Coast representative on the Elliot Commission on Higher Education in West Africa, which succeeded to bring the idea of University of College of Gold Coast (UCGC) into fruition when he sided with majority members to recommend separate universities for each Colony.²⁹

Vieta's work, on the other hand, like most compendia of brief biographies, summarised lists of achievements of Korsah without details, but with great attention to his political problems. For example, Sir Arku's dismissal as Chief Justice in 1963. Vieta did little to shed light on Sir Arku Korsah's family background, social life, various Committees of Enquiry and institutions he sat on as chairman, social clubs and religious organisations he joined and his hobby in sports and literary works. Vieta mentioned Korsah's role as chairman of University College of Gold Coast until Nkrumah replaced him, but no mention was made on various important Committees of Enquiry he headed to bring about social, economic and legal transformation to Ghana.

Shaloff and Margaret Priestley mention Korsah as someone who possessed unique intellectual and legal skills which he utilised as a member of the Select Committee on Estimates in the LEGCO to scrutinise and check annual estimates in the budgets to ensure transparency and accountability from the Colonial Government to the Gold Coast people.³⁰ Shaloff, in particular, portrays Korsah as someone who asked hard questions during debates and grilled the Government officials to give accurate account of its annual expenditure on projects and balanced sheets; he had a hawk-eye for interrogating Bills and correcting errors before they

²⁹ Vieta, *The Flagbearers of Ghana*, p. 26. The University College of the Gold Coast was founded by an Ordinance on 11 August 1948 and it became a fully fledged and an autonomous body, University of Ghana (UG), following the passage of an Act of Parliament on 1 October 1961 (Act 79).

³⁰ Margaret Priestley. "The Gold Coast Select Committee on Estimates: 1913-1950." *The International Journal of African Historical Studies* 6, no. 4 (1973): 543-564; and Shaloff, "Press Controls and Sedition."

were passed as laws and even took part as a member of the Gold Coast and Ashanti delegation which sent a petition to England in 1934 to protest against the Sedition and Water Works Bills.

This thesis adds to the works cited above. For example, it provides insight into the ARPS politics with the conservatives led by Kobina Sekyi, and circumstances under which Korsah left ARPS to contest the municipal elections into the LEGCO on the ticket of the RPA. It further points to his works and his involvement as a member of the Governor's Executive Council. The account touches on the ruling on the Kunlugugu bombing trial where Korsah's opponent's accused him of being an imperialist and self-preserving elite. Korsah's critics, especially those in the CPP, contend that his education in Britain as lawyer, and his later close association with European members of the Bench and colonial government, contributed to his elitist status. As pointed out by one of his critics:

He was a God to the European members of the Bench.... always following European tradition to a fault and this can be seen in his association and in some of his judicial rulings. The man never gave a party for the members of the African Bar like what Justices Akufo Addo and Ollenu did.³¹

Though there was mutual respect between Sir Arku and the British colonial officials, he was never their stooge.³² He could be described as a pro-establishment politician who believed in working from within the colonial administration and utilising its institutions of Executive, Legislative, Provincial and Municipal Councils to serve his people. His workings and co-operation with the CPP administration and Kwame Nkrumah from 1956 to 1963 proved his political approach as someone who preferred to work and change policy issues from within a political system.

³¹ Interview with Professor William Cornelius Ekow Daniels, 24 November 2016 at The Den, his residence at Ridge, Accra.

³² Interview with Lawyer Andrew Ofoe Amagatcher, 11 November 2016 at his residence at Dansoman, Accra.

For the British, Korsah himself was not their favourite judge on the Gold Coast Bench.³³ Furthermore, despite Korsah's non-confrontational political style, which was an opposite of confrontational Kobina Sekyi and his conservative ARPS faction, he rose to the occasion to protest vehemently against certain obnoxious bills such as the Sedition and Water Works Bills of 1934 which cruised into the Legislative Council. Sir Arku contended that the sedition implied 'disloyalty in Action', that is, the actual incitement of others to commit an offence, and not merely the writing or possession of presumably seditious materials.³⁴

Oforu-Appiah in his biographical book, *The Life and Times of Dr. J B Danquah*, argues that Sir Arku was intellectually a lesser man and lacked morality when compared to his contemporaries such as Dr J. B. Danquah.³⁵ He posits that Korsah's personal ambition and penchant to settle old scores coupled with the defence of President Nkrumah often took precedence over his desire to do justice as a judge.³⁶ This view of Oforu-Appiah, however, evaporates in the face of the evidence that Korsah appointed Dr Danquah as the editor of the *Ghana Law Reports*, though Nkrumah was against the move. Dr Danquah himself, despite his occasional disagreements, after longstanding political and personal relationship with Korsah, also concluded debatably that "had the Chief Justice cared to continue in political path, instead of branching off to become a judge of the High Court, he might have become Ghana's first President."³⁷

³³ The National Archives-Kew, London, *Ghana: Appointment of Judges to sit on the Judicial Committee of the Privy Council (1957-1958)*, File no. 3474/54, 2 April 1957: Letter for the Lord Chancellor to be sent to the Secretary for State for Commonwealth, LCO 2/5243, p.3. Attorney-General Geoffrey Bing proposed Sir James Henley Coussey, President of West African Courts of Appeal and the Chief Justice, Kobina Arku Korsah for membership in the Judicial Committee of the Privy Council on behalf of Prime Minister, Dr Kwame Nkrumah. But the British argued that Korsah was pro-government, whilst Coussey was more knowledgeable and experienced for consideration than Korsah.

³⁴ Stanley Shaloff, *"Press Controls and Sedition."* p. 247.

³⁵ Lawrence H. Oforu-Appiah. *The Life and Times of Dr. JB Danquah*. Accra: Waterville Publishing House, 1974, p. 141.

³⁶ Ibid, pp. 141-142

³⁷ Joseph Boakye Danquah. *The Ghanaian Establishment: Its Constitution, Its Detentions, Its Traditions, Its Justice and Statecraft, and Its Heritage of Ghanaism*. Edited by A. Adu Boahen. Accra: Ghana Universities Press, 1997, p. 54.

For Dr Samuel Kwadwo Boateng Asante, lawyer and traditional ruler, the respect for Sir Arku at the Bench, and when he was in the Legislative and Governor`s Executive Councils transcended racial barriers. The respect and influence he wielded was recognised by the European and African members of the Bench as well as the senior members of the Gold Coast and Ghana Bar.³⁸ His position as a Puisne Judge of the Gold Coast to his membership as one of the Justices of the West African Courts of Appeal (WACA); his highest achievement as the first African Chief Justice of the Gold Coast and subsequently Ghana, made him the first amongst his contemporaries. The achievement naturally evoked respect from his contemporaries irrespective of their race.

Sir Arku`s eminent role as the first African Chief Justice, explains Dr Danquah`s respect and unreserved apology to Sir Arku in Twi: “*Opanin wodi bem*”,³⁹ when in legal proceedings (*Re Akoto*) at the Supreme Court, Danquah in a fit of anger, had berated Attorney-General Geoffrey Bing “for serving as a diabolical expatriate tool for the erection of oppressive laws against Ghanaians, while his [Bing's] people enjoyed freedom, and then sat down in disgust.”⁴⁰ The overwhelming multi-racial and bipartisan support and respect for Sir Arku, even from his opponents, was confirmed in Geoffrey Bing`s book titled, *Reap the whirlwind: An account of Kwame Nkrumah's Ghana from 1950 to 1966*.⁴¹ Bing contends that Korsah`s house always hosted prominent politicians in the old Gold Coast Legislative Council and Assembly as well as the high ranking civil servants and members of the Bar. He argued that Korsah “represented the link between the CPP and the old Colonial establishment,” because of the immense respect and power he had as a senior statesman. As a result, even when Korsah`s tenure of office as

³⁸ Samuel Kwadwo Boaten Asante, “Reflections on the Constitution, Law and Development.” *Ghana Academy of Arts and Sciences*, Vol. 35. (2002).

³⁹ “Senior, you are innocent.”

⁴⁰ Asante, “Reflections on the Constitution,” p. 3.

⁴¹ Geoffrey Bing, *Reap the Whirlwind: An Account of Kwame Nkrumah's Ghana from 1950 to 1966*. London: MacGibbon & Kee, 1968

the Chief Justice had expired, President Nkrumah, who was on a visit outside the country, reappointed him via a cable message.⁴²

Korsah's place in the intellectual history of Ghana is adequately explored in two of his works: "*Indirect Rule—A Means to an End*," and "*The Place of Law in the Republic of Ghana*." Larry Laudan, a philosopher, posits in his essay about intellectual history that any attempt to write a history of ideas should first establish the problem or set of problems that particular thinkers were trying to address.⁴³ Thus, bearing that in mind, in the article, "*Indirect Rule—A Means to an End*," Korsah explores the conceptual framework underpinning indirect rule as envisaged by Lord Frederick Lugard in his "*Dual Mandate*," and moved to address the issue of colonialism and European intervention in the development of native institutions and customary laws in Ghana. Korsah argues that despite the fact that the British had certain intentions to use the indirect rule to maintain and develop native institutions and customs, they, unfortunately, turned around to usurp the institutions of the native states by refusing to integrate the people in the local government or Native Administration" into the Central government.⁴⁴ Thus, Korsah postulated an American system of Federal Government in line with Lincolnian democracy for the colony if indirect rule was to achieve its sanguine aim.⁴⁵ In this regard, Korsah and Kobina Sekyi emerge as the first advocate of Federal Government for Ghana long before the Asanteman Council and the opposition National Liberation Movement (NLM) started the move in September 1954.⁴⁶

⁴² Ibid, p. 310.

⁴³ Larry Laudan, *Progress and its Problems: Towards a Theory of Scientific Growth*. Vol. 282. California: University of California Press, 1978.

⁴⁴ Korsah, "Indirect rule," p. 181.

⁴⁵ Ibid.

⁴⁶ The iconic Gold Coast Nationalist and intellectual, Kobina Sekyi spent large portion of his nationalist struggle and intellectual consciousness to propagate Federalism ideas. For details on Sekyi's political consciousness and ideas, see Daniel Kofi Baku, "An Intellectual in Nationalist Politics: The Contribution of Kobina Sekyi to the Evolution of Ghanaian National Consciousness." PhD diss., University of Sussex, 1987.

In “*The Place of Law in the Republic of Ghana*,” Korsah further explores the role of native institutions, legal personnel and development of customary laws to be at par with Common laws. For him, the binary legal system of laws, Common and Customary laws, have their strengths and weaknesses in their application in modern society.⁴⁷ As a result, there is the need for interactions between the binary legal systems to produce coherent laws which are in sync with the customs and usages of the native people and the global world. According to Korsah, it is only when this is achieved that the law in our ever-changing society can justifiably serve as an “instrument for state advancement and means for securing private justice.”⁴⁸ It is clear that Korsah was also torn between two cultures, European and African, which made it impossible for him to deal with each problem from either Africanist or Western point of view. In this work, Korsah’s intellectual capabilities are seen in the various roles he played as a legislator, judge and as a chairman of various Commissions of Inquiry. Korsah’s intellectual ideas on participation of the citizenry in the democratic processes was amply exhibited in the role he played outside the Gold Coast LEGCO as a member of the Gold Coast and Ashanti Delegation to England to protest against obnoxious Sedition and Water Rate Bills of 1934. The epochal role he took as member of the local committee and as the spokesperson on the legal issues with specific reference to the Sedition Bill portrayed practicalisation of his intellectual arguments as raised in his work, “Indirect Rule—A Means to an End.” This also reflects in his work as the chairman of the the Committee of Enquiry into the Native Courts – 1951.

His legal and intellectual acumen with specific reference to his well-respected authority in the interpretation of customary law cases, was grounded in his work, “*The Place of Law in the Republic of Ghana*.” Through legal pronouncement at Bench, he was able to utilise both the common law and customary law traditions on cases to bring out the best of results, albeit

⁴⁷ Korsah, *The Place of Law*, p. 30

⁴⁸ *Ibid*, p. 29.

occasional contested judgements as clearly exemplified in the case of *Abude and ors. v. Nii Adjei Onano*.⁴⁹

1.4 The Purpose of the Study

The nationalist struggles in Africa in general, and in Ghana in particular, had always placed emphasis on personalities who started their careers as politicians and died as politicians. Those who branched out of nationalist struggles to pursue other important positions in the fields outside politics are often forgotten for the roles that they played on the political landscape. Thus, there is a missing link with regard to the other aspects of Sir Arku Korsah's life as a politician, a champion for higher education, and patron of social and literary clubs. His socio-religious life as a devout Christian, Wesleyan Methodist, Freemason Grand Master and founding member of the Grand Lodge of Ghana, Scottish Constitution are also unexplored.

The objective of this research is to comprehensively discuss Sir Kobina Arku Korsah's instrumentality in the nationalist struggles in Ghana through the lens of nationalism; and as an active member of anti-imperialist political pressure groups such as ARPS, NCBWA, RPA, USAD and WASU. Further discussions will touch on his involvement in socio-religious organisations such as the Methodist Church and the Freemasonry. I am of the view that through these institutions the study can trace his life history so that the multi-faceted career that Korsah pursued, his contributions and achievements thereof and his unexplored social life will be better understood.

1.5 Methodology

The study adopted the qualitative research approach to gather data from both primary and secondary sources. This method involved interpreting, analysing and critically examining historical data. In addition, books, newspapers and journal articles were incorporated into this

⁴⁹ *Abude and ors. v. Nii Adjei Onano* [1946] 12 W.A.C.A. 128.

research. The qualitative approach made it possible to get background information on the multi-faceted nature and career of Sir Arku Korsah, selection of right informants and appropriate questionnaire style (unstructured) and the right tools (tape-recorder) for interviews.

The primary materials such as magazines, newspapers as well as Reports of Commissions of Enquiry, judicial rulings and law reports were heavily relied on for this study. Vital information was also obtained from declassified Central Intelligence Agency (CIA) file, *CIA-RDP79T00975A005900370001-6 Situation in Ghana, 2 September 1961*. Archival materials from the Public Records and Archives Administration Department (PRAAD)-Accra, PRAAD-Cape Coast and the records of the session Debates in the Gold Coast Legislative Council provided valuable data which augmented, corroborated or debunked some pieces of information scattered in the works this researcher had.

For example, the file on Amanfopong-Essiakwa Native Affairs (PRAAD-Cape Coast, ADM 23/1/191) demystified the traditional political roles and the periods in which Sir Arku's father and uncle; Chiefs R. M. Korsah and A. R. M. Korsah served the people of Amanfopong. The file explained the period which Chief R. M. Korsah held the positions of Tufuhen and Omanhen and Chief A. R. M. Korsah also held positions of Adontsenhen and Omanhen of Amanfopong respectively.

Kobina Sekyi Papers (PRAAD-Cape Coast, Central Private Collections 7/1) also proved a misconception I had that Sekyi was the lead counsel for Oguaa Omanhen in the election petition case brought against Korsah in 1928, and also the misconception that Chief A. R. M. Korsah (uncle of Sir Arku) was the same as Chief R. M. Korsah (father of Sir Arku). Other archival materials: a letter/memo exchanged between Korsah, the then University Council Chairman and Dr Balme, the then Principal of the University College of Gold Coast, was obtained from the newly refurbished University of Ghana Archives situated in the Balme Library. I also got

documents from the National Archives of London, Kew, from a friend, Mr Nana K. K. Adusa-Amankwaa. These were: File no. 3474/54, “Ghana, Appointment of Judges to sit on the Judicial Committee of the Privy Council (1957-1958), 2 April 1957;” and “Discussion of Sir ARKU KORSAH, former Chief Justice of Ghana, On account of his dismissal (Confidential), file no. J1641/4/G, 18 December 1964.”

Primary information was gathered through extensive interviews with close family members – Mrs Diana Tagoe, and Miss Erica Ifill, Nana Kweku Egyin Orleans-Lindsey (Nana Owodu Aseku Brempon V), nephew and the current Omanhen of Amanfopong. Interviews were also conducted with Mr Samuel Panyin Elegba, personal secretary of Sir Arku, Professor Cornelius Ekow Daniels, Legal Practitioner and former Director of Ghana School of Law, Mr Azanne Kofi Akainyah, Legal Practitioner at A & A Law Consult, Mr Andrews Ofoe Amegatcher, Legal Historian, Diplomat and former Judicial Secretary, Mrs Thérèse Eppie Striggner Scott, former High Court Judge and Diplomat, Mr Fritz Baffour, former Member of Parliament for Ablekuma South Constituency, former Information Minister and Heritage Consultant, Lt. Col. Henry Werner Aryee Kofi Sackeyfio (rtd.), Engineer and pioneer teacher of Ghana National College, Professor Nana Essilfie-Conduah, Journalism Lecturer and independent political historian and Mr Fernando Baeta, Secretary of the Grand Lodge of Ghana (GLG).⁵⁰

These respondents formed the sample size of the research because of their close association with regard to kinship ties, work association, possession of memory on issues and other close relationship they had with Sir Arku within the framework of this research. The interviewees responded to questions that were posed to them by the researcher during the field trips. The interviews were recorded on tapes and later transcribed. In some instances, emails were sent to gather relevant information from respondents who lived within and outside Ghana. For

⁵⁰ See the table of list of informants on Appendix C, at pages 197-198.

example, email enquiries were sent to Dr M. M.N. Stansfield of Durham University Library, Dr Richard Temple of the University of London Library, Professor Marc Matera of the University of California Santa Cruz and Mr Azanne Akainyah, Private Legal Practitioner. In all, fifteen people were interviewed. These interviews authenticated and corrected certain errors in some secondary data, especially books and online genealogical works on Sir Arku and his wife, Kate Ethel Amanuah Korsah.⁵¹

The secondary sources utilised for this work include previous scholarly works (books and articles) which contain valuable information on the subject matter. The materials include Sir Arku's (published speeches), Korsah's only known published journal work, and some biographies of political leaders. These materials were mostly obtained from the Balme and IAS Libraries-Legon, Methodist Headquarters Library, Accra, and George Padmore Research Library on African Affairs, Accra.

1.6 Significance of the Study

The study will offer comprehensive historical data to historians, students, lecturers, researchers, politicians and other people interested in knowing Sir Kobina Arku Korsah's contributions towards the nationalist struggles which led to Ghana's independence. It further delves into Korsah's intellectual ideas as espoused in the article, *Indirect Rule- Means to an End*" and the booklet, *The Law in the Republic of Ghana.*" In the previous accounts, Korsah is best remembered for his decision in the infamous *Re-Akoto* case. This study attempts to fill the

⁵¹ Email enquiries to Prof. Matera corrected the misspelling of Korsah's name as "K. A. Keisah" in Matera's book, *Black Internationalism and African and Caribbean Intellectuals in London, 1919—1950*" and Peter Fryer's book, *Staying power: the history of black people in Britain*; Interview with Mrs. Diana Tagoe corrected the error in L H Ofose-Appiah's assertion in his book, *Dictionary of African Biography: Ethiopia, Ghana. Vol. 1*, which traced Sir Arku's family roots to the Gyanuah's of Amanfopong, when in fact, Sir Arku's mother Diana Gyanuah Gardiner was from Anomabo, but had ancient roots to Abakrampa. It was the Korsahs who were rather from Amanfopong. Interview with Diana Tagoe also debunked and corrected the family tree of Lady Kate Ethel Korsah, wife of Sir Arku Korsah on the online genealogical platform, *Gold Coast Database*. Both Temple and Dr Stansfield assisted in getting Korsah educational records and the periods of his studies in both Durham University and University of London correctly.

lacuna about Korsah`s life with regard to his contributions towards law, the development of higher education, Africanisation projects, infrastructural, health and agricultural developments. His social and religious life as a literary and social clubs` patron, devout Christian and Grand Master of Freemason, which most writers have not yet explored, shall be discussed in details.

1.7 Structure of the Work

This work is organised into seven chapters. Chapter one is the introductory chapter which covers the background to the study, the statement of the problem, literature review, the methodology, significance and the limitations of the study.

Chapter two covers the period: 1894-1920; it examines the childhood and education of Sir Arku Korsah. This includes detailed exploration of the socio-economic, cultural and political milieu of the Gold Coast at that time, the status of his family and their impact on his upbringing, his education at the basic level from Winneba to High School and tertiary education at Fourah Bay in Freetown, and subsequent movement to the Universities of Durham and London respectively. This chapter also throws light on Sir Arku`s call to the Bar in England and his brief involvement with USAD; his return to Gold Coast as a lawyer, and his entry into Gold Coast politics by joining ARPS, NCBWA and the RPA.

Chapter three covers the period: 1920-1928. It focuses on Sir Arku`s career as both barrister at law and a Cape Coast politician, and his political stint with the ARPS and RPA which culminated in his election as the Municipal Council Member representing Cape Coast at the Gold Coast Legislative Council. In addition, the chapter includes in-depth dissection of old Cape Coast politics, the furores between the conservative and moderate ARPS members and how Korsah, as a young politician, tactically conducted himself to cruise to victory on the ticket of RPA.

Chapter four covers the period: 1928-1945. It delves critically into Sir Arku's role as the Legislative Council member and his contributions to the legislative debates, with specific emphasis on education, law reforms and development of infrastructure in Gold Coast as well as his constituency. The section also deals with Korsah's role as a member of the Gold Coast and Ashanti Delegation which sent a petition to Britain to protest against the obnoxious Water Works and Sedition Bills of 1934. Part of the chapter also focuses on his last political career as the appointed member of the Governor's Executive Council from 1942 until his appointment to the bench as a Puisne Judge of Gold Coast and West Africa in 1945. It also covers Korsah's role as member of the Elliot Commission for Higher Education in West Africa, which culminated in the establishment of the University of College of Gold Coast (UCGC).

Chapter five covers the period: 1946-1967. It examines the work of Sir Arku at the Bench (judiciary), famous cases he presided over and its decisions from the High Court to the Supreme Court until his dismissal as the Chief Justice of Ghana in 1963 and aftermath. The chapter also critically analyses Korsah's contributions to the constitutional development and the legal landscape of the Gold Coast, Committees of Enquiry he chaired, and his reception of British Knighthoods titles.

Chapter six gives an account of Sir Arku's private (social) life as a family man, his circle of friends and a detailed exploration of Korsah's genealogical tree. It also sheds light on some of the socio-religious organisations he joined such as Social and Literary Clubs, Methodist Church and the Scottish Freemason (of which he became the first Grand Master in the Gold Coast) as well as his hobbies in sports. Criticisms and his human hubris are also discussed.

Chapter seven is the conclusion which relies on the argument in the first chapter to prove that Sir Arku was an unsung nationalist hero. It summarises the overall achievements of Sir Kobina Arku Korsah as Gold Coast nationalist, intellectual, eminent jurist and champion of

Africanisation of the civil service and higher education. The chapter further tackles findings and ends with recommendations, and suggestions for future research.

1.8 Limitations of the Study

Problems with the distance or location of certain important informants and lack of funds to take air transport made it impossible to gather certain oral information. One of the informants, Roger Kweku Andoh Korsah, who holds abundant information and possibly legal records of Sir Arku was in Zimbabwe, and was indisposed;⁵² attempts to use emails or social media platform (Skype) to communicate with him was declined by his family because of his health conditions. Similarly, two of Sir Arku's surviving daughters in Ghana, Annie Bart-Plange and Edith Nana Praba Korsah could not be interviewed on health grounds at the time of the research.⁵³

Due to lack of adequate finances, I relied on social media platform, especially *Facebook* friends who are academics to collect archival and other relevant information from the National Archives, Kew in London, University of Massachusetts Archives in USA and United States' Congressional Papers. Patience, tact and decorum with which I persevered in dealing with informants served well as they opened up a wide reservoir of memorable and valuable information.

⁵² *Daily Graphic*, Saturday, 11 March 2017, p.42. Roger Korsah, was the fourth child of Sir Arku Korsah and Lady Kate Korsah. He was a High Court judge in Ghana and later moved to Zimbabwe, where he rose from the High Court to become Justice of the Supreme Court of Zimbabwe. He died on February 11, 2017 when this researcher was still making frantic efforts. Coincidentally, this researcher wrote Justice Andoh Korsah's tribute in the newspaper.

⁵³ Annie Bart-Plange (nee Gyauuah Korsah), the fifth daughter of Sir Arku and Lady Kate Korsah, who resides in Takoradi and Edith Nana Praba Korsah, daughter of Sir Arku Korsah and Lady Edith (later Mrs. Edith Quist Therson) who also stays at Osu in Accra, were the two sisters who could not be interviewed on health grounds.

CHAPTER TWO

BIRTH, EARLY LIFE AND EDUCATION

2.1 Introduction

This chapter focuses on the birth and the childhood of Sir Arku Korsah, his basic education in Gold Coast and Sierra Leone as well as his higher education at Fourah Bay. The chapter further explores Korsah's pursuit of education overseas at the Durham University, University of London, and the Honourable Society of the Middle Temple. This is explained within the context of the socio-economic and political environment which shaped the life and choices of Sir Arku in this particular period.

Kobina Arku Korsah was born on 3 April 1894 in the Fante town of Anomabo.⁵⁴ This is at variance with the popular historical narrative that he was born in his father's ancient Fante Nkusukum town of Saltpond (Akyemfo). In tandem with Fante-Akan tradition of naming children, he was named Kobina, which signifies that he was born on Tuesday. He was given two other family names, Arku (Arko/Ako) and Korsah (Kɔsa).⁵⁵ The absence of a Western or a Christian first name for Korsah was in line with the cultural consciousness of the African elites of the time who had reverted to the use of their African names. Gold Coast was experiencing the growth of cultural nationalism, with members of the "Gone Fantee"

⁵⁴Interview with Mrs Dinah Tagoe (nee Dinah Aba Anowah Korsah), 10 October 2015, at Amanuah House residence, Airport Residential Area-Accra. Historians such as David Owusu Ansah, I. S. Ephson, L. H. Ofofu-Appiah, and Kojo Vieta among others wrongly cited Korsah's birth place at Saltpond. The assertion that Anomabo was Korsah's birthplace is supported by ancient Fante tradition where a pregnant mother always goes to her parents family house to receive care until they give birth.

⁵⁵ Interview with Mr Kweku Egyin Orleans-Lindsay (Nana Owudu Aseku Brempon V.), Omanhen of Amanfopong, 10 January 2017, at his residence in Dansoman. Hereafter, Kweku Egyin Orleans Lindsey shall be used throughout the work. In Fante language, Kobina, also spelled Kɔbena is a soul or day of birth name (kradzin) and the alias (huandzin) is Ebo (Ebow), whilst the appellation (nsabran) is "Ogyam ye barimba" (a friend who is a real man). Thus, Kɔbena is someone who is friendly. However, in Akan cosmology, which conceptualises the naming of children to the planetary bodies, Kɔbena's are deemed to be associated with "Abra"- Mars, hence they are "servants of the Sky-God", the Mars. Arko (Arku), which is a family name (ebusua dzin) means "to persevere", and the alias is "ɔpaseram" (intrepid). Kɔsa, anglicised as Korsah, has the alias, "Ekwam ɔsempe" (Good curious mind), and the appellation is "Ekwam Osinkyirin, medze ma wo na emmpe a mebegye m'ahom" (Reject what I offer and I shall stop!). Thus, Kɔsa means warrior who doesn't force his will on others.

Movement within the ARPS advocating for respect for African personality, culture and tradition.⁵⁶ Thus, many elite Gold Coasters started wearing African clothing, singing African songs and playing African musical instruments. In addition to recapturing their identity and tradition, they also used their indigenous names instead of their appropriated European/Christian or anglicised names.⁵⁷

Sir Arku's father was Robert Marmaduke Korsah⁵⁸ (Chief R. M. Korsah), a prosperous Gold Coast merchant and the Senior Agent of the Associated Firms of the African and Eastern Trade Corporation Limited.⁵⁹ As the agent of the firm, Chief Korsah and his friend, F. L. J. Cato, also from Saltpond, were the two experts who operated the pontoons for ferrying products to and from the coast to the hinterlands of Gold Coast.⁶⁰ Hutchison and Doortmont describe Chief Korsah as "Helmsman," who possesses great "integrity and fidelity" in the arbitration of commercial controversies and in discharge of his duties.⁶¹ His honesty and dedication also

⁵⁶ Samuel Tenkorang. "The Founding of Mfantshipim 1905-1908." *Transactions of the Historical Society of Ghana* 15, no. 2 (1974): 165-175. The "Gone Fantee Movement" also known as 'The Doctrine of Return to Things Native' started by the leading ARPS members such as Rev. Solomon Richard Brew Solomon (Rev. Attoh-Ahumah), John Mensah Sarbah (Kofi Mensah), Joseph Ephraim Casely Hayford (Ekra Agyeman), Rev. J. B. Anaman (Kwame Anamoah), William Esuman-Gwira Sackey (Kobina Sekyi), Kofi Asaam and others also brought about the first indigenous concept of Pan-Africanism and self-reliance, which saw the development of Public Schools, educational funds and scholarships for the Gold Coast natives.

⁵⁷ Ibid.

⁵⁸ Interview with Mr Kweku Egyin Orleans-Lindsay. Chief Korsah's Fante name was Kwamena Andoh. But because he was born in 1866, an era where Christian Missionaries had conferred European names on Africans at baptism to affirm their belief as practicing Christians; his family who were Christians gave him the baptismal and European names, Robert Marmaduke in addition to his family name, Korsah. Chief Korsah's father was Chief Korsah II, Adontsenhen of Enyan Essiam (Nkwantanum) and his mother was from Ekwadaa quarter of Saltpond.

⁵⁹ Ibid; Doortmont, *The Pen-pictures*. p. 280; Antony Gerald Hopkins, *An Economic History of West Africa*. London: Routledge, 2014. p. 199; *West Africa Times*, April 20, 1931, p. 3. The Associated Firms of the African and Eastern Trade Corporation Ltd., is an offspring of the 1919 merger of the African Association firm established in 1889 and Miller Bros and F. & A. Swanzy firms. In 1929, the African and Eastern Trade Corporation Ltd came into agreement with Lever Bros., and the result was the formation of gigantic combined firm known as United Africa Company (U.A.C). In line with recruiting few Africans with extraordinary commercial talents as cost effective approach by Imperial Companies in Africa, especially Gold Coast, Chief R.M. Korsah and Taylor Bros., are mentioned as the few principal agents of unsurpassed business acumen.

⁶⁰ Interview with Mrs Dinah Tagoe; *Gold Coast Leader*, 27 November 1920. Cato's son, J. E. Cato, also rose to become the Manager of United Africa Co. Ltd., Senchie Ferry formerly Swanzy Lighterage & Transport Company- Akuse).

⁶¹ Doortmont, *The Pen-Pictures*. p. 280.

made him “a Beacon of Defence against treachery and calumny” in Gold Coast commercial trade.⁶²

Chief Korsah was a royal from the aboriginal Fante-Etsii town of Amanfopong near Breman Asikuma, but he first held the position of Tufuhen (Field Marshal) in Saltpond.⁶³ Chief Korsah was honoured with Tufuhen as a result of his valour in the Fante Asafo Company which fought in the Fante-Asante wars. He was later installed as the paramount chief of Amanfopong Traditional Area under the stool name, Nana Owodu Aseku Brempon I.⁶⁴ He participated in Methodist Church activities in his capacity as the Executive Member of Saltpond Wesleyan Methodist Church, where he was known for his philanthropic deeds.⁶⁵

Chief Korsah had seven siblings: Esi Korsima (Elizabeth Korsah), Adjoa Anowa (Naomi Korsah), Kodwo Ampah (Chief Albert Robertson Micah Korsah), Kofi Otuakwa (James Korsah), Amba Arkowa Korsah and Amba Andowa Korsah. Chief Korsah`s brother, A. R. M. Korsah, popularly known as “Owirkitse” among the intellectual Gold Coast class as a result of his strength and character, was an agent of F & A Swanzy at Axim. He became famous in Gold Coast when he “proved his valour as true native...in defence of Mr K. O. Cann from sudden

⁶² Ibid, p. 278.

⁶³ Interview with Mr Kweku Egyin Orleans-Lindsay. See Appendix D, page 199 for the detailed family tree of Korsah`s Amanfopong origins.

⁶⁴ Ibid; PRAAD, Cape Coast, ADM 23/1/191, Amanfopong and Essiakwa Native Affairs, 1890-1933. Chief Robert Mamarduke Korsah was born in December 1866 at Saltpond. His family originally came from Amanfopong, formerly Yanwa, which was also originally Etsii settlement. The Korsahs, who trace their ancestry to Kōna Amanfopong stool had to flee from the town, following a war between Denkyira and Amanfopong, which led to the total defeat of the people of Amanfopong. The town was razed to the ground, the people were scattered to the neighbouring areas, and others were also taken into slavery. The queen mother refused to give her stool to the Denkyiras, instead, she tied her royal stool to her body and jumped into the river in the town and died. The Ahenfie Division, to which the Korsah`s belong fled to settle at Saltpond (and these were the descendants of Twum Ampofo I, Omanhene of Akyem Abuakwa state and Nana Yaa Serwa Eduama I of Yaanwa. They include Pobee Abakahs, Korsah-Browns and the Aggrey`s of Saltpond and Kumasi. The Mankrado Division settled at Apirade and parts of Achiase, and the Benkum Division also settled at Apaa (Apam), and their family include Mrs Ruth Botsio and her Whitaker sisters and Thérèse Eppie Striggner Scott, as well as the Amonoo-Neizers and King Ghartey of Winneba; the first President of the Fante Confederation. The Adonten Division settled at Agona Duakwa, the Kyidom Division settled at Agona Abodom, and the Nyinfa Division settled at Brakwa. For more on the Korsahs and their chieftaincy positions at Amanfopong, Interview with Mr Kweku Egyin Orleans-Lindsay.

⁶⁵ *Gold Coast Leader*, 20 May 1916, p. 3; 19 June 1909, p.3.

blows and kicks severely served him by Mr Hicks, an European of Messers F & A Swanzy, the Transport Department.”⁶⁶ Chief Korsah`s last brother, James Korsah, was also an agent of F & A Swanzy at Koforidua.⁶⁷

The Korsah family from the Kɔna⁶⁸ Amanfopong royal stool is related to the Amonoo-Neizers and Robert J. Ghartey (Kwamena Akyeampong), known as King Ghartey IV of Winneba and the first president of the Fanti Confederation.⁶⁹ Tufuhen Korsah`s brother, Chief A. R. M. Korsah, was once Adontsenhen of Amanfopong and was a very prominent member of Cape Coast social, political and business circles.⁷⁰ In 1933, A. R. M. Korsah was also elected and installed as Omanhen of Amanfopong, under the stool name, Nana Owodu Aseku Brempon II.⁷¹

Sir Arku`s mother was Mrs Dinah Korsah (nee Dinah Gyanuah Gardiner), an educated lady, and a trader from the well-known elite Euro-African Gold Coast Trading and civil service family, the Gardiners of Anomabo.⁷² Dinah was the second customary law wife of Chief Robert Mamarduke Korsah.⁷³ Chief Korsah paid Diana`s “head rum” as traditional demand for

⁶⁶ Ibid, 22 January 1916, p. 5.

⁶⁷ Interview with Mr Kweku Egyin Orleans-Lindsay.

⁶⁸ “Kɔna” is one of the seven divisions of Akan-Fante ebusua (clans). The other six clans are *Nsɔna*, *Anɔna*, *Twidan*, *Aboradze*, *Ntwaa (Abadze)*, and the *Adwenadze*, see Joseph Brandford Crayner, *Yeehyahyia oo!*. Accra: Bureau of Ghana Languages, 1975, p. 82-101.

⁶⁹ Interview with Mr Fritz Baffour, former Minister of Information and Member of Parliament for Ablekuma South, 22/01/2017.

⁷⁰ *Gold Coast Times*, 15 December 1934, pp. 8-9.

⁷¹ PRAAD, Cape Coast, ADM 23/1/191, Amanfopong-Essiakwa Native Affairs: Re Status of Occupant of Kuona Stool of Amanfopon, 28 July 1933.

⁷² Interview with Mrs Dinah Tagoe (Dinah Aba Anowah Korsah), 10 December 2015, Accra. The Gardiner family of Anomabo trace their royal ancestry to Abakrampa stool of Nana Gyandoh. In this regard they are also related to Rev. Gaddiel Acquaaah, the celebrated Methodist preacher, nationalist and a hymnist. “I quite remember when Osofo Acquaaah composed the indigenous Mfantse Methodist Hymn, *Amansoun Twerampon* (First edition), he visited us, and whilst Osofo sang, my father played the piano”.

⁷³ The Handwritten Diary of Chief Robert Mamarduke Korsah, father of Sir Arku Korsah in possession of Mr Kweku Egyin Orleans Lindsay (Nana Owodu Aseku Brempon V), Paramount Chief of Amanofopong.

legalisation of their customary marriage on 9 Friday January 1891.⁷⁴ His first wife was Effuah Aquasiwah of Ekwadaa quarters of Saltpond. He married Effuah on 30 December 1884.⁷⁵

Dinah was the eldest daughter of Mr Charles Gardiner, a prominent District Commissioner in the colonial administration from Anomabo who stayed at Nankesedo, Lower Town Saltpond.⁷⁶ Her uterine brother was old Phillip H. D. Gardiner (“*Obronyi*”⁷⁷ Philip) of Anomabo, father of Robert Kweku Atta Gardiner of United Nations Organisation (UNO) and United Nations Economic Commission of Africa (UNECA) fame from 1946-1975.⁷⁸ One of Dinah`s paternal brothers was Nana Otoo III, Omanhen of Abora State and her sisters were Mrs Nancy Wood, the mother of Kobina Wood, the twin Gardiner sisters and Philippa Gardiner. Kobina Arku was the second son and the third child of the marriage between Chief Korsah and Mrs Dinah Korsah. His only uterine elder sister was Mrs Mabel Ankrah (nee Mabel Korsah), a trader who married James Darku Ankrah, a Ga-Fante clerk from Otublohum and Anomabo and had a daughter, Esi Amonoowa-Ankrah (Mrs Mabel Chintoh) who later became renowned midwife in Winneba. Kobina Arku came after Kwesi Baah Korsah, who was born in 1892.⁷⁹ Kwesi Baah Korsah was a kind man who hated injustice; he followed his father and uncles` career path in commerce as a Managing Director of Messrs. F. & A. Swanzy (U.A.C) at Winneba.

Lois Weis argues in the foreword to the classic book, “*Educating Elites: Class Privilege and Educational Advantage*” that school outcomes, whether achievement or attainment, are linked in a large part to student social class and economic background.⁸⁰ Thus, moving from primitive

⁷⁴ Ibid.

⁷⁵ Ibid

⁷⁶ Interview with Mr. Kweku Egyin Orleans-Lindsey.

⁷⁷ *Obronyi* means White or Caucasian.

⁷⁸ Marika Sherwood. "Robert Kweku Atta Gardiner (1914-1994): An Unrecognised Ghanaian Pan-Africanist Par-Excellence." *Contemporary Journal of African Studies* 2, no. 1 (2014): 27.

⁷⁹ Interview with Mr. Kweku Orleans-Lindsey (Nana Owodu Aseku Brempon V); *G. B. Ollivant Ltd., v. Kwesi Baah Korsah* [1941] 7 West African Court of Appeal (WACA) 188.

⁸⁰ Adam Howard, and Rubén A. Gaztambide-Fernández. *Educating Elites: Class Privilege and Educational Advantage*. Lenham: R&L Education, 2010, p. v.

accumulation into capitalist economy, the elite Gold Coast families from the 1860s also started to offer their children the best of education to enable them to perpetuate their position in the global economy as Europe's economic and political intermediaries. This saw Gold Coast families either sending their young children to be educated at boarding schools in Britain or offering them local home tuition from missionaries.

Kobina Arku, a scion of a wealthy family, was first offered private education at home, and was later enrolled at the Wesleyan Mission Basic School at Winneba at the age of four.⁸¹ Even at that stage, young Korsah was already showing extraordinary traits of a brilliant boy which made his parents proud. Chief Korsah writes in his diary, "On the evening of Friday, 11 November 1898, Kobina Arku Korsah asked his father R. M. Korsah why and how night comes on? Just after dinner."⁸²

He was soft-spoken, patient and an exact replica of his grandfather, Tufuhen Ampah.⁸³ Despite Korsah's brilliance at the Winneba Wesleyan Mission Basic school, his father decided to send him away from Gold Coast to continue his education in Sierra Leone.⁸⁴ This was the time educational infrastructure was basically provided by the missionaries and Trading Companies without adequate support from the colonial government. In the Gold Coast, from the 1880s, the colonial administration managed to put up three government schools at the cost of over £800, and grants to mission education work - Basel £150, Bremen £75 and Methodist £200 - totalled £425.⁸⁵

⁸¹Interview with Mr Kweku Orleans-Lindsey.

⁸² The Handwritten Diary of Chief Robert Mamarduke Korsah.

⁸³ Interview with Mr Kweku Egyin Orleans-Lindsey.

⁸⁴ The idea of sending young children of the Gold Coast elites was started by European expatriates who sent their mulatto children to school in Britain, and it was copied by the established business families and the new trading families. For example, Chief John Sarbah of Anomabo sent his son, John Mensah Sarbah, his brothers and sisters as well as his cousins like W. B Hagan to U.K boarding schools, others like Hutton Mills family also did same for their children, see Ray Jenkins. "Gold Coasters Overseas, 1880–1919: With Specific Reference to their Activities in Britain." *Immigrants & Minorities* 4, no. 3 (1985): 5-52.

⁸⁵ L. J. Lewis, *An Outline Chronological Table of the Development of Education in British West Africa*. Edinburgh: Thomas Nelson and Sons Ltd (n.d).

Records from the period of 1881-1894 showed that Gold Coast had about 139 schools with enrolment of over 5,000. The distribution under the missions were: Basel 47, Bremen 4, Methodist 84, Roman Catholic 1, with three schools under government.⁸⁶ This educational disparity, in addition to the apparent lack of pragmatic educational policies and the apathy of the colonial government towards the delivery of quality education in the Gold Coast, may have spurred elite Gold Coast families like Chief R. M. Korsah to decide to send his sons to school in Sierra Leone.

2.2 Korsah in Sierra Leone

In the 1909, young and clever Kobina Arku Korsah with his calm and reserved demeanour, was sent away to Sierra Leone at the age of fifteen to stay with his father`s cousin and his family, the Fraziers, at Congo Cross in Freetown.⁸⁷ In Sierra Leone, he attended Methodist High School in Freetown, where he started exhibiting his brilliance in class.⁸⁸ Thus, the allusion by some writers that Sir Arku attended Mfantipim School at Cape Coast is historically inaccurate.

The choice of Methodist High School confirms Ray Jenkins assertion that Church Missionary Society (CMS) Grammar Schools and Wesleyan Methodist High Schools in Freetown and Lagos served as West African alternatives for the Trading Families of the Gold Coast, especially the Anglophone Accra who could not send their children directly to Europe.⁸⁹ By dint of hard work and dedication to his books, Korsah passed his certificate examination, whilst still a teenager of eighteen years, to gain entrance into advanced college.⁹⁰ Chief R. M. Korsah and his wife Dinah Gardiner visited Freetown in 1912 to celebrate the success of their son, and

⁸⁶ Ibid.

⁸⁷ Interview with Mrs Dinah Tagoe.

⁸⁸ Ibid; Mrs Tagoe`s disclosure that her father, Sir Arku, attended Methodist High School in Sierra Leone is also confirmed by Sir Arku himself at the page 40 of the book, "*The Place of Law in the Republic of Ghana.*"

⁸⁹ Jenkins. "Gold Coasters Overseas," p.13.

⁹⁰ Interview with Mrs Dinah Tagoe.

agreed with the Fraziers, to commit finances towards his education at Fourah Bay College (FBC).⁹¹

2.3 Life in Fourah Bay College

In Anglophone West Africa, FBC in Sierra Leone is the oldest college. Founded in 1827 by the C.M.S. at Freetown, it emerged as the only academic institution of higher learning in Anglophone West Africa. The FBC was affiliated to University of Durham in Britain. The link positioned it to become “a ‘feeder’ college for other universities within the British Higher Educational sector, in addition to that of Durham.”⁹² FBC gained the popular accolade “Athens of West Africa” due to a strong focus within its curriculum on learning Greek and Latin as well as the unparalleled success of its graduates at home and abroad.⁹³

In 1913, Kobina Arku Korsah matriculated as a Bachelor of Arts student at FBC in the *Epiphany*⁹⁴ term at the age of nineteen years. He entered in the same year with six other students: Ernest Emile Grant, John Burton Baxter, Uel Magnus John, Charles Benjamin M’Carthy, Ebenezer Benjamin Ojukutu Easmon and Thomas Amado Taylor.⁹⁵ But there were already two continuing students who had enrolled at FBC in the *Michaelmas*⁹⁶ term of 1913 before Korsah and his six other mates joined their class. They were Nathaniel Justinian Patricius Metzger Kasumu and Theodosius Daniel Oluwole Boston.⁹⁷

⁹¹ Ibid; *G. B. Ollivant. Ltd., v. Kwesi Baah Korsah* [1941] 7 WACA 188. Sir Arku’s education from basic school up to his tertiary and law schools was paid by his prosperous trading father, and is captured in Chief Korsah’s Will, thus: “After all expenses in connection with my son Kobina Arku Korsah’s profession are paid, I give and bequeath unto my sisters and their children the residue of my real and personal estate”.

⁹² Jenkins, “Gold Coasters Overseas,” p. 13.

⁹³ Daniel J. Paracka Jr, *The Athens of West Africa: A History of International Education at Fourah Bay College*. London: Routledge, 2003, p. 5.

⁹⁴ Second Term. Fourah Bay College and Durham University in tandem with their Greek scholarship, used the Epiphany term for their second term of the academic year.

⁹⁵ Durham University Calendar 1915-1916 (Document emailed to me by Dr M. M. N. Stansfield Deputy Head of Archives and Special Collections Durham University Library, 01 November 2016).

⁹⁶ Michaelmas means First term of the academic year.

⁹⁷ Durham University Calendar 1915-1916.

Korsah`s education at FBC brought him into contact with some senior students from the Gold Coast such as Benjamin Percy Quartey-Papafio, O`Neill Melchior Renner (his best friend), Joseph George Saul Mettle and Thomas Dixon Awoonor Williams, as well as some junior students: Kofi-Mensah Addo and Alfred Christian Quartey.⁹⁸ In the midst of these friends and other students from West Africa, Korsah`s political consciousness commenced with discussion on topical world issues, the reading of Afrocentric journals and magazines, and his concentration on collecting materials on the colonial situation in West Africa. He followed the discussion on Pan-Africanism and Civil Right activities of the African-Americans, especially the activism of Booker T. Washington and Dr. William E. Burghart DuBois, who became a role model for Korsah.⁹⁹ He and his friends at FBC read the contents of *The Crisis*, the Journal of the National Association for Advancement of Coloured People (NAACP), edited by Dr. DuBois, at all times. Korsah posits, “Like Gamaliel, we sat at his feet, and consumed with avidity every morsel which fell from his masterly editorials.”¹⁰⁰

At the end of the *Michaelmas* term in 1914, Korsah passed his BA Part I exams with the following details: Tacitus Y, Plato S, Subject Matter of Plato S- and Roman History VS. Ambitious with his studies, in the same year he sat for his BA Part II Division I exams. Unfortunately, he failed the exams with the following marks: St John and the Acts VS, Fisher S- and Logic S-. This was in the period of the First World War, with general uneasiness across the globe, but the unperturbed Korsah resat his Part II Division I exams in Easter 1915 which he passed with the following marks: St John and Acts S, Fisher S-, Logic S. In the second academic year, *Michaelmas* term in 1915, Sir Korsah passed his Division II exams.¹⁰¹

⁹⁸ Ibid.

⁹⁹ Korsah, *Law in the Republic*, p.10

¹⁰⁰ Ibid.

¹⁰¹ Email reply from Dr M.M.N. Stansfield Deputy Head of Archives and Special Collections Durham University Library, 01 November 2016. Dr. Stansfield contends that the date of Sir Arku`s final exams, B.A Part II, is not clear because other archival source cited, unusually, points that he completed the exams in Epiphany 1916, but there are no surviving examination marks.

He made a quick passage from Sierra Leone to Gold Coast, landing at Winneba on Elder Dempster's Shipping Lines, "SS *Tamale*" on 12 September 1915 to spend his holiday.¹⁰² Korsah went back to Freetown, and from the campuses of FBC, he pursued his academic studies at the Durham University. On 25 March 1916, he successfully completed "his BA degree in Durham in absentia."¹⁰³ Thus, Korsah was in Sierra Leone at the time he took his BA degree with Durham University. The Cape Coast based Gold Coast newspaper, *Gold Coast Leader* also confirms:

*Mr. K. A. Korsah, son of Mr. R. M. Korsah of Saltpond came to town this week on his way back from Sierra Leone. We understood young Korsah is to proceed on to England for a profession. We congratulate Mr. Korsah on brilliant success he has achieved in academic world.*¹⁰⁴

The back and forth educational journey to overseas and Gold Coast was a common feature of colonial Gold Coast education. Children of the elites who had their education overseas always travelled home during vacations and after completion of their education. Only a handful stayed in Europe to work during vacations and after completion of their training and education.

2.4 Education in Britain, His Anti-Colonial Student Politics and Pan-Africanist Activism

Prior to Korsah and other elite West African families making their debut into Britain to pursue education, people of African descent had lived in Britain since the 12th century. Unlike the late 19th and 20th century Africans in Britain who were free men, those who preceded them in the 12th century to the middle of 18th century arrived there under varied circumstances as enslaved or exploited, whilst few others enjoyed privilege and status. The period from the middle of the 18th to 19th centuries, saw the expansionist drive of Imperial Britain in trading, especially in slaves, agricultural and mineral resources. The change of policy to acquire territories in the

¹⁰² The Handwritten Diary of Chief Robert Mamarduke Korsah, Saturday, 12 September 1915.

¹⁰³ Email reply from Dr M.M.N. Stansfield.

¹⁰⁴ *Gold Coast Leader*, 13 June 1916, p. 2.

Caribbean and Africa caused the number of Africans and people of African descent to swell exponentially in Britain.¹⁰⁵ Among the enslaved people of African descent in Britain around the period included Ignatius Sancho (1729-1780), Olaudah Equiano (1745-1797) and the two Gold Coast-born celebrities, Quobna Ottobah Cugoano (1757-1791), also known as John Stuart, and William Ansah Sessarakoo (1736–1770).¹⁰⁶

Around the same period, the missionaries in partnership with English Trading Companies on the coast of West Africa, sent promising young West African men to England, and as a result by 1788 there were more than 50 West African students living in Liverpool alone.¹⁰⁷ Thus the late nineteenth and the early twentieth century witnessed massive inflow of bourgeois and enterprising Africans and the Caribbean to London for a variety of reasons.

For the Gold Coasters, most of them entered Britain to seek quality education, employment, professional advice, or to engage in the promotion of missionary work. Metropolitan London served as a sanctuary from hardship, business interests and presentation of petitions to the Colonial Office and research purposes.¹⁰⁸ Thus, from 1885-1915, about 150 Gold Coasters, mostly university students and professionals, travelled to Britain. Metropolitan London had carved a niche as the dream place and centre of prestige for elite African families in the Gold Coast to send their children to pursue their education and savour its experience.

Korsah, then in the Gold Coast after successful completion of his Bachelor of Civil Law (BCL) Degree, left the Gold Coast from Sekondi via Freetown to England on board Elder Dempster`s

¹⁰⁵ Sukhdev Sandhu, *London Calling: How Black and Asian Writers imagined a City*. Harper Collins, 2003.

¹⁰⁶ S.R.B. Attoh-Ahuma, *Memoirs of West African Celebrities in Europe, 1700-1850, with Special References to the Gold Coast*. Liverpool: D. Marples, 1905. Among the four people, Equiano was a Nigerian freed slave, whilst Cugoano and Sasserakoo (Sassreku) were Ghanaian-Fante freed slave from Ajumako and son of Anomabo chief who was a kidnapped victim of slavery under the hand of an unscrupulous ship captain who was supposed to send him to England for education paid by his father.

¹⁰⁷ Hakim Adi, *West Africans in Britain (1900-1960): Nationalism, Pan-Africanism, and Communism*. London: Lawrence & Wishart, 1998, pp. 2-6.

¹⁰⁸ Jenkins, "Gold Coasters Overseas."

Shipping Lines, “*SS Apapa*” on 14 June 1916.¹⁰⁹ On board “*SS Apapa*” were his two cousins, masters Kofi Kyir Poku and Kweku Amoaku Hayford who were on their way to Sierra Leone to pursue their education at FBC.¹¹⁰ Korsah had a brief stay in FBC where he registered in October 1916 with University of London (under statute 116).¹¹¹ From his brief stay in FBC, he sailed to England amidst uneasiness and apprehension as a result of threats from German submarine attacks on vessels belonging to the allied forces in the Second World War. Korsah finally landed in England in September 1916.¹¹²

In England, Korsah entered University of London to pursue his L.L.B degree and successfully passed the intermediate examination in 1918.¹¹³ Around the same period, Korsah`s elder sister, Mabel (Mrs Mabel Ankrah), died from the Bubonic Fever epidemic that hit Gold Coast.¹¹⁴ The loss of his only sister had a telling effect on Kobina Arku and the entire Korsah family. Nevertheless, Korsah, studying at the University of London, managed to control his grief and enrolled simultaneously at the Honourable Society of the Middle Temple, where he successfully passed the Bar exams and was called to the English Bar on 2 July 1919 at the age of twenty five years.¹¹⁵ Meanwhile, in Gold Coast, Korsah and Peter Francis Charles Awoonor Renner were congratulated for passing the Bar examination held by the Council of Legal Education in England.¹¹⁶ Korsah quickly rushed to the Gold Coast “from England by the last

¹⁰⁹ The Handwritten Diary of Chief Robert Mamarduke Korsah, Sunday, 14 June 1916.

¹¹⁰ Ibid.

¹¹¹ Email Reply from Richard Temple, Archivist, Senate House Library University of London, 25 January 2017; University of London Calendar 1920-1921, p. 87. The University of London Admission under Statute 116 stipulates: “Every candidate for admission as a Student shall pass such entrance or matriculation examination or fulfil such other test of fitness to be admitted as a Student as may be from time to time prescribed”

¹¹² The Handwritten Diary of Chief Robert Mamarduke Korsah, 20 September 1916.

¹¹³ Email Reply from Richard Temple, Archivist, Senate House Library University of London, 25 January 2017.

¹¹⁴ Interview with Mr. Kweku Egyin Orleans-Lindsay.

¹¹⁵ Email Reply from Richard Temple; Register of Admission to the Middle Temple, 1910-1944, p. 823.

¹¹⁶ *Gold Coast Leader*, 20 September 1919, p. 2.

mail boat after having qualified the Bar”, and was wished successful welcome by the Gold Coast press.¹¹⁷

Korsah, equipped with legal intellectual acumen and novel transformed social status as a qualified professional lawyer, returned to University of London after a short stay in the Gold Coast to continue his L.L.B. The second degree in L.L.B at the time was considered a Masters of Art (M.A) degree. Thus in an official correspondence and in public events, he was addressed as Kobina Arku Korsah, M.A among his other titles from 1920 onwards.¹¹⁸

Whilst still pursuing his L.L.B. studies; he participated in the affairs of the Gold Coast and West African politics which were always under discussion among African and West Indian students in London. Korsah was among the West African black intellectuals in London who trooped to the 158 Fleet Street offices of the Egyptian proprietor of the *African Times* and *Orient Review*, Dusé Mohamed Ali, for important meetings concerning Africa and Pan-Africanism.

On his anti-colonial politics and student activism, in March 1917, Korsah with some fellow radical West African students formed the African Students` Union of Great Britain and Ireland, the first African students union in Britain. The group elected E. S. Beoku Betts, a Sierra Leonean law student and a Fellow of Royal Anthropological Institute as president; Kobina Arku Korsah was also elected as the Secretary, whilst other Gold Coasters, T. Mensah-Annan and S. F Edduh Atakora and Sierra Leonean-Gold Coaster, Charles Awoonor Renner, were elected as Assistant Secretary, Treasurer and Financial Secretary respectively.¹¹⁹ The

¹¹⁷ Ibid.

¹¹⁸ For reference to Korsah with M.A title by Francis Hutchison in 1928 and Dr W E B DuBois in 1929, see Doortmont, *The Pen-Pictures*, p. 278; Special Collections and University Archives, University of Massachusetts Amherst Libraries W. E. B. Du Bois Papers (MS 312): Letter from W. E. B. Du Bois to The Honorable Kobirila Arku Korsah, October 7, 1929, see page Appendix A, page 192.

¹¹⁹ Sir Arku`s connection with these people was not based only on the fact that they were Africans, but he also have educational and professional connections too. Whilst Betts, Renner and Annan were his fellow FBC alumni, Betts and Atakora were his seniors at the Middle Temple and English Bar.

organisation's name changed to USAD in the same year (1917) when a number of Caribbean students and professionals joined its membership.

USAD, as a radical anti-colonial student organisation, sought to bring "together all Africans in statu pupillari resident in England" to keep "African students in London in a condition of active intellectuality" and to encourage the study of African history and sociology."¹²⁰ USAD was also positioned for the purposes of "inciting investigation through its debates and lectures by members and others...."¹²¹ Under the secretaryship of Korsah and his friends, USAD evolved into a large entity, and by the mid-1920s, it became markedly more outspoken, decrying, in particular, racial discrimination and the conditions in which African students lived in the Metropole.¹²² From its initial 21 members in 1921, USAD increased its membership strength to 120 by 1924.¹²³ Thus, throughout the 1920s, USAD ranked as one of the "most influential organisations in Britain, although their activities were mainly confined to London."¹²⁴

As noted earlier, USAD offered an opportunity for the fertilisation of Sir Arku's Pan-African consciousness, global politics and leadership role which he had cultivated through *The Crisis*' editorial masterly pieces of DuBois in his student days at FBC. In line with their Pan-Africanism roots, in 1923, USAD then under the presidency of C. F. Hayfron-Benjamin, sent four USAD delegates to the Third Pan African Congress in London. In addition, they invited DuBois to visit the group, indicating the group's desire to form alliances with black intellectuals across the Atlantic.¹²⁵ Perhaps, it was here that DuBois came to recognise Korsah's

¹²⁰ Marc Matera, *Black London*, p. 23; Matera, *Black Internationalism*, p. 16; and the newspaper accounts from *African Times*, February 1917, p. 36 and *Orient Express*, December 1917, p. 113.

¹²¹ Ibid.

¹²² Ibid.

¹²³ Fryer, *Staying Power*, p. 324.

¹²⁴ Hakim Adi. "Pan-Africanism and West African Nationalism in Britain." *African Studies Review* 43, no. 01 (2000): 69-82, p. 74.

¹²⁵ Matera, *Black London*, p.17; David Killingray, *Africans in Britain*. Vol. 12. London: Routledge, 1994, p. 113; Special Collections and University Archives, University of Massachusetts Amherst Libraries, W. E. B. Du Bois Papers (MS 312), Letter from C. F. Hayfron-Benjamin to W. E. B. Du Bois, ca. August 1954; Letter from W. E. B. Du Bois to C. F. Hayfron-Benjamin, August 25, 1954. On USAD activity (which the author mistakenly identified him as with initials, H. A. Hayfron-Benjamin). C. F. Hayfron-Benjamin, was an old student of

Pan-Africanism activities in his interaction with the USAD executive members of the time. It further demystifies the *raison d'être* for DuBois' invitation to Korsah to the abortive Fifth Pan-African Congress which was scheduled to take place in December 1930 in Tunis, Tunisia.¹²⁶

Apart from his stint with USAD in England, Korsah's other anti-colonial politics saw him working frantically towards the 1920 arrival in London of J. E. Casely Hayford. Casely Hayford's visit revived the Pan-African consciousness of the African students in Britain, and it served as an ideological barometer for students to work strenuously to form the West African Students Union.¹²⁷ Korsah worked with Casely Hayford and his delegation of NCBWA who were in Britain to petition the Colonial Office to consider the inclusion of the African intelligentsia in the legislature with power to vote and speak on behalf of the ratepayers. His movement from the USAD with some of its executive members to the NCBWA confirms the contention that "probably as contributory factors to the emergence of the NCBWA were also African student organizations in Britain such as the Union of Students of African Descent."¹²⁸ On his return to Gold Coast, Sir Arku was later appointed as Assistant Secretary to the Cape Coast branch of the NCBWA in 1922, and also served as a political consultant to J. E. Casely Hayford, President of the Congress. In this capacity, Sir Arku was involved in the planning of the NCBWA conferences and other political activities in Gold Coast and West Africa.

Adisadel College who completed his L.L.B Law and MA in Philosophy at University of London and completed in 1924. He became prominent Gold Coast lawyer based in Kumasi and Cape Coast.

¹²⁶ Special Collections and University Archives, University of Massachusetts Amherst Libraries, W. E. B. Du Bois Papers (MS 312), Letter from W. E. B. Du Bois to The Honorable Kobrila Arku Korsah, 7 October 1929. When USAD invited DuBois to their meeting in London in 1923, Sir Arku was also in London at the time, and even got married on 31 July 1923. Even though I have not found evidence that Korsah was among the USAD members that met DuBois. But DuBois' invitation letter in 1929 to Korsah pleading with him to attend the Congress and also broadcast the impending Congress in the local newspapers suggest that DuBois may have come across Sir Arku's anti-colonial and Pan-Africanist activities in London as a student. The supposed Fifth Pan-Africanism Congress scheduled for Tunis in 1930 did not materialise, but it took fifteen years before it finally occurred in 1945 in Manchester. Korsah did not attend this Conference. See the copy of Dubois letter to Korsah at Appendix A, image 12 at page 193.

¹²⁷ Hakim Adi and Marika Sherwood, *Pan-African History: Political Figures from Africa and the Diaspora since 1787*. London: Routledge, 2003, p.84.

¹²⁸ Gabriel I. C. Eluwa, "Background to the Emergence of the National Congress of British West Africa." *African Studies Review* (1971): 205-218, pp. 214-215.

In 1925, Kobina Arku Korsah joined the newly inaugurated radical West African Students Union (WASU) in England from his base in Cape Coast.¹²⁹ WASU had increasingly been influenced by Pan-Africanist ideas and the nationalist movements, as well as radical politics and the experience of racial discrimination in Britain. WASU became the potent vehicle for student unions in London, and it served as a nationalist pressure group and training ground for many West African student-politicians until the mid-1950s.¹³⁰ WASU published a journal, supported nationalist activities in Africa, lobbied the Colonial Office, and resisted attempts by the government departments and humanitarian bodies to direct African student political activities in Britain.¹³¹

Korsah participated in the local WASU activities, especially when the Gold Coast branch was used as a rallying ground for the organisation of the Gold Coast Youth Conference (GCYC) by its local president, Dr J. B. Danquah. At the international level, in early 1945, whilst Korsah was working in London as the Gold Coast representative for the Elliot Commission on Higher Education in West Africa, he rekindled his anti-colonial political activities as a WASU member. Korsah with his former USAD colleague E. S. Beoku-Betts as well as Emmanuel Bankole Timothy representing WASU; Harold Moody, Dr Cecil Belfield Clarke, and Samson Morris representing the League of Coloured Peoples (LCP) alongside George Padmore, the Pan-Africanist, came together to agitate for the rights and respect for Africans.¹³² It must be noted at this juncture, however, that prior to this present collaboration with the LCP and others, Korsah, as a member of the Gold Coast and Ashanti delegation to England in 1934 had met these Pan-Africanist collaborators when the League hosted a well-attended garden party at the

¹²⁹ Albert Adu Boahen, "The History of WASU," in: Anonymous (ed.), *The Role of African Student Movements in the Political and Social Evolution of Africa from 1900 to 1975*. Paris: UNESCO Publications, 1994, pp. 35-50. WASU was founded in August 1925 by Ladipo Solanke, Dr. Herbert Bankole-Bright and about 30 African students in Britain.

¹³⁰ Hakim Adi, "West African Students in Britain, 1900-60: The Politics of Exile." *Immigrants & Minorities* 12, no. 3 (1993): 107-128.

¹³¹ Ibid.

¹³² Ibid.

residence of Dr Cecil Belfield Clarke for the delegation and their leader, Nana Ofori Atta I on 28 July 1934.¹³³

This, further explains Korsah`s comfortable ideological collaboration with these Pan-African activists as signatories to an open letter published in the *League of Coloured Peoples Newsletter* asserting the rights of “African peoples” around the world to enjoy the benefits of internationalism.¹³⁴ The group insisted that Africa after contributing immensely towards the war against Fascism; and other wars across the world in defence of Britain and their European allies, deserved unfettered right to benefit from the novel “concept of international co-operation which has been acquired in the course of the grim ordeal of the war of liberation against Fascism.”¹³⁵ This important role Korsah played as a student activist, anti-colonial politician and Pan-Africanist, especially during the inter-war period, had largely been ignored by previous scholars.

Despite Korsah`s involvement in anti-colonial political activism in his student days, he devoted time to his books to complete University of London with Third Class in L.L.B (Hons) Law in 1920.¹³⁶ The Gold Coast newspapers duly congratulated Korsah for passing the L.L.B.¹³⁷ He took the prize as the best student in commercial law.¹³⁸

Later on, he took his M.A in Law from Durham University in absentia on 23 December 1943.¹³⁹ In the following year, whilst on working duty in England as a member of the Elliot Commission

¹³³ Daniel James Whittal, "Creolising London: Black West Indian Activism, and the Politics of Race and Empire in Britain, 1931-1948." PhD diss., University of London, 2012, pp. 205-206.

¹³⁴ Matera, *Black Internationalism*, p. 389.

¹³⁵ Ibid.

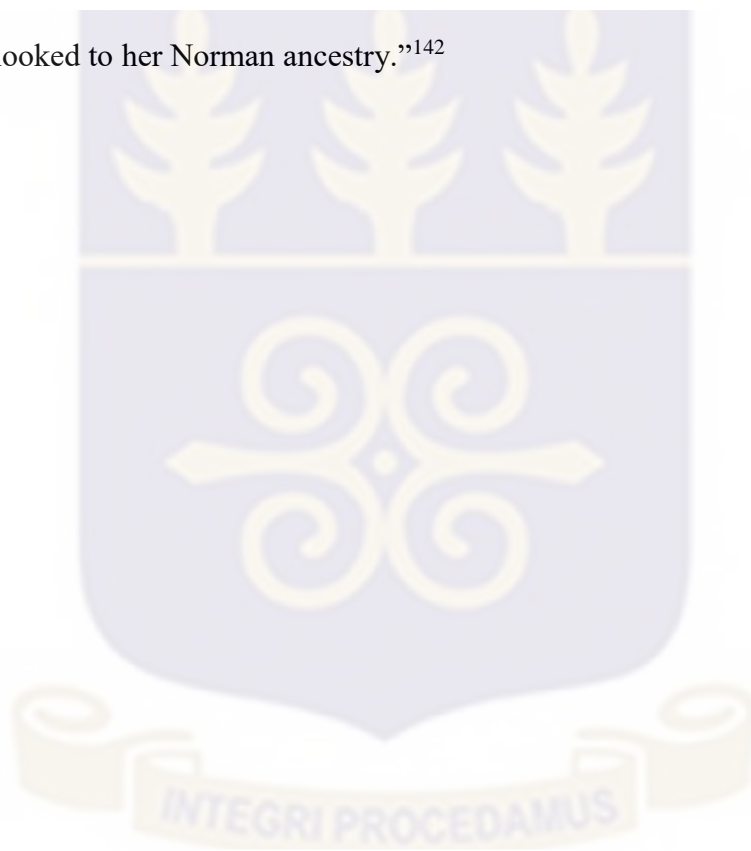
¹³⁶ University of London Calendars: *List of University of London Graduates from until December 1926*, p. 459.

¹³⁷ *Gold Coast Leader*, 30 October 1920, p. 2. Korsah`s M.A programme mates who also graduated in absentia were Constance Brace, Lionel Butler Brockwell, Norman Casson, Walter Harold Clay, Philip Austin Lewis Meldrum, Joseph Newsome and Edward Pickering.

¹³⁸ Interview with Mrs Dinah Tagoe. Mrs Tagoe`s disclosure about his father somehow confirms Dr Richard Temple`s speculation that, Korsah, graduating with honours presupposes that he may have won a prize in particular subject area in law (Email reply from Dr Richard Temple).

¹³⁹ Email reply from Dr M.M.N. Stansfield.

on Higher Education in West Africa, he received an honorary Doctor of Civil Laws (D.C.L) degree from Durham on 11 July 1944.¹⁴⁰ No specific oration was recorded for his honorary, but the local newspaper, *The Advertiser* of 14 July 1944 carried a story of the function, and Lord Eustace (vice-chancellor) expressed pride at the growing number of West African candidates who were yearly coming to the university and hoped “that after the war the rivers of Africa will continue to flow into the placid water of the Wear and into the very turgid estuary of the Tyne.”¹⁴¹ Further, Lord Eustace hoped their West African friends, when they returned home to help and develop new schools and economic life, would remember their university just as England looked to her Norman ancestry.”¹⁴²



¹⁴⁰ Ibid.

¹⁴¹ *The Gazette*, 14 July 1944.

¹⁴² Ibid.

CHAPTER THREE

LEGAL CAREER AND NATIONALIST POLITICS IN THE GOLD COAST

3.1 British Colonial Policy Change, Nationalism Landscape and Korsah's Return to Gold Coast

The chapter focuses on Sir Arku's career as new barrister at law and avant-garde Cape Coast politician, and his political association as a member of ARPS and Ratepayers Association, which culminated in his election as the first Municipal Council Member representing Cape Coast at the Gold Coast Legislative Council from 1920-1928. It traces the depth of old Cape Coast politics, the antagonism between the radical and moderate ARPS members, and how Sir Arku as young politician tactically conducted himself to cruise to victory on the ticket of Ratepayers Association and aftermath.

After completing his University of London education and armed as a young lawyer, Korsah returned to Gold Coast in December 1920; but the Gold Coast he left in his younger age had changed dramatically. The ARPS, the first proto-nationalist movement, which emerged as civil society reaction to the draconian Lands Bill of 1894 had won a decisive victory in 1898 at the British Parliament when they sent deputation to England led by Jacob Wilson Sey, Thomas Freeman Edward Jones and others.¹⁴³

The Society, had since won and lost certain colonial policy issues, and were still deeply steeped in their old intransigent Cape Coast tradition of boycotting everything from the British colonial administration of the Gold Coast. Though the organisation had lost some great icons like Jacob Wilson Sey in 1902, John Mensah Sarbah in 1910, Dr Ernest James Hayford in 1913 and James Hutton Brew in 1915; it still had a galaxy of celebrated Gold Coast men of affairs such as J. E

¹⁴³ The A.R.P.S also succeeded in getting the No. 10 Downing Street to withdraw the Forest Lands Bill of 1911, when they sent deputations to England.

Casely Hayford, T.F.E. Jones, Kobina Sekyi, Rev. Attoh Ahumah, Rev. Mark Hayford, Henry Van Hien, Joseph Peter Brown, Emmanuel Joseph Peter Brown, J E Biney, William Coleman, Thomas Hutton Mills, Dr B. W. Quartey-Papafio among others.

In Britain, the policy towards the administration of the colonial territories in West Africa had undergone changes. Following the defeat of “Joseph Chamberlain and the doctrine of constructive development he espoused” in 1906, the new liberal regime of Sir Henry Campbell-Bannerman backed by the Fabian Socialists had ushered in the colonial trusteeship concept of development doctrine: community trusteeship.¹⁴⁴ Thus from 1910, the Chamberlainite constructivist imperialism (Direct rule) gave way to Indirect rule in the British territories with Baron Lord Lugard’s experimentation in Northern Nigeria.

In Gold Coast, with regard to implementation of policies, the old Maclean approach of pushing forward Western civilisation in sync with British common law and justice and interventionist policies for the people was discarded for policies which protected traditional institutions and customs.¹⁴⁵ This was in partial fulfilment of Casely Hayford’s strong suggestion to Imperial Britain to confine “themselves more to the external administration, leaving the internal government of the people to develop upon the natural lines of their own institutions.”¹⁴⁶ Instead of adhering to Hayford’s other plea for joint trusteeship in the hands of the African intelligentsia - who possessed modern knowledge and requisite skills to serve as the trustees of the people until power reverts finally to them - the British introduced measures such as the amended Native Jurisdiction Ordinance (1910) to make chiefs as powerful joint trustees.¹⁴⁷

¹⁴⁴ Michael Cowen and Robert W. Shenton, *Doctrines of Development*. London: Taylor & Francis, 1996, p. 263.

¹⁴⁵ Björn M. Edsman, *Lawyers in Gold Coast Politics C. 1900-1945: From Mensah Sarbah to JB Danquah*. Stockholm: Acta Universitatis Upsaliensis, 1979, p. 42.

¹⁴⁶ Joseph Ephraim Casely Hayford, *Gold Coast Native Institutions: With Thoughts upon a Healthy Imperial Policy for the Gold Coast and Ashanti*. London: Sweet and Maxwell Limited, 1903, p.7.

¹⁴⁷ Kimble, *A Political History*, p. 463. Native Jurisdiction Ordinance (NJO) was first promulgated in 1883, and went through several amendments and debates in 1906, 1910, 1919 and 1922 to give powers to chiefs just to keep educated Africans away from power. The original NJO 1883 offered limited powers to the local chiefs. Even at that time, Maxwell Renner, the first Gold Coast qualified lawyer with Sierra Leonean ancestry objected

These measures gave more powers to the traditional rulers and the newly-created chiefs to the exclusion of the educated elites.

Furthermore, the British Colonial administration went on to invent tradition by making chiefs custodians of the land in line with the development doctrine of community. Thus with the connivance of the colonial Government and the chiefs, the Africans were pushed out of business whilst the forest and mineral lands in the hands of chiefs were taken over by foreign mining companies and oligopolies to heap “invectives on the Concessions Ordinance of 1900.”¹⁴⁸

Indirect Rule, therefore, established a terrain of struggle and conflict that ultimately subverted colonial ideals of community trusteeship. African actors engaged in the struggle exerted their own agency on the basis of pre-colonial social networks, and took advantage of colonial institutions to further their interests and engage in wealth accumulation and to protect themselves.¹⁴⁹ Subsistence farmers who had been displaced from their lands as a result of European mining encroachment, and the unemployed and disillusioned veterans of the First World War also added to the internal sentiments against Britain. Consequently, the farmers and veterans acted as a recruitment reservoir for the Gold Coast nationalists who incited them for civil society action. This complex undercurrent served as the oil that continuously fuelled the protests and nationalist struggles of the ARPS and later NCBWA against the chiefs and the colonial administration.

and described the law as the type which subscribes to ‘Ignorance and Barbarism to Education and civilization’ and also offers preferential treatment to ‘uneducated and savage chiefs’.

¹⁴⁸Ibid, pp. 198-201. Despite, the colonial administration’s preference for the chiefs as partners, they also did not hesitate to destool chiefs who became thorn in the flesh. Statistics on destoolment in Gold Coast show that from 1904-1924, about 109 head chiefs were destooled. Seven chiefs were destooled in the period from 1904-1908, 23 destooled in 1909-1913, 38 in 1914-1918 and 41 in 1919-1924.

¹⁴⁹ Kojo Amanor, Land, Labour and the Family in Southern Ghana: A Critique of Land Policy under Neo-Liberalisation. No. 116. *Nordic Africa Institute*, 2001.

However, the specific form of ideological tactics to use in the protests and nationalist struggles could not be agreed on by the ARPS leadership, leading to leadership crises and group polarisation. The Clifford Constitution of 1916 expanded the Legislative Council to make room for three African traditional rulers and three educated elites, but the ARPS in tandem with its old Cape Coast tradition, criticised the move, arguing that it was unconstitutional to have chiefs on the council.¹⁵⁰ The notion was that chiefs by Akan customs had no right to take decisions without consulting their councillors and elders, neither could they speak in public except through their linguists.¹⁵¹ Governor Clifford heckled the ARPS at the LEGCO debate, accusing them of benefiting as representatives of the chiefs for many years; but on the contrary found the new constitutional measure which allowed the chiefs to enter the council as an anathema to traditions and customs.¹⁵²

Nevertheless, Casely Hayford identified the problems arising out of Clifford's action, and how ineffective the ARPS intransigent posture towards the Governor had been. He saw the formation of a powerful and broad regional support base as an appropriate solution to demand for African participation in political change and directing development in West Africa. Thus in tandem with his Pan-Africanist ideology, Casely Hayford formed the National Congress of British West Africa (NCBWA), with representatives from the Gold Coast, Nigeria, Sierra Leone and The Gambia. However, the idea of formation of the all-inclusive NCBWA developed a clash between Casely Hayford and the conservative ARPS wing led by E. J. P. Brown, J. E. Biney, T. F. E. Jones and William Coleman. Hence, in 1918, when Casely Hayford who was leading NCBWA asked Brown to discuss the petition to the British administration for elective representation in the British West Africa, they rejected the move. And so, from the

¹⁵⁰ Kimble, *A Political History*, p. 433.

¹⁵¹ Ibid.

¹⁵² For more on the Governor Clifford's rebuttal and counter-attacks on the ARPS, see Legislative Council Debates, 05 August 1916, p.185.

formation of NCBWA in 1920, the Gold Coast political scene witnessed a major leadership rift between ARPS and NCBWA.¹⁵³

3. 2 Private Legal Practice

The leadership crises and internal party antagonism between the leaders and factions in the ARPS and NCBWA was the political situation which Korsah encountered when he arrived in the Gold Coast in 1920. He went to Cape Coast, the ancient town with the track record as the political hotbed for anti-colonial activities and nationalist struggles, to commence his private legal practice. Cape Coast was then home to the celebrated lawyers of the Gold Coast just as Accra elite families also had most of the celebrated medical doctors at the time.¹⁵⁴ He initially started working with Kobina Sekyi's Anibok Chambers for sometime before leaving to set up his famous Ampah Chambers.¹⁵⁵ With his trademark as hard working and principled, Korsah gained fame at Cape Coast for his speciality in Commercial law; he had both wealthy expatriate and local clients. It is said that:

*Korsah, with his new Ampah chambers, named after his grandfather, Tufuhen Ampah Korsah, competed with legendary and well-established Chambers such as Henley Coussey's Coussey Chambers, J. E. Casely Hayford's Anona Chambers, Kobina Sekyi's Anibok Chambers, James Bannerman-Hyde's Marmon Chambers, and Francis Awoonor Renner's Putesie Chambers among others. He rubbed shoulders with the crème de la crème of the Gold Coast and Cape Coast legal brains of the time.*¹⁵⁶

In no time, Korsah took over the legal retainer for all the European firms in the Central Province.¹⁵⁷ One of his major clients was UAC, the transnational firm which his family served

¹⁵³ The rift and polarisation in Gold Coast politics between ARPS and NCBWA, as well as Casely Hayford led moderates and Brown/Sekyi led conservatives or uncooperatives in ARPS is well documented in Kimble, *A political History*; Edsman, *Lawyers in Gold Coast*.

¹⁵⁴ Jenkins, "Gold Coasters Overseas."

¹⁵⁵ Interview with Mr Kweku Egyin Orleans-Lindsay. Korsah named his law firm after his grand father, Kwamena Ampah who was a prominent farmer and a warrior. He was drafted into that Asafo Company during the incessant inter-ethnic wars between Fantes and Asantes. He distinguished himself so well in the war that he was made a Tufuhen under Nana Pobi Abaka, then chief of Saltpond. He married Nana Pobi Abaka's daughter, Efua Okyerewa as second wife, who gave him six children including Chief R. M. Korsah, the father of Sir Kobina Arku Korsah.

¹⁵⁶ Ibid.

¹⁵⁷ Ibid.

as principal agents.¹⁵⁸ He also represented the chiefs of Anomabo, Saltpond, Abakrampa, Assin Ekyianu and Amanfopong in their various land litigations. His successes in winning court cases aroused eminence and respectability from his clients.

In the 1930s, Korsah became one of the most sought after lawyers in the Gold Coast. It was the busiest moment of his life. He had to combine his private legal practice with his hectic public obligation as the Cape Coast Municipal Council member of the Gold Coast Legislative Council; serving as the ranking member and leading voice on several Select Committees. *The Echo* newspaper of 9 December 1938 listed Kobina Arku Korsah amongst the crème de la crème of the Gold Coast lawyers including Kobina Sekyi, D. Myles Abadoo, William Ward Brew, C. E. M. Abbensetts, Charles F. Hayfron-Benjamin and others who kept the Gold Coast Supreme Court busy with appeals and original cases for interpretation.¹⁵⁹ Senior members of the Gold Coast Bar and the Bench as well as his clients enjoyed and appreciated his exceptional workaholic spirit in the discharge of his legal duties.¹⁶⁰

For instance, Korsah gained great respect for the team work role he played in the famous case of *The Stool of Ekyianu (Per Ohene Dayin) v. The Stool of Suamong-Soadru (Per Ohene Owudu Asaiku II)*, a land-boundary related appeal case from Assin Atandansu Native Court to the Provincial Commissioner's Court, Central Province in Cape Coast.¹⁶¹ In this case, Korsah

¹⁵⁸ Interview with Mrs Dinah Tagoe.

¹⁵⁹ *The Echo*, 9 December 1938.

¹⁶⁰ Interview with Kweku Egyin Orleans Lindsey.

¹⁶¹ Interview with Nana Yaw Serfo II, 86 year-old former Mobil oil marketing clerk and the Krontihene of Assin Asempanaye in his residence at Assin Asempanaye on 25 January 2017. In the case, *The Stool of Ekyianu (Per Ohene Dayin) v. The Stool of Suamong-Soadru (Per Ohene Owudu Asaiku II)*, the people of Ekyianu gave land to Suamong-Soadru people (Assin Praso) upon which Suamong-Soadru were made to swear an Oath by the River Deity with Nana Serfo I as a witness. When mineral and forest resources were discovered on the land; the Suamong-Soadru Stool supported by Assin Gyaakai challenged the ownership of the boundaries covering the gifted land, whilst Ekyianu Stool was supported by Assin Ayiwase over the authenticity of the Ekyianu claims. Assin Asempanaye entered the case as witness to the Oath. The case was first heard at Assin Atandansu Native Court on 2 May 1926 and judgement was given on 16 December 1938 in favour of Ekyianu Stool. In 1939, Suamong-Soadru Stool appealed against the ruling of the Assin Atandansu Native Court at the Provincial Commissioners Court, Cape Coast. Korsah had been the legal counsel to the Ekyianu stool as shadow counsel even before the case started in 1926 at the Native court.

served as the leading lawyer for *The Stool of Ekyianu*, the plaintiff but exhibited classic team work tactics by engaging the services of his senior colleagues including Kobina Sekyi of Anibok Chambers, Francis Awoonor Renner of Putesie Chambers and James Bannerman-Hyde of Marmon Chambers to assist him against William Ward Brew, the opposing counsel for *The Stool of Suampong-Suadro*, the defendant.¹⁶² Nana Yaw Serfo II, Krontihene of Assin Asempanaye argues that “by bringing together Sekyi, Renner and Bannerman-Hyde into the case, Korsah showed that he was a good-hearted man who understood his weaknesses and was ready to ask for assistance.¹⁶³ He equally proved his legal brilliance beyond reasonable doubt in all the court proceedings.”¹⁶⁴

In the end, Korsah and his three colleagues won the classic case on 28 September 1942 with the judgement given by Mr. A. J. E. Fieldgate, Commissioner of Central Province as follows:

*It is clear from the above that the grounds for appeal are without substance. The Council went to the case very carefully and in my opinion they came to the only conclusion based on the evidence. The appeal is accordingly dismissed with a cost to be taxed.*¹⁶⁵

Thus for some clients such as Nana Yaw Serfo, Korsah`s knowledge on customary land issues and other related cases, and his later ascension as the Chief Justice makes him an authority. As a result cases he handled and won as a renowned private legal counsel for his clients as well as his judicial pronouncements as a judge should be held as finality.¹⁶⁶

3.3 Entry into Gold Coast Politics

Protest movements and nationalist activities in the Gold Coast - after the early resistance approach by the powerful local traditional rulers (caboceers) and merchants - were initiated by

¹⁶² Ibid.

¹⁶³ Ibid

¹⁶⁴ Ibid.

¹⁶⁵ Ibid, note: court delivered judgement from the documents in possession of Nana Yaw Serfo.

¹⁶⁶ Ibid. For Nana Yaw Serfo II, what his grandfather, Nana Yaw Serfo I, told him about the capability of Korsah and his three colleagues, he doubts that standing in as a witness for The Stool of Ekyianu, his opponents, The Stool of Suampong-Soadru (Assin Prasu) will ever win the case.

the educated elites with the lawyers, journalists and medical doctors as the chief masterminds. Invariably, lawyers had occupied the upper echelons of the ARPS, NCBWA, RPA, Ga Mambii Party and UGCC as the leaders, with few medical doctors and journalists. Only CPP which emerged later had few lawyers at the top and qualified as a mass party.

In line with Gold Coast political tradition, barrister Kobina Arku Korsah made his foray into the local Cape Coast politics in 1922, in addition to his private practise. An independent Cape Coast political observer explains:

“Kobina Arku Korsah was a gentleman and very kind lawyer. He was the UAC lawyer; he had big clients and the biggest house at Abeasi, suburb in Cape Coast at that time. As children we always see him in company of lawyers C.F. Hayfron-Benjamin, Kobina Sekyi, William Ward Brew, J. E. Casely Hayford and my senior brother Joseph Trauggot Sackeyfio walking from the court to his house. He was always going to court. It came as no surprise when he entered politics”¹⁶⁷

In a short time, he was appointed as the assistant secretary to the Cape Coast branch of the NCBWA.¹⁶⁸ It was fashionable in the post-1920s for the Gold Coast elites to join both the ARPS and NCBWA, Sir Arku therefore joined ARPS in the same year; becoming an executive member. Part of the reason was that Korsah practised from the law chambers of Kobina Sekyi`'s Anibok, C. F. Hayfron-Benjamin`'s SCOS, both in Cape Coast and when in Sekondi-Takoradi, from Casely Hayford`'s Anona Chambers.¹⁶⁹ All these senior lawyers and close associates of Korsah were powerful political heavyweights in the ARPS and NCBWA.

Korsah proved his knowledge and expertise on important national issues; he was tactful, patient and a pacifist. These political traits endeared him to the leadership of the ARPS and NCBWA. Casely Hayford drafted him as his political and legal advisor when the Congress captured the ARPS executive positions. J. P. Brown and J. E. Biney had been successfully toppled and

¹⁶⁷ Interview with Lt. Col. (rtd) H. W. A. K. Sackeyfio.

¹⁶⁸ Ofosu-Appiah, *Dictionary of African Biography*, p. 261.

¹⁶⁹ Interview with Lt. Col. (rtd) H. W. A. K. Sackeyfio. All these senior lawyers were also members of ARPS and NCBWA.

replaced by die-hard Congress sympathisers like Van Hien, Casely Hayford, de Graft Johnson and Ward Brew; effectively superimposing the NCBWA adherents within the very heart of the ARPS.¹⁷⁰

In his advisory capacity, Korsah launched his first initiative as unifier and power-broker by attempting to get Casely Hayford and the NCBWA to co-operate with the Gold Coast chiefs led by Nana Ofori Atta I, Paramount Chief of the Akyem Abuakwa State. But Korsah's move failed, because Casely Hayford and the Congress members were then not ready to deal with Nana Ofori Atta I who had strategically aligned with the die-hards in the ARPS to torpedo the NCBWA's 1920 petition to England. The NCBWA's petition proposals had advocated for a LEGCO with "one-half members nominated by the crown and the other half elected by the people."¹⁷¹ It further demanded representation for the educated elites and men with property, without making a case for the Gold Coast chiefs. As a result, Nana Ofori Atta I saw the Congress' petition (proposals) to England in 1920 as a means to undermine the authority of the chiefs, whom he claims to be the bonafide natural rulers, and had the right to speak for the people. Unfortunately for NCBWA, Governor Sir Gordon Guggisberg in alliance with Sir Hugh Clifford, then Governor of Nigeria, sided with Nana Ofori Atta I to advise the Colonial Office to ignore the Congress, which was accordingly followed.¹⁷² With this grudge etched in the mind of Casely Hayford against Nana Ofori Atta I, optimistic Korsah's advice for mutual co-operation between the Congress leadership and the traditional authorities suffered a temporary setback.

¹⁷⁰ Edsman, *Lawyers in Gold Coast*, p. 66.

¹⁷¹ Ibid, p. 63. For more on the proposals of NCBWA and ARPS, and the kind of political skulduggery played by Nana Ofori Atta I to create wedge between the two nationalist movements to secure the rights of the chiefs as the legitimate representative of the people, see Kimble, *A Political History*, pp. 375-434.

¹⁷² Edsman, *Lawyers in Gold Coast*, p. 66.

Meanwhile, in the ARPS, Korsah's influence began to be noticed in the middle of 1922. He was chosen with Kobina Sekyi, A. J. E. Bucknor and other counsel to speak for the Society in their petition to the Colonial Administration against the amendment of the Native Jurisdiction Ordinance (NJO) in 1922, which had expanded the powers of the chiefs and their native courts.¹⁷³ The Congress' opposition to the NJO was rejected by the Colonial Office and the amendment to the Bill was passed. But when J. Maxwell's Report on feasible reforms of the Town Councils was rolled out in the same year, the ARPS received a compromise approval from the Congress with Casely Hayford, Hutton Mills, E. J. P. Brown and J. Glover Addo signing. The co-operation led to the drafting of the Municipal Corporation Bill (MCO) of 1924 which made provision for elected Town Council majorities who wielded the power to levy new rates and draw estimates. Franchise was expanded to include everyone who owned or occupied a house of a £5 rateable value.¹⁷⁴

The Bill was passed at the LEGCO without incident, and Korsah towing the line with his mentor, Casely Hayford and others in the NCBWA and the moderates in ARPS supported it. The conservative ARPS faction in Cape Coast led by Kobina Sekyi with the support of Cape Coast Omanhen, Nana Mbra III and some Asafobii and Mantsemɛi in Accra such as Nii Ayi Bonte of Gbese and his Asafotse, C. B. Nettey, vehemently opposed the new MCO of 1924. In addition, Sekyi and his allies went further to challenge and petition the Colonial Administration against the passage of the MCO (1924). In the end, the Society and its supporters succeeded in getting the MCO (1924) withdrawn. This event marked the first suspicion against Korsah from the conservative old Cape Coast ARPS, as someone whose loyalty to their cause could not be guaranteed.¹⁷⁵

¹⁷³ PRAAD-Accra, ADM 5/3/80, Report of Commission on Native Courts in the Gold Coast, 1951, p.6.

¹⁷⁴ Ibid, p.72; R. E. Wraith, "*Guggisberg*. West African History Series. London: Oxford University Press, 1967, p. 163.

¹⁷⁵ Interview with Lt. Col. (rtd) H. W. A. K. Sackeyfio.

The withdrawal of the MCO (1924) also strengthened the position of Sekyi and his conservative ARPS faction against the moderates led by Casely Hayford and his supporters such as Korsah, Ward Brew, Van Hien and others. It was a disappointment for Korsah who was of the opinion that in spite of certain restrictions in the MCO (1924), it offered an opportunity for the first electoral advantage to the African intelligentsia. Hitherto to the MCO, chiefs and Gold Coast elites, especially African merchants who were seen as moderates were appointed to the LEGCO.

Korsah criticised the ambivalent and unco-operative political tradition of the conservative ARPS. He felt that Governor Guggisberg's attempted constitutional reform, which had set up the Provincial Councils of Chiefs and democratising the Town Councils, was a step in the right direction and good for Gold Coast, but Sekyi and his factions preferred to treat the Governor "badly by shunning – or not seeking - his confidence."¹⁷⁶ Korsah and the moderates, therefore, offered their support to Guggisberg, notwithstanding the awareness that the Governor as an agent of the Colonial Office was officially committed to support the chiefs. This inability of pushing a common united front to support Guggisberg divided ARPS into two factions, pro- and con-the Governor.¹⁷⁷

Korsah's conviction in supporting Governor Guggisberg paid off when an amendment to the MCO (1924) was carried out in the new Guggisberg Constitution of 1927, which laid the foundation for the election of African elites to represent the three municipal towns of Accra, Cape Coast and Sekondi at the LEGCO. It was no surprise that Hutchison predicted that Korsah would have "a place in the Legislative Council, an office which befits your calm temperament"

¹⁷⁶ Ibid; Wraith, *Guggisberg*, p. 163

¹⁷⁷ Ibid.

in his biographical book, *“The Pen-Pictures of Modern Africans and African Celebrities. [With Portraits.]”* even before Korsah was elected in 1928.¹⁷⁸

3.4 The Split in ARPS and Korsah`s Election as the Cape Coast Municipal Council Member of the Gold Coast Legislative Council

The success of Sekyi`s ARPS faction against the MCO (1924) and the emergence of the amended MCO in the new Guggisberg Constitution renewed the factional antagonism in the ARPS. The new Guggisberg Constitution maintained an amended MCO (1924) and an Order-in-Council (1925) which provided for the establishment of Provincial Councils vested with the power of discharging functions occasionally assigned by Ordinance.¹⁷⁹ The ARPS protested against the Order-in-Council (1925) as divisive document which split the fronts of African representatives at the LEGCO with three chiefs and three educated elites to be elected from the Accra, Cape Coast and Sekondi municipalities. The ARPS led by Casely Hayford sent a Petition to London in 1926 to argue against the Order-in-Council, but they failed to get the Government to consider its Petition. The failure led to another major division in the ARPS. There were those who were aligned with conservative and die-hard Kobina Sekyi, whose prime objective was prevention of any African from taking a seat on the LEGCO or cooperate with the Government. There were also the progressives and moderates who followed Casely Hayford, and believed in working within the LEGCO and cooperation with the Government to effect change.¹⁸⁰

¹⁷⁸ Doortmont, *The Pen-Pictures*, p. 278. Hutchison`s biographical classic on Gold Coast personalities was on-going at a time Korsah was with ARPS and NCBWA. Hutchison with his knowledge on Gold Coast politics predicted Sir Arku`s ultimate entry into the Legislative Council. It became a reality; Hutchison rightly added it to the eulogy for Sir Arku in the last lines,

“Our lines were not out of the press,

When our prophecy was realized –

You have been elected a member of the Legislative Council.

The country congratulates you and tenders you her Bouquets” (p. 279).

¹⁷⁹ Kwaku Nti, "Action and Reaction: An overview of the Ding Dong Relationship between the Colonial Government and the People of Cape Coast." *Nordic Journal of African Studies* 11, no. 1 (2002): 1-37, p. 15.

¹⁸⁰ *Ibid*, pp. 20-21.

As the internal dissension hit its crescendo, Korsah remained very quiet, but maintained his friendship with both Casely Hayford and Sekyi. He was still practising law on many occasions from Anibok Chambers and on many occasions held the legal brief on behalf of Sekyi.¹⁸¹ He was a peaceful man who could work with everybody, thus, “his ability to work with Kobina Sekyi politically and professionally, even when Sekyi was hounding Kobina Arku`s mentor, Casely Hayford.”¹⁸²

The political leadership positions in ARPS changed hands again in 1927; uncompromising Sekyi and his faction won the leadership battle against Casely Hayford to relaunch the old Cape Coast ARPS political tradition of boycotts. Casely Hayford committed three political blunders; he had the MCO (1924) wrecked by Sekyi; he was unable to stop ARPS-NCBWA to boycott the new Guggisberg Constitution and his 1927 compromise with government on the Provincial Council was also foiled by Sekyi and his faction in Cape Coast. Even Van Hien`s attempt to offer himself as a candidate for the Cape Coast municipality was torpedoed as persons willing to endorse his nomination received instructions from the Omanhen and his councillors to ignore it. Thus, to stop the internecine internal bickering and grudges in ARPS, Casely Hayford left ARPS to contest the 1927 Sekondi municipal elections to the LEGCO as his last minute effort to remain in Gold Coast political landscape.¹⁸³

Sir Arku, a pacifier, patient and staunch supporter of Casely Hayford and a professional junior to Sekyi, remained and continued to hold his position as the ARPS executive member. He participated in many protest activities of ARPS, even when the internal friction soared and the huge split in their ranks became inevitable. However, in 1928, when Sekyi and his faction

¹⁸¹ PRAAD, Cape Coast, CPC 7/1 Late W. E. G. Sekyi (Sekyi Papers), personal note with the Anibok Chambers` letterhead dated 14 April 1921. In the note, Kobina Sekyi asked his firm`s clerk to deliver a message to one Mr. Rockson, a defendant in a case, that he (Sekyi) would not be able to appear. But he believed “Mr Barrister Korsah will probably apply an adjournment for me.”

¹⁸² Interview with Lt. Col. (rtd) H. W. A. K. Sackeyfio.

¹⁸³ Edsman, *Lawyers in Gold Coast*, pp. 12-125.

isolated ARPS with their intransigent political attitude and boycotted the Cape Coast municipal elections to the LEGCO. This caused Henry Van Hien, who was the president of ARPS to resign from office. Van Hien`s move provided a window of opportunity for Korsah and John Glover Addo to resign contemporaneously from ARPS to join the RPA.¹⁸⁴

The RPA was an Accra-based political pressure group, but a branch had clandestinely been formed by Van Hien, Chief (Tufuhen) William Zachaeus Coker, a section of the prominent Cape Coast citizens, the moderate ARPS` wing and some Asafo leaders in Cape Coast in reaction to the ARPS boycott of the Municipal elections.¹⁸⁵ In order not to incur the wrath of the *oman*¹⁸⁶ by taking part in an election as a surprise, the Association sent a delegation led by Van Hien to seek audience with Nana Mbra III, and his councillors including Kobina Sekyi, J. P. Brown, Chief Kwamena Nyinfa V, Chief Kweku Arhin, and Chief J. H. Dadzie on the way forward in the conduct of elections. A resolution was passed requesting the Omanhen to ask the Governor to fix a date for elections. But Nana Mbra III and his councillors refused to forward the application to the Government.¹⁸⁷

The Acting Governor, Ransford Slater, paid an official visit to Cape Coast to plead with the *oman* and the Asafo groups to take advantage of the municipal elections to get Cape Coast represented at the LEGCO rather than ‘commit constitutional suicide’, but he could not sway

¹⁸⁴ Kimble, *A Political History*, p. 454; *Gold Coast Leader*, 9 July 1927, p. 6. The Ratepayers Association was formerly called Accra Ratepayers Association (ARA), and it was formed in June 1927 by Dr. F. V. Nanka-Bruce, Akilakpa Sawyerr, and Glover Addo, who were all members of the NCBWA and faithful political acolytes of Casely Hayford.

¹⁸⁵ *Ibid.*

¹⁸⁶ State.

¹⁸⁷ Alexander Baron Holmes IV., "*Economic and Political Organizations in the Gold Coast 1920-1945.*" PhD diss., University of Chicago, 1972, p. 637.

Mbra III, Sekyi and his supporters.¹⁸⁸ The *oman* in a brazen show of power, went on to invoke their great oath, *Oguaa Wukuda*¹⁸⁹ to warn people not to participate in the municipal elections.

The unperturbed Cape Coast RPA prevailed on the Commissioner of the Central Province, W. J. A. Jones, to explain the modalities for the elections to stakeholders, which included the Central Bar Association, the Chamber of Commerce, the Literary and Social Club, Eureka Club and the *Sarkin Zongo*.¹⁹⁰ Nana Mbra III and his councillors refused to attend, but Korsah, then a member of ARPS and NCBWA and a patron of the Cape Coast Literary and Social Club and Eureka Club, attended the meeting which ended successfully. A date was fixed for elections, with overwhelming endorsements from the stakeholders at the meeting. Commissioner Jones made his last minute attempt to convince Mbra III and councillors to endorse the elections but he never succeeded.¹⁹¹

With elections date fixed, the Ratepayers Association convened an emergency meeting with Tufuhen Coker, the head of the seven Asafo companies of Cape Coast and an ex-officio

¹⁸⁸ The Gold Coast Leader, 25 July 1928; Holmes, *Economic and Political Organizations*, pp.634-636. Holmes has an interesting twist to the whole reason why Sekyi and his Conservative ARPS member were against Korsah's selection to contest on ARPS ticket. The Cape Coast conservative ARPS led by Sekyi, Sekyiamah, G. E. Moore Chief Amissah, Steele Dadzie and Daniel Sackey had used nativity argument to disallow Sekyi's own uncle, Van Hein from contesting the elections. Instead, Sekyi was secretly selected as ARPS candidate by Sekyiamah, G. E. Moore, Chief Amissah, Steele Dadzie and Daniel Sackey on 1 August 1928, despite Korsah and Ward Brew's disagreement with Mbra III. This follows the ARPS Conference in July which agreed that the Society cannot contest elections in the view of the pending of the Society's petition. Sekyi's selection took place before he travelled overseas and when he returned and saw that his candidacy had not materialised, Sekyi and his cohorts started to make electoral hell for anyone who dared to contest for Cape Coast LEGCO elections.

¹⁸⁹ *Oguaa Wukuda*, meaning "Cape Coast Wednesday," is the great oath of Cape Coast people. It was the day in 1803, when the feud between Europeans in the Cape Coast Castle and the Cape Coast town escalated into full blown riot. The British bombed the Cape Coast town-ship to the ground. Many properties and lives of people were lost. For more on *Oguaa Wukuda*. The event is adequately reviewed in R. Porter, "The Cape Coast Conflict of 1803: A Crisis in Relations between the African and European Communities." *Transactions of the Historical Society of Ghana* 11 (1970): 27-82.

¹⁹⁰ *Gold Coast Leader*, 19 September 1928, pp. 9-13. Sarkin Zongo means Chief of the Zongo community.

¹⁹¹ Kimble, *A Political History of Ghana*, p. 454; PRAAD-Accra, ADM 12/3/59, Gold Coast Confidential, 30 November 1933. After a further meeting with the District Commissioner, the enthusiastic municipal voters concluded that there was no legal obligation on their part to submit their application through the Omanhen or the Oman Council. They were also made to understand that the traditional political authority had no legal right or power to control the actions of the voters with respect to the nomination and election. This was because the political franchise was by law conferred upon the voters of Cape Coast and not the Omanhen or his Council or the *oman*.

member of the Oman Council, presiding as the Association's president.¹⁹² Gold Coast political heavyweights such as Casely Hayford, Daniel Sackey, A. J. E. Bucknor, Ward Brew, Korsah and other prominent people attended. Four personalities, Kobina Sekyi, Kobina Arku Korsah, A. J. E. Bucknor and William Ward Brew were considered as candidates to contest.

David Kimble, however, contends that the uncompromising Sekyi's name was turned down with the excuse that he was "too stiff on the Europeans, and officials don't like him."¹⁹³ Mr Bucknor, a prominent Cape Coast barrister with a Nigerian ancestry, and the ARPS' leading light in the petition against the Native Administrative Ordinance of 1927 was found ineligible "as stranger", whilst barrister Ward Brew was considered as "not straightforward."¹⁹⁴ They were all British educated lawyers with strong egos; they had strong conviction in their nationalism quest, but they always hit a cul de sac when it came to choosing a leader from their ranks for the struggles.

In the end, Korsah emerged as the sole and compromise candidate due to his legal experience, "straightforward" nature and his famous personality as a man of peace.¹⁹⁵ But in the run up to the elections, Korsah's candidature aroused stiff opposition from Sekyi and his Cape Coast ARPS' supporters and the *oman* led by Mbra III. Tufuhen Coker became an instant target for destoolment because of his open endorsement of Korsah and involvement with the RPA to contest the elections in total contravention of the *oman*'s oath and Nana Mbra's edict as "the natural ruler."¹⁹⁶ Thus, it stands to be argued that Korsah's selection to contest the elections

¹⁹² Interview with Lt. Col. (rtd) H. W. A. K. Sackeyfio. The strategic selection of Tufuhen Coker for the presidency foreshadowed an important political scenario which was unfolding in Cape Coast at that time; i.e., the educated elite had come to attach a lot of importance to identifying with the traditional political order.

¹⁹³ Kimble, *A Political History of Ghana*, p. 454.

¹⁹⁴ *Gold Coast Leader*, 2 January 1929, p. 11.

¹⁹⁵ *Ibid.*

¹⁹⁶ Interview with Lt. Col. (rtd) H. W. A. K. Sackeyfio.

was the first cause of the Cape Coast Asafo rift which escalated into a full blown riot in 1932 after the death of Tufuhen Coker.

Korsah became embroiled in the old dirty politics of Cape Coast - which even forced colonial officers to run for their lives - in the 1928 campaign.¹⁹⁷ For instance, *gong gong* was beaten to warn people not to vote, whilst others were openly warned never to participate in the elections or face the wrath of the *oman*. Nana Mbra III and his supporters resorted to media blackmail and character assassinations. Kimble and Holmes quote an anxious colonial official's telegram sent to Accra in regard to the Cape Coast election:

*Gong-gong was beaten by Kwame Bosumtwe; News cried by linguist Kwami Hendrik as follows: if anyone will go to Accra on his arrival his family may go to the lorry station with his coffin to bury the party who went to the Council. Members of the Ratepayers Association to take warning. The Crier swore by Oguaa Wukuda.*¹⁹⁸

In spite of these dangerous and treacherous propagandist threats, Korsah remained calm and conducted an effective campaign with his track record as being “decorous and restrained in the extreme.”¹⁹⁹ For instance, one of his campaign placards read:

*Self-injurious conservatism has ruined Cape Coast. It requires a man of great tact, integrity and ability to save the present situation. Your demands when courteously presented will receive favourable consideration. Vote Korsah.*²⁰⁰

In the absence of any other contender, Korsah was overwhelmingly voted for as the LEGCO Member-elect for Cape Coast Municipality on 21 August 1928. The victory of Korsah was met with mixed feelings at Cape Coast. Mbra III and the conservative ARPS were unhappy, but there was massive celebration by ordinary Cape Coasters, the Central Bar Association, the business community and the RPA supporters.²⁰¹ An eyewitness observed: “We went to Mr.

¹⁹⁷ Ibid.

¹⁹⁸ Kimble, *A Political History of Ghana*, p.455.

¹⁹⁹ *ibid*

²⁰⁰ Ibid.

²⁰¹ Interview with Lt. Col. (rtd) H. W. A. K. Sackeyfio.

Korsah`s house, and there were refreshments, drinkables and eatables. There were many people at Mr. Korsah`s house that evening.”²⁰²

Korsah`s victory followed Casely Hayford`s highly competitive win against Mark Christian in Sekondi, earlier in 1927. In the same year, John Glover Addo of Accra Ratepayers Association (ARA) also clinched victory over Augustus William Kojo Thompson of Ga Mambii Party and K. Quartey-Papafio of the Asere Kowulu Society in Accra.²⁰³

3.5 Election Feud in Court, Asafo Wranglings and Korsah`s Tarnished Image

After Korsah`s successful election as the member of the Gold Coast LEGCO in August 1928, he took his seat at the Council in Accra in October.²⁰⁴ The Cape Coast town was thrown into another state of heightened tension and legal wrangling. Nana Mbra III, backed by the Asafo and the conservative ARPS represented by Kobina Sekyi of the legal firm, Anibok Chambers, proceeded to court to set aside the election of Korsah.²⁰⁵

In his opening address to the court which lasted three days, lawyer Sekyi contended that the entire electoral exercise was *ultra vires* as nobody could be elected as the representative of the *oman* without the consent of the chief in accordance with the Bond of 1844.²⁰⁶ He argued further that since the Omanhen never endorsed the whole electoral exercise which took place under his traditional jurisdiction, the election of Korsah was an act of illegality, whilst the RPA,

²⁰² PRAAD, Cape Coast, CPC 7/1 Late W. E. G. Sekyi (Sekyi Papers), Cape Coast Elections Petition 21 August 1928, Acc. No. 696, per the Statement of Kwaw Allotey.

²⁰³ Holmes, *Economic and Political Organizations*, pp. 624-633.

²⁰⁴ PRAAD, Accra, ADM 14/2/14, Gold Coast Legislative Council Debates, 1928, p. 273.

²⁰⁵ PRAAD, Cape Coast, CPC 7/1 Late W. E. G. Sekyi (Sekyi Papers), Cape Coast Elections Petition 21 August 1928. Nana Mbra III and Others vrs. Kobina Arku Korsah (1928). Sekyi became the lead counsel for the case, but on the petition to the court, Lawyer A. J. E. Bucknor was the lead counsel. The Petitioners were: Nana Mbra III, Omanhin of Cape Coast, Chief Kwamina Nimfa V, of Cape Coast, Chief Sam E. Amissah, of Cape Coast, Chief Kweku Arhin, of Cape Coast, Chief J. H. Dadzie, of Cape Coast and Akrampahin J. P. Brown, of Cape Coast. The Respondent was Kobina Arku Korsah.

²⁰⁶ Edsman, *Lawyers in Gold Coast*, p.132.

on whose ticket Korsah stood as a candidate to secure victory, was described “as a monstrous innovation aimed at crippling the natural rulers.”²⁰⁷

In Korsah`s defence, Casely Hayford of the legal firm, Anona Chambers, appeared in court with five rising legal brains, including James Henley Coussey, James N. Bannerman-Hyde, C. E. M. Abbenstts, Vidal J. Buckle and Francis Awoonor Williams.²⁰⁸ He pointed out that Kobina Sekyi`s name was never attached to any of the petitions, resolutions or writs of summons which were his exclusive orchestrations to torpedo a genuine mandate of the people.²⁰⁹ Casely Hayford proceeded to highlight Sekyi`s complicities in the case and concluded that since Sekyi was a grand architect of the actions which often ends in adverse verdict, and he preferred to let other people defray the astronomical costs involved in cases.²¹⁰

Thus, after nine months of hearing the petition, Mr Edward Woolhouse Bannerman, the presiding judge, ruled in favour of Korsah. He faulted the petitioners for introducing “a mass of irrelevant matter” and concluded that “the Petitioner`s case is frivolous and vexatious and ... should never have been brought to this court.”²¹¹ This court action taken by Sekyi and Nana Mbra III placed Korsah`s election as the first electoral petition case in the history of Ghana.

²⁰⁷ Ibid, p. 133.

²⁰⁸ *Gold Coast Times*, 23 February 1929, p. 2. James Henley Coussey, son of a Fante mother from Anomabo and Senegambian father, became a famous Gold Coast and Nigerian Supreme Court judge as well as the Chairman of the Coussey Constitutional Committee. J. N. Bannerman-Hyde, the scion of the famous Bannerman family of Accra continued his career as legal practitioner, and his daughter Kate Ethel Amanuah Bannerman-Hyde married Kobina Arku Korsah. C. E. M. Abenstts was a Caribbean lawyer based in Gold Coast, he later became the Liberian Consult in Ghana. Vidal J. Buckle was lawyer from Osu, but with Sierra Leonean ancestry. Francis Awoonor Williams was Gold Coast lawyer, nationalist and a member of the ARPS and UGCC, with Sierra Leonean ancestry.

²⁰⁹ Ibid.

²¹⁰ Ibid.

²¹¹ *Gold Coast Times* 29 June 1929, p.3; Edsman, *Gold Coast Lawyers*, p.133 and Kimble, *A political history of Ghana*, p.455.

Following the outcome of the case, Korsah's cordial relationship with the conservative ARPS members, especially his senior at the Bar, Sekyi, became estranged.²¹² Sekyi and his faction saw Korsah as a pariah in their midst just like his mentor Casely Hayford, and he was never forgiven.²¹³ Korsah's name was tarnished as a traitor and an imperialist lackey because he defied the old Cape Coast tradition of opposing British colonial government to work with them. The moderate big-shots in the ARPS who had supported him were targeted for political retribution by the conservative ARPS and Cape Coast Asafo groups.

Tufuhen Coker became an instant target for destoolment by Mbra III and Sekyi and his faction for his role in getting Korsah elected.²¹⁴ The first major attempt to destool Chief Coker was carried out on 31 July 1928 when Nana Mbra III summoned Coker to appear before a gathering of the representatives of the *Anafo*, *Ntsin*, *Nkum*, *Abrofonkoa*, *Akrampa*, and *Amanfor Asafo* companies to explain his apparent cooperation with the government.

Chief Coker refused to appear before the Asafo representatives and the Omanhen, thus, a resolution was passed to depose him as Tufuhen of Cape Coast. Coker's Asafo faction, *Bentsir* company, rejected his deposition, but on 28 August 1928, Nana Mbra III and Sekyi and his conservative ARPS faction instigated the *Asafo* groups to topple Coker for his opponent, George E Moore, to become the new Tufuhen.²¹⁵ Casely Hayford, the mentor of Korsah, on the other hand was hated so much that even when he died in 1930, his death received no coverage in the Cape Coast based ARPS controlled newspaper, *Gold Coast Times*.²¹⁶

²¹² Martin Wight. *The Gold Coast Legislative Council*. London: Faber & Faber, 1947, p. 75.

²¹³ Ibid; and Kimble, *A Political History of Ghana*, p.455.

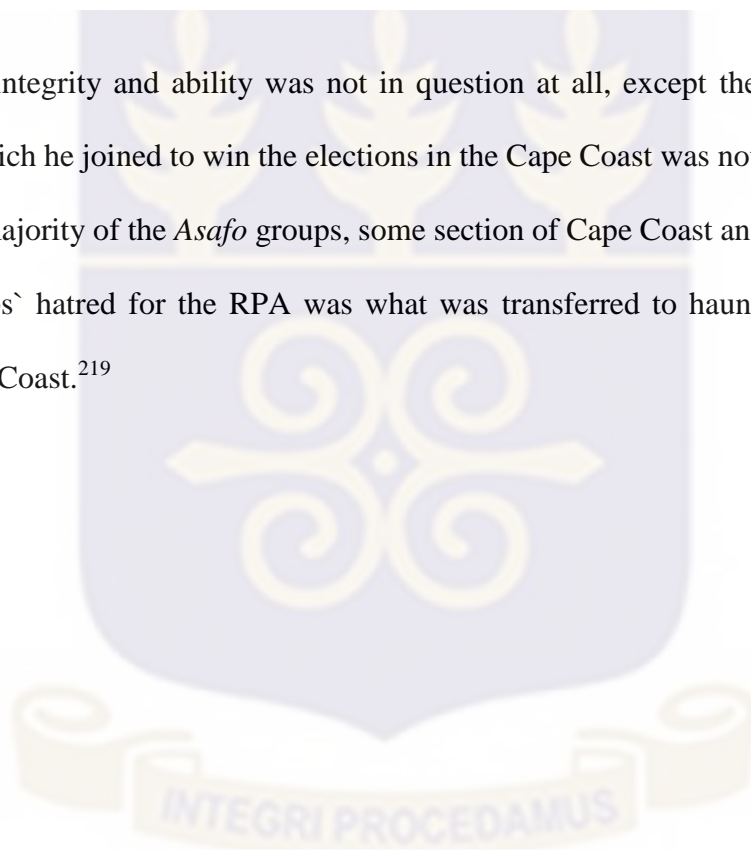
²¹⁴ PRAAD, Accra, ADM 11/1632 Cape Coast Riot 1932.

²¹⁵ Moore's elevation as the new Tufuhen was rejected by the Bentsir and the colonial government's private investigations which revealed that Moore was not the right candidate for consideration as Tufuhen because he had a West Indian father and his mother was believed to have descended from servitude. The Tufuhen position remained a subject of controversy until Chief Coker's death in 1932. This subject matter is treated in details in Kwaku Nti, *Modes of Resistance: Colonialism, Maritime Culture and Conflict in Southern Gold Coast, 1860--1932*. Michigan State University: African American and African Studies, 2011.

²¹⁶ Kimble, *A Political History of Ghana*, p.455

Despite the brouhaha and antagonistic tactics adopted by the conservative Oguaa ARPS against Korsah, he observed a dignified quietude and magnanimity without exploiting his connections with the colonial administration to hound his detractors.²¹⁷ His patient, peaceful and team-playing traits as well as his legal debating skills were utilised as his powerful arsenal at the LEGCO debating sessions and caucus meetings. Even his opponents in ARPS who dragged him to the court appreciated his competence, thus, (per J P Brown): *“I know Mr. Korsah. I consider him as honest and sensible man. I have nothing against his character. I consider that he is capable of representing the interest of Cape Coast at the Council.”*²¹⁸

Thus Korsah`s integrity and ability was not in question at all, except the political pressure group, RPA, which he joined to win the elections in the Cape Coast was not very popular with the Omanhen, majority of the *Asafo* groups, some section of Cape Coast and the ARPS. These interested groups` hatred for the RPA was what was transferred to haunt the credibility of Korsah in Cape Coast.²¹⁹



²¹⁷ Interview with Lt. Col. (rtd) H. W. A. K. Sackeyfio.

²¹⁸ *Gold Coast Times*, 27 April 1929.

²¹⁹ Interview with Lt. Col. (rtd) H. W. A. K. Sackeyfio.

CHAPTER FOUR

LAW-MAKING, DEBATES, POLICY REFORMS, EXECUTIVE APPOINTMENT AND THE MAKING OF THE UNIVERSITY OF GHANA

4. 1 Korsah as a Legislator

This chapter delves critically into Sir Arku`s role at the Legislative Council from 1928-1945 and his contributions to the Legislative Council (LEGCO) debates, with specific emphasis on education, Africanisation of the civil service, law reforms and the development of infrastructure in Gold Coast. The chapter also focuses on his last political career as one of the first Gold Coasters to be appointed to the Governor`s Executive Council from 1942 until his appointment to the bench as a Puisne Judge of Gold Coast and West African Court of Appeal in 1945.

On 25 October 1928, Kobina Arku Korsah, then 32 years old, entered Gold Coast LEGCO which then had a membership of 29, of whom 15 were European civil servants, 5 European representatives of commercial, mining and other interests, 6 Paramount Chiefs and 3 municipal members.²²⁰ Korsah contends that it was “then a hopeless situation” for the few Africans in the LEGCO surrounded by Europeans.²²¹ Korsah entered LEGCO on the same day with Awulae Annor Adjaye, Omanhen of Western Nzema representing the Provincial Council of the Western Province. The Acting Governor, Shenton Thomas expressed his happiness to see Cape Coast once more represented on the Council. He further expressed optimism in Cape Coast, ably represented by Korsah, to assume its historic place as the leader in promoting an agenda to further the progress of the country and its people.²²²

²²⁰ Korsah, *The Law in the Republic*, p. 5.

²²¹ Ibid.

²²² PRAAD, Accra, ADM 14/2/14 Legislative Council Debates, 25 October 1928, p. 275.

From 1928 to 1940, Korsah engaged in a series of debates and activities that firmly cemented his position in Gold Coast as a great debater whose “speeches in the Council were considerably weightier than his colleagues.”²²³ At the LEGCO, one of the achievements Korsah chalked was ensuring the unity of the African front. Thus, he moved swiftly to settle the rift between Nana Ofori Atta I and Casely Hayford through his friend and basic school classmate, Nana Ayirebi Acquah, Omanhen of Winneba, representing the Central Province, at a meeting in Ofori Atta’s house in Accra in March 1929.²²⁴ Korsah’s unification pact led to the co-operation and the establishment of “Shadow Cabinet,” which brought the African Provincial (chiefs) and municipal members (educated elites) to meet together before every session of the Council, sometimes more than once, to discuss their attitude towards government policies and new legislation. Thus when Casely Hayford died in 1930, Korsah automatically inherited his intellectual position at the LEGCO.

Korsah’s debating skills portrayed him as a leading authority on commercial, legal, agricultural and educational issues. His performances in these areas firmly established him as a pro-establishment nationalist who worked hard to uplift the sufferings of his people and contributed to their development from within. In LEGCO, he was a member of many Select Committees such as the Select Committee on Labour of 1934, Select Committee on Co-operative Society Bill of 1937, Select Committee on the Cocoa Industry (Regulation) Bill of 1937, and Select Committee on the Workmens Compensation Bill of 1940, among others.

Korsah and Nana Sir Ofori Atta I were appointed in 1937 into the Gold Coast Committee of Board of Education by Governor Alan Burns to examine the educational system of the time,

²²³ Wight, *The Gold Coast Legislative Council*, p. 72.

²²⁴ Ibid, p. 73. Nana Ayirebi Acquah, known in school and private life as Albert Mould Sackey (Kow Sackey), was Korsah’s childhood bosom friend and a classmate at the Methodist basic school at Winneba. As related earlier, Korsah’s father worked with F & A Swanzy at Winneba. When Korsah returned to Gold Coast he reignited his friendship with Kow Mould who had been enthroned as the Paramount Chief of Winneba with stool name, Nana Ayirebi Acquah (Interview with Mrs Dinah Tagoe)

and to make recommendations where necessary in their report which came out in 1941.²²⁵ The Committee recommended *inter alia* that: (1) the child must be the focus of the whole educational system (2) school must provide an environment in which a child can grow (3) the quality of the school will depend on provision of suitable and qualified teachers and (4) education should be adapted to the mentality, aptitude and occupations and traditions of the various peoples conserving as far as possible all sound and healthy elements in the fabric of social life.²²⁶ These recommendations added tremendously to the educational transformation in the Gold Coast.²²⁷

Korsah's contribution in the commercial arena was announced when on his first day at LEGCO, he became the second member to speak after Casely Hayford. In the amendment to the motion on the debate on the payments of £250,000 to the Basel Mission Trading Company (Basel Mission Factory) and a sum of £55,000 to the Commonwealth Trust Limited as a debt incurred by Gold Coast for seizing the asset of the Swiss Company and deporting some of its workers during the First World War, in tandem with The Enemy Property Control and Disposal (Extension Powers Act) 1918, Korsah argued in the interest of Gold Coast taxpayers.²²⁸

He maintained that the payment to the Basel Mission Factory could be justifiable if treated as part of the Gold Coast's contribution to the British Empire's war liabilities, but "if we are asked to vote for this amount as liability due to us to Basel Mission Trading Society, I shall vote against it."²²⁹ He rationalised that payment of £55, 000 to the Commonwealth Trust was nothing but an attempt to make profit at the back of Gold Coasters by a private equity firm

²²⁵ Charles Kwesi Graham, *The History of Education in Ghana: From the Earliest Times to the Declaration of Independence*. London: Frank Cass and Company Limited, 1971, p. 169.

²²⁶ Ibid. The implantation of the Education Committee Report was delayed as a result of the World War II, and progress was made after only after the war, particularly in 1951 when the Accelerated Development Plan for education was published.

²²⁷ For the details of the recommendations of the Education Committee Report (1942), see Graham, *The History of Education in Ghana*, pp. 169-173.

²²⁸ PRAAD, Accra ADM 14/2/14 Legislative Council Debates, 25 October 1928, p.

²²⁹ Ibid, p. 304.

because the building requested from Basel Mission Factory and was held in trust by the Commonwealth Trust was valued at £23,136 in 1918.²³⁰

Whilst Korsah was in the LEGCO, the elections feud that led to *Asafo* litigation which started in 1928 finally culminated into a full blown *Asafo* riot in 1932 after the death of Chief Coker. The immediate cause of the riot was Nana Mbra III and his loyalist *Anafo*, *Ntsin*, *Nkum*, *Abrofonkoa*, *Akrampa*, and *Amanfor Asafo* Companies' attempt to install George Moore as the new Tufuhen of Cape Coast following the death of Chief Coker on 3 March 1932. The move was hatched against the backdrop of an injunction filed to the Governor against Moore's installation by Chief Coker's sister.²³¹ The conservative ARPS faction and the section of the *oman* put the blame of conflict on Korsah and RPA. They alleged that Korsah, in particular, supported Chief Coker's sister and her Bentsir Asafo and other factions in the conflict.²³²

Captain Lynch, the Acting Provincial Commissioner for Cape Coast in conjunction with the *oman*, called for a stakeholders arbitration meeting to settle the dispute between Korsah and Kobina Sekyi's followers who he alleged were causing tensions. Korsah went to the meeting with his uncle Chief A. R. M. Korsah to support him against Sekyi and *Oguaa Amanhene*'s faction. It is explained that:

Sekyi and his faction were firebrands, outspoken and intelligent with huge Oguaa royal and Asafo backing. To face such a formidable opponents in their home-ground, the only person with royal-Asafo rank and hard knock temerity to safeguard Korsah's interest at the meeting - whilst Ward Brew takes to legal and intellectual aspects – was 'Owirkitse' (Chief A. R. M. Korsah). His presence and no-nonsense personality

²³⁰ Ibid.

²³¹ PRAAD, Accra, ADM 11/1/632 Cape Coast Riot, 1932.

²³² Ibid; Gold Coast Leader, 6 December 1934. The perceived Korsah factions were Chief Kofi Ackon, Chief Kweku Arhin, Councillors Daniel Sackey, and William Johnson (Kwamena Essaw) who were previously part of the *oman* and the ARPS factions who went to court in an attempt to annul the election of Korsah in 1928. Korsah was accused of leading these four men away from the *oman* to support RPA and Chief Coker's faction in the Asafo riot.

*among the Gold Coast elites in the Central Province preceded him. With him, Korsah was safe.*²³³

In their appearance before the meeting, Korsah and Sekyi denied having any personal or professional dispute with each other. Korsah was ordered by Chief Amissah, on behalf of the *omanhen*, to disband RPA in Cape Coast, but Korsah denied the involvement of Ratepayers in the Asafo conflicts, claiming “at our meetings we do not discuss *oman* matters.”²³⁴ However, Korsah promised to deliver the *oman*’s message to the executives of RPA. Korsah and Sekyi accepted to work together for the peace of *Oguaaman*, “two pints of champagne was brought and toasted to amend the friendship.”²³⁵

After resolving the Cape Coast conflict, Korsah, a known moderate and pro-establishment legislator, launched his first critical attack on the Government over the 1934 Water Works and Sedition Bills which were rushed through the LEGCO by Governor Shenton Thomas. The Water Works Bill sought to shift responsibility for the cost of water supply of the coastal cities from the government to the citizens.²³⁶ The justification for the Water Works Bill flows from the general economic recession following the worldwide depression of 1929 which gradually laid a heavy burden on the British government. World market cocoa prices fell dramatically by two-thirds from 1927–1930. Taxes increased and social expenditures generally became more restrictive in the Colony.

Korsah took an Africanist view, and described the Water Works Bill as repugnant to the interest of Gold Coasters, and contrary to the spirit of the administrative system of Gold Coast which

²³³ Interview with Mr Kwaku Egyin Orleans-Lindsay. At the time of Oguaa Asafo riot, Chief R. M. Korsah, Sir Arku’s father had already passed away. That may also explain his uncle’s presence. His uncle’s presence softened the grounds, as it evoked aura of mutual respect for royalty and Asafo ranks within Fante polity.

²³⁴ *Gold Coast Times*, 15 December 1934, pp, 8-9; *Gold Coast Leader*, 6 December 1934. Korsah was led to the meeting by his uncle Chief A. R. M. Korsah and William Ward Brew, his senior at the Bar and a confidante. *Gold Coast Leader* described Korsah and Ward Brew as two trouble makers in Cape Coast in their propaganda piece, “*The Prodigal Sons: Messers Ward Brew and K. A. Korsah seek reconciliation with the oman*”.

²³⁵ *Ibid.*

²³⁶ PRAAD, Accra, ADM 14/2/20 Legislative Council Debates, 20 March 1934.

is communal in nature.²³⁷ He drew the attention of the Government to Governor Hugh Clifford's promise not to charge water rates as a result of the communal nature of the Gold Coast society.²³⁸ Korsah explained that the year's estimate made provisions for Running and Maintenance of Waterworks, Accra £8,500, Sekondi £4,500, Winneba £700, Cape Coast £2,400, and Tamale Water and Electricity Supply £2,700 which made a total of £20,800. Korsah argued that the estimates showed that the Government derived revenue of £17,600, which was a difference of about £2,000.²³⁹ This included the Running and Maintenance of Kumasi Waterworks in the calculation of the expenditure, but excluded the revenue to be gained from it. Thus, Korsah contended:

If the revenue for Kumasi works should be included in our calculations, I submit, Sir, that the waterworks revenue and expenditure will balance. If that is the case, why should this new rate be imposed? Why should Government try to impose this rate upon us? I can only find one reason, and that reason, if I am to accept the mover of this Motion's opinion, as the opinion of the Government, then the reason is, as he said, water is a luxury.²⁴⁰

Korsah wondered why the Government was unwilling to provide for the cost of water supply from the 1934 Statement of Account surplus balance of £500,000, and debunked the Attorney-General's assertion that all the towns have been provided pipe borne water with funds from the Government purse, and that the Government purse was not a fountain through which money flows forever.²⁴¹ Korsah shot back: "I will remind the learned Attorney-General that what he is pleased to call the Government purse, is made up with funds contributed by the people individually, and the individual purse is not fountain through which money flows forever."²⁴²

He, therefore, recommended an amendment to the Council on three grounds:

²³⁷ Ibid, p. 90.

²³⁸ Ibid

²³⁹ Ibid, p. 93.

²⁴⁰ Ibid.

²⁴¹ Ibid, pp. 93-94.

²⁴² Ibid.

“a. Because the Bill introduced a form of taxation which is contrary to the basic principles of our administrative system.

b. Because if Honourable Members of this Council support the Bill they will be supporting a direct attack on the accepted principle of Government - the sanctity of a Governor`s promise.

c. Because the Bill, ill-conceived and ill-timed, shows scant consideration for the sufferings of the people of this country.”²⁴³

It was clear that Korsah was ahead of his time, especially his point (b) which purports to introduce “Directive Principles of State Policy” as at 1934 that the Government had a social contract with the people who they governed, and representatives of people, especially LEGCO members or Members of Parliament had a cardinal responsibility to always support and defend the citizens (voters) against obnoxious policies of the State (Government). This Korsah`s dream of the “Directive Principles of State Policy” became a reality in the 1979 and the 1992 Constitutions of the Republic of Ghana.²⁴⁴

On the Sedition Bill, Korsah described it as a piece of legislation which was more draconian than the law in England. For instance, it was no offence to be found in possession of seditious document in Britain, but in the Gold Coast Bill it proposed to make it an offence, unless the one holding such a document surrendered it to the police as soon as he came by it. Korsah protested that sedition implied 'disloyalty in Action', that is, the actual incitement of others to commit an offence, and not merely the writing or possession of presumably seditious material.²⁴⁵ He argued against its passage, and requested that the Bill should be put off for six months to allow a more leisurely reconsideration of its questionable provisions.²⁴⁶ Thus when the two Bills were passed by the European majority, Korsah joined his LEGCO members and the pressure group, Gold Coast Youth Conference (GCYC), to protest outside the chamber. He was appointed a member of the Committee of 12, headed by Dr F. V. Nanka-Bruce who

²⁴³ Ibid, pp. 95-96.

²⁴⁴ See the Chapter 6 of 1992 Constitution of Ghana.

²⁴⁵ PRAAD, Accra, ADM 14/2/20 Legislative Council Debates, 21 March 1934, p. 137.

²⁴⁶ Ibid.

travelled across the country to explain issues and drafted petition against the two Bills. He was appointed as the Central Province nominee of the eight-member Gold Coast and Ashanti Delegation who sent the petition to England.²⁴⁷

In England, Korsah, who acted as the spokesperson on the Sedition Bill, argued that the Bill which had been passed into law was unjustified, because Gold Coast had been loyal and co-operative with the Government on laws that had been passed, and had not recorded a single persecution since its annexation to the British Empire. He explained that sedition is a highly technical offence, which when left in the hands of a police officer to enforce, as laid out in the Bill, would become a dangerous weapon, for the “police can overstep their boundaries and the average citizen will get into trouble.”²⁴⁸ He insisted that Gold Coast accepts clear cut laws “*but if we had agreed to any law, we would not have agreed to anything that cut at the principle of liberty of speech and the right of the people to think for themselves and express their views.*”²⁴⁹

Korsah appealed for the law to be “definitely laid down and clearly defined” as a sign of the Government’s respect for Gold Coast’s loyalty, but Sir Philip Cunliffe-Lister, Secretary of State for the Colonies, disagreed with Korsah and argued in opposition that the measure was necessary and the Ordinance as it was “must stand.”²⁵⁰ The entire petition was not accepted, and the trip was abortive, leading to massive attacks on the Delegation. The subsequent ARPS delegation sent to England on the same issue also failed.

²⁴⁷ PRAAD, Accra, ADM 23/1/877 Petition to the Secretary of State by the Gold Coast and Ashanti delegation, 1934. The members of the Committee were Nana Sir William Ofori Atta, leader of the Delegation, represented Joint Provincial Council of Chiefs and the Eastern Province, Dr. F. V. Nanka-Bruce and Akilgpa Sawyerr represented Ratepayers Association and Accra Province respectively, James Mercer, represented Western Province, Dr. Danquah represented GCYC, Edward Okyir Asafo-Adjaye and I. K. Agyeman represented Asante Kotoko Union. Unfortunately, Mercer was killed by a car on the very day the Delegation landed in England.

²⁴⁸ Ibid. Notes of Secretary of State for the Colonies and the Delegation from Gold Coast and Ashanti at the Colonial Office, 24 July 1934, p. 13.

²⁴⁹ Ibid, pp-14-15.

²⁵⁰ Ibid, pp-15-19.

After his 1934 criticism of the Government and protest trip to England, Korsah relaunched his criticism of the Government in 1935 LEGCO debates. Just before the proceedings with the Select Committee's Report on the Finance Bill, Korsah seized the opportunity to address the House by attacking the Government for flouting the avowed wishes of the people during the 1934 Estimate Session, which "exposed a very serious defect in the Constitution under which we are governed; namely the use of official majority regardless of the consequences to the people."²⁵¹ He argued that the 1934-35 economic depression that hit the country and became one of the worst in the history of Gold Coast emanated from the Government's refusal to sack incompetent European members in charge of the economy.

For Korsah, the incompetence which led to the depression was a serious breach of trust by the Government against the people. It was, therefore, prudent for the Government to repair the breach and ensure the co-operation of the African members in the LEGCO. Korsah contended "that it would be impossible for Government to regain the confidence of the people, unless the section of the Constitution which made it possible for what happened last year to happen is amended so that man who pays the piper may also be able to call the tune."²⁵² In spite of his attacks on the Government, he also gave credit where it was due, thus he praised the General Manager of the Railway Department for being able to pull "his department from the mire of depression."²⁵³

As a ranking member on agriculture, Korsah used his speeches to recommend a panacea for solving the unemployment situation bedeviling the Government by making agricultural production the focus of its future employment policies. For him, the provision of agricultural education, infrastructure, technical training of agricultural personnel and funding to the

²⁵¹ PRAAD, Accra, ADM 14/2/21 Legislative Council Debates, 27 March 1935, p. 106.

²⁵² Ibid, pp. 106-107.

²⁵³ Ibid.

agrarian people in the sector was what Gold Coast needed to boost agricultural production in order to solve the perennial unemployment problems. Korsah reiterated a question to the Government:

Why is it that Government knowing that this country is an agricultural country, has never attempted to establish an agricultural college here, but on the contrary we have been compelled to subscribe £500 yearly to the Imperial College of Tropical Agriculture in Trinidad, which is 4,000 miles away from this place, and which only receives two Africans in the space of four years only for a period of six months?²⁵⁴

He suggested to the Government to make the youth the centre-piece in any agricultural policy and also establish an Agricultural College in Gold Coast so that the youth can reap the full benefits and advantages of the service which the College will offer.

By 1936-37, it was quite evident that Korsah's debating skills and political experiences as a legislator had hit its apogee. The Britain recognised his extraordinary talent and hard work at the LEGCO. Thus in the beginning of the new LEGCO in 1937 he received an award as the Commander of the Order of the British Empire (CBE) from King George VI of the United Kingdom alongside Major Sydney Banks Keast, Director of Public Works in Gold Coast, on 29 January 1937.²⁵⁵ The award spurred him to work harder, and in that year he emerged as the avowed champion of the Africanisation of the colonial civil service. For R. E. Wraith, Sir Gordon Guggisberg's biographer, Korsah was the second man after Guggisberg to make Africanisation his central agenda by advocating for radical recruitment of Africans into the colonial administration without hindrance. He complained that Government had failed to maintain a progressive programme of African appointments which was approved by the Secretary of State in 1926, in line with Guggisberg for the Gold Coast. He explained:

According to this programme the year 1935-1936 ought to have seen 148 Africans holding what we...call European appointments. Instead of that number, we have 28 appointments... Well this is getting rather serious, because we do know that over 1,000 Africans have got to their maximum in the second division. Some of them have

²⁵⁴ Ibid.

²⁵⁵ *The London Gazette*, 29 January 1937. pp. 1-20.

*been in their maximum for over 10 years. They have qualified for promotion. They are told that there is nothing against them....*²⁵⁶

He suggested to the Colonial Office to abolish the racial discrimination and colour bar distinction with regard to promotion in the Gold Coast civil service to enable Africans and Europeans who take the same promotional exams to be appointed to higher offices without impediments.²⁵⁷ He also insisted that Guggisberg's Africanisation Plan for recruitment into the civil service must be followed in a radical haste. For Korsah, whatever the European worker can do, the educated African can also do, if not better.

During the 1937 introduction of the Native Administrative (Amendment) Ordinance (NAO) Bill which gave powers to the Governor in the Executive Council to make regulations to certain aspects of the native administration, Korsah contended that the Bill was improper and impractical. The reason was that native interests were unrepresented on the Executive Council, and the amendment was going to ensure that native customs and authority were subjected to arbitrary definition, followed by arbitrary reversals to suit the whims and caprices of the Governor. To check this gross abuse of power, Korsah argued for equal powers for African representatives:

*Government should grant the African members some say in the changes in the working of the Native administration; the power of making regulations would mean the Government may at a time amend any law of the Native Administration Ordinance by Executive Council and that Honourable Members of this Council may have no right whatsoever to express their views on any proposed amendment.*²⁵⁸

Korsah's suggestion caused the Attorney-General to propose an amendment in the Committee sittings, restricting the obnoxious powers of the Governor in Council to a minimum that was satisfactory to the chiefs.²⁵⁹ He continued to press for powers for Africans at the Executive Council during the debate on the Cocoa (Control of Exportation) Bill in 1938, following the

²⁵⁶ PRAAD, Accra, ADM 14/2/25 Legislative Council Debates, Session no 1. 1937, pp. 96-98

²⁵⁷ Ibid.

²⁵⁸ PRAAD, Accra, ADM 14/2/25 Legislative Council Debates, 17 March 1937, p. 50.

²⁵⁹ Ibid, p.52.

cocoa hold-up. Korsah argued that regulations of the government must be enacted by the people themselves. He posited: “We are asking and we feel that those who are to be governed by those regulations should be given an opportunity of joining in making those regulations.”²⁶⁰

The 1939 LEGCO debates were conducted amidst rumours of the impending Second World War which threatened world peace. The Gold Coast Government was preparing for the war by recruiting and organising logistics. These issues dominated the LEGCO debates. As Casely Hayford once said, ‘No one can shake the African’s firm belief in the virtues that have made England the model state for the world,’ Korsah, a British trained lawyer, proved his loyalty to King George by supporting the argument of the British war effort. On behalf of his African colleagues at the LEGCO, he expressed Gold Coast’s devotion to the cause as they did in 1914, “standing by the Empire and to follow the leadership of its great Ministers...” to war.²⁶¹ He assured the Governor of his own intention to assist and to call on Gold Coast youth to enlist in the army to defend the world against Fascism. This clearly proves Korsah’s pro-establishment political attitude and willingness to satisfy Britain as argued by his critics.

Moving away from the debate on war, Korsah resumed his agricultural improvement agenda in the same year by advocating for the creation of an Agricultural Bank to extend credit to Gold Coast farmers to enable them to expand their production. As was characteristic of him, Korsah utilised his expertise in Government Estimates to argue that since Government made £198,000 surplus from the 1938 fiscal year against the projected deficit of £47,000, it was economically prudent to devote about £100,000 out of the national reserve which was nearly £4,000,000 to a fund which will form the nucleus of a fund for an Agricultural Bank.²⁶²

²⁶⁰ PRAAD, Accra, ADM 14/2/38 Legislative Council Debates, 13 April 1938, p.17.

²⁶¹ PRAAD, Accra, ADM 14/2/30 Legislative Council Debates, 23 March 1939, p. 104.

²⁶² Ibid, p. 141.

He suggested the creation of other funding alternatives in addition to the bank, adding, “If Government starts with this deposit I am sure that the farmers will welcome the gesture and will also come forward and contribute liberally in order that the scheme may be successful.”²⁶³ Korsah once again proved his far-sightedness as an intellectual and law-maker by proposing not only an Agricultural Bank, but other micro-credit facilities to extend credit to farmers. This proposal was not adopted by the colonial Government until the CPP government enacted Act 286 in 1965 to establish the Agricultural Credit and Co-operative Bank, now Agricultural Development Bank (ADB).

Earlier, on the debate on the Concession Ordinance of 1939, Korsah had advocated for payment of about 5 to 10 per cent royalties to the chiefs and the owners of mineral lands.²⁶⁴ He contested the Government`s claim that royalty increment would lead to the flight of mining investors and companies from the country as it had occurred in Mexico and other South American countries, as nothing but sheer misrepresentation of facts.²⁶⁵ He argued that ensuring decent payment of royalties to landowners was in tandem with Britain`s own colonial policy of trusteeship and community development. Korsah said:

*What we ask for is that those of us who have come here as representatives of the people ask that the people whom we represent and the people whom the British government assumed trusteeship over, should be given fair consideration in this very important matter. The chiefs, the elders, and the people of this country who have granted leases to Companies working mines in this country have, in my opinion, invested large capital, possibly the largest capital in any Company. They have invested a whole five square miles of their land, and all that most of them get from such investment at present is, in the majority of cases, not more than £350 or £300. In fact, the richest mine that we have in this country - and we understand it is one of the richest in the world - the Chiefs, elders, councillors, and the people who gave that land do not get more than £400; not even what we are told might be regarded as sufficient rent for some of the commercial homes in Accra and Kumasi...we are only asking that we should be given only about 5 per cent to 10 per cent, I do not think we are asking too much of the government.*²⁶⁶

²⁶³ Ibid, pp. 141-142.

²⁶⁴ Ibid, p. 101.

²⁶⁵ Ibid, 100.

²⁶⁶ Ibid, p. 100-101.

The Colonial Government had been paying 3 per cent royalties on mining lands since 1896 when Korsah made his suggestion for increment in 1939. His plea was ruled out of order by the Government, and from that period up till now, 2017, the mining Companies in Ghana still pay 3 per cent royalties to landowners and the chiefs on their mining concessions. Professor Akilagpa Sawyerr, president of the Ghana Academy of Arts and Sciences (GAAS), confirms that the only royalty measure that has been introduced since Korsah`s plea for 5-10 per cent increase, was a measure introduced to “change in the royalty rate from a range of 3%–6% (invariably stuck at 3%), to a flat rate of 5%” in the Minerals and Mining (Amendment) 2010, Act 794.²⁶⁷

The over-century old 3 per cent royalties could also be part of the reason why most chiefs and mineral landowners collude with the officials of the Ghana Minerals Commission offer concessions to artisanal mining operations. Landowners and the chiefs with their commercial strength and bargaining power are able to negotiate with private local or Chinese investors for bigger royalties than the 3 per cent they would have gained from the multinational Mining Companies holding concessions on their land.²⁶⁸ Perhaps, revisiting Korsah`s plea for 5-10 per cent royalties by re-amending Minerals and Mining (Amendment) 2010, Act 794 would make it impossible for “*galamsey*” operators to meet the royalty requirement, and possibly reduce the proliferation of the artisanal mining activities damaging our environment, instead of the official piecemeal fiats on the “*galamsey*” operations.

On the 23 March 1939 debate, Korsah moved an amendment/measure before the House, and the Governor, Sir Arnold Hudson, asked him if he wished to press the amendment, and Korsah

²⁶⁷ Akilagpa Sawyerr. “Marching forward to the Past: From Newmont II, Back to Newmont I - via Gold Fields.” *Presidential Address to the Ghana Academy of Arts and Sciences*, 2016, p.4.

²⁶⁸ Gordon Crawford, Coleman Agyeyomah, Gabriel Botchwey, and Atinga Mba. Research Report on: The Impact of Chinese Involvement in Small-scale Gold Mining in Ghana." *International Growth Centre (IGC)*, 2015.

replied: “Your Excellency, I wish the amendment to stand because I think it is point which ought to be stressed for many years to come if we do not succeed now.”

Dr Danquah explains in his book, *“The Ghanaian Establishment: Its Constitution, Its Detentions, its Traditions, Its Justice and Statecraft, and Its Heritage of Ghanaism,”* that this important measure means that as far back as 1939, Korsah was thinking in terms of “Self-Government now”.²⁶⁹ It also presupposes that Korsah was ten years ahead of the CPP in the philosophy of “*Self-Government Now.*”²⁷⁰ Danquah opines and speculates:

*It should be remembered that even in the case of Convention People`s Party although their policy of “self-Government now” was enunciated in June 1949, it did not materialize “Now” or “Then” but rather eight years later, in 1957. Quite clearly, had the Chief Justice cared to continue in that political path, instead of branching off to become a judge of the High Court, he might have become Ghana`s first President.*²⁷¹

In 1940 when Korsah was about to leave LEGCO, the respect for his knowledge on issues was unparalleled and valued by all. For instance, regarding the debate on the Courts (Amendment) Bill of 1940, Korsah made practical proposals for judges going to the circuit courts, and when he asked for the debate on the Bill to be adjourned to the next day to allow him to consider it with some legal brains outside LEGCO, the A-G willingly obliged him.²⁷² Korsah had pushed for similar adjournment during the consideration of the Geological Survey (Facilities) Bill of 1940. He forced the Bill`s postponement to allow the drafting of an amendment by the Government`s Law Office to meet his suggestion.²⁷³ For his performance at the LEGCO and nationalist activities outside LEGCO, Korsah was considered among Casely Hayford, E. J. P. Brown, Thomas Hutton Mills, J. Glover Addo, A W Kojo Thompson, C. J. Bannerman, Kobina

²⁶⁹ Danquah, *The Ghanaian Establishment*, p. 53. Despite Danquah`s attempt to position Korsah as first person to raise self-government banner, Korsah posits in the page six of the pamphlet, *Law in the Republic*, that he was frustrated and disappointed by the disproportionate number of African representatives in the LEGCO, thus, “the mere hint of self-government was anathema to the majority of members.” This made it impossible for him to push for self-government; that is why “no one among the old guard can fail to appreciate the remarkable achievement of Dr. Kwame Nkrumah.”

²⁷⁰ Ibid.

²⁷¹ Ibid, p. 54.

²⁷² PRAAD, Accra, ADM 14/2/35 Legislative Council Debates, 3 October 1940, p. 40.

²⁷³ Ibid, pp. 43-61.

Sekyi, E. C. Quist and J. B. Danquah as “men who were the most articulate prophets of Gold Coast Revolution which reached its climax in 1948.”²⁷⁴

4.2 Governor`s Executive Council Member

After twelve years of serving at the LEGCO, Korsah decided not to seek re-election, leaving his Cape Coast municipal seat to George E. Moore in 1940. People who supported Korsah and the Ratepayers in Cape Coast, especially the Bentsir Asafo Company were very disappointed because he was doing well, but the ARPS and factions of the Asafo group, *Anafo*, *Ntsin*, *Nkum*, *Abrofonkoa*, *Akrampa*, and *Amanfor Asafo* companies were very happy.²⁷⁵ For the ARPS and the six Asafo groups, Korsah was traitor to the old Cape Coast nationalist struggle style and formentor of troubles in the *oman*.

For Korsah`s supporters, however, his tenure as the LEGCO members brought improvements to Cape Coast in terms of educational infrastructure, respect and dignity to the people and contributed to the peace of the *oman*, despite the disagreement that emerged upon his first elections.²⁷⁶ Sackeyfio posits, “For the people of Cape Coast, Kobina Arku was articulate, handsome, kind and a very intelligent lawyer. Even though he was not a native of Cape Coast and he had a very difficult tenure as their LEGCO representative, but they finally loved him for his good works and manners.”²⁷⁷

Meanwhile, Dr Danquah who had differences with Korsah`s LEGCO leadership and political style, hailed Moore`s election in his column in the *Spectator Daily* as ‘swing of pendulum from professional man to the lay man,’ adding, ‘the day of the lawyer, is over in the Legislative

²⁷⁴ Wraith, *Guggisberg*, p. 233.

²⁷⁵ Interview with Col (rtd) H. W. A. K. Sackeyfio.

²⁷⁶ Ibid.

²⁷⁷ Ibid.

Council.²⁷⁸ He argued that the newly elected ARPS member had a policy whilst the old RPA member had none. Danquah's assertion received overwhelming endorsement from the ARPS and the Asafo faction who were against Korsah and his party, RPA, in Cape Coast.²⁷⁹ Korsah probably refused to go for the 1940 elections not because of lack of policy, but as a seasoned politician he may have sensed that the general political climate in Gold Coast had undergone radical change as the radical *Ga Mambii* Party in Accra swept both the Legislative Council and Town Council elections from the elitist Ratepayers Association. It would have been electorally suicidal for him to contest the elections.

Notwithstanding the temptation to be abrasive to caustic criticism from opponents, Korsah ever a gentleman, rebutted Danquah's claim to justify his role and how it benefited his people, but Danquah continued to attack Korsah for not having any policy for Gold Coast. Ever the man of peace, Korsah refused to engage Danquah in the media warfare. As Korsah's daughter puts it, "That is not Papa's style, to speak evil of another man. He will rather shut up and deal with you in appropriate manner than to engage in public mudslinging and showmanship. He never went about looking for a fight, or run down people to become popular."²⁸⁰

Korsah's effort, knowledge and experience were recognised by Governor Alan Burns, who appointed him, Sir Ofori Atta and Otumfuo Sir Agyeman Prempeh II as the first African members of the Executive Council in 1942, but Prempeh II declined.²⁸¹ In the same year, Korsah was appointed again with Sir Ofori Atta and others by Burns into the Committee of

²⁷⁸ Wight, *Gold Coast Legislative Council*, p. 75. The Danquah-Korsah brief media tango or so-called quarrels was captured in *Spectator Daily* 25 November 1940, Korsah shot a rebuttal on 9 December 1940 and Danquah's relaunched another attacks against Korsah on 12 December 1940.

²⁷⁹ Interview with Col (rtd) H. W. A. K. Sackeyfio.

²⁸⁰ Interview with Dinah Tagoe.

²⁸¹ Wight, *Gold Coast Legislative Council*, p. 194. Governor Sir Alan Burns wrote, "On the 29th September, 1942, I was able to announce the appointment to the Executive Council of Sir Ofori Atta, K.B.E., Omanhene of Akim Abuakwa, and Mr. K. A. Korsah, O.B.E., Barrister-at-Law. The inclusion of these two gentlemen in the Executive Council gave great satisfaction to the African population. I also offered a seat on the Executive Council to Sir Agyeman Prempeh, K.B.E., the Asantehene but he did not feel able to accept the offer, as he feared that he would lose the confidence of his chiefs," see Alan Burns. *Colonial Civil Servant*. London: George Allen and Unwin Ltd, 1949, p. 196.

Inquiry into the actual workings of the local courts system. Korsah relied on his knowledge of the native institutions and legal experience to contribute effectively towards important recommendations. The final Committee report was very critical of the native courts, but brought about two landmark ordinances, Native Courts Ordinance (no. 22 of 1944) and Native Authority Ordinance of 1944 which ensured some level of improvement and efficacy of legal decisions.²⁸² Burns later appointed Korsah into the Central Advisory Committee set up in 1942 to advise the Director of Education on all educational matters, especially issues pertaining to boys` and girls` primary education, secondary education, training of teachers and textbooks publications.

4.3 Korsah as the Elliot Commission Member and the Formation of the University of Ghana

In 1943, Korsah was nominated as Gold Coast`s representative to the Elliot Commission on Higher Education in West Africa. As a result, he ceded his position in the Governor`s Executive Council to Sir James Henley Coussey.²⁸³ The Elliot Commission had been formed following the report of the Asquith Committee. This was after years of colonial government ignoring the demand of African intelligentsia for indigenous universities in West African countries. African intellectuals such as James Africanus Beale Horton, Nigerian physician of ethnic Igbo extraction made a call for indigenous university in 1865 and repeated the call later in 1873 as the consultant to the Fante Confederation.²⁸⁴ In all, Horton, who was far ahead of his time made a plea for medical school, West African University and government funding of education.

The Liberian-born great Pan-Africanist and intellectual, Edward Wilmot Blyden also made his plea for West African university in 1872, whilst J. E. Casely Hayford of Gold Coast made his

²⁸² Florence Mabel Bourret. *Ghana, The Road to Independence, 1919-1957*. Vol. 23. London: Oxford University Press, 1960, p. 158.

²⁸³ *West Africa*, 18 December 1943, p. 1147.

²⁸⁴ Apollos Okwuchukwu Nwauwa, "Britain and the Politics of the Establishment of Universities in Africa, 1860-1948." PhD Dissertation, Dalhousie University, Halifax, Nova Scotia, Canada, 1993, pp.32-42.

plea for Mfantsipim University in 1911 in his book, *Ethiopia Unbound: Studies in Race Emancipation*. He reiterated the call for the establishment of West African university to be sited at Kumasi. This was contained in the resolutions of the NCBWA at its Conference held in Accra, Gold Coast from 11- 29 March 1920; whilst Nnamdi Azikiwe and others followed suit in the 1930s-1940s.²⁸⁵ In spite of these pleadings, the Imperial Britain refused to build a university in the West African territories.

But the Second World War, in which the Africans exhibited their loyal and heroic roles in support of the British fight against fascism in Europe, made the British Colonial Office in London to soften their grounds on the idea of an establishment of university in their territories. Appollos O. Nwauwa argues further that, apart from the World War, the other factors which triggered the British to be amenable to the formation of university in Africa was the emergence of the American organisation, Phelps-Stokes Commission on Education - headed by Jesse Jones and had a Gold Coaster, James Emman Kwegyir Aggrey as a member – which came to Africa to find solution to negro educational conundrums in the continent.²⁸⁶ The rising number of American-educated Africans such as Nnamdi Azikiwe, Kenneth Ozomba Mbadiwe, Mazi Mbonu Ojike, Kweku Bankole Awoonor-Renner and others with their brand of political agitations and the Fabian Socialists` criticisms against colonial development agenda during the inter-war period further added impetus to the British decision to consider university education in the Africa.

Consequently, Oliver Stanley, the Secretary of State of the Colonies set up two commissions in 1943 to advise him on the matters of higher education in the colonies. The two commissions

²⁸⁵ Appollos Okwuchukwu Nwauwa, "The British Establishment of Universities in Tropical Africa, 1920-1948: A Reaction against the Spread of American 'Radical' Influence." *Cahiers d'études africaines* (1993): 247-274. For more detailed discussion on the Africa universities question, see Nwauwa, "Britain and the Politics of the Establishment of Universities in Africa, 1860-1948."

²⁸⁶ Nwauwa, "Britain and the Politics of the Establishment of Universities in Africa, 1860-1948."

were the Asquith Commission on Higher Education in the Colonies and the Elliot Commission on Higher Education in West Africa.²⁸⁷ The first Commission, chaired by Honourable Mr Justice Cyril Asquith, K. C., had a broader global British territorial mandate "to consider the principles which should guide the promotion of higher education, learning and research and the development of universities in the Colonies; and to explore means whereby universities and other appropriate bodies in the United Kingdom may be able to co-operate with institutions of higher education in the Colonies in order to give effect to these principles."²⁸⁸

Despite the groundbreaking findings of the Asquith Commission, it was the Sir Walter Elliot Commission's work on Higher Education in West Africa which opened the way for the establishment of universities in the three British West African territories. As succinctly stated, the Elliot Commission's mandate was "to report on the organization and facilities of the existing centres of higher education in British West Africa and to make recommendations regarding future university development in that area."²⁸⁹ Unlike the Asquith Commission which was composed of only white British officials, the Elliot Commission was composed of both white British and three West African representatives: Kobina Arku Korsah of Gold Coast, Rev. Israel Oludotun Ransome-Kuti of Nigeria and Dr Eustace Henry Taylor-Cummings of Sierra Leone.²⁹⁰

In the Elliot Commission's sittings, Korsah with Dr Taylor-Cummings and Rev. Ransome-Kuti and others argued for separate universities for West Africa. *Ab initio*, Korsah was for a West

²⁸⁷ Ibid, p. 86; Nduka Okafor, *The Development of Universities in Nigeria*. London: Longman, 1971, p. 41.

²⁸⁸ The National Archives, Kew, CO 958, Report of the Colonial Higher Education Commission (Asquith Commission, 1943-1944). K.C., means King's Counsel.

²⁸⁹ Ibid, p. 269.

²⁹⁰ Israel Oludotun Ransome-Kuti (1891 – 1955) was a Nigerian clergyman and educationist with Yoruba and Afro-Brazilian ancestry. He was the first president of the Nigeria Union of Teachers, a major trade union in Nigeria from 1931 to 1954, and the father of the musical maestro and King of Afro-pop, Fela Anikulapo Kuti. Dr E. H. Taylor-Cummings CBE (1890 – 1967) was a Sierra Leonean medical doctor with creole (krio) ancestry. He was the first Sierra Leonean to qualify with a Public Health qualification, became Senior Medical Officer and later served as Mayor of Freetown from 1948 to 1954.

African University to be sited anywhere in West Africa, knowing very well that Achimota College in Ghana will get the nod to be developed into a University, instead of FBC in Sierra Leone or Yaba College in Nigeria. He contended that the people of Gold Coast were broad-minded on the issue and hoped that any country best qualified to host the University should have it, for “All we want is a University for Higher Education in West Africa.”²⁹¹

This position of Korsah seemed to have been the general view in the Gold Coast, because the Asantehene, Nana Osei Agyeman Prempeh II, had also declared: “yes, my people would not mind where the university is, so long as it is in British West Africa and they have access to it.”²⁹² But when Sir Arthur Creech Jones stated at one of the Commission’s meetings in Nigeria that Yaba seemed to him to be the best place to start a West African University, Korsah shifted his broad West African nationalism position to Gold Coast nationalistic interest, and argued for Gold Coast’s Achimota College as the best choice.²⁹³

For Korsah, Gold Coast deserved two or more universities, and it possessed adequate economic power and financial reserve, high cocoa production and abundant mineral resources to build two or more universities.²⁹⁴ He utilised his privileged position in the Gold Coast LEGCO Committee on Estimates to present financial figures on Gold Coast national reserve at the Committee’s sittings to buttress his point that Gold Coast was capable of building its own university.²⁹⁵ In the end, Korsah and other West African representatives sided with the Majority Report of Sir Walter Elliot that each British West African territory should have their own separate University.²⁹⁶

²⁹¹ *The Gold Coast Observer*, 28 January 1944.

²⁹² *The Gold Coast Observer*, 25 February 1944.

²⁹³ Interview with Dinah Tagoe.

²⁹⁴ *Ibid.*

²⁹⁵ *Ibid.*

²⁹⁶ PRAAD, Accra, ADM 5/3/48 Report of the Elliot Commission on Higher Education in West Africa 1945. The Majority Report of the Elliot Commission had Sir Walter Elliot (Chairman), J. R. Dickinson, J. F. Duff, B. Moust Jones, K. A. Korsah, I. O. Ransome-Kuti, Eveline C. Martin, E. H. Taylor-Cummings, and A. E.

Shockingly, instead of British Government adopting the Majority Report of the Elliot Commission which was published June 1946, the new Labour government's appointed Secretary of State for the Colonies, George H. Hall who had replaced the Conservative Party's Oliver Stanley following the change of administration in the 1946 elections in Britain, decided to sidestep the Majority Report. Hall with the support of his Parliamentary Under-Secretary, Creech Jones` opted for the Minority Report of Sir Creech-Jones which recommended only one University to be sited at Yaba in Nigeria.²⁹⁷ This unfair, but familiar double standard stratagem of the British aroused intense nationalist anger in the Gold Coast and Sierra Leone. The Gold Coast vocal press were the first to start the agitation, calling for protest against the overtuning of the Elliot Commission`s Majority Report.

This monumental miscalculation on the side of Hall and Creech Jones, made the Gold Coast intelligentsia who were organising the GCYCs to accept the call by the press and utilise the conferences as a rallying ground to fashion out series of protests on the issue. Several Gold Coast socio-political pressure groups such as the Central Advisory Committee on Education, the Joint Provincial Council of Chiefs, the Achimota Council, Asante Confederacy Council, Gold Coast Bar Association, Rodger Club in Accra, Hudson Club in Kumasi and several other Old Student Associations joined the protests and submitted 12 memoranda to the colonial government expressing their unanimity in support of the Majority Report. In the Legislative Council, Sir Charles W. Tachie-Menson, the LEGCO member representing Sekondi-Takoradi Province used his opening speech at the March 1946 LEGCO inaugural session to move a

Trueman, whilst the Minority report of the Elliot Commission had Arthur Creech-Jones, H. J. Channon, Geoffrey Evans, Julian S. Huxley and Margaret Read. Thus, out of 13 membership of the Committee, 9 voted for establishment of three separate universities to be sited at Nigeria for the Faculties of Arts, Science and Professional schools of Medicine, Agriculture, Forestry, Animal Health and Teacher Education; another to be sited at the Gold Coast for Faculties of Arts, Sciences, and an Institute of Education; and the third to be sited at Sierra Leone for Courses in Arts and Science up to the intermediate level and Teacher Training Courses. The five minority members voted for an establishment of a single West African University at Yaba in Nigeria. But the British Government found it prudent to accept the minority report.

²⁹⁷ Apollos Okuchukwu Nwauwa, "Creech Jones and African Universities, 1943–50." In: Chris Youé and Tim Stapleton (eds.), *Agency and Action in Colonial Africa*, pp. 126-140. London: Palgrave Macmillan, 2001, 130.

motion against the overturning of the Elliot Commission's Majority Report.²⁹⁸ His motion was seconded by Nene Azu Mate Kole, and Dr J B Danquah, who "presented a very powerful and emotional speech in opposition to the Colonial Office position on the university question."²⁹⁹

Whilst the members of the Gold Coast Select Committee on Higher Education agitated in the public and the LEGCO against the British Government's endorsement of the Minority Report of Creech-Jones over the Majority Report of Sir Walter Elliot, Korsah on the other hand, used his influence as the former member of the Governor's Executive Council and Chairman of the Gold Coast Education Advisory Board to lobby Governor Burns to agree and implement the tenets of the Elliot Commission before taking his appointment as a Puisne Judge. In the end, Governor Burns bowed to the mounting pressure from the Gold Coast civil society action, especially the resolution moved by Sir Tachie-Menson in the LEGCO on 24 July 1946 and proceeded to institute the Gold Coast Committee on Higher Education, chaired by Mr Kenneth Bradley, Acting Colonial Secretary.³⁰⁰ The acceptance of the Bradley Committee report by Governor Burns, who communicated his own strong preference for a separate university for the Gold Coast and succeeded to convince the British Colonial Office, led to the formation of

²⁹⁸ PRAAD, Accra, ADM 14/2/46, Legislative Council Debates Session No. 1, March 1946, pp. 112-139.

²⁹⁹ Nwauwa, "Creech Jones and African Universities, 1943-50", p. 136; PRAAD, Accra, ADM 5/3/122, see the Recommendation of the Gold Coast Central Advisory Committee on Education, 21 November 1945, Memorandum on Hall's Dispatch and the Report of the Elliot Commission submitted by the the Standing Committee of the Joint Provincial Council, 28 November 1945, Resolutions Passed at a Public Rally held at Rodger Club, Accra and at the Public Meeting held at the Hudson Club, Kumasi on 3 and 14 December 1945 respectively in Accra, and the Speeches of Honourables C. W. Tachie-Menson, Nene Mate-Kole and Dr J. B. Danquah at the Inaugural Session of the new Legislative Council, 24 July 1946.

³⁰⁰ PRAAD, Accra, ADM 14/2/47, Legislative Council Debates Session No. 2, July 1946; Balme Library, University of Ghana, Legon, DP/LA 1611/G5/G35 Report on the Committee on Higher Education in Gold Coast, August-November 1946. Members of the Committee on Higher Education (Bradley Committee) -1946 were: Mr Kenneth Bradley (Acting Colonial Secretary); Chairman; Dr Isaac Boateng Asafu-Adjaye (Member, Executive Council); Mr T. Barton, O.B.E. (Director of Education); Mr D. Benzies (Principal of the Presbyterian Training College, Akropong, Akwapim), Mr Justice James Henley Coussey (Puisne Judge), Mr C. S. Deakin (Warden of the Post-Secondary Courses, Achimota College); Mr Justice Lesley E. V. M'Carthy (Chairman, Achimota Council); Dr F. V. Nanka-Bruce (Member, Legislative Council); Mr H. C. Neill (Acting Principal of Achimota); Mr Nana Sir Tsibu Darko IX, O.B.E. (Member, Executive Council) and Mr G. E. Sinclair as Secretary of the Committee.

University College of Gold Coast (UCGC), now University of Ghana (UG).³⁰¹ Thus, Sir Arku Korsah's overwhelming pioneering contributions from his participation in the Elliot Commission and afterwards, especially his role in using his Freemasonry ties to convince brother, the Asantehene, Otumfuor Agyeman Prempeh I, to agree to Accra as the site for the proposed university as recommended in the Bradley Report, clearly positions him in the history of Gold Coast as the *primus inter pares* in the advocacy and agitation for the formation of the UCGC. As it was to be expected, when the UCGC became a reality in 1948, Korsah became a legal advisor to the University, participated in the drafting of its statutes and interpreted grey legal areas to the first Principal, Dr David Mowbray Balme and other who followed him from 1950 to 1960.³⁰² He was later appointed as the second African Chairman of the UCGC Council in 1950 after Sir Lesley E. V. M`Carthy, who served from 1948 to 1950. He maintained the position until the UCGC became a fully fledged University in 1961. It was Korsah, who signed the Legon land (site) agreement on behalf of the Government and the La Traditional Council on 99 years lease, which was later extended to 500 years.

The original Legon site building construction projects and agreements were signed by Sir Arku on behalf of the university with various contractors and architects. It was under his tenure as the Chairman of the UCGC Council that, in 1954, the Council in consultation with Osagyefo Dr Kwame Nkrumah's government established the first ever University of Ghana Endowment Fund with £2 million.³⁰³ Korsah's desire to ensure a higher standard of education and the recruitment of quality lecturers as part of his avid belief in Africanisation ideals made him to personally vet the certificates and qualifications of the lecturers who were employed by the

³⁰¹ Balme Library University of Ghana, Legon, DP/LA 1611/G5/G35 Report on the Committee on Higher Education in Gold Coast, August-November 1946; Francis Agbodeka, *A History of University of Ghana*. Accra: Woeli. 1998.

³⁰² University of Ghana Archives, Balme Library, File No. UG1/3/2/1/1-6 Confidential

³⁰³ University of Ghana, Balme Library, UG: Minutes of the 38th meeting of the Interim College Council June 1960 chaired by Sir Kobina Arku Korsah.

UG. He encouraged the recruitment of more African and Gold Coast intellectuals overseas as lecturers to help the infant university to stand on its feet.



Image 2. Sir Arku Korsah (standing), delivering speech at a function at the University College of Gold Coast, Legon. Sitting at the back row are President Nkrumah (first from the left), Mr Kojo Botsio and his wife, Ruth Botsio. Circa 1958. Source: Korsah Family Photo Album.

For his extraordinary role in education in Ghana, in general, and the formation of the UG, in particular, Sir Arku was awarded honorary Doctor of Laws with Dr W E B Dubois and K G Konuah by the UG in 1963. Despite these great contribution of Korsah in ensuring the formation and sustenance of UG, historians and political commentators are silent on Korsah`s effort. His daughter laments:

Many people in Ghana are oblivious that Papa (Sir Arku) was the one who went to England to work for emergence of University of Ghana. I was studying in England then, my father was in England with me, but he was always attending the sittings of Elliot Commission with his friends, Rev Ransome-Kuti and Taylor-Cummings. Sometimes I witnessed them talking about common and favourable arguments to raise to push the Commission to vote for separate universities in West Africa. In fact, Papa pushed all his effort into the argument for the formation of University in Ghana. I have never seen him like that before, and it was like all his life depended on that. His patriotism spurred me on to also work at Legon. Ghanaians must remember his effort and stop promoting politicians who joined in the fight after Papa`s hard work. I am told on the University of Ghana`s website, the history of the University`s formation does not mention Sir Arku Korsah, rather politicians who joined after Elliot

*Commission`s work now receive the honours as pioneers who fought for Legon. That is revisionism and distortion of Legon`s history. It is unfair to Papa`s memory.*³⁰⁴

Korsah`s pre-eminence in Gold Coast educational development also saw him appointed as the Chairman of the first Interim Council of the University College of Cape Coast (UCCC), now University of Cape Coast (UCC) from 3 August 1962 to 13 February 1964, when he was replaced by Kwaku Boateng, the then Minister of the Interior, after his dismissal as the Chief Justice.³⁰⁵

After the 1966 coup, Sir Arku was reappointed to his position as the Interim Chairman of UCC, until his death in January 1967. During his tenure, the University undertook massive recruitment and infrastructural development on the campus. He insisted on the recruitment of African lecturers. Korsah signed the agreement for Messrs Comtec (Ghana) Limited, an Italian Architectural firm, to work on the 7-Year Development Plan of the main site and the later construction of the University, now known as the Old Site.³⁰⁶

Additionally, Sir Arku Korsah, showed early interest in elite education for children of Gold Coast irrespective of their race. This was in line with the practice of the Gold Coast elites sending their children to be educated in preparatory schools in London such as Taunton. In his own life, his wealthy father when he was not enthused with the state of educational infrastructure and quality of teaching in the Gold Coast, had sent him to Freetown to attend the first class school, Methodist High School, operated by the CMS. Thus, in furtherance of his interest in elite education which he had succeeded to give to all his children, Korsah committed himself to ensure that children of diplomats and other high ranking expatriates in Ghana had access to quality education.

³⁰⁴ Interview with Mrs Dinah Tagoe.

³⁰⁵ White Paper on the Commission of Enquiry into the University College of Cape Coast, 1969, p. 4. UCC was also formerly called University College of Science Education.

³⁰⁶ Ibid.

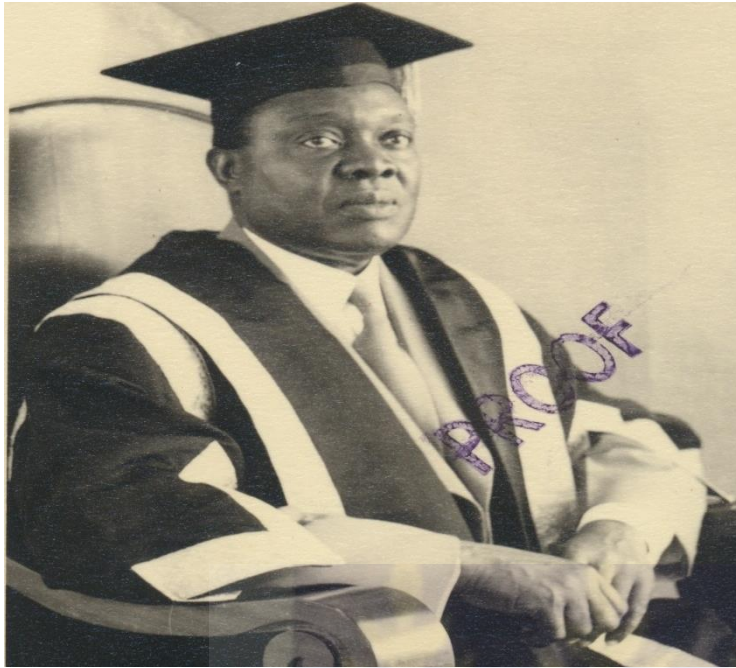


Image 3: Sir Arku Korsah, Chairman of the University College of Gold Coast in his academic robe. Circa 1956. Source: Korsah Family Photo Album.

He was involved in the Committee which founded the Gold Coast International School (GCIS), now Ghana International School (GIS) in Accra in 1955.³⁰⁷ Sir Arku, who was also a member of the *Daily Graphic* Board, accepted the invitation by Mrs Kathleen Hines, wife of the then General Manager of Graphic Company, to form an international school committee in response to the need for setting up a school that would always be there for children of different races and creeds; a school that would not only serve the international community, but also local needs.³⁰⁸ Per Korsah`s influence at the UG, the school was officially formed and opened on 1 September 1955 at the Legon Hall with 38 pupils in two primary classes and Mrs Ellen Strong as its first Headmistress. He continued to work with school board, even after his dismissal as the CJ, to ensure the progress of the school.

³⁰⁷ Interview with Mrs Dinah Tagoe; GIS` online portal <http://gis.edu.gh/about/history>.

³⁰⁸ Other Committee members were Edward Akufo Addo, Supreme Court Judge, Dr Lusty, University of Ghana, Mr. Kenneth Humphreys, first Registrar of the West African Examination Council (WAEC), Dr. Ruby Quartey-Papafio, Educationist at Social Welfare Department, Dr. Kofi George Konuah, Educationist with Public Services Commission, Mr. James Bailey, United African Company (UAC) and his wife, Mrs. Valerie Bailey.

CHAPTER FIVE

JUDGE AND A CHIEF JUSTICE

5.1 Introduction

This chapter covers 1946-1967. It examines Sir Arku's judicial and quasi-judicial role (famous cases he decided) from the High Court to the Supreme Court until he was relieved of his post in 1963 and the aftermath. The chapter also critically analyses Sir Arku's contributions to the constitutional development and the legal landscape of the Gold Coast, Committees of Enquiry he sat on as chairman, and his reception of British Knighthood titles.

Sir Arku, as a legal luminary and judge, presided over several cases which have become *loci classici* in Ghana law books.³⁰⁹ His expert rulings from his tenure as Puisne Judge, Justice of the WACA and the Supreme Court of Ghana on commercial cases, land, tort and customary laws have been applauded by legal commentators such as Justices Azu Crabbe, Nii Amaa Ollenu, Andrew Amegatcher and others. His career on the Bench, which unfortunately ended abruptly following his dismissal in 1963, did not affect his sterling performance on the bench and as a patriot.³¹⁰

5.2 Puisne Judge

After his successful career as a barrister and politician from 1920 to 1945, Sir Arku Korsah was first appointed as the *Puisne Judge*³¹¹ on 16 July 1945, three years ahead of Mr Justice Samuel Okai Quashie-Idun. This placed him in the legal history of the Gold Coast as the third Gold Coast-born appointed judge after Messers Edward Woolhouse Bannerman and James

³⁰⁹ *Loci classici* (singular: *Locus classicus*) is a legal term for “frequently or authoritatively cited cases.”

³¹⁰ *Daily Graphic (editorials)*, 26 January 1967, p. 2.

³¹¹ Puisne judge refers to a junior judge, a judge without a distinction or title. This was the title formerly used in English common law courts for a judge other than a chief judge. Today, puisne judge refers to any judge of a superior court inferior in rank to chief justices. The word puisne means junior and is used to distinguish High Court Judges from senior judges sitting at the Court of Appeal.

Henley Coussey.³¹² He travelled across the colony to decide cases with assizes and brought the wealth of his private practice to his new office to dispense justice on mostly commercial (Common law) and land and matrimonial (Customary law) cases.³¹³ For instance, when the Colonial Government acquired a piece of the Asere family land, which forms part of Mukose lands for a wireless station in Accra, Korsah, J (as he then was) was called by the Colonial Government to assess the land for the compensation to be paid to the owners.³¹⁴



Image 4. Sir Kobina Arku Korsah in his judicial garb as Puisne Judge of Gold Coast. Circa 1949. Source: Elliot & Fry, National Portrait Gallery, London.

³¹² Interview with Lawyer Andrews Ofoe Amegatcher.

³¹³ Ibid; Seth Yeboa Bimpong-Buta, "The role of the supreme court in the development of constitutional law in Ghana." PhD dissertation, University of South Africa, 2009, pp-39-41. Bimpong-Buta explains that when Gold Coast became British Colony in 1876, the accompanying Supreme Court Ordinance of 1876 had the effect of introducing into the then Gold Coast Colony, a dual system of laws – the received English Law, that is English statutes of general application and the common law on the one hand, and the customary law and local legislation on the other hand. It is this dual system of laws which compendiously constituted the laws of the Gold Coast and now Ghana. And that dual system of laws was continued and fortified by all the post-independence Constitutions of Ghana, namely, the Constitutions of 1960, 1969, 1979 and 1992 and the Military Proclamations which came into force immediately after the overthrow of the civilian constitutional governments.

³¹⁴ *Nii Amon Kotei v. Asere Stool* [1961] Privy Council G.L.R. 492-496.

Though Justice Korsah was a valiant upholder of customary laws, and proved in his judicial rulings that some principles in the customary laws and their application were in tandem with tradition and usages of the Gold Coast, but he also showed that in practice there existed a variation among ethnic groups which present difficulties in its application to different cases. Indeed, some customary laws differ within the same ethnolinguistic group; for instance, even among the various Akan ethnic groups. There are differences in the customary traditions and usages of Fantes and Asantes. Thus, in the case of *Kunkuma v. Yeboah*,³¹⁵ Korsah ruled that Sarbah`s statement on the custom of *Sarwie*³¹⁶ was not applicable in Ashanti territories. Korsah, J (as he then was), said *inter alia*:

*The native customary law known as Sarwie is recorded in Sarbah`s Fanti Customary Laws, first edition, at p. 42. While it may be true that Sarbah`s monumental work recorded general principles of customary laws applicable to the Akan tribes of Gold Coast, it is acknowledged there are variations of the customs peculiar to the several tribes.*³¹⁷

Korsah was promoted to preside over cases at the WACA in the following year.³¹⁸ From 1946 to 1956, he worked assiduously at the Bench, delivering classic judgements. He gained judicial experience, and his expertise on the customary laws was soon at par or came close to that of Sir Coussey.³¹⁹ Some of his classic rulings with his colleagues, Coussey, and P. Forster-Sutton

³¹⁵ *Kunkuma v. Yeboah* [1948] Suit No. 2 Divisional Court in Kumasi.

³¹⁶ Sarwie is a custom of forfeiture in which a man or a woman living in concubinage cannot sue the man or woman with whom she is so living for any maintenance, nor can her family or parents sue the man for any satisfaction or maintenance. Whatever is given or entrusted by a man or woman, to the person with whom he or she is living in concubinage, cannot be reclaimed on any consideration whatsoever, see John Mensah Sarbah *Fanti Customary Laws: A Brief Introduction to the Principles of the Native Laws and Customs of the Fanti and Akan Districts of the Gold Coast*. London: W. Clowes and Sons limited, 1904, p. 42.

³¹⁷ *Kunkuma v. Yeboah* [1948] 2 Divisional Court, Kumasi.

³¹⁸ Under the old Supreme Court Ordinance system, the puisne judges could work as Appeal Court judges of the Supreme Court of Gold Coast and WACA as their highest position in the hierarchy of Courts. There was highest court, Judicial Committee of the Privy Council for the British Commonwealth based in London, where appeals from the various British sub-regional territorial Appeal Courts are sent to for final adjudication.

³¹⁹ Interview with Lawyer Andrew Ofoe Amegatcher.

on the WACA Bench include *Owiredu v. Mashie*,³²⁰ *Kwainoo v. Ampeng and another*,³²¹ *Twimahene Adjeibi Kojo II v. Opanin Kwadwo Bonsie and Anor*,³²² among others.

Justice Samuel Azu Crabbe, the fifth Chief Justice of Ghana (1973-1977), points out that Korsah's "mature experience and knowledge of the customary law was usually entitled to great respect."³²³ He adjudicated on most of the customary law cases that came to WACA, but in jurisprudence where judicial rulings had always received praises, it had also contemporaneously generated sharp criticisms from legal scholars, politicians, civil society and ordinary citizens. The reason is that "fair criticism plays a critical role in improving the quality of the courts," and "every appeal, every petition for rehearing, every dissent is a criticism of a judicial decision."³²⁴

Hence, in some of his rulings as a Puisne Judge, Korsah was accused of being too rigid in his adherence to the rule of practised customary law interpretative tradition of the colonial white British judges. In *Abude and ors. v. Nii Adjei Onano and ors*,³²⁵ where Korsah ruled that the head of the family enjoys absolute immunity of accountability to his family, he would later receive massive criticisms from legal scholars, Professors William Cornelius Ekow Daniels and Anselmus Kodzo Paaku Kludze, and Justice Crabbe. The facts of the case were that the appellants sued the respondents for money deposited by the latter in a bank, alleging that the respondents were utilising the cash for their private use. The appellants who were legitimate subjects of the Labadi Stool sued as representatives of the section of the local administration

³²⁰ *Owiredu v. Mashie* [1952]14 W. A. C. A. 11.

³²¹ *Kwainoo v. Ampeng and another* [1953] 14 W. A. C. A. 250.

³²² *Twimahene Adjeibi Kojo II v. Opanin Kwadwo Bonsie and Anor* [1946] 12 W.A.C.A. 106.

³²³ Azu Crabbe. *John Mensah Sarbah, 1864-1910: His Life and Works*. Accra: Ghana Universities Press, 1971, 82.

³²⁴ Stephen B. Bright. "Political Attacks on the Judiciary: Can Justice be done amid Efforts to Intimidate and Remove Judges from Office for Unpopular Decisions." *New York University Law Review*. 72 (1997): 308.

³²⁵ *Abude and ors. v. Nii Adjei Onano* [1946] 12 W.A.C.A. 128.

of Labadi. However, Korsah, J, in his *ratio decidendi* which was an attempt to interpret the law as stated by Sarbah, said:

*“It is an acceptable principle of the native customary law that neither a chief nor the head of a family can be sued for account either of state or family funds...No individual member, or even a section, of the community is entitled to institute an action for account. This native law is in our opinion reasonable and not contrary to natural justice or good conscience.”*³²⁶

Prof. Ekow Daniels faulted Korsah over this ruling and attacked him for his relentless bent in following colonial interpretation of the law, which was beside the original principles stated in Sarbah’s *Fante Customary Laws* with regard to the circumstances under which the head of the family is immune to accountability.³²⁷ Ekow Daniels observes that: “When Sarbah planted the seed of immunity of the family head from account, the judiciary watered it, and the Devil gave it increase.”³²⁸

He points out that the original passage in Sarbah’s book does not even support Korsah’s decision. He explains that the following points come out succinctly in the *Fanti Customary Law*:

- (1) If according to *Fanti Customary Law* no junior member can claim an account from the head of the family, then it follows by the Latin maxim *Expressio unius est exclusio alterius* that a senior member can call for account.
- (2) The whole family can also call for account.
- (3) Junior members have a ‘certain claim upon the head of the family for support’ and they can ‘enforce this by action.’³²⁹

³²⁶ Ibid; The rule of immunity from account from Sarbah's monumental book states:

“If the family, therefore, find the head of family misappropriating the family possessions and squandering them, the only remedy is to remove him and appoint another instead; and although no junior member can claim an account from the head of the family, or call for an appropriation to himself of any special portion of the family estate, or income therefrom arising, yet the Customary Law says they who are born and they who are still in the womb require means of support, therefore the family lands and possessions must not be wasted or squandered,” see Sarbah, *Fanti Customary Laws*, 2 ed, p. 90.

³²⁷ Interview with Prof. Ekow Daniels. Also see William Cornelius Ekow Daniels. "Some Principles of the Law of Trusts in West Africa." *Journal of African Law* 6, no. 03 (1962): 164-178

³²⁸ William Cornelius Ekow Daniels, "The Extent of the Head of Family's Liability to Account", 8 *Review of Ghana Law*. 70, 1970.

³²⁹ Ibid, p. 164. *Expressio unius est exclusio alterius*, means “The expression of one thing is the exclusion of another.”

Ekow Daniels further cites *Tamakloe and ors, v. Attipoe and ors*,³³⁰ to argue that even from Ewe customary tradition there existed an indigenous customary principle that the head of the immediate family is liable to account. Prof. Kludze concurs with Ekow Daniels and proceeds to explain that the so-called immunity of the head of family from liability to account was a rule of the *judicial customary law*, as contrasted with the *practised customary law*.³³¹ He contends that Korsah erred when he took the incidental observation of Sarbah and elevated it into a categorical statement of a rule of the customary law by ignoring the conjunction "although", and disregarding both the context and the words which followed.³³²



Image 5: Sir Arku Korsah (2nd from right); at a public function with Dr J. B. Danquah (1st from left), Nii Kojo Bonnie aka Boycotthene, Jamestown Mantse (2nd left), Sir Mark Wilson, Chief Justice of Gold Coast (middle), and Nana Sir Tsibu Darko IX, Omanhen of Assin Atandansu (1st from right). Circa 1954. Source: Korsah Family Photo Album.

³³⁰ *Tamakloe and ors, v. Attipoe and ors* [1953] W. A. C. A. 38/52.

³³¹ Anselmus Kodzo Paaku Kludze, "Accountability of the Head of Family in Ghana: A Statutory Solution in Search of a Problem." *Journal of African Law* 31, no. 1-2 (1987): 107-118. Kludze defined *The practised customary law* as the canon of laws which consists of the rules of customary law sanctioned by general acceptance and long usage of the general populace of a community and which have crystallised over the years and are binding as rules of law, whilst *the judicial customary law* is also defined as the body of rules, purportedly rules of "customary" law, applied by the courts of the regular court system established under the various Courts Ordinances and Courts Acts. Unfortunately, there has developed in many instances a cleavage between this body of "customary" law rules, which the judges have pronounced, and the practised customary law (pp, 107-108).

³³² *Ibid.*

Thus, the textual interpretation of Korsah and the colonial courts led to fastening on the words "no junior member can claim an account from the head of family", which brought about the perverse ruling that flowed from the Abude case. For Justice Crabbe, the *Abude* case was decided by Korsah *per incuriam*,³³³ and the broad principle the ruling enunciated offered "a shield for unscrupulous heads of families."³³⁴ In spite of the criticisms against Korsah in *Abude* and some other cases, his critics maintained that Korsah was still an astute Puisne Judge who delivered landmark judgements which still serve as precedents. Crabbe, for instance, opines that on the WACA Bench, Sir Arku alongside Justice Coussey "were Ghanaians of wide experience and whose profound knowledge of Ghanaian customary law is unrivalled."³³⁵ Thus, for his dedicated public service at the court and the development of law in the Gold Coast and British West Africa, Sir Kobina Arku Korsah, C.B.E., was awarded a Knight Bachelor (Kt) at the New Year honours by the Queen of the United Kingdom in 1955.³³⁶

5.3 Korsah, the Chief Justice

After serving eleven years as Puisne Judge, Korsah was promoted as an Appeal Court judge to WACA on 4 January 1956.³³⁷ Following the death of the British colonial Chief Justice, Sir Mark Wilson, after a brief illness in Accra, Sir Arku Korsah clinched his judiciary and legal *magnum opus* following his appointment as the first African Chief Justice of Gold Coast on 18

³³³ A court decision made *per incuriam* is one which ignores a contradictory statute or binding authority; ergo, *per incuriam* case is the one which is wrongly decided and of no force.

³³⁴ Crabbe, *John Mensah Sarbah*, p. 84. It is interesting to note that Korsah's decision in *Abude* case was used in several case such as *Fynn v. Gardiner* [1953] 14 W.A.C.A 260, *Heyman v. Attipoe* [1957] 3 W. A. L. R. 86, *Kwan v. Nyieni and anor.*, (1960) G. L. R. 67, *Borketey Osonoware and ors. v. Nii Odai Ayiku II and anor* [1962] unreported case, among others, until Professor Ekow Daniels criticism of the ruling and the need for consideration finally led to the PNDC regime's promulgation of the Head of Family (Accountability) Law, 1985, which provides that the head of family shall be liable to account. Currently, the law is undergoing amendment and the drafted bill, Head of Family Accountability Bill, 2016, is pending before Ghana's parliament waiting to be passed into law to remedy the weaknesses in the 1985 law, (Interview with Prof Ekow Daniels).

³³⁵ *Ibid*, p. 79, see the footnote.

³³⁶ *The London Gazette*, 31 December 1954, pp. 1–38.

³³⁷ *Daily Graphic*, 18 April 1956, p. 1.

April 1956.³³⁸ At the time of his appointment, Korsah was above the constitutional retiring age of sixty two. As a result, the constitution was amended - The Gold Coast (Constitution) (Amendment) Order in Council 1956, especially sections 2 and 3 - to give ironclad constitutional validity to his appointment as Chief Justice. The section 3 provided that:

The appointment of Sir Kobina Arku Korsah, C. B. E., to the Chief Justice of the Supreme Court of the Gold Coast made by the Governor on the eighteenth day of April, 1956, in purported exercise of the powers conferred upon him by subsection (1) of section 60 of the Gold Coast (Constitution) Order in Council, 1954, shall for all purposes whatsoever be, and be deemed always to have been, duly made notwithstanding that the said Sir Kobina Arku Korsah, C. B. E., had attained the age of sixty-two years on the third day of April, 1956, and all acts and things done by said Sir Kobina Arku Korsah, C. B. E., before the commencement of this Order in exercise of the functions of the office shall accordingly be deemed to have validly and effectually done.³³⁹

Following Ghana's independence on 6 March 1957, Prime Minister Osagyefo Dr Kwame Nkrumah also relied on the 1956 Order in Council to reappoint Korsah as the Chief Justice of Ghana.³⁴⁰ At that period, Korsah had become a whole institution of his own in the Ghanaian society with wide links cutting across political divide and socio-political classes. Bing posits that apart from Korsah's political track record and legal experience, he was reappointed as Chief Justice by Dr Nkrumah because he was the last respectable statesman who served as a nexus between the Government and the old influential ruling families.³⁴¹ Bing further points out that "So long as he was the Chief Justice the Government could carry with it many of the old intellectuals. Anything that appeared to question his position seemed to me on purely political grounds to be undesirable"³⁴²

³³⁸ Austin Neeabeohe Evans Amissah. *The Contribution of the Courts to Government: A West African View*. Oxford: Clarendon Press, 1981, p. 145.

³³⁹ The Gold Coast (Constitution) (Amendment) Order in Council 1956, section 3.

³⁴⁰ Bing, *Reap the Whirlwind*, p. 310. On the eve of 1st July 1960 when Ghana became a Republic, Sir Arku Korsah was reappointed again as Chief Justice and was duly sworn in to his new office under a Republican Constitution of 1960, paving way for him to duly administer oath of office to the Attorney-General, and the new and old judges on 4th July 1960, see Korsah, *Law in the Republic*, pp.1-4.

³⁴¹ *Ibid*, p. 311.

³⁴² *Ibid*.

The period from 1956 to 1963 saw Sir Arku performing many social and public functions in addition to his cardinal role as the Chief Justice. In fact, if Attorney-General Geoffrey Bing's proposal on behalf of the Ghana Government for the appointments of Sir Coussey, the then President of WACA and Korsah for membership in the Judicial Committee of the Privy Council (JCPC) to the Lord Chancellor of the Commonwealth had gone through, the two would have become Sub-Saharan Africa's first judges of the JCPC.³⁴³ The British wanted Coussey, because he was found to be more knowledgeable and experienced for consideration than Korsah, but Prime Minister Nkrumah also wanted Korsah who the British saw as pro-government.³⁴⁴ After diplomatic exchanges on whom to choose, the Privy Council rejected both Coussey and Korsah.³⁴⁵



Image 6: Members of the Gold Coast Supreme Court: (Left to right) Justice William Bedford Van Lare, Sir Justice Olumuyiwa Jibowu (from Nigeria), Sir Justice Mark Wilson (Chief Justice of the Gold Coast Supreme Court), Sir Justice James Henley Coussey, Sir Justice Kobina Arku Korsah, Sir Justice Samuel Okai Quashie Idun, and Justice H. C. Smith. Circa 1956. Source: Korsah Family Album.

In spite of the abortive Privy Council appointment, Korsah briefly took on the role of Governor-General from May to November 1957, and thereafter acted as the Governor-General in the absence of the substantive Governor-General. It was in this role as the acting Governor-General

³⁴³ TNA, Kew, London, LCO 2/5243 Ghana, Appointment of Judges to sit on the Judicial Committee of the Privy Council, 1957-1958.

³⁴⁴ Ibid; see a copy of Letter for the Lord Chancellor to send to the Secretary for State for Commonwealth, 2 April 1957, at Appendix A, image 13 at page 194.

³⁴⁵ Ibid.

that he assented to the infamous Preventive Detention Act (PDA) to become operative, for which he was attacked for looking unconcerned whilst Ghanaian freedom was whittled away. He was also appointed to the post-independence three-member Presidential Commission as the Chairman. The Presidential Commission was a body created to serve in the role of a vice-president.

This enabled him to deputise for the President of Ghana. He served with Kojo Botsio and Komla Agbeli Gbedemah. He often acted as the president when Nkrumah travelled outside the country. A declassified Central Intelligence Agency (CIA) document released on 3 October 2003 shows that at the cabinet meetings with the Presidential Commission, Sir Arku Korsah, with two of the Presidential Commission members, Kojo Botsio and Gbedemah, fought vehemently against the Communist-Marxist hardliners in the cabinet led by Tawia Adamafio, and John Tettegah of Trade Union Congress (TUC) over the dangerous use of the PDA to imprison political opponents.³⁴⁶ On the 21 September 1961 Cabinet meeting, the Presidential Commission demanded Adamafio's dismissal and the relaxation of the PDA, which had placed over 300 of Nkrumah's opponents in prison.³⁴⁷

Sir Arku served in the Government as the Chairman of the United States-Ghana Foundation.³⁴⁸ The Foundation was an engine for obtaining financial assistance from the U.S. Government and the African-American community. It was envisaged to raise US\$3 million, that is, at least £1 million annually for the establishment of cultural projects, humanitarian services, educational infrastructure, hospitals, in furtherance of development in Ghana.³⁴⁹

³⁴⁶ Library of Congress, United States, Central Intelligence Agency Bulletin, CIA-RDP79T00975A005900370001-6 Situation in Ghana, 21 September 1961, p.3.

³⁴⁷ Ibid.

³⁴⁸ PRAAD-Accra, RG. 7/1/2145, *United States-Ghana Foundation*.

³⁴⁹ Ibid.

Sir Arku relaunched his old Africanisation initiative, which he advocated when he was a Legislative Council member, by recruiting Africans into the inferior and Superior Courts. Upon the external travels of the Governor-General, Korsah who acted as the Governor-General, consulted the Prime Minister, Dr Nkrumah, who shared similar Africanisation views with Korsah, and together the two made appointments into the judiciary before the Governor-General returned.³⁵⁰ Justices Nii Amaa Ollenu and Kofi Adumua Bossman were the two judges whom Sir Arku appointed to the courts on 28 June 1956 and 1 September 1956 respectively.³⁵¹ Justice Fred Kwasi Apaloo confirms that when Korsah was the WACA judge and had deputised for the Irish-born Chief Justice, Sir Mark Wilson, who had travelled abroad, ‘Korsah called me and Kwamena Bentsi-Enchill and said come and let me make you magistrates before the CJ comes back with his Irish and Scottish judges.’³⁵² On 24 January 1957, Korsah appointed John Kwesi Abbensetts, son of C. E. M. Abbensetts, who was one of the lawyers who defended him at the court in the 1928 Cape Coast dispute, as the Notary Public of the Gold Coast.³⁵³



Image 7: Sir Arku Korsah (in Supreme Court wig and robe) during his inauguration as the Acting Governor-General of the Gold Coast. Circa 1956. Source: Korsah Family Photo Album.

³⁵⁰ Interview with Lawyer Andrew Ofoe Amegatcher.

³⁵¹ Ibid, also see the footnote in Amissah, *The Contribution of the Courts*, p. 145.

³⁵² Ibid

³⁵³ *Gold Coast Gazette*, 1957, p. 174-203.

By this strategic appointment style, Korsah was able to bring on board several Africans into the courts before Ghana gained its Independence and Republican statuses. For instance, in the spirit of healing the breach with the pre-independence opposition, Korsah proposed Edward Akufo Addo to Dr Nkrumah to succeed Geoffrey Bing as the Attorney-General, but when the move failed he convinced Nkrumah to appoint Akufo Addo to the Supreme Court.³⁵⁴ He established *Ghana Law Report* (GLR) and attempted to appoint Dr Danquah as the first editor, despite Dr Nkrumah's strong opposition to the idea, but Dr Danquah declined the position to concentrate on his political career and private legal practice.³⁵⁵ Korsah assumed the chairmanship of the Advisory Committee of GLR which membership included Akufo Addo, William Bedford Van Lare and Professor J. H. A. Lang, Director of Legal Education.³⁵⁶

He had strong interest in legal education and worked hard with the President to make it a possibility in Ghana. Korsah relied on other legal brains such as Akufo Addo and Geoffrey Bing to establish the General Legal Council (GLC) under the Legal Practitioners' Act, 1958, with general responsibility for the legal profession and the training of lawyers in Ghana.³⁵⁷ He placed Akufo Addo in charge of the Disciplinary Committee of the GLC. Korsah, in active consultation and collaboration with Dr Nkrumah, Bing and others in the GLC, ensured the establishment of the Ghana School of Law at Makola in Accra in 1958 and the subsequent formation of the faculty of Law at the University of Ghana in 1959. In that same year, he became one of the founding fathers of the Ghana Academy of Arts and Sciences (GAAS).

³⁵⁴ Bing, *Reap the Whirlwind*, p. 104. Bing, an Irish expatriate A-G, succeeded Mr G. Patterson, another expatriate on 7 September 1957. Bing was succeeded by G. C. Mills-Odoi, the first Ghanaian A-G, on 1 October 1961.

³⁵⁵ Interview with Lawyer Andrew Ofoe Amegatcher. Mr Derek Harbord was appointed as the first General Editor and the reports commenced with judgments given on and after 1st January, 1959.

³⁵⁶ *Ibid.* Korsah was also the Chairman of the GLR Committee with Akufo Addo, Van Lare, Geoffrey Bing, A-G, Prof Lang and Lt. Col. J. E. S. de Graft-Hayford, Secretary to the Board of Legal Education.

³⁵⁷ *Ibid*

Korsah also played a great role in ensuring the development of the courts after independence by adding more court infrastructure. Following Ghana's independence, he ensured Ghana's withdrawal from WACA.³⁵⁸ He created Ghana's own Court of Appeal from where appealed cases could be taken to the Judicial Committee of the Privy Council as the final Court of Appeal.³⁵⁹ Korsah's dream of an autonomous Supreme Court of Ghana came into fruition under Ghana's Republican Constitution of 1960, under Article 42(1). On 11 June 1960, Sir Arku received another honour, Knight Commander of the Order of the British Empire (KBE), Civil Division, from the Queen of England for his meritorious public service to the development of law and constitutionalism in Ghana.³⁶⁰

In the area of judicial rulings which contributed to the legal and constitutional development in Ghana, Sir Arku sat on landmark cases of Commercial, Common law and politico-constitutional interest. He adjudicated on important cases such as *Taa v. Frempong and anor*,³⁶¹ *The State v. Kofi Adabo*,³⁶² *Halaby v. Halaby and Others*,³⁶³ *Asseh v. Anto*,³⁶⁴ among others. He also concurred with his fellow Superior Court Justices in classic cases; for instance he sided with Justice Granville Sharp in *Larbi v. Cato and Another*,³⁶⁵ Justice William Bedford Van Lare in *Sasu v. White Cross Insurance Co. Ltd.*,³⁶⁶ Justice Kofi Adumua Bossman in *Kpeglo v. SCOA Motors*,³⁶⁷ and Justice Nii Amaa Ollenu in *Taylor Etc., v. Ministry of Housing and*

³⁵⁸ Statutory Instrument (S.I) 1957 No. 279.

³⁵⁹ The West Africa (Appeals to Privy Council) Order in Council (S.I. 1957, No. 1362); and the Ghana (Appeals to Privy Council) Order in Council (S.I. 1957 No. 1361).

³⁶⁰ *The London Gazette*, 3 June 1960. pp. 4019–4020. Other Ghanaians including Daniel Ahmling Chapman, Headmaster of Achimota School, Evelyn Jane Alice Evans, Director of Library Services of Ghana Library Board, Dr. Kofi George Konuah, Member of the Public Service Commission, Erasmus Ransford Tawiah Madjitey, Commissioner of Police received C.B.E honours in Civil Division; Sophia Constance Jiagge, Principal Education Officer and Enoch Kwabena Okoh, Secretary to the Cabinet received C.B.E., at Ordinary Civil Division; and William Frank Coleman, Deputy Director of Broadcasting (Engineering) as Ordinary Member Civil Division.

³⁶¹ *Taa v. Frempong and Another* [1959] CA G.L.R. 138-130.

³⁶² *The State v. Kofi Adabo* [1961] SC G.L.R. 321–324.

³⁶³ *Halaby v. Halaby and Others* [1961] SC G.L.R. 229-231.

³⁶⁴ *Asseh v. Anto* [1961] SC GLR. 103-108.

³⁶⁵ *Larbi v. Cato and Another* [1960] CA G.L.R 146-145.

³⁶⁶ *Sasu v. White Cross Insurance Co. Ltd.* [1960] CA G.L.R. 4-7.

³⁶⁷ *Kpeglo v. SCOA Motors* [1962] 2 SC G.L.R. 82-87.

Others.,³⁶⁸ among others. However, Sir Arku's judgement in the Court of Appeal case of *Quagraine v. Davies*,³⁶⁹ was overruled at the Judicial Committee of the Privy Council. In *Quagraine*, Korsah, CJ, sitting on the Bench with Van Lare, JSC, and Granville Sharp, JA, dismissed an appeal from the judgment of Acolatse, J, given on the 21 December 1957, in an action for recovery of land, on the ground that the appeal was not brought timeously. But Lord Guest, sitting on the case with Viscount Simonds and Lord Radcliffe, set aside Korsah's judgement on the grounds that "the appeal to the Court of Appeal was not time barred and that the Court of Appeal ought to have heard the appeal."³⁷⁰

As a fine and respectable Chief Justice, the major criticisms levelled against Sir Arku on his rulings were mostly constitutional cases with dire political undertones. This could be understood within the context of political rivalry between the ruling CPP and the opposition parties such as UGCC, Muslim Association Party (MAP), National Liberation Movement (NLM), Northern Peoples Party (NPP), Togoland Congress Party (TCP), Ghana Congress Party (GCP), and other sectional political associations. In the elections which culminated into Ghana's independence, CPP had a landslide victory over the smaller parties, and had proceeded to promulgate the Avoidance of Discrimination Act - 1957 (No. 38 of 1957) to ban political parties and organisations whose "membership is substantially restricted to any one community or religious faith."³⁷¹ The smaller parties coalesced to form the United Party (UP) to oppose Nkrumah and his CPP government, especially when the PDA became operational in 1958.³⁷²

³⁶⁸ *Taylor Etc., v. Ministry of Housing and Others* [1959] CA G.L.R. 85-88.

³⁶⁹ *Quagraine v. Davies* [1960] CA G.L.R. 171.

³⁷⁰ *Quagraine v. Davies* [1961] PC GLR 291-296.

³⁷¹ Section 1 (1) of the Avoidance of Discrimination Act- 1957 (No. 38 of 1957).

³⁷² It is argued that PDA was promulgated because the government found it difficult to secure convictions for certain political offences (especially assassination attempts on President Nkrumah), owing to the poor machinery for collecting evidence and due to the strictness of the law of evidence. Therefore, PDA was seen as the solution. The first victims of the law were two opposition activists who had been acquitted in 1948 in two cases, *Regina v. Antor and Others v. Reginald Reynolds Amponsah*. Another victim of the law was Henry Thompson, a journalist, in 1958 when he wrote that justice was dying in Ghana and CPP supporters could commit murder with impunity without punishment because the Prime Minister had influence on the Chief

In addition, there was the Deportation Act of 1957 (Act No. 14 of 1957) which was passed specifically to expel Alhajis Othman Larden and Amadu Baba from Ghana and to terminate the legal proceedings they had instituted to establish their nationality.³⁷³ Political historian Dennis Austin in his book, *Politics in Ghana 1941-1960*, contends the first order under the Act was made in November 1958 against some thirty-seven men described as members of a subversive organisation known as the `Zenith Seven`.³⁷⁴ Thus, most constitutional cases that came to the Supreme Court from 1958 to 1963 were on constitutional interpretation of the fundamental rights of persons who had brushes with the PDA. Most of these offenders were members of the opposition parties, and a few private citizens.

Sir Arku became the target of opposition members during this period whenever his decisions went against them.³⁷⁵ It was the “intention of the opposition to discredit Korsah who represented the judiciary in order to make President Nkrumah`s regime look like it was in an unholy league with the judiciary arm of the state.”³⁷⁶ The fear was that President Nkrumah`s overwhelming popularity and Korsah`s close association with him was going to make it possible for the CPP government to enact repressive laws inimical to the opposition`s interest.³⁷⁷ Thus, the opposition politicians and lawyers accused him of doing nothing when the fundamental rights of Ghanaians were taken away under Nkrumah.

In the 1961 famous case of *Re-Akoto*,³⁷⁸ Sir Arku was severely criticised by legal scholars such as Professors Samuel Otu Gyandoh and Seth Yeboa Bimpong-Buta, as well as the legal

Justice. For more on why the PDA was enacted, see Bing, *Reap the Whirlwind*; Amissah, *The Contribution of the Courts*; West Africa, 12-18 February 1996, p. 230

³⁷³ *Larden v. Attorney-General and Others* (No. 2) (1957) 3 West African Law Report (W.A.L.R.) 144.

³⁷⁴ Dennis Austin. *Politics in Ghana, 1946-1960*. Vol. 242. London: Oxford University Press, 1970, p. 339.

³⁷⁵ Interview with Professor Nana Essilfie Conduah at his office, African University College of Communication (AUCC), Adabraka-Accra, 17 March 2017.

³⁷⁶ *Ibid.*

³⁷⁷ *Ibid.*

³⁷⁸ *Re-Akoto* [1961] 2 SC G.L.R. 523. The seven other persons detained with Baffour Akoto were Peter Alex Danso (kwaku Danso), Osei Assibey Mensah, Nana Antwi Bosiako (John Mensah), Joseph Kojo Antwi-Kusi (AnaneAntwi-Kusi), Benjamin Kwaku Owusu, Andrew Kojo Edusei, and Halidu Kramo.

organisation, International Commission of Jurists (ICJ).³⁷⁹ The appellant (Baffour Osei Akoto) and seven others were detained under an Order made by the Governor-General and signed on his behalf by the Minister of the Interior under the PDA in 1958.³⁸⁰

An application for the writ of *habeas corpus*, challenging their detention was dismissed by the High Court. The appellants appealed through their counsel, Dr Danquah, to the Supreme Court against the dismissal on the grounds, *inter alia*, that the PDA, 1958 was unconstitutional as being in contravention of the declaration of fundamental principles made by the President on assumption of office and as contained in article 13(1) of the Constitution, 1960.³⁸¹ He also argued that the PDA made nonsense of the Criminal Procedure Code, which states that all offences, “shall be inquired into, tried and otherwise dealt with in accordance with the provisions of the Code.” By these claims, Danquah invited the court to assume the powers of the judicial review in the manner of United States of America’s Supreme Court and to strike out the PDA.

But, Korsah, CJ, in his judgement read on behalf of his colleagues, Van Lare and Augustus Molade Akiwumi, JJSC, declined the invitation for judicial review and pointed out that Article 13 (1) of the 1960 Constitution on which the counsel relied on was a non-binding declaration

³⁷⁹ To date, *Re-Akoto*, is still the most criticized ruling in the legal history of Ghana. Every first year law student in any Ghanaian university and the Ghana School of Law is exposed to the case in the area of constitutional and Human Right laws. It is recalled with exceptional opprobrium and a “spineless” decision, see Seth Yeboa Bimpong-Buta, *The Law of Interpretation in Ghana: (Exposition and Critique)*. Accra: Advanced Legal Publications, 1996, p. 320.

³⁸⁰ Preventive Detention Act- 1958 (No. 17 of 1958).

³⁸¹ Bimpong-Buta, *The Role of Supreme Court*, p. 332. Republic of Ghana, 1960 Constitution, article 13 (1) Immediately after his assumption of office the President shall make the following solemn declaration before the people –

On accepting the call of the people to the high office of President of Ghana I ... solemnly declare my adherence to the following fundamental principles -

That the powers of Government spring from the will of the people and should be exercised in accordance therewith. That freedom and justice should be honoured and maintained ...

That no person should suffer discrimination on ground of sex, race, tribe, religion or political belief...

That subject to such restrictions as may be necessary for preserving public order, morality or health, no person should be deprived of freedom of religion or speech, of the right to move and assemble without hindrance or of the right of access to courts of law.

That no person should be deprived of his property save where the public interest so requires and the law so provides.”

of fundamental principles by the President. The Supreme Court interpreted that the declaration at best was similar to the Coronation Oath of the Queen of England and that such a declaration did not constitute a bill of rights, creating legal obligations enforceable in a court of law. The court averred, (per Sir Arku Korsah CJ):

*In our view the declaration merely represents the goal which every President must pledge himself to attempt to achieve... The declarations however impose on every President a moral obligation, and provide a political yardstick by which the conduct of the Head of State can be measured by the electorate. The People's remedy for any departure from the principles of the declaration, is through the use of the ballot box, and not through the courts.*³⁸²

With regard to the Criminal Procedure Code, the Supreme Court said it was valid for actual crimes committed whereas the PDA had in mind crimes yet to be committed in the future. But Gyandoh contends that the ruling was perverse, and the principle in *Liverside v. Anderson*³⁸³ which Geoffrey Bing, the A-G, used in his argument and was accepted by the Court, was a gross misapplication of legal principle.³⁸⁴ He argues that the Court opted for the subjective test of the Minister's own averment of reasonable cause in preference to the reasoning in *Nakkuda Ali's* case so as to confer judicial blessing on the detention of Baffour Osei Akoto and seven others under the PDA of 1958 without assuming the judicial power to enquire into the reasonableness or otherwise of the grounds for detention.³⁸⁵

Bimpong-Buta, on his part, argues that the 1960 Constitution was of unique political nomenclature in addition to its national dimension, but if the decision in *Re-Akoto* was rightly given, the Court's "decision to use it as the basis for holding that article 13(1) merely created

³⁸² *Re-Akoto* [1961] 2 SC G.L.R. 523, p. 535. The *Re-Akoto* case and related facts are extensively discussed in William Burnett Harvey, *Law and Change in Ghana, [With the Republican Constitution of Ghana, 1960, Including the Amendments of 1964.]* New Jersey: Princeton University Press, 1966, pp. 281-95; Francis A. R. Bennion, *The Constitutional Law of Ghana*. London: Butterworths, 1962, pp. 220-226

³⁸³ *Liverside v. Anderson* [1942] 3 All England Report (A. E. R.) 338. In *Liverside*, England was at war and the Minister of interior was granted power to detain on suspicion of treason, but in the Ghanaian case, the country was not at war to merit the application of PDA to detain people suspected with intention to commit treasonable acts.

³⁸⁴ Samuel Otu Gyandoh, "The Role of the Judiciary under the Constitutional Proposals for Ghana." *University of Ghana Law Journal* 5 (1968): 133.

³⁸⁵ *Ibid.*

a moral right, and not a legally enforceable right was, to say the least, indefensible.”³⁸⁶ He concludes that “by the Supreme Court’s interpretation, the Court declared itself as being impotent to interfere or examine the propriety and legality or otherwise of a citizen's detention by the State.”³⁸⁷ The ICJ, followed Gyandoh’s interpretative approach to criticise the Court for adopting a narrow subjective interpretation of the words "if satisfied", because by so doing the court precluded itself from investigating the grounds of the President's satisfaction.³⁸⁸

On the other hand, Ekow Daniels and Amegatcher, who as a matter of principle and point of law, were against the ruling in *Re-Akoto*, also argue in opposition that, even though the principle in *Liverside v. Anderson* applied in the *Re-Akoto* case by Korsah, C.J., was wrong, the relief of judicial review which the defence counsel sought to obtain from the Court was also alien to the 1960 Republican Constitution.³⁸⁹ Ekow Daniels, for instance, contends that the constitution of a country reflects the nature and character of its politics, and per the tenets of the 1960 Constitution which has no Bills of Right, the Court ruled on the basis of the Constitution in order to resolve the problems of bomb throwing attacks and other treasonable acts against the President and the State.³⁹⁰ The CPP supporters also contended that the PDA and the Court ruling were in line with the socialist principles of the State, and it protected President Nkrumah and others from bomb explosions which had killed more than twenty people between August 1962 and March 1963.³⁹¹

Despite the scathing criticism against *Re-Akoto*, the case laid the foundation for the future development and enjoyment of the fundamental human right laws in Ghana. According to Bimpong-Buta, the decision in the “*Re-Akoto* itself and the provision in article 13 (1) of the

³⁸⁶ Bimpong-Buta, *The Role of Supreme Court*, p. 333.

³⁸⁷ *Ibid.*, pp. 333-334.

³⁸⁸ International Commission of Jurist. Ghana’s Preventive Detention Act. *Journal of the International Commission of Jurists* Vol. III, No. I, (1961), 65-99, p. 81.

³⁸⁹ Interviews with Professor Ekow Daniels; Interview with Lawyer Andrew Ofoe Amegatcher.

³⁹⁰ *Ibid.*

³⁹¹ *Evening News*, 12 March 1963, p. 1.

Constitution, 1960 very much influenced the formulation of the enforceable fundamental human rights and freedoms enshrined in chapter 5 of the Constitution, 1992.”³⁹² He further cites Charles Hayfron-Benjamin, JSC’s, “opinion in support of the Supreme Court decision in *New Patriotic Party v. Inspector- General of Police*” to concretise his averment, when he said:

*Re Akoto ...is often considered as a case on the validity of the Preventive Detention Act, 1958 (No 17 of 1958). What many fail to appreciate is that article 13 (1) of the Constitution, 1960 contained many provisions which in later Constitutions have been expanded into substantive articles.*³⁹³

In 1963, Sir Arku came under attack again. Korsah, C.J., sitting on the Special Court with Van Lare, JSC., and Julius Sarkodee-Adoo, JSC., on a bomb throwing case involving seven accused persons, Korsah was wrongfully accused of refusing them access to legal representation which had led to their death sentences.³⁹⁴ But the accusation that the Chief Justice did that to please President Nkrumah had no iota of truth in it as Korsah’s critics such as Professor Oforu-Appiah argues in his book, *The life and times of Dr. J B Danquah*.³⁹⁵ *Evening News* report clearly showed that Sir Arku did not only deny the accusation of non-representation of legal counsel for the seven accused, but he explained the difficulty of the court in finding lawyers to represent them and pleaded with the public to assist.³⁹⁶ Korsah, C.J., appealed: “*Any counsel who wishes to offer services for any of the accused persons could do so without fear, the court has not refused the right to representation of counsel. It has no authority to do so.*”³⁹⁷

³⁹² Bimpong-Buta, *The Role of Supreme Court*, p. 339.

³⁹³ *Ibid*; and *New Patriotic Party v. Inspector- General of Police* [1993-94] 2 GLR 459, p. 489

³⁹⁴ Interview with Professor Nana Essilfie Conduah.

³⁹⁵ *Ibid*. The seven accused persons allegedly involved in the Bukom bombing case were Nii Teiko Tagoe (Leader of the Tokyo Joes), Joseph Adotei Addo, Mallam Maama Tula, Anum Yemoh, Suleimana Yeremiah, Asaaba Quarcoo (wife of Teiko Tagoe) and Joseph Kwei Mensah. It was Maama Tula’s testamentary evidence which was used in the prosecution of Tawia Adamafo, H. H. Coffie Crabbe and Ako Adjei treason case, that is why Oforu-Appiah speculated that Korsah deliberately refused to give the seven accused lawyers just to please Nkrumah, who reduced their death sentence to life and used their evidence in subsequent case, see *Evening News*, 9 March 1963, p. 1.

³⁹⁶ *Evening News*, 16 March 1963; and Amissah, *The Contributions of the Courts*, p. 182.

³⁹⁷ *Ibid*.

Away from the bench, Sir Arku involved himself in many other public functions and quasi-judicial activities, as either a member or the Chairman of the Committees of Inquiry in his official capacity as the Chief Justice.

5.4 Committees of Inquiry

Committees of enquiries into the state of affairs in Ghana have a long colonial and post-colonial history. Sir Arku Korsah played an important role in some of the Committees of Inquiry as Chairman. He discharged his duties with high integrity and diligence to consolidate the growth of institutions and organs of state as well as the improvement in democratic culture and transparency in the state affairs. These qualities could be seen in his discharge of duties as the Chairman of the Committee of Inquiry into the Existing Organization and Methods for the Control of the Swollen Shoot Disease by the Compulsory Cutting-Out of Infected Cocoa Trees – 1951; the Committee of Enquiry into the Native Courts - 1951 (Korsah`s Report on Native Courts, 1951), and the Commission of Enquiry into Mr. Braimah`s Resignation and allegations arising therefrom - 1954.

In December 1950, Justice Korsah was appointed as the Chairman of the Commission on Native Courts under Prime Minister Nkrumah`s pre-independence Government. The Commission investigated the operations of the Native Courts which were widely seen as outmoded, inefficient and often an unfair justice system, to proffer necessary reforms on local jurisdiction which the previous British government refused to do for political and economic reasons.³⁹⁸ The choice of Korsah to chair this important Commission came as no surprise

³⁹⁸ Native Courts, which dealt with the customary criminal and civil matters at the rural areas was a subject of disagreement between the British and the African intelligentsia following the passages of Native Jurisdiction Ordinances (NJOs), Native Administration Ordinance of 1927, and the Native Authorities Ordinance, 1944. Infact, under the 1944 Native Courts Ordinance, native courts were graded A, B, C, or D in descending order of importance and with specific powers and jurisdiction according to the status of the chief. Issues of personal rights and properties such as land allocation, confiscation, taxations and even the right to till the land fell under the domain of chief and their councillors, and disputes arising of such cases were tried by the Native Courts presided over by the Chief. This law finally disposed the chiefs` claim of inherent jurisdiction. Both Watson Commission of 1948 and Coussey Commission of 1949 had suggested reforms in the Native Courts, but it did

because in the ARPS` 1922 petition against the amendment to the NJO, Korsah and Kobina Sekyi were amongst the team of lawyers who were heard by the Colonial administration on the Society`s rejection of the expanded powers given to the native chiefs and their courts.³⁹⁹ It must be noted that, earlier in 1949, Korsah had chaired an all-African commission (the Korsah Commission), to review the jurisdiction of the native courts which recommended a new system of native courts known as local courts, with unrestricted jurisdiction as to person, and under the direction and supervision of the Chief Justice where lawyers could represent clients or litigants.⁴⁰⁰

In the 1950 Commissions` final report, which historian Richard Rathbone contended to have “sat on the law offices tray until 1952,” Korsah made a series of recommendations for the growth and development of the native courts.⁴⁰¹ For instance, he proposed that the name of the native courts should be changed to local courts and their jurisdiction extended over all persons, without distinction of race or origin. It stated *inter alia*:

*As any modern secular State develops, if it is to keep free of communal or racial strife, there comes a time when special courts for particular classes of inhabitants must give way to general courts for all manner of men. We think the time has come now in this country, and we therefore recommend that local courts should have authority, as magistrates' courts now have over all persons.*⁴⁰²

This recommendation was accepted and enacted as section 96 (1) of the Local Courts Act, 1960.⁴⁰³

not happen until Nkrumah became the Prime Minister. For more on this, see Richard Rathbone, *Nkrumah and the Chiefs: Chieftaincy Politics in Ghana, 1951-1960*. London: Oxford University Press, 2000.

³⁹⁹ PRAAD-Accra, ADM 5/3/80, Report of Commission on Native Courts in the Gold Coast, 1951, p.6. Other members of the Commission were Seidu Wala, J. N. Matson, Edward Akufo Addo, John Poku and M. G. B. Agbettor, who served as the Secretary.

⁴⁰⁰ Joseph Appiahene-Gyamfi, Crime and Punishment in the Republic of Ghana: A Country Profile. *International Journal of Comparative and Applied Criminal Justice*, 33, no. 2 (2009): 309-324, p. 315.

⁴⁰¹ Rathbone, *Nkrumah and the Chiefs*, p. 132.

⁴⁰² PRAAD-Accra, ADM 5/3/80, Report of Commission on Native Courts in the Gold Coast, 1951, p. 24.

⁴⁰³ William Cornelius Ekow Daniels."The Interaction of English Law with Customary Law in West Africa." *International and Comparative Law Quarterly* 13, no. 02 (1964): 574-616, p. 579.

In the Committee of Inquiry into the Existing Organization and Methods for the Control of the Swollen Shoot Disease by the Compulsory Cutting-Out of Infected Cocoa Trees of 1951, Sir Arku and his Committee members travelled to all the major cocoa growing areas in the country to sit and interact with 153 interested parties to find out the best way to deal with the Swollen Shoot Disease (SSD) of cocoa to avert the potential unrest and public disturbances associated with the on-going nationwide compulsory cutting-out exercise at the time.⁴⁰⁴ Korsah's appointment by the Minister of Agriculture, Archie Casely Hayford, was probably in recognition of Korsah's longstanding contribution and passion for Gold Coast agricultural development in the LEGCO debates.

Additionally, Korsah had a serious appreciation of cocoa as the major foreign exchange earner for the country. He demonstrated at the Elliot Commission on Higher Education in West Africa sittings that Gold Coast cocoa production could be used to develop infrastructures, especially provision of universities. He possessed adequate knowledge of the first Swollen Shoot virus attacks on cocoa in 1936 when he was in the LEGCO. He participated in the debates on how to control the disease, including the remedy known for controlling the SSD. Korsah was also aware of the colonial Government's adoption of the UN's recommendation of aggressive and speedy cutting of diseased trees as the only measure known for controlling the spread of the SSD.⁴⁰⁵

⁴⁰⁴ PRAAD-Accra, ADM 5/3/36, Report of the Committee of Inquiry into the Existing Organization and Methods for the Control of the Swollen Shoot Disease by the Compulsory Cutting Out of Infected Cocoa Trees, 1951. The other Committee members were Ntow Ano, J. G. Edusei, G. Ashie Nikoi, Frank A. Reed, J. Ofori-Torto, and H. J. N. Chapman who served as the Secretary. The Committee had sittings in Sunyani, Bechem, Suhum, Kumasi, Koforidua, Adeiso, Swedru, Bibiani, Tsito, and in Accra, where Dr. J. B. Danquah, member of the Gold Coast Legislative Assembly (M.L.A) gave a private evidence on the issue.

⁴⁰⁵ Ibid, p.6. The Report of the Committee of Enquiry into the Swollen Shoot Disease of Cocoa in the Gold Coast, 1948.

Records show that out of the four hundred million cocoa trees in Gold Coast by 1947, about forty-six million were infected and doomed to die within the year.⁴⁰⁶ It was also found that Gold Coast's cocoa output dropped from 300,000 tonnes in 1936-7 to 200,000 tonnes in the mid-nineteen forties, whilst the infection spread at an alarming rate of 15,000,000 a year. It was predicted that the situation, if not checked would cause the disappearance of the cocoa industry in twenty years.⁴⁰⁷ The CPP Government, therefore, relied solely on the UN's approach to save the cocoa industry and was faced with complaints by farmers and legislators. The Government charged Korsah to ascertain the appropriateness of the policy with regard to public interest and the efficacy in the control of the SSD.

Korsah's Committee found that the compulsory cutting-out exercise was seen by the farmers as a scheme designed to destroy the cocoa industry and to rob them of their livelihood, and in some cases resulted in the death of farmers from the shock emanating from the extent of their losses. In some instances, the method itself was ineffective; the local and expatriate personnel used in the cutting-out exercise were not trained, the enforcement tactics of the personnel of the Cocoa Rehabilitation Department was ruthless, and payment of compensations for affected cocoa was not promptly paid.⁴⁰⁸

In spite of the recommendations of the UN Swollen Shoot Commission, Korsah's Committee proposed that the policy of compulsory cutting-out of the affected trees needed urgent restructuring to secure the farmers' co-operation and to forestall public disturbances.⁴⁰⁹ The Korsah report led to the Government's decision to abolish the Cocoa Rehabilitation

⁴⁰⁶ Francis K. Danquah. "Sustaining a West African Cocoa Economy: Agricultural Science and the Swollen Shoot Contagion in Ghana, 1936-1965." *African economic history* 31 (2003): 43-74.

⁴⁰⁷ Ibid, p.45.

⁴⁰⁸ PRAAD-Accra, ADM 5/3/36, Report of the Committee of Inquiry into the Existing Organization and Methods for the Control of the Swollen Shoot Disease by the Compulsory Cutting Out of Infected Cocoa Trees, 195.

⁴⁰⁹ Ibid, pp. 12-13, especially point (vii) and (xii).

Department in 1951 and placed its functions under the Ministry of Agriculture.⁴¹⁰ It further served as a fulcrum on which Nkrumah introduced his *New Deal for Cocoa* policy and implemented the recommendations of the various committees of inquiry into the Swollen Shoot Control Policy.⁴¹¹ The actual cause of the farmers' grievances in the Korsah report made it possible for Nkrumah to use the community interaction approach and his art of political persuasion to convince the farmers to accept the compulsory destruction of their infected trees. The report also formed the basis for the Ministry of Agriculture's total adoption of the West African Cocoa Research Institute's (WACRI) recommendations on SSD control.⁴¹²

In 1954, Justice Korsah was called again to chair the Commission of Enquiry into Mr Braimah's Resignation and allegations arising therefrom. The mandate of the enquiry was two-fold: (a) the circumstances which caused Mr J. A. Braimah to resign his post in the cabinet; and (b) the truth of any allegations, relevant to such circumstances, which come to light in the course of the enquiry.⁴¹³

In the end, the Commission found Mr Braimah culpable of bribery allegation for his acceptance of a sum of £2,000 in four installments from Mr Aksor Kassardjian, an Armenian-born contractor, which was meant to influence him in his official duties as a Minister of Works and Housing.⁴¹⁴ Out of the £2,000, Braimah gave his driver £200 and bought a wireless and a radiogram for himself. Korsah's Commission found that the basis for Braimah's resignation was due to rumours making rounds about him receiving bribes. In addition, Braimah resigned because of the fear of exposure emanating from the rumours which had reached its climax as a

⁴¹⁰ Ibid.

⁴¹¹ Danquah, *Sustaining a West African Cocoa*, p. 57.

⁴¹² Ibid.

⁴¹³ PRAAD, Accra, ADM 5/3/94 Commission of Enquiry into Mr. Mr Braimah's Resignation and allegations arising therefrom, 1954. The Committee was appointed by Sir Charles Noble Arden-Clarke, the Governor, and the members includes Sir Leslie Ernest Vivian M'Carthy, and Daniel Myles Abadoo, whilst Mr E. B. S. Alton served as the secretary. The Enquiry opened on 7 December 1953, and ended on 2 March 1954, seventy witnesses gave evidence before the Commission, see *Daily Graphic*, 13 April 1954, p. 1.

⁴¹⁴ Ibid.

result of the interview between the Prime Minister and one Mr Bharbu Mihal Niculescu which he attended on 19 December 1953.⁴¹⁵

Braimah`s allegations against Prime Minister Nkrumah for receiving bribes and conducting himself improperly in connection with four government contracts were found to be untrue and spurious.⁴¹⁶ The Commission was, however, critical of public officials and ministerial secretaries who had misconducted themselves in the discharge of their official duties. For instance, Krobo Edusei`s conduct was found to have fallen below any acceptable standard for men in public service and strongly to be deprecated.⁴¹⁷

The evidence submitted by the Korsah Commission led to the two years imprisonment of Ohene Djan and Atta Mensah, Ministerial Secretaries to the Ministries of Finance and Communications and Works respectively.⁴¹⁸ This impacted negatively on the CPP, making it difficult for some ministers to keep their own positions in Government and in the party, because many were “exposed as corrupt, none (from the Prime Minister to local party officials) emerged unscathed from Korsah`s Commission Report on Braimah.”⁴¹⁹ Korsah was never forgiven by the old guards in the CPP over the political ramifications that flowed from his Commission. Consequently, after the Kulungugu bombing trial which saw the three high profile CPP leaders freed, the old guards in the party used the outcome of the trial as a pretext to attack Korsah and the old National Democratic Party members (Domos) holding public positions.⁴²⁰

⁴¹⁵ Ibid.

⁴¹⁶ Ibid, pp. 16-22. Braimah had alleged that (i) Nkrumah received a monetary bribe in a sum of £40,000 from Mr Tranakides of G Tranakides Ltd, in connection with Yamoransa-Praso Road, (ii) £2,000 for purchase of his car from the Gold Coast based Armenia contractor, Mr. Aksor Kassardjian, whom he awarded a contract for building flats and bungalows in Tema, (iii) Improper award to Messers Impresa Astaldi estero for the construction of Winneba Weija Road and the Achiase Kotoku railway, and (iv) an arrangement through Krobo Edusei for a house to be built for him by G. Tranakides Ltd. Niculescu was an expatriate lecturer in economics at the University College of Gold Coast.

⁴¹⁷ Ibid, see paragraph 218.

⁴¹⁸ The two ministers in April 1954 appealed to the WACA against their conviction, see *Daily Graphic*, 6 April 1954, p. 1.

⁴¹⁹ Austin, *Politics in Ghana*, p. 194.

⁴²⁰ Interview with Lawyer Amegatcher. NDP was a political merger between Mambii Party and Ratepayers.

5.5 The Kulungugu Bombing Trial, Dismissal as Chief Justice; Propaganda and Korsah`s Departure from Public Service

After two years of receiving scathing criticisms over his ruling in *Re-Akoto*, Korsah got entangled in another treason case which involved three high profile members of the CPP and two opposition members in 1963. The three, Tawia Adamafio, Minister for Information and Minister responsible for the President`s Office, Ako Adjei, Foreign Minister and H. H. Cofie Crabbe, Executive Secretary of the CPP, and two opposition members, Joseph Yaw Manu, store-keeper, and Robert Benjamin Otchere, former Member of Parliament, were accused of complicity in the Kulungugu bombing assassination attempt on President Nkrumah`s life in Northern Ghana in August 1962 and detained under the PDA.⁴²¹

Nkrumah, who had met President Maurice Yameogo of Upper Volta (now Burkina Faso) at Tenkodugu to conclude a trade agreement, was on his way back to Accra and had passed through Kulungugu, where he was welcomed by schoolchildren waving Ghana flags. As Nkrumah walked towards the crowd of children, a grenade was thrown and blasted yards from him. An innocent schoolboy and four others were killed in this incident, but the president was wounded in the shoulder and was hospitalised for two weeks at Bawku Hospital.⁴²² The incident was reminiscent of several attempts to use bombs to assassinate the president during the period of the NLM`s opposition struggles with the CPP before Ghana`s independence.⁴²³

The opposition had been throwing bombs, and some members of NLM had been arrested and prosecuted. But whilst many perceived the bomb attacks on President Nkrumah as mainly an act of the opposition`s treachery, the opposition and the United States claim it was a deliberate

⁴²¹ Amissah, *The Contribution of the Courts*, p. 182.

⁴²² *Time Magazine*, 20 December 1963.

⁴²³ Reports of the United States Congress, Senate Committee on Judiciary: Ghana students in United States oppose U.S. aid to Nkrumah. Staff conference of the Subcommittee to investigate the administration of the Internal Security Act and other Internal Security Laws on the Committee of the Judiciary, United States` Senate, Y. 4. J 89/2: G34, 29 August 1963-11 January 1964, p. 38.

strategy of planting bombs near President Nkrumah by the CPP bombing squad and turn round to blame the opposition for it.⁴²⁴ For instance, United States Investigation Analyst at the Senate, Robert C. McManus, in a question to witness who appeared before the Congressional Hearing suggested that the 13 January 1962 Accra Stadium bomb attack on President Nkrumah was staged; he argued: “it was a fact that the bomb was thrown 10 minutes after Nkrumah had left the stadium.”⁴²⁵

The five accused were arraigned before the Special Court created under the Criminal Procedure (Amendment) Act, 1961 to try treason cases. On 9 December 1963, after a fifty-one day trial led by the Attorney-General, Dr Alhaji Bashiru Kwaw-Swanzy, for the prosecution team and a gallery of defence counsel, the court presided over by Korsah, C.J., with Van Lare and Akufo Addo, JSC., found the Government’s evidence against Adamafio, Adjei and Crabbe as very weak and freed them, whilst Manu and Othere were found guilty. Korsah, CJ, averred that the circumstances and incidents in the lives of the three might have generated suspicion of all sorts, but none of these circumstances led irresistibly to the inference that they conspired with Obetsebi-Lamptey and others to overthrow the Ghana Government by unlawful means or that they had committed treason. “There were suspicions,” Sir Arku said, “but no person could be convicted on suspicion.”⁴²⁶ Kwaw-Swanzy described the verdict “as mockery of justice”, at a hurriedly organised press conference.⁴²⁷ CPP supporters attacked the ruling too, claiming that when it comes to dire issues which were delicately interwoven to the foundation of state security, the Chief Justice should as matter of obligation consult the President before making his judicial pronouncements.

⁴²⁴ Ibid.

⁴²⁵ Ibid.

⁴²⁶ *West Africa*, 14 December 1963, p. 1444.

⁴²⁷ Ibid.

The CPP continued their attacks on the ruling by instigating the working class to stage series of street demonstrations in Accra against “the unpopular and questionable judgement in the treason trial”, the detention of the wicked judges who had condoned the murder of the innocent people to ensure complete overhaul of the state machinery. In one of their super-monster demonstrations, which the *Evening News* reported to have pulled a crowd of at least 60, 000 workers in Accra, the protesters carried placards with inscriptions: “Korsah Cornered”, “Line Up Cut-throats at Dawn and Shoot them at the Bukom Square,” Hang the Traitors,” “All Lawyers are Liars”, and “We Shall Work and Die for Ghana” among others.⁴²⁸ The partisan CPP crowd argued that “they are yelling against the murderers of the innocent” and “marching against the prostitution of the judiciary by corrupt arrogant and mediocre antagonists belonging to the old order” as well as “the foul smell of TREASON exuding from the Court`s strange decision to regard Tula and Adotei Addo as truthful witness in the case of non lawyers whilst in the case of Korsah`s close lawyer associates adamafio and ako adjei and their lickspittle crabbe, the Court suddenly sees the same witnesses as untruthful.”⁴²⁹

The pro-Government newspapers, led by the *Ghanaian Times*, continued the attacks and in one of its publications described the Court`s verdict as “shocking.” In their front page editorial, the newspaper said:

*We say with all power and conviction at our disposal that a great disservice has been done to the rule of law and to this State by the shocking conclusion arrived at by the trial judges who presided over the Special court. They have erred...As we see it, the situation is nothing short of a deepening of the conspiracy against Ghana and against the Leader. It is the State against reaction and subversion. The State, and therefore the people, must demand firm and swift action against all reactionary forces and tendencies if the court fails its duty for sentimental and political reasons. We must make our ideological and revolutionary stand clear, now or never. We are indeed living among wolves and we must now howl like wolves.*⁴³⁰

⁴²⁸ *Evening News*, 14 December 1963, p. 1.

⁴²⁹ Ibid.

⁴³⁰ *Ghanaian Times*, 10 December 1963.

As a result of the sustained public pressure from the partisan CPP crowd, on 11 December 1963, Korsah's appointment as Chief Justice was revoked by President Nkrumah via his dreaded 12:00 P.M. Dawn Broadcast bulletin, which demoted him to become one of the ordinary judges of the Supreme Court.⁴³¹ Later in the day, Mr Philip Edward Neequaye Kwesi Archer, the then Judicial Secretary brought an official letter of dismissal from President Nkrumah to Sir Arku.⁴³² The summary dismissal was legal because Korsah had already passed his retirement age (he was 69) and per the 1960 Constitution, the Chief Justice's appointment could "at any time be revoked by the President by Instrument under the Presidential Seal." Thus, on the same day, Justice Korsah tendered in his resignation from the Judicial Service.⁴³³ He was immediately ordered to pack out of his official residence. Sir Arku's daughter recounts:

*We had nowhere to go because Papa [Sir Arku] had not completed his building at the Airport. So Papa called his Saltpond friend, Dr. Amoah, who was Sir Justice Samuel Quashie-Idun's brother-in-law. He gave Papa his house at Tesano to stay in temporarily. It was the dark days of our lives, and on that day the Evening News had also published a story with Papa's head turned upside-down. We were very hurt, especially my mother who could not believe what Nkrumah has done, but Papa was not bothered as we were.*⁴³⁴

⁴³¹ Interview with Lawyer Andrew Ofoe Amegatcher.

⁴³² TNA, London, File no J1641/4/G, Discussion with Sir Arku Korsah on his dismissal as Chief Justice of Ghana, 9 January 1964. Confidential conversation. Mr Archer was later called to the Bench on 1 February 1964 and became the eighth Chief Justice of Ghana from 1991 to 1995.

⁴³³ TNA, Kew, London, File no J1641/4/G, Discussion with Sir Arku Korsah on his dismissal as Chief Justice of Ghana, 9 January 1964. Confidential conversation between Brigadier Sir Edgar "Bill" Williams (E. T. Williams) CB CBE DSO, secretary to the Rhodes Trust and warden of Rhodes House and Sir Arku Korsah, the CJ's residence in Accra.

⁴³⁴ Ibid, Interview with Dinah Tagoe.



Image 8: Chief Justice Korsah (sitting) signing document for his Judicial Secretary, Mr P. E. N. K. Archer, who later became a Chief Justice. Circa 1962. Source: Korsah Family Album.

Another eyewitness` account:

*The whole thing was terrible for Korsah, because he never expected that from his friend, President Nkrumah. All his friends were afraid and refused to come to his rescue. The only persons who immediately went to him were the Judicial Secretary at the time, Mr P. E. N. K. Archer and one judge, Justice Ollenu. Of the two, I would say, Archer was with him throughout. Indeed, it was Archer, who arranged for transportation to carry Sir Arku`s household luggage and personally ensured the transfer of his personal office documents, either through me or on his own to Korsah`s temporary residence at Tesano.*⁴³⁵

Korsah`s dismissal was criticised across the world. On 12 December 1963, the President of the ICJ, Mr Vivian Bose, sent message to President Nkrumah expressing deep concern and pleading earnestly for a revision of his decision.⁴³⁶ Mr Sean MacBride, the Secretary-General, made a personal appeal to President Nkrumah and in a press statement commented that "the removal of a judge from office... by a government which is displeased with a legal decision strikes at the very foundation of the Rule of Law. It is hard to conceive of a more grievous blow

⁴³⁵ Interview with Samuel Panyin Elegba.

⁴³⁶ Journal of the International Commission of Jurists. Ghana- Towards Dictatorship. *Journal of the International Commission of Jurists*, Vol. III, No. 1, 1963, 9-13.

to the administration of justice in any jurisdiction."⁴³⁷ The famous Pan-Africanist and Nkrumah's mentor, Cyril Lionel Robert James also cabled Nkrumah to describe his action as a mistake, and admonished him that "what a head of state does not do is to dismiss his Chief Justice after he has given a major decision on a matter in which the whole country is interested."⁴³⁸

Many international media outlets and scholars criticised the dismissal as an unnecessary venture, *Time Magazine* criticised the move, and quoted a shocked British official as saying: "This is the Stalinist technique."⁴³⁹ But others also contended that despite the fact that Nkrumah had pushed for Korsah's premature departure, the Chief Justice should have left the bench earlier to avoid the shame his distinguished career was made to suffer. What these critics are blissfully unaware of, however, was that earlier in 1962 the CJ had actually made pleas to the president to retire from the Bench, but he was discouraged by the President from doing so.⁴⁴⁰

The sack itself was the end of an epochal era which signified the break-up of the old alliance between Nkrumah's government and the former African ruling class.⁴⁴¹ Thus Nkrumah was doomed politically, as his action created an avenue for military intervention. CLR James argued that Nkrumah's action destroyed the very structure, juridical, political and moral of the state, and automatically placed Ghana on the trajectory of violent restoration with a semblance of legal nexus between the government and the population.⁴⁴² James contends, "By this single act, Nkrumah prepared the population of Ghana for the morals of the Mafia."⁴⁴³

⁴³⁷ Ibid, p. 10.

⁴³⁸ Cyril Lionel Robert James. *Nkrumah and the Ghana Revolution*. Westport, CT: Lawrence Hill & Company, 1977, p. 12.

⁴³⁹ *Time*, 20 December 1963. My respondents, including Lawyers Amegatcher, Akainyah, and Prof. Ekow Daniels as well as Justice Striggner Scott agreed that Nkrumah's decision in sacking Korsah was unnecessary.

⁴⁴⁰ Interview with Dinah Tagoe, confirmed in my interview with Mr Elegba.

⁴⁴¹ Bing, *Reap the Whirlwind*, p. 415.

⁴⁴² James, *Nkrumah and the Ghana*, pp. 12-13.

⁴⁴³ Ibid, p. 13.

From the period of the judgement and Korsah`s dismissal, Cabinet went into session twice. Not comfortable with the Court`s decision as final, the Government changed the law by passing another measure, Criminal Code (Amendment No. 2) Act, on 23 December 1963 under certificate of urgency to empower the president, in the interest of the State security to declare the Special Court`s decision to be of no effect, which he did on 25 December 1963.⁴⁴⁴ The Government`s propaganda mouthpiece, *Evening News*, also dedicated one week (9-15 December 1963) to launch an inglorious campaign of vitriolic attacks and character assassination to bring Sir Arku`s hard earned reputation into disrepute and opprobrium. Several scurrilous cartoons of Sir Arku and his colleague judges became the front page hobby of the paper.⁴⁴⁵ In one of the paper`s edition, Sir Arku`s photo was turned-upside down on the front page with caption: “MAN, proud man, vested with but brief authority here below – displays such fantastic tricks before high heaven, as make the angels weep.”⁴⁴⁶

Sir Arku`s new storey-building project at the Airport was also photographed on the back page (post-dawn broadcast) with headlines, “*Who Owns This Building? The Chief Justice!*” with an accompanying remark which suggest that Justice Korsah was a thief.⁴⁴⁷ For the *Evening News*, and the CPP Central Committee “the lesson is obvious, Korsah has destroyed himself in the process of attempting to isolate himself from the spiritual fountain head of our national existence”, President Nkrumah.⁴⁴⁸ He was also described as a saboteur, imperialist stooge, and

⁴⁴⁴ Austin, *Politics in Ghana*, p. 413.

⁴⁴⁵ See Appendix B, pages 195-196.

⁴⁴⁶ *Evening News*, 11 December 1963. See the turned upside down photo of Sir Arku Korsah at Appendix B, image 14 at page 195.

⁴⁴⁷ Ibid. The caption read:” *This magnificent building which defiantly sprang up like magic after the Dawn Broadcast, is said to have been put up by the Chief Justice himself. Since the learned gentlemen is not supposed to be isolated from the society, he is expected to serve, we are naturally entitled to ask some few questions about this edifice. What was the cost of this building and WHO are occupying it? How much advance did they pay for the occupation? Are the occupants Ghanaians, Americans, Portuguese or Islanders? The public demand to know- as the mania for wealth amassing and property acquisition is a twin brother of inordinate ambition for Power to protect ill-gotten gains against the inevitable onslaught of the people`s Socialist Revolution for Work and Happiness.*”

⁴⁴⁸ *Evening News*, 13 December 1963, p. 2.

a hypocrite whose “unpardonable indiscretion had imposed upon the constitutional strategy of the nation.”⁴⁴⁹ In another strong attack, the *Evening News* further averred that “morally leprosed Korsah and his gang of equally stupid judges have committed serious crime against Ghana and Africa and humanity at large.” *Ghanaian Times* also forthrightly condemned Sir Arku for bringing “about his own downfall by his deeds”, adding “those who sell their honour for foreign tributes and knighthood shall live to regret”.⁴⁵⁰

His colleagues on the Bench were also not spared the attacks; they were described as prostitutes and imperialists in judiciary garbs whose rulings are “open subversion and treachery against (the workers’) class.”⁴⁵¹ *Evening News* contended:

*The court, ideally is an instrument of socialist education and discipline not of class insolence and subversion, ye have made as den of thieves, robbers, assassins and corruption. And the voices of the people say – Away with them! No more shall we entrust such vital machinery in the class enemy.*⁴⁵²

Akufo Addo, who was accused of influencing Korsah to deliver the judgement in favour of the three accused, was attacked for his “strong opposition record when he and Adamafio, Koi Larbi were linked in their opposition to Osagyefo and the CPP.” Van Lare was accused of having an “intimate blood and other links with Gbedemah, one of the conspirators”.⁴⁵³ *Evening News* argues that they have worked to lay “bare the terrible fangs of a social cobra and must equally be bold to leave the bench immediately for younger men who understand the people’s revolution”.⁴⁵⁴ In a swift move, Justice Van Lare retired from the Supreme Court on 1 January 1964. This was against Sir Arku’s hope that his brother judges in this trial will not be penalised. He observed to a confidante: “for they are younger men whereas he does not mind retiring, he

⁴⁴⁹ Ibid; and *Evening News* from 9-15 December 1963.

⁴⁵⁰ *Ghanaian Times*, 12 December 1963.

⁴⁵¹ *Evening News*, 12 December 1963, p.1.

⁴⁵² Ibid.

⁴⁵³ Ibid.

⁴⁵⁴ Ibid.

says (although he clearly does.) But he ‘wants to take the whole blame’: and in rueful way, the credit.”⁴⁵⁵

Justice Julius Sarkodee-Adoo, a perceived government adherent was appointed to replace Sir Arku, as the new Chief Justice of Ghana. A new court was constituted to retry the nullified treason case.⁴⁵⁶ The campaign of chasing away quislings in the Government was triggered, and Sir Arku’s friends in other departments of the State were sacked from their posts. In this regard, Mojabeng Dowuona, the first Ghanaian Registrar of the University of Ghana and close friend of Korsah, was sacked from his post for Mr E. K. Edzii, an administrator at the Flagstaff House to take over.⁴⁵⁷

In all these persecutions and provocations, Korsah maintained his quietness, but was “hurt - about comments about his houses,” which the president was aware that “he sold a house to an ambassador and with the proceeds built a block of flats as an investment: the rent of which being more than his pension... and the president has agreed that this flat building was a good idea.”⁴⁵⁸ He admitted that he never informed the president about what the judgement was to be because it had been agreed between the two of them that during the hearing, both parties would

⁴⁵⁵ TNA, Kew, London, File no J1641/4/G, Discussion with Sir Arku Korsah on his dismissal as Chief Justice of Ghana, 9 January 1964.

⁴⁵⁶ Apart from Sir Arku Korsah who was relieved of his post by constitutionally and democratically elected government of CPP under the First Republic, the only other person who escaped narrowly from similar fate was Chief Justice Frederick Kwasi Apaloo (Chief Justice of Ghana from 1977-1986 and Kenya from 1993 – 1995). Unlike Korsah who was appointed by CPP and dismissed by the same regime, Apaloo was appointed by General Acheampong’s led Supreme Military Council (SMC) in 1977, but President Hilla Limann’s civilian government attempted to sack him. The move was quelled by a Ghanaian citizen, Dr. Amoako Tuffour in a suit against the Government, see *Tuffuor v. Attorney-General* [1980] G.L.R. 637. Justice Julius Sarkodee-Adoo who replaced Sir Arku as Chief Justice was also dismissed by the National Liberation Council (NLC), military junta. On 26 September 1966, the regime hoisted themselves on their own petard appointing Edward Akufo Addo as the Chief Justice to replace the status quo Chief Justice Sarkodee.

⁴⁵⁷ Interview with Lawyer Ofoe Amegatcher. Amegatcher, who is married to Mojabeng’s daughter, Shormeh, disclosed that “Mojabeng and Sir Arku were friends and I have a photo of the two of them at someone’s birthday, and the two were cutting the cake. Mojabeng was one of the first African intellectuals trained in Achimota and Oxford. Mojabeng’s best friend was Edward Akuffo Addo, and he acted as Akufo Addo’s best man during his wedding. These early Gold Coast families were very big like elephant, and their lineages and links stretched everywhere.”

⁴⁵⁸ TNA, Kew, London, (Confidential) File no J1641/4/G, Discussion with Sir Arku Korsah on his dismissal as Chief Justice of Ghana, 9 January 1964.

not meet nor telephone each other.⁴⁵⁹ The Counsel (the A-G and the Defence Counsel) were informed that in seven days judgement would be delivered. He explained that from practices as he knows from other jurisdictions, the Chief Justice never gives advance notice to anybody of what judgement he would deliver and it had never occurred to him for a moment that he should do so on this occasion.⁴⁶⁰

It has been suggested that Nkrumah and Sir Arku appeared together at a state function and their conversation drifted to the threats on the life of Nkrumah, whereupon Kwaw-Swanzy was subsequently called to the Flagstaff House by Nkrumah, and was told that even the chief justice was satisfied that there was sufficient evidence to convict.⁴⁶¹ Justice Korsah's private interaction on the issue shows that he never saw "the president since the hearings began – nor since," which presupposes that there could have been a conversation before the trial, but nothing also proves that he told Nkrumah he was going to convict the accused persons.⁴⁶²

Korsah, however, was of the opinion that Adamafio was "a bad man", and also had his suspicion of him in several matters mentioned in the hearings but as he said, 'you can't convict on suspicion.'⁴⁶³ He further explains that Nkrumah had wanted to use him as proxy to get rid of Adamafio instead of doing it himself. Unfortunately, the prosecution whom Nkrumah relied on to also nail Adamafio and others, "was caught napping by defence counsel's" requisition for some police report, which was immediately provided."⁴⁶⁴ This created an impression that the police knew that it would be demanded and had prepared to use the report to convict the accused persons based on suspicions.

⁴⁵⁹ Ibid.

⁴⁶⁰ Ibid

⁴⁶¹ Email reply from Lawyer Azanne Kofi Akainyah, A & A Law Consult, 4 November 2016.

⁴⁶²TNA, Kew, London, (Confidential) File no J1641/4/G, Discussion with Sir Arku Korsah on his dismissal as Chief Justice of Ghana, 9 January 1964.

⁴⁶³ Ibid.

⁴⁶⁴ Ibid.

After his dismissal, Korsah stayed in his “very quiet place” in Tesano to think and enjoy his entitlement of £10,000 for the loss of his judicial office.⁴⁶⁵ But most importantly, the Chief Justice was “proud that the end of his career as a judge has come as a result of his upholding the fair administration of justice: he will be remembered for what he thinks, especially in Britain,” where he had his education and training.⁴⁶⁶ Unfortunately, in January 1965, he was arrested following the failed assassination attempt on President Nkrumah by one of his own guards, Constable Seth Nicholas Kwami Ametewe, who fired five successive shots at him with a rifle at the Flagstaff House.⁴⁶⁷

It was alleged that upon Ametewe’s interrogation he gave the police a statement in which he implicated S. D. Amaning, a Deputy Commissioner of Police, as an instigator. Ametewe claimed further that Amaning told him his fellow conspirators were Justice Korsah, Dr Danquah, Dr Busia, Gbedemah and Krobo Edusei. This led to the detention of Erasmus Ransford Tawiah Madjitey, Commissioner of Police, and his two deputies, Amaning and M. K. Awuku, as well as Dr Danquah, who Ametewe is reported to have said “if he had succeeded, J. B. Danquah could have been the President.”⁴⁶⁸ Six other senior police officers were sacked, and immediate appointments were made to replace them. Korsah was detained at the Flagstaff House Police station “where Dr Danquah was also brought in the same day and was vehemently challenging the Police.”⁴⁶⁹ Sir Arku did not eat the whole day, as he sat in the cells meditating and waiting for one Mr Impraim to handle his case.⁴⁷⁰ Dr Danquah was taken

⁴⁶⁵ Bing, *Reap the Whirlwind*, p. 415.

⁴⁶⁶ TNA, Kew, London, (Confidential) File no J1641/4/G, Discussion with Sir Arku Korsah on his dismissal as Chief Justice of Ghana.

⁴⁶⁷ Simon Baynham. *The Military and Politics in Nkrumah's Ghana*. Boulder: Westview Press, 1988, pp. 133-134; G. Kanu. *Nkrumah the Man: A Friend's Testimony*. Enugu, Nigeria: Delta, 1982, p. 127. Ametewe missed Nkrumah but killed his personal bodyguard and the head of the special police guard, Assistant Superintendent Salifu Dagarti, who had shielded Nkrumah after the first shot was fired. Constable Seth Ametewe, was overpowered by Nkrumah’s bodyguard and arrested. Later he was tried and hanged for the crime. Nkrumah was said to have sustained “huge wound in his cheek” from the attack.

⁴⁶⁸ Ofofu-Appiah, *The Life and Times*, p. 235.

⁴⁶⁹ Interview with Dinah Tagoe.

⁴⁷⁰ Ibid.

away, never to be seen again, “we waited for one Mr Impraim who was to interrogate Papa but he seemed afraid. He came in late in the night and after interrogation, no evidence was found against Papa so we went home with him early dawn, and the Police (spies) were sent to guard him from moving outside the house.”⁴⁷¹ Military Historian, Simon Baynham, also confirms Sir Arku`s innocence, and points out that evidence emerged which proved that Ametwee had been hired by senior police officers who had posted him to the Flagstaff House to assassinate Nkrumah, with a promise of £2,000 and overseas education if he completed the mission.⁴⁷²

5.6 The 1966 Coup, Sir Arku`s Brief Re-Emergence to the Public Scene and his Death

Sir Arku remained under “House Arrest” until the 24 February military putsch against Nkrumah`s regime. Externally, one of the first moves of the new military junta, the National Liberation Council (NLC), led by Generals J. A. Ankrah, A. A. Afrifa and others were to normalise relations between Ghana and her neighbours soon after assuming the reins of power.⁴⁷³ Sir Arku was made the leader of the regime`s special goodwill mission, which included Akuffo Addo and Van Lare.⁴⁷⁴ During the period between March and April 1966, they visited East Africa, West Africa and almost all the North African states to explain the new government`s foreign policy of friendship. Attempts were also made by several individuals, especially Dr Conor Cruise O`Brien, the Irish-born former Vice-Chancellor of the University

⁴⁷¹ Ibid; *The New York Times*, 09 January 1964. Mr Samuel Panyin Elegba contends that highly placed people in the CPP, and probably Korsah`s own Scottish Constitution (SC) freemason friends, who respected him as their Grand Master, including Sir Edward Asafu-Adjaye who was the Deputy Grand Master of SC may have pleaded on his behalf to ensure his immediate release (Interview with Samuel Panyin Elegba). This view was also shared by Mrs Striggner-Scott who also claimed Kojo Botsio and other families (known Lodge brethren in the CPP) pleaded on Sir Arku`s behalf at the presidency. For Dr Danquah had already antagonised Nkrumah several times, his detention was the second and was not truncated. In October, 1961, he was arrested with about 50 other persons and was held until June 20, 1962. Dr Danquah died in jail of heart attack on 4 February 1965.

⁴⁷² Baynham. *The Military and Politics*, p. 134.

⁴⁷³ Albert Adu Boahen. *Ghana: Evolution and Change in the Nineteenth and Twentieth Centuries*. London: Addison-Wesley Longman Limited, 1975, p. 230.

⁴⁷⁴ Ibid

of Ghana to ensure Sir Arku's restoration as the Chief Justice.⁴⁷⁵ The moves did not materialise. Sir Arku, who had health challenges went back to his quiet private life.

On 25 January 1967, Sir Arku died peacefully of mild brain tumour at the Ridge Hospital in Accra.⁴⁷⁶ *Daily Graphic* described his death as closing "the door on the colourful career of one of Ghana's most brilliant legal luminaries and patriots."⁴⁷⁷ The paper added:

*It should be stated for the record without equivocation, however, that Sir Arku served his country well and true, and merited all honour due to a great son of the soil. He distinguished himself not only in law, his particular field of specialization, but also in politics, education and the social services.*⁴⁷⁸

Edward Akufo Addo, C.J., (as he then was) also paid a glowing tribute to him, describing him as a great political figure and understanding lawyer who devoted the greater part of his life to active public service in Ghana and Africa. He contended that there are very few people who have had a distinguished career and for such a length of time as Sir Arku had.⁴⁷⁹ Institutions and persons throughout the country also expressed their sorrow. For instance, in Ho, the High Court observed two minutes of silence in his memory, whilst in Sekondi Mr G. K. De Graft Johnson of the Ghana Railways and Ports Authority expressed his profound sorrow and that of the administration to the Korsah family.⁴⁸⁰ He was given a celebratory national funeral service at the Accra Ridge Church where he and his family worshipped and State Burial at the Osu Military Cemetery on 28 January 1967.

⁴⁷⁵ Ibid.

⁴⁷⁶ Interview with Erica Ifill.

⁴⁷⁷ *Daily Graphic* (Editorial), 26 January 1967.

⁴⁷⁸ Ibid.

⁴⁷⁹ Ibid, p. 3.

⁴⁸⁰ Ibid.

CHAPTER SIX

SOCIO-RELIGIOUS NETWORKS, FULFILMENT OF LIFE AND PETTY FOIBLES

6.1 Social and Religious Life

This chapter focuses on the social life of Sir Arku as an elite who used his wide social networks - family and friends in the social literary clubs, sports, church and the freemasonry - to shape his life and traverse the turbulent ordeals he faced in the course of his political ascension as Legislative Council and the Executive Council member as well as in his public career as a judge.

The social life of an individual reveals to the world certain important traits in respect to their character from infancy which ultimately forms part of the psychology of their mature life decisions and choices. Thus, it is observed that children born of elite families tend to join particular professions, exclusive intellectual clubs and sports and certain prestigious religious social organisations with ties to the Metropoles. Sir Arku's elitist upbringing and family connections navigated him through his education, student and national politics, professional life choices, associations and marriage.

6.2 Marriage, Children and Descendants

Sir Arku's marriage was something of coincidence. After a hectic colonial court session in Accra in 1922, Sir Arku made a social call to his friend's house, where he met Kathleen Ethel Amanuah Bannerman-Hyde and another lady. They courted for some time and agreed to tie the nuptial knot.⁴⁸¹ Kate Bannerman-Hyde's father was James N. Bannerman-Hyde, a Gold Coast barrister from a prominent aristocratic family in Accra, and coincidentally, one of the

⁴⁸¹ Interview with Mrs Dinah Tagoe. Diana disclosed that one Patrick Chinery always contends that he was the one who should have married her mother but Sir Arku was fast to cross him for her mum's heart. He never stopped complaining whenever he sees us (Sir Arku's children).

assistant lawyers to Casely Hayford in the 1928 election petition case brought by Nana Mbra III against Sir Arku at Cape Coast.

Kate`s mother was Evangeline Hannah Freeman, who was also the grand daughter of Reverend Thomas Birch Freeman (the father of Methodism in Ghana) and his third wife, Rebecca Ama-Gyamfi Insaideo, a nurse and princess of Anomabo and Ga Gbese Quarters.⁴⁸² Ama-Gyamfi Insaideo was the daughter of Nana Kwesi Insaideo, Omanhen of Anomabo, and Naa Okaikor, who traced her ancestry to Nii Okaija I, Gbese Mantse.⁴⁸³



Image 9: Official public function line up (from Left to Right), President Kwame Nkrumah, Sir Arku Korsah, Lady Kate Amanuah Korsah, wife of Sir Arku Korsah and president of Ghana Nursery Schools, and Lady Listowell, wife of the Governor-General, Lord Listowell. Circa 1957. Source: Korsah Family Photo Album.

⁴⁸² Richard Lamiadu Lawson, *Methodism in Accra Dioceses 1838-2009*. Accra: 2009, p. 10. The Pioneer Methodist preacher, Rev. Thomas Birch Freeman married thrice in his life time. His first wife he came to Gold Coast with was Elizabeth Booth who died. After his visit to Kumasi, and upon his return to England, Rev. Freeman married Luscinda Cowan, daughter of Rev Cowan of Bedminister, in November 25, 1840, but she also died after spending three months in Gold Coast. Thus, in 1849, Rev. Freeman married Rebecca Ama-Gyamfi Insaideo, who was born in 1818 at Anona Paadu in Cape Coast and was one of the first children to be baptized by Rev Joseph Dunwell. Rev Freeman and Rebecca had six children: Thomas Birch Freeman junior (1849-1947), Lucy Hooper (nee Lucy Freeman), Ambrose Freeman, Daniel Freeman, Vincent Freeman and Eva Freeman. For more on Thomas Birch Freeman and his family, see Seth Aryeetey Aryee, *The Bible and the Crown: Thomas Birch Freeman's Synthesis of Christianity and Social Reform in Ghana (1838-1890)* PhD. Diss., 1993, Drew University.

⁴⁸³ See the detailed family tree of Lady Kate Amanuah Korsah at Appendix D, page 200.

On 3 June 1923, Sir Arku left Gold Coast on Elder Dempster's Shipping Lines, SS "Wahihi" to England to meet Kate Bannerman-Hyde, who had completed her vocational training in England, and to participate in the USAD activities as a founding member.⁴⁸⁴ On 31 July 1923, after his conference schedules, barrister Kobina Arku Korsah and Ms Kate Amanuah Bannerman-Hyde married at St Mary's Church at Reading in England in the presence of their Gold Coast and Caribbean friends and family.⁴⁸⁵ After the marriage, Korsah's clients, F & A Swanzy and Miller Brothers, sponsored them with a trip to Switzerland for their honeymoon.⁴⁸⁶ The marriage of Korsah and Kate Bannerman-Hyde reflected the existing elite intermarriages based on social, economic and political connections among the coastal families of West Africa.⁴⁸⁷ These elite intermarriages were commonplace among the people of Accra and the Central Province of the Gold Coast, or between aristocratic Fante and Ga families and or the Fante-Ga and other Akan ethnic groups.⁴⁸⁸

Korsah and his wife returned to Gold Coast, from Switzerland via London in 1923 to settle at Cape Coast. The marriage produced five children, four daughters and a son. The first child was Dinah Aba Anowah Korsah, followed by Evangeline Mabel Ewurafua Anowah Korsah, Roger Kweku Andoh Korsah was third, whilst Annie Gyanuah Korsah and Kate Amanuah Korsah came fourth and fifth respectively. Of the five children, two daughters, Evangeline and Kate

⁴⁸⁴ Handwritten Diary of Chief Robert Mamarduke Korsah.

⁴⁸⁵ Ibid.

⁴⁸⁶ Interview with Mrs Dinah Tagoe.

⁴⁸⁷ Lucy Mair, "New Elites in East and West Africa", in: Victor Turner (ed.), *Colonialism in Africa 1870-1960, Volume 3, Profiles of Change: African Society and Colonial Rule*. London: Cambridge University Press, 1971, 167.

⁴⁸⁸ Ibid, There were some Fante-Ga marriages between Nii Attoh Solomon, Accra chief of Jamestown and father of the Gold Coast Nationalist Rev S. R. B. Attoh Ahumah, and a Fante woman from Anomabo, Miss Elizabeth Brew (sister of Samuel Hutton Brew, Nationalist and the Newspaper mogul), Charles and Edmund Bannerman of Accra (first indigenous Gold Coast newspaper founders) and their brother Samuel and Fante women from the Brew family of Anomabo/Cape Coast and Dunkwa, George Kuntu Blankson and Rebecca (nee Adwoa Boafu, 1828-1920), a daughter of the Omanhene of Akyem Abuakwa, Amoako Atta I, Lieutenant-Governor James Bannerman, Afro-European Ga and Nana Yaa Kyia, daughter of the Asantehene, Osei Yaw Akoto (1824-1837). Tenkorang and Gadzekpo explore this issue in their works: Samuel Tenkorang, "John Mensah Sarbah, 1864-1910." *Transactions of the Historical Society of Ghana* 14, no. 1 (1973): 65-78; Audrey Gadzekpo, "Women in the West African Newspapers." Ph.D. thesis Birmingham: Centre for West African Studies, University of Birmingham, 2001, pp. 53-56.

and the son, Roger Korsah, are deceased. Sir Arku Korsah also had another child, Edith Nana Praba Korsah, out of wedlock with late Mrs Edith Quist-Therson of Osu-Salem in Accra.⁴⁸⁹

Sir Arku`s first daughter, Dinah, is a London-trained teacher and retired educationist. She married Dr Ezekiel Browning-Tagoe (Fi`fi), a medical doctor from Accra. Their marriage produced one daughter, Yvonne Tagoe, who is currently teaching at the Tema International School. Yvonne married one Roland, a Nigerian and had a daughter, Olamide Tagoe, who is based in the United Kingdom.⁴⁹⁰

Sir Arku`s second daughter, Evangeline (deceased), was a London-trained nurse. She was one of the first African nurses to take over from the Europeans at the 37th Military Hospital in Accra after independence. She married Mr Llyod Ifill, a London-based architect from Trinidad and Tobago. Their marriage was blessed with a daughter, Erica Kay Ifill, a professional caterer who is based in Accra.⁴⁹¹ Evangeline later married Lt. Col. Joseph Cyril Adjetey, a dentist; they had a daughter, Iris Adjetey. Iris, a professional Personal Assistant, married Mr Annie Annan, a businessman with whom she had two sons, Kojo and Kwesi.⁴⁹²

Kweku Roger (deceased), the third child and the only son of Sir Arku, was a lawyer, former High Court Judge in Ghana, and a celebrated retired Justice of the Supreme Court of Zimbabwe. He was also Zimbabwe`s nominee on the Common Market for Eastern and Southern Africa (COMESA) Court of Justice. He was one of the most sought-after commercial arbitrators in Zimbabwe through the Commercial Arbitration Centre in Harare. Roger Korsah was the famous High Court judge who ruled against the Military Intelligence under President Hilla Limann`s administration on 4 July 1981 that they had no constitutional right to trail or

⁴⁸⁹ Interview with Mrs. Dinah Tagoe. See the detailed family tree of the descendants of Sir Kobina Arku Korsah at Appendix D, page 201.

⁴⁹⁰ Interview with Erica Kay Ifill.

⁴⁹¹ Ibid.

⁴⁹² Ibid.

arrest Captain Kojo Tsikata.⁴⁹³ Roger, who was cast in his fathers` mould, was the subject of targeted assassination under Rawlings` Provisional National Defence Council (PNDC) regime and had to flee to Zimbabwe, where he rose through the ranks as High Court and Appeal Court judge to become a Supreme Court judge. He retired in 2000 and died in 2017.⁴⁹⁴

Kweku Roger married Lily Whitaker, a celebrated broadcaster with Ghana Broadcasting Corporation (GBC) and a sister of Mrs Ruth Botsio (nee Ruth Whitaker), wife of Mr Kojo Botsio. Roger and Lily`s marriage produced three children: Karen Amanuah Korsah, Diana Amanda Korsah and Kobina Arku Korsah. Karen worked with the United Nations Food and Agriculture Organisation (FAO) in Accra, and she married the late Gerald Okai Baffour, a journalist and son of Dr R. P. Baffour, the famous atomic scientist, politician, inventor and the first Vice-Chancellor of Kwame Nkrumah University of Science and Technology (KNUST), Kumasi. Karen and Gerald had two daughters, Violet Baffour, who works with the UN in New York, USA, and Lily Baffour, who is a travel and tourism specialist in Canada. Violet has a son, Sean Ellis, who is a student.⁴⁹⁵ Roger Korsah`s second daughter, Diana Amanda Korsah, a high school principal in California, USA, married George Yarboi, a US-based computer-tech guru. They have a son, George Michael Yarboi, and a daughter Jacklyn Nicole Yarboi. Roger`s last child, Kobina Arku Korsah, is a computer-tech consultant in the United Kingdom. Roger also had a fourth child, Anthony Andoh Korsah, a BBC reporter, from his brief relationship with Agnes Ama Anowah Andoh. Anthony`s children are Mary Nana Ekuwa Anuwa Korsah and Jacob Anthony Kwesi Korsah.⁴⁹⁶ Roger Korsah later married Ms Shiela Amissah, sister of Justice A. N. E. Amissah, whom he was with at Harare, Zimbabwe, until his demise.⁴⁹⁷

⁴⁹³ *Tsikata v. Odjidja*, Suit Number 1210/80.

⁴⁹⁴ Interview with Mrs Dinah Tagoe.

⁴⁹⁵ Ibid; Interview with Hon. Fritz Baffour.

⁴⁹⁶ Family Group Chat on Facebook: Information given to me by Anthony Andoh Korsah.

⁴⁹⁷ Ibid.

Sir Arku`s fourth child and third daughter, Annie Gyanuah Korsah, is a London-trained professional secretary who married Dr Harry Bart-Plange, a medical doctor who was based in Takoradi. They had two children, Jane Bart-Plange, a practising nurse in the U.K and Johnny Bart-Plange, a self-employed commercial poultry farmer. Jane married Peter Annan, son of Mr Justice D. F. Annan, the first Speaker of Parliament in the Fourth Republic. They have one child, Roma Annan. Jane had another son, Julian Bart-Plange (Yooku), before she married Peter Annan.⁴⁹⁸ Johnny Bart-Plange married a lady caterer called Cecilia. They have three children: Harry Kobina Bart-Plange, and the twins, Annie Bart-Plange and Roger Bart-Plange.⁴⁹⁹

Kate Amanuah Korsah (deceased), Sir Arku`s last child with lady Kate Korsah, was a London-trained social worker who worked with the Young Women`s Christian Association (YWCA) in Accra. Kate married Mr Frank Kobina Parkes, the famous Ghanaian poet and journalist with the Ghana Embassy in USA. Kate and Frank Parkes were blessed with two children: a daughter, Kate Elizabeth Efua Parkes, an Accountant in London and a son, Francis Ernest Kofi Parkes, a bus driver with London Transport in the UK. Kate married Mr Bruce Massop, a London-based professional teacher and pastor from Jamaica. Kate and Bruce have a son, Micah Massop.

Sir Arku`s other daughter, Edith Nana Korsah, is his only child among her siblings who was educated in France. Sir Arku`s tradition was to ensure that his children had quality education in London, but in order to avoid sibling rivalry, probably between Lady Kate Korsah`s children and their half-sister, Edith was sent to France. Sir Arku was said to have been quite disturbed with himself with regard to the extra-marital affair which led to the birth of Edith.⁵⁰⁰ Edith trained as a bilingual secretary and can speak both English and French impeccably. She once

⁴⁹⁸ Ibid.

⁴⁹⁹ Ibid.

⁵⁰⁰ Interview with Mrs Dinah Tagoe.

stayed in London, but now stays at Osu in Accra, and her surviving half-siblings and their children are in touch with her.

6.3 The Family Man and his Personality

Sir Arku was a family man, and a loving father to all his children without exhibiting the slightest whiff of discrimination amongst them. It is said that Sir Arku never had “a favourite child among us, but if he did he never showed it openly.”⁵⁰¹ Family meant everything to him, therefore, whenever there was a problem in the house amongst his children, he investigated the cause and patiently familiarised himself with the issue without jumping into hasty conclusions. He would then reason with the quarrelling parties to find a lasting and peaceful resolution. When he did, there was always joy in his arbitration. He always admonished: “Reform, for this world of ours is still, but a name that leads man in life.”⁵⁰²

He abhorred talking about people’s downfall and was against retributive justice. When someone approached him to complain about the evil that another person had done, Sir Arku would counsel the complainant to forgive, but he took steps to deal decisively with the offender.⁵⁰³ This aspect of his character explains his attitude towards political opponents and his resilience in the face of political fall outs. Sir Arku admonished his children never to use the law courts to settle any issue, but to always resort to an alternative dispute resolutions by calling family heads, respected members of the society or clergymen for an arbitration and adjudication. Diana Korsah fondly remembers her father’s admonition thus,

Papa always told us never to use the law courts to settle family feuds and related cases, for their outcomes don’t bring happiness to anyone. He will state that in all his years as a lawyer and a judge, ‘I have seen cases that were pending before I was born to become a lawyer and a judge, but up till now they are still pending in the courts.’ People who initiated the cases are dead and gone, but they have left their descendants with

⁵⁰¹ Ibid.

⁵⁰² E. G. Sangster, & C. K. A. Quashie (Eds.), *Talent for Tomorrow: An Anthology of Creative Writing from the Training Colleges of Ghana- 1967*. Ministry of Education, Culture, & Sports. State Publishing Corporation, Accra, 1968, p. 109.

⁵⁰³ Interview with Mrs Dinah Tagoe.

*poisoned chalice of bitterness, antagonism and vendetta that had divided them, and shall continue to wreak havoc to their future generations.*⁵⁰⁴

Sir Arku's love for his children transcended to his grandchildren, anyone who came close to him and even the house pets, especially the cats and dogs. It is said that whenever Sir Arku arrived home after his busy office duties or travels, he first enquired about the welfare of his family, and then turned to his wife or the children, and with a joyful smile, asked in Fante, “*Sɛ hom ho yie na hom edzidzi dze a, aana mbodom na engyirimoa no so edzidzi a? Hɔn apow mu tse dɛn?*”⁵⁰⁵ To these habitual domestic queries, Lady Kate Korsah always replied with a sigh, “*Waa hwɛ o! Woara iyi so yɛ asɛm a?*”⁵⁰⁶ He would smile patiently to the response and move round to check on the pets to see if they were really in a healthy and mirthful mood.

In October 1952, Sir Arku opened his doors to Leonora, wife of Dr Emmanuel Evans-Anfom and a friend of his daughter, Annie, to stay with them until all encumbrances on her naturalisation as Ghanaian citizen came to fruition.⁵⁰⁷ The two were like inseparable biological sisters, and Sir Arku looked upon Leonora as one of his own daughters.⁵⁰⁸

As a friend of Prime Minister Nkrumah, Korsah accommodated Lady Helena Ritz Fathia on behalf of Nkrumah in his house.⁵⁰⁹ Fathia (later Mrs Fathia Nkrumah) was to marry Prime

⁵⁰⁴ Ibid. Sir Arku's views and philosophy in this particular statement and his kindness to others, project his social values which connect him to Freemasonry ethics. Freemasons regarded themselves as moral elites possessing and embodying a secret religion of virtue, and they believed the virtue of individual citizens, their civility, to be the guarantee for moral improvement of society and even of humanity itself, see Stefan Ludwig Hoffmann, *The Politics of Sociability: Freemasonry and the German Civil Society 1840-1910*. USA: The University of Michigan Press, 2007, p. 23.

⁵⁰⁵ English Translation: “If you have all eaten and in good health, have you also fed the dogs and cats? Are they in excellent health?”

⁵⁰⁶ English translation: “Just look at that! Is this too an issue?”

⁵⁰⁷ Emmanuel Evans-Anfom, *To the Thirsty Land: Autobiography of a Patriot*. Africa Christian Press, 2003, pp. 119-120.

⁵⁰⁸ Ibid.

⁵⁰⁹ Interview with Justice Mrs Thérèse Eppie Striggner Scott, High Court Judge at her Villagio Residence, Airport, Accra; Interviews with Mrs. Dinah Tagoe and Erica Ifill; *Daily Graphic*, 30 July 2015. It was in Sir Arku's house that Nkrumah married Fathia in a marriage presided over by a Coptic priest, because Fathia was an Egyptian Coptic and relative of President Gamal Abdel Nasser of Egypt. The secret about Lady Fathia, being first sent to Sir Arku Korsah's house for the marriage was recently unveiled in the Ghanaian media when Mrs Souad Mohammed El Rouby Sinare, an 89-year-old Egyptian-Ghanaian, in defence of Dr Onsy Nkrumah as one of the biological sons of Dr. Kwame Nkrumah, disclosed that Fathia was first sent to Sir Arku's house for private marriage.

Minister Nkrumah, but had problems with her nationality and religion. Sir Arku housed Lady Fathia for two reasons: firstly, to enable him effect legal requirement with relation to Fathia`s Ghanaian citizenship out of public eye so that Fathia could perform her official public and ceremonial functions as the First Lady without questions on her Ghanaian nationality.⁵¹⁰



Image 10: Sir Arku Korsah (sitting on the left) with Prime Minister Kwame Nkrumah at Korsah residence. Circa 1957. Source: Korsah Family Album.

Secondly, the house served as a hide-out for Lady Kate Korsah, Mrs Ruth Botsio, and Lady Coussey, wife of Justice Coussey to groom Fathia in the art of statecraft in line with Ghanaian customs and traditions to enable her perform her role as the First Lady.⁵¹¹ The children and grandchildren of Sir Arku became friends of Fathia and Dr Nkrumah`s children, who they used to visit at the Flagstaff House until the Kulungugu bombing trial of 1963 brought a serious wedge between the families.⁵¹²

Sir Arku`s social interaction with people had not always been with only the upper class as his critics such as Prof. Ekow Daniels argued.⁵¹³ The stark reality and the circumstances that his education and high public office position placed on him made him to be associated with people

⁵¹⁰ Ibid.

⁵¹¹ Ibid. Mr Kojo Botsio was an influential member of the CPP, and close ally of Nkrumah who held several ministerial portfolios under Nkrumah`s regime.

⁵¹² Ibid. Erica Ifill recounts playing with Nkrumah`s children: Gamal, Yaaba and Sekou at the Flagstaff house whenever her grandparents sent her there on weekends.

⁵¹³ Interview with Prof. Ekow Daniels.

of his socio-political stature. Thus his friendship circles may have portrayed him as a scion of a Gold Coast-Fante aristocratic family and a royal, but he was also a man for all seasons.⁵¹⁴ In his quest to achieve upper class laurels, he mingled with the masses to become the voice of the voiceless when he served as the secretary of USAD in Britain and a LEGCO member for the Cape Coast Municipal Council. His complex personality, probably from his Methodist and Freemasonry socio-religious background, made him to be sympathetic to persons who asked for his assistance.⁵¹⁵ He showed kindness to “the poor and the needy,” and “on seeing you in his office, he reasons out your cause with you”, and at the same time he offers advice and comfort.⁵¹⁶ Sir Arku helped the poor in his constituency with money to solve their problems, offered them educational opportunities and where they were in need of legal defence or advice from a lawyer he offered it *pro bono*.⁵¹⁷

Whilst a Supreme Court judge and a Chief Justice, his favourite shopping centres were UAC and Kingsway Store at Accra Central. After every shopping spree, Sir Arku, gave all the lady attendants a parting gift.⁵¹⁸ Samuel Panyin Elegba contends that people with wrongful impression about Sir Arku as a Western-dressed judge with authentic Cambridge English accent and a bourgeois who could not speak his native language, would have marveled if they had come close to him to observe how he liked to speak impeccable Fante.⁵¹⁹

Patience, meticulousness, hard work and timeliness were the hallmark of Sir Arku`s attitude towards work, and he expected his working colleagues to follow suit. Even the Colonial British administration officers were impressed with his working ethics. In spite of his demand on workers to abide by his office ethics: “He made sure that the office working environment was

⁵¹⁴ Interview with Samuel Panyin Elegba

⁵¹⁵ Ibid.

⁵¹⁶ Sangster & Quashie (Eds.), *Talent for Tomorrow*, p. 110.

⁵¹⁷ Interview with Lt. Col. (rtd) H. W. A. K. Sackeyfio.

⁵¹⁸ Interview with Mr Samuel Panyin Elegba.

⁵¹⁹ Ibid.

always congenial, quite friendly and showed kindness to everyone. Sir Arku never got angry towards anybody, be it his subordinates, office workers or colleagues he served with at the Bench.⁵²⁰

Sir Arku had unrestrained loyalty to people he served or who served him. For instance, he had a driver, Papa Kweku who served him from his days as lawyer until he became a Puisne Judge and Chief Justice.⁵²¹

6.4 Sir Arku`s Friends, Social and Literary Clubs, Gold Coast Youth Conference and Sports

Sir Arku, as explained earlier, was man of all seasons who had friends which cut across socio-economic and political strata, but he also had circle of exclusively small club of friends mostly elites with certain professional, social, economic and political standing. As his critics contended, he was never known to be a charismatic person who condescended from his high social ladder to mingle with the lower class.⁵²² This may be so because of his elitist upbringing, education and socio-political connections and public career. The friendship pool was from his student days, politics and career as a judge. Some of his close friends were Samuel Edduh Atakora, Melchior Renner, Rev. Ransome-Kuti, Nnamdi Azikiwe, Francis Awoonor Renner, James Henley Coussey, Samuel Quashie-Idun, Nii Amaa Ollenu, Nana Sir Ofori Atta I, Nana Ayirebi Acquah, Nana Amamfi II, Nana Sir Tsibu Darko, Nene Azu Mate Kole and Nana Agyeman Prempeh II. His other friends were Dr. J. B. Danquah, Mojabeng Dowuona, Edward Akufo Addo, William Van Lare, Dr Kwame Nkrumah, Sir Walter Elliot, Dr F. V. Nanka-Bruce, Robert Samuel Blay, George Christian, and Governors Ransford Slater, Alan Burns,

⁵²⁰ Ibid.

⁵²¹ Ibid.

⁵²² Interview with Prof. Ekow Daniels

Noble Arden Clarke and many other high-profile persons. Despite his close ties with these elitist friends, he also kept friendship with the masses who sought his help.⁵²³

His social life involved association with social and literary clubs, a borrowed culture from the Metropole. The African trading families had been operating for generations, and their “social life based around the replication of ‘European’ cultural forms reached a peak of intensity during the period of protest nationalism, with a plethora of short-lived literary, dramatic and musical societies.”⁵²⁴

In Cape Coast, for instance, there existed a young men’s Reading Room in 1882, a far more earnest enterprise involving the establishment of a library and debating club for the intellectual and moral improvement of educated youths in the town.⁵²⁵ In Accra, the Rodger Club, which was popular in the period of proto-nationalism and radical nationalism in Gold Coast was used by the African elites to stage music-hall performances involving piano recitals, Victorian songs, humourous sketches and English poetry readings, ‘acting out’ their fluent command of the colonial language, religion and culture.⁵²⁶ Certain clubs put up dance competitions, ‘black tie’ social evenings, fancy-dress balls, croquet matches and tennis tournaments. These social occasions provided opportunities for the public display of ‘mental cultivation’ because for one to have mastered croquet, public debating or ballroom dancing also meant one had mastered the cultural refinements.⁵²⁷

Sir Arku, following the existing social convention in sync with his own intellectual life, joined Cape Coast Eureka and Literary and Social clubs, and occasionally attended meetings at Accra

⁵²³ Interview with Samuel Panyin Elegba.

⁵²⁴ John Collins and Richards, ‘Popular music in West Africa: suggestions for an interpretative framework’, in David Horn and Philip Tagg (eds.) *Popular Music Perspectives*, Vol. 1, Goteborg: *International Association for the Study of Popular Music*, 1982, p. 121.

⁵²⁵ *Gold Coast Times*, 16 September 1882, p. 2.

⁵²⁶ Stephanie Newell. "Paracolonial Networks: Some Speculations on Local Readerships in Colonial West Africa." *Interventions* 3, no. 3 (2001): 336-354

⁵²⁷ *Ibid*, p. 342

Rodger Club to discuss national issues.⁵²⁸ For Korsah and other intellectuals, apart from the clubs` unique position as “centres of public sociability” from which they took responsibility for defining cultural taste and urban modernity, they also saw it as rallying grounds for civil society action. In order to instil patriotic and leadership verve into the Gold Coast youth for political action, Korsah in his capacity as patron of several Social and Literary Clubs travelled across the country to “address, or preside over public lectures and meetings organised by various literary clubs” as part of his public service.⁵²⁹ For instance, on 12 May 1934, Korsah presided over as the chairman of 4th Anniversary celebration of the Young Peoples Literary Club at Paladium in Accra.⁵³⁰ He contributed 2 guineas towards the Club`s Welfare Fund.

He became a patron of the Gold Coast Youth Conference (GCYC), and was involved in this national youth movement when it organised a series of youth conferences from 1930-1948.⁵³¹ At the first GCYC held at the Achimota College in 1930 under the theme: “*The Essentials in Progress and Development of the Country*,” Sir Arku was among the distinguished guests such as Nana Sir Ofori Atta I, Casely Hayford, Dr Nanka Bruce, Kobina Sekyi and Miss Ruby Quartey-Papafio who spoke at the ceremony. At the second GCYC held in 1937, the Gold Coast elites and political actors were called upon to proffer solutions to the issues of farmers and the cocoa hold up, unfair trade competition between the Syrians and British traders under the Association of West African Merchants (AWAM), poor housing and education; and conditions of service of the Gold Coast African workers which had grabbed national attention. Sir Arku with Ward Brew, Hayfron-Benjamin, Awoonor Williams and Dr Mark D. Hayford

⁵²⁸ .Ibid.

⁵²⁹ Kwa O. Hagan. "Dr. J. B. Danquah and the Youth Conference Movement of Pre-Independence Days in Ghana." *Okyeame*, Vol 5. 1972, 78-92, p. 79.

⁵³⁰ *Gold Coast Independent*, 12 May 1934, p. 443.

⁵³¹ PRAAD-Cape Coast ADM 23/1/990, Gold Coast Youth Conference, 8 November 1938. The GCYC was founded by Dr. J. B. Danquah (General Secretary), its prime mover, J. C. de Graft-Johnson (Chairman), Secretary for Native Affairs at the Colonial Secretariat, W. A. Hansen (Vice-Chairman), K. Brakatu Ateku (Treasurer) of Achimota College, and A. C. Zebra Walker as Financial Secretary. Other Patrons of GCYC were Nana Sir Ofori Atta I, Nana Ayirebi Acquah, Nana Amamfi, Nene Mate Kole, Sir Osei Agyeman Prempeh II, Francis Awoonor Williams, William Ward Brew, Emmanuel C. Quist, Sarkodee Adoo and others.

were the major speakers at the GCYC under the theme, “*The Problems of our Social and Economic Reconstruction*.”⁵³² He continued to personally participate, and contributed financially towards the organisation of the GCYCs.

After the third GCYC at Kumasi, which Sir Arku did not attend, Dr Danquah compiled the various GCYC`s documents into a 400-page memorandum, ‘*Things to Change in the Gold Coast*,’ which proposed new constitutional and social reforms. Sir Arku, then an elder statesman and leading legal brain, was appointed as the Chairman in 1941 with Dr Danquah, Augustus William Kojo Thompson and Robert Samuel Blay as members to draft a new Constitution for the colonial Government.⁵³³ The all-inclusive endorsement of the Korsah Committee did not only exemplify the new dawn of working co-operation between the Joint Provincial Council of Chiefs (JPCC) and the intelligentsia, but it also presented the leeway for co-operation between the then Gold Coast Colony and the Asante to work together. Per the co-operation, the Asantehene advocated, *inter alia*, the legislative union of the Ashanti and the colony.⁵³⁴

The final Korsah-drafted Constitution was presented to Oliver Stanley, the Colonial Secretary, during his visit to Ghana in 1943. The document formed the basis of the Burns Constitution of 1946. Thus Dr Danquah argues that the Burns Constitution of 1946 “ought really to be called the Korsah constitution, because Korsah was the chairman of the original committee which devised the constitution.”⁵³⁵ Instead of following the tenets of Korsah`s constitutional masterpiece which gave real powers to the African Legislative Council members, the Alan Burns Constitution departed fundamentally from important clauses enshrined in the original

⁵³² Hagan, “Dr. J. B. Danquah and the Youth,” p.86. Other speakers at this GCYC were W. S. Kwesi-Johnson (Cape Coast historian and journalist), Rev Dr Osam Pinako and Rev. K. Mensah Ntedu-Kyirebua (both of the AME Zion Church), Mrs. Gladys May Casely Hayford, Miss Charity Zormelo and Miss Mercy Quartey-Papafio (all headmistresses of girls` schools).

⁵³³ Boahen. *Ghana: Evolution and Change*, p. 141.

⁵³⁴ Ibid.

⁵³⁵ Danquah, *The Ghanaian Establishment*, p. 54.

Korsah-drafted constitution. Thus, upon the inauguration of the Burns Constitution in July 1946, Dr Danquah complained to Nana Amanfi III, President of the JPCC and Omanhen of Asebu, about the gross reversal to the application of the old colonial and authoritarian system and measures that had been introduced into the Legislature which had not been previously submitted to the Territorial Council.⁵³⁶

Unfortunately, when Korsah was consulted by Nana Amanfi “on the matter,” he could not intervene because he was then serving as a judge. The move to ensure the reintroduction and preservation of Korsah’s drafted work, which was side-stepped in the Burns Constitution, formed one of the major bases for the formation of the UGCC at Saltpond by the Gold Coast intelligentsia.⁵³⁷ The Gold Coast intelligentsia moved further to attack the aberration in the Burns Constitution, and as noted in the Watson Commission in 1948, they described the Burns Constitution as “outmoded at Birth.”⁵³⁸ For the constitution had falsely raised the hopes of the educated population by establishing an African elected majority in the Legislative Assembly that had no real power.

Korsah’s involvement in GCYC culminating in his drafted Constitution, made him, Dr Danquah and Nana Sir Prempeh II, the Asantehene, to serve as a vital link in the chain of men and events which brought about the legislative union of the Southern Ghana and Ashanti in 1946. As a result of this important milestone, historian Martin Wight argued that the unification which Ashanti failed to accomplish by military force in the eighteenth and nineteenth centuries

⁵³⁶ Ibid, p.57.

⁵³⁷ Ibid, p. 54.

⁵³⁸ Report of the Watson Commission 1948. The paragraph 26 of Coussey Committee Report on Alan Burns Constitution also stated:

“People were disappointed because their representatives in the Legislative Council were powerless to influence policy, and this not from inherent inability but because the system of government made it impossible for them to do so.” Furthermore, as proposed by Korsah’s drafted Constitution to include both Ashanti and the Northern Territories in the legislature, Burns Constitution did not offer Northern territories a representation in the legislature.

was brought within a framework of British power, in terms of Western Constitutionalism.⁵³⁹ It, therefore, stands to be argued further that the original Korsah drafted Constitution which was the outcome of the Burns Constitution propelled 1946 to the same historical significance in Gold Coast just as 1707 (Union with Scotland) had in Britain.⁵⁴⁰ Korsah`s work for the GCYC culminated in the Burns Constitution; and his role as a patron to the various Social and Literary Clubs underpins his role in the development of law in Gold Coast.

Sir Arku was a connoisseur of sporting activities. He played cricket, tennis and golf. He was a long-time member of Accra Turf Club and Senior Race Meetings Steward for many years.⁵⁴¹ He played golf with the Governors, fellow Judges and European golfers. He also used to play with his Freemason friend, Nana Sir Agyemang Prempeh II whenever he visited Accra for a function.⁵⁴² He played several important roles towards sports education in the Cape Coast Municipality as a member of the LEGCO. Sir Arku provided a Silver Cup which was competed for by the following teams in Cape Coast: Primrose, Everton, Judgement, Corinthians, and the Eagles.⁵⁴³ He presented to various schools in Cape Coast, and once presented to St. Nicholas Grammar school (Adisadel College) a shield costing £18 for the students to be competitive in games.⁵⁴⁴

Sir Arku was also a football enthusiast; he read newspapers and listened to BBC sports news about football games in Britain. He was among the dignitaries including Dr Nkrumah, some cabinet Ministers and the UK High Commissioner at the Accra Sports Stadium when the great English footballer, Sir Stanley Matthews, ‘The Magician’ or “Wizard of the Dribble”, by then the biggest footballer on the globe, visited Ghana in 1957 and played with Accra Hearts of Oak

⁵³⁹ Wight, *The Gold Coast Legislative Council*, p. 205.

⁵⁴⁰ Ibid.

⁵⁴¹ *Daily Graphic*, 26 January 1967,

⁵⁴² Interview with Samuel Panyin Elegba.

⁵⁴³ Ibid.

⁵⁴⁴ *Gold Coast Independence*, 25 May 1934, p. 488.

in a match against Kumasi Asante Kotoko, which ended 2:1 in favour of Accra Hearts of Oak.⁵⁴⁵ Sir Arku was a good Scout, and rose to become the first Scout Commissioner in Gold Coast.⁵⁴⁶

6.5 Sir Arku as a Christian and Methodist

Sir Arku was a staunch Christian, born and baptised into a Methodist family at Saltpond. In the Gold Coast, Methodism had been planted firmly in the coastal Fanteland as “the product of indigenous efforts from 1831” and later spread to other coastal towns and the hinterland by Thomas Birch Freeman.⁵⁴⁷ To a great extent, it was a personal achievement by this gifted English Afro-European.⁵⁴⁸ The Korsahs, like most of the Fante families from 1831 to 1961, were Methodist, and this explains Sir Arku’s basic education in Wesleyan schools at Saltpond and in Sierra Leone.⁵⁴⁹

Sir Arku assumed roles and participated in various Lay Movement Conferences of the Methodist Church. He worshipped at the London, Cape Coast, Sekondi and Accra Ridge Methodist churches.⁵⁵⁰ The Methodist church was a unique opportunity for the Gold Coast educated and political elites to exploit their social capital in order to appropriate roles and positions for nationalism and community development. In Cape Coast, he was the District

⁵⁴⁵ *Daily Graphic*, 27 May 1957, p.1; *Daily Graphic*, 28 May 1957, p.1-8; and Charles Kumi Gyamfi. *This is my Story: The Autobiography of C.K Gyamfi*. Unpublished (n.d). Sir Stanley, prior to his visit to Ghana had in 1956 been awarded the Balon d’Or, football’s biggest individual prize. The match he played in between Accra Hearts of Oak and Kumasi Asante Kotoko on May 26, 1957 was dubbed by the Ghanaian press as the “Match of the Century” – the biggest football match ever to be played in the country. There were many fans; about 20,000 of them, crammed the Accra Sports Stadium to be a part of this grand slam.

⁵⁴⁶ Interview with Samuel Panyin Elegba.

⁵⁴⁷ Casely B. Essamuah. “Ghanaian Appropriation of Wesleyan Theology in Mission 1961-2000.” *Methodist Missionary Society History Project*, United Kingdom, 2004, p. 2.

⁵⁴⁸ Ibid; Though, when the first Portuguese explorers, Joan de Santarem and Pedro de Escobar who landed on the Gold Coast town of Yabiw in 1471 had on-board their ship a catholic priest and thus as first people to bring Christianity to Ghana establishing outposts in Shama in 1471 and Elmina in 1482. However, the Methodist which emerged later rather became more popular with the Coastal families than Catholicism and is still a dominant church of preference for coastal Fantes. For more on Methodism and its evolution in Ghana, see Francis Lodowic Bartels, *The Roots of Ghana Methodism*. Cambridge: University Press, 1965.

⁵⁴⁹ Ibid.

⁵⁵⁰ Interview with Mrs. Dinah Tagoe.

Treasurer of the Methodist Church which brought him into contact with other notable and influential Gold Coast political personalities from other Provinces.⁵⁵¹ Whilst holding the position as the Chief Justice of Ghana, Sir Arku served as Special Guest of Honour at Methodist Conferences and religious activities, and used the opportunities to preach good Christian virtues to the Wesleyan members.⁵⁵²

In Accra, Korsah worshipped with the Methodist Fantsi Society at Freeman Memorial Chapel at Bukom Square, and attended the Bible Studies Class of Rev. Francis Chapman Ferguson Grant at the Old Mission house on the Bannerman Road, Jamestown, Accra.⁵⁵³ After the 1939 earthquake which affected the church, Korsah moved to worship with his fellow Fantsi Society members at the Sackeyfios House (Templars House) on the Zion Street, now Amerley Laryea Street. In 1964, Korsah financially supported the building of the new chapel, Calvary Society, at Asylum Down area, Adabraka.⁵⁵⁴ Whilst he regularly worshiped at the Ridge Church, Korsah continued to play roles in the Methodist Church as a member of the Fantsi Society, Bible Class leader and a Lay member throughout his life in Accra.

⁵⁵¹ *The Echo*, 9 December 1938, p. 1. For example, whilst Sir Arku was the Treasurer for Cape Coast, J. A. Ankrah (later General Joseph Arthur Ankrah, whose military regime would send Korsah as goodwill ambassador to defend their military putsch) was also Treasurer at Accra, F. Awoonor Williams, his Sekondi political friend and lawyer was treasurer for Sekondi, I. K. Agyeman, who was part of the Ashanti Delegation who joined the Gold Coast Delegation to London in 1934 to protest against the Sedition and Water Works Bill, was also Treasurer for Kumasi, and so on.

⁵⁵² Interview with Mrs. Dinah Tagoe.

⁵⁵³ Ibid. The Fantsi Society, formerly known as Korye-kuw, was founded in 1925 by Paa William Quansah, M.B.E., Paa J. C. De Graft Johnson, M.B.E., and Messieurs Impraim, Nelson and Brasie to bring all the Fantes in Accra pursuing various trade and professions together and to ensure social cohesion. Fantsi Society conducted their service in only Fante language. Singing band was formed in a house at Korle Wokon. In 1927, Korye-kuw was rebranded as Fantsi Society by Rev J. E. Allotey-Pappoe and the families of William Quansah, J. B. Quashie, De Graft, Brandenburger, Aikins-Hawking, Hagan, Mrs Grant (mother of FCF Grant), Madam De Graft and Madam Elizabeth Graham.

⁵⁵⁴ Ibid. The Fantsi Society later attained One-Society Circuit status in 1973 under the name, North Accra Circuit, now Accra North Circuit. New Circuits have emerged from it, including Dansoman (Mt. Olivet), New Achimota (St. John), Kaneshie North (Good Shepherd), and South Mamprobi (Gethsemane).

6.6 Sir Arku as a Freemason

On 28 December 1921, Sir Arku was initiated among nine others, including Rev. A. W. Sackey of African Episcopal Methodist Zion (AMEZ) Church, as *Rough Ashlar*⁵⁵⁵ of Lodge Progressive No. 1261, the first Scottish Constitution's (SC's) Lodge of the Freemasons in Gold Coast at Cape Coast. William Ward Brew – Korsah's senior at the Gold Coast Bar and confidante - was the first Right Worshipful Master (RWM) of the Lodge Progressive 1261 SC. He initiated Korsah and others on the night of 28 December 1921.⁵⁵⁶ Scottish Constitution was introduced to Gold Coast in 1921, and the RWM Ward Brew of the Lodge Progressive 1261 SC consecrated the Lodge on 30 November 1921.⁵⁵⁷

In that period, Freemasonry was in vogue; and it was prestigious for Gold Coast intellectuals and political elites to join, but for Korsah, it was a sort of family tradition. His father and uncles were members of the fraternity.⁵⁵⁸ His father, Chief R. M. Korsah, joined the District Grand Lodge of the Gold Coast, English Constitution (EC) in 1898.⁵⁵⁹ Freemasonry had been one of the resilient masculine religio-fraternal institutions in the Gold Coast. It was exported from the Metropole to West Africa by the English, Irish and Scot soldiers in the British regiments in 1736.⁵⁶⁰ The fraternity was introduced in Gold Coast in 1737 following the appointment of Dr

⁵⁵⁵ Interview with Fernando Baeta. In Apprentice degree (lowest rank) or First Degree. Rough Ashlar is a new initiate in his rude and unpolished condition. It is emblematic of man in his natural state – ignorant, uncultivated and vicious.

⁵⁵⁶ Fifty Years of Scottish Grand Lodge in Ghana (Anniversary Brochure), 2010, p. 9. Records show that the first Scottish lodge in West Africa was Lodge Sierra Leone Highlands No. 997 SC, formed on 2nd November 1905 at Freetown, Sierra Leone (and The Gambia). The following lodges: Lodge Academic No 1138 consecrated on 6th August 1914 in Freetown, Sierra Leone, Lodge Academic No. 1150 consecrated on 1915 at Lagos, Nigeria, Lodge Hope No 1156 consecrated on 4th May 1916 at Calabar, Nigeria and Lodge Scotia No. 1166 at Lagos, Nigeria.

⁵⁵⁷ Lodge Progressive No. 1261 SC Diamond Jubilee Celebration Brochure, 1996, p. 29. Ward Brew was the Grand Master of the Lodge from 1921-1922.

⁵⁵⁸ Interview with Mr. Kweku Egyin Orleans Lindsey (Nana Owodu Aseku Brempon V). Mr Orleans-Lindsey, himself is a former Grand master of his Lodge, and he contends that three of Korsah uncles, and his father were all members of the Grand Lodge of Gold Coast, English Constitution.

⁵⁵⁹ The Handwritten Diary of Chief Robert Mamarduke Korsah.

⁵⁶⁰ Albert Gallatin Mackey, and William James Hughan. *An Encyclopaedia of Freemasonry and Its Kindred Sciences: Comprising the Whole Range of Arts, Sciences and Literature as Connected with the Institution*. Vol. 1. London: Masonic History Company, 1913, p. 38.

David Creighton as the Provincial Grand Master of the Cape Coast Castle by the Earl of Loudoun.⁵⁶¹ As a Scottish Grand Master justifiably proclaimed: “Wherever our flag has gone, we are able to say there has Masonry gone, and we have been able to found lodges for those who have left our shores to found fresh empires.”⁵⁶² The statement confirms the masonic historian, Jessica Harland-Jacobs` postulation that there was reciprocal relationship between Freemasonry and imperialism, and through the activities of Lodges, the Freemasonry contributed to the building and consolidation of the British Empire.⁵⁶³

The first Lodge in the Castle, followed by the Torridzonian Lodge No. 621 founded in 1810 in the Castle and Cape Coast Lodge No. 599 founded in 1833 were exclusively for whites. The first multi-racial Lodge, Gold Coast Lodge No. 733 was founded by the Afro-European Gold Coaster, William Hutchison, with others such as Charles Bartels and his brothers and the Bannerman brothers in 1859, and consecrated in April of the same year.⁵⁶⁴

The creation of the first multi-racial Lodge served as an act of black emancipation and racial equality at the time. This move resulted in the development of a vast service network that was fundamentally global and masculine in nature, and women were not involved at all. Prior to the emergence of Freemasonry in the Gold Coast, Professor Anton Wilhelm Amo, native of Axim, had already been a member of the Masonic Lodge of Germany.⁵⁶⁵ Jacobus Eliza Capitein, a Fante theologian, was also a member of the “Masonic Grand Lodge of Holland.”⁵⁶⁶

⁵⁶¹ Ibid.

⁵⁶² Grand Lodge of Scotland 1888, p. 157.

⁵⁶³ Jessica Harland-Jacobs, "The essential link": freemasonry and British imperialism, 1751-1918." PhD diss., Duke University, 2000.

⁵⁶⁴ Hayford, Augustus Casely and Rathbone, Richard. ‘Politics, Families and Freemasonry in the Colonial Gold Coast’, in: J. F. Ade Ajayi and J. D. Y. Peel (eds.) *People and Empires in African History: Essays in Memory of Michael Crowder*. London: Longman, 1992, p. 147.

⁵⁶⁵ Joseph Cox, *Great Black Men of Masonry*. Lincoln (NE): iUniverse, 2002, pp. 33-34. Anton Wilhem Amo, native of Axim, was PhD, scholar and lecturer in Philosophy, University of Wittenberg who taught Latin, Hebrew, Greek, German, Dutch and French. Counsellor of State by Court of Berlin, Germany. During this historical period, the University of Wittenberg and Germany in general, considered skin-colour-prejudice absurd. This is the essence of “A Tribute to Negro” published in 1848, by Amistad.

⁵⁶⁶ Ibid, p. 82-83.

In some instances, members of the Lodges infiltrated the local Asafo Companies in various communities to incite them to protest against obnoxious imperial decisions and local autocratic chiefs.⁵⁶⁷ These developments in the Gold Coast were akin to the role Freemasonry played in the Metropole in serving as a conduit for civil society actions. The Lodges of the Freemasons symbolised the citadel of civic virtues upon which civil society functioned. Masonic Lodges acted as a paragon of civil society and an avenue where civic virtue unfolded through the interaction of citizens with one another through their sociability.⁵⁶⁸ Freemasonry presented itself as an elite association which ensured the ideas and practices of Gold Coast political actors (nationalists) are converged in the Lodges to enable them take common actions against the British colonial authorities.⁵⁶⁹

By 1900, the increase in the number of educated people in Gold Coast brought triggered cumulative increase in the formation of Lodges. There was an introduction of multi-racial Sister Lodges with ties to the Grand Lodge of England.⁵⁷⁰ Harland-Jacobs argues that the same period witnessed the British Freemasonry extension with significant growth in Africa to warrant the establishment of English District Grand Lodges in Nigeria, East Africa, Rhodesia and Ghana between 1913 and 1930.⁵⁷¹ Thus, when Sir Arku joined the fraternity in the 1920s,

⁵⁶⁷ Interview with Nana Kweku Egyin Orleans-Lindsay.

⁵⁶⁸ Stefan Ludwig Hoffmann, *The Politics of Sociability Freemasonry and the German Civil Society 1840-1910*. Ann Arbor: The University of Michigan Press, 2007, p. 1.

⁵⁶⁹ Interview with Mr Kweku Egyin Orleans-Lindsey.

⁵⁷⁰ Freemason, in the British colonies, especially Gold Coast was the most popular fraternal organisation, but there were other fraternal organisations like the Ancient Order of Oddfellows, the Order of Gardeners, the Ancient Order of Foresters and the International Order of Good Templars. Casely-Hayford and Rathbone cited Acquah's Accra Survey of 1950s, which mentions other internationally lesser known fraternal secretive organisations such as the Gold Triangle, Emmanuel I Am, Dorchett's Occult Circle, the Household of Ruth, the Rechabites, and the Blue Ribbon Army see Casely-Hayford and Rathbone, *People and Empires*, p. 146; and *Lagos Mirror*, 3 November 1888, p. 3.

⁵⁷¹ Henrik Bogdan and Joannes Augustinus Maria Snoek, *Handbook of Freemasonry*. Leiden: Brill, 2014, p. 443. Between 1900 and 1920s, freemason experienced further growth and consequently, by 1926, an English Grand Lodge official reported that lodges in Africa included over 5000 African members. But in Gold Coast, during the end of the 19th to the early part of the 20th Centuries, Lodges erected under the English Constitution held sway in the then Gold Coast and included Victoria Lodge No. 2393 consecrated on 2nd December 1891, Accra Lodge No. 3063 consecrated on 2nd March, 1905, Sekondi Lodge No. 3238 consecrated on 19th March, 1908, Taquah Lodge No. 3356 consecrated on 27th May, 1909. These were based in Accra, Sekondi and the gold mining town of Tarkwa. Other Lodges consecrated were, Ashanti Lodge No. 3717 on 20th March, 1914 based in Kumasi, St. George's Lodge No. 3851 on 25th September, 1918 based in Sekondi and McCarthy

Freemasonry was already an old vehicle for the realisation of certain dreams by the elites, including the opportunity to interact with fellow intellectuals, political actors and professionals. Sir Arku Korsah came into contact with the Worshipful Brothers such as Nana Sir Ofori Atta I, Nene Azu Mate Kole II, Konor of Manya Krobo, Nenyi Ayirebi Acquah, Akilagpa Sawyerr, Dr Danquah, Sir Justice Quashie-Idun (President of East African Appeals Court), Justice Nii Armah Ollenu (Speaker of Parliament), Justice Augustus Molade Akiwumi (Speaker of Parliament), Sir Justice Emmanuel Quist (Speaker of Parliament), among others.⁵⁷² The contact he had with some of these Gold Coast political leaders who he worked with in the nationalist movements and political pressure groups (ARPS, NCBWA, Ratepayers and WASU), Legislative Council, Commission of Enquiries, the Bar and the judiciary offered him a unique opportunity to participate in the quest for the independence of Ghana. Thus, Freemasonry did not only inculcate in him the principles of honour, integrity, virtue and benevolence, but offered him the chance for politico-judicial success, economic, social mobility and distinction.⁵⁷³

After his initiation in 1921, Brother (Bro.) Korsah was passed from the *Rough Ashlar* to the *Perfect Ashlar*⁵⁷⁴ on 11 February 1922 and promoted to the Degree of *Master Mason*⁵⁷⁵ (MM) on 4 April 1922. Korsah worked hard; thus after eight years of his initiation into the Scottish Freemason, he assumed the position of Worshipful Master (WM) of Lodge Progressive 1261

Lodge No. 4132 consecrated on 29th January, 1921 also based in Kumasi, (Information from the J V L Philips` Museum and Archives at William Golloway Memorial Temple, Accra).

⁵⁷² Fifty Years of Scottish Grand Lodge in Ghana, pp 38-39. The Scottish Freemason also have other notable members like the Presidents: General Akwasi Amankwaa Afrifa and John Agyekum Kufuor; Speakers of Parliament: Justice J. Griffith-Randolph, Chief Justices Isaac Kobina Abban and E. K. Wiredu; politicians: Dr. F. V. Nanka Bruce, Ebenezer Ako Adjei, Emmanuel Obetsebi Lamptey, Edward Asafu-Adjaye, Victor Owusu, and Kofi Dsane Selby, traditional rulers: Asantehenes Nana Sir Osei Agyeman Prempeh I, Otumfuo Opoku Ware II and Otumfuo Osei Tutu II, Nana Dr Oti Boateng, New Juabenhene, Nana Dr. Otuo Siriboe, Juabenhene, Oyeeman Wereko Ampem of Amanokrom, Nii Amugi II, Ga Mantse, Osaberima Kwesi Atta, Oguuahen, Nii Kpobi Tettey Tsuru III, La Mantse. Nii Kojo Ababio, Jamestown Mantse, Okoforobuor Agyeman Attafua, Akim Kotokuhene, Nana Agyeman Badu, Dormmahene and many others.

⁵⁷³ Interview with Nana Kweku Egyin Orleans-Lindsay.

⁵⁷⁴ This is stage in the Second Degree, where the initiate`s acquired education exerts its wholesome influence in expanding his intellect restraining his passions and purifying his life.

⁵⁷⁵ It constitute the Third Degree. The MM represent man, his youth, manhood, old age and life itself, which have passed away as fleeting shadows, yet raised from grave of iniquity, and quickened into another and a better existence.

SC from 1929-1930 until his maternal uncle Worshipful Bro., K. Bentsi-Enchill of UAC took over. This was at the time two more Lodges, St. Andrews Lodge No. 1266 and Morality Lodge No. 1362 at Kumasi, in addition to Lodge Progressive, were established on 12 January 1924 and 29 December 1929 respectively.

The dedication and hard work which Sir Arku and others put in to ensure the survival and the promotion of the District Grand Lodge, culminated in his promotion to the Hon. Junior Grand Warden of the SC, with Bro. E. Q. K. Quartey as Honorary Senior Grand Deacon (SGD), whilst Bros., J. P. Ephson and Bro. J. T. Arthur were also promoted to Honorary Assistant Grand Directors of Ceremonies (AGDC).⁵⁷⁶ Sir Arku made a rapid progress in the Royal Arch and was installed into the Chair of the First Principal Chapter Progressive No. 544 SC. He was a member of all the principal branches of Freemasonry, namely:

“The Symbolic (The Craft) – where he was installed Worshipful Master.

The Royal Arch – where he was installed Z.

The Cryptic (Ancient and Accepted Rite) - where he perfected Prince Rose Croix at the United Gold Coast Chapter No. 449 EC.”⁵⁷⁷

From 1928 to 1940, when Sir Arku served as the member of Gold Coast LEGCO, he utilised his Freemasonry social and political capital to rally his colleague African legislators, who were all Freemasons, to bring about co-operation between the intelligentsia and the chiefs.⁵⁷⁸ As noted earlier, the co-operation saw a smoking of the peace pipe between Sir Ofori Atta and Casely Hayford, and the eventual formation of a “shadow cabinet” to push for development programmes that suited the Gold Coast people.

⁵⁷⁶ Fifty Years of Scottish Grand Lodge, p.11.

⁵⁷⁷ Interview with Kweku Egyin Orleans-Lindsay.

⁵⁷⁸ As seen earlier, all the Provincial chiefs and Municipal members of the legislative Council that Korsah met were all masons in either Scottish or English lodges.

He also spread his ties to other Sister Lodges; he became one of the founders of these Lodges. For instance, on 4 October 1941, he joined St. George`s Secondee Lodge No. 1385 at Sekondi-Takoradi. Whilst serving as a Gold Coast representative of the Elliot Commission on Higher Education in West Africa in England, Korsah joined fellow British Masons to found Exemplar Lodge No. 6145 in London in November 1945.⁵⁷⁹

On his return to Gold Coast, Sir Arku, then a Puisne Judge, joined other Masons in Accra to found Travellers Lodge No. 6758 in February 1949; he became its first Worshipful Master in 1953 and remained as a “member until his death which is recorded as 25 January 1967.”⁵⁸⁰ In the same year, on 21 July 1949, Sir Arku, then the Provincial Master (PM), was again promoted as the District Superintendent of Scottish Lodges in the Gold Coast.⁵⁸¹ In this new capacity, he consecrated Lodge Fidelity No. 1468 on 26 January 1952 as the fifth Scottish Lodge in Gold Coast, and installed Bro. R. S. Blay, his long-time nationalist struggle associate, a friend at the Bar and an affiliate member of Lodge Progressive No. 1261, as the *Primus*. Sir Arku and Blay worked together to make it possible for the two proposed Lodges, “Kumasi” in Ashanti and “Charity” in Accra to attain the magic number seven to qualify for District Grand Lodge status. Thus, the two Lodges were chartered at the *Quarterly Communication of the Grand Lodge* on 7 August 1952 and warranted as 1472 and 1473 on the Roll respectively.⁵⁸²

Sir Arku was elected from among his peers and installed as the first Right Worshipful District Grand Master of the new District Grand Lodge of Gold Coast, SC, which was inaugurated and consecrated on 17 January 1953. Bro. Justice K. A. Korsah was installed by a special

⁵⁷⁹Email Reply from Peter Atkinhead, Assistant Librarian, Museum and Library of Freemasonry, Great Queen Street, London to Dennis Vormewor, Secretary of the District Grand Lodge of Ghana, English Constitution (EC) on my behalf, 3 October 2016; Sir Arku`s membership of St. George`s Secondee and Exemplar Lodges ceased on 31 December 1966 and 30 September 1961 respectively. In 2007, Exemplar Lodge in London was erased and amalgamated with Anglo-Colonial, 3175.

⁵⁸⁰ Email Reply from Peter Atkinhead.

⁵⁸¹Fifty Years of Scottish Grand Lodge, p.13.

⁵⁸² Ibid, p. 14.

representative of the Mother Lodge, the Right Worshipful Senior Grand Warden of The Grand Lodge of Scotland, Bro the Rt. Hon. Archibald, BA, DL, DT., The Earl of Eglinton and Winton at an epoch ceremony held at the Freemasons` Hall, Nsawam Road, Accra.

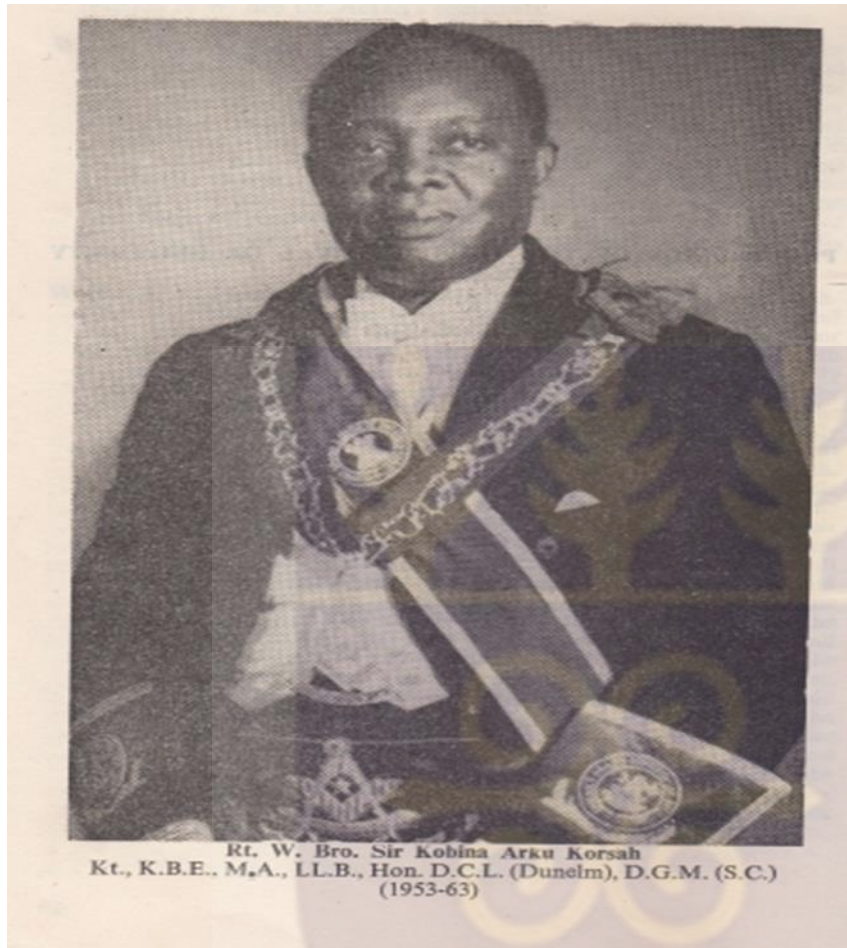


Image 11. Right Worship Brother Sir Kobina Arku Korsah in his full Freemasonry regalia. Circa 1953. Source: Fifty Years of Scottish Grand Lodge in Ghana (Anniversary Brochure), 2010.

The event was attended by Bro. Alex F. Buchan, MBE, B.Sc, Ph.D, F.R.S.E., The Right Worshipful Grand Secretary of the Mother Lodge. The following were also installed as the first Commissioned Office-Bearers of the new District Grand Lodge: Bro. Sir Osei Tutu Agyeman Prempeh II, as the Deputy District Grand Master, Bro J. P. Ephson, Hon. AGDC as the Substitute District Grand Master, Bro. E. Q. K. Quartey, Hon. SGD as the District Grand Secretary, Bros. W. G. Boi-Owoo and Rev. Dr. A. W. E. Appiah as the District Grand Chaplains. Bro. Asafu-Adjaye, as the Senior District Grand Warden, Bro. Justice Quashie-

Idun, as the Junior District Grand Warden, Bro. J. T. Arthur as Almoner and Bro. Arthur Riby-Williams as District Grand Director of Ceremonies, Bro. J. Wilfred Arthur as Senior District Grand Deacon, and Bro. N. O. Quarcoopome as Junior District Grand Deacon.⁵⁸³

Sir Arku worked tirelessly with his fellow brethren to inject vibrancy into the infant District Grand Lodge. They nurtured and developed it into a formidable and prestigious Lodge, which stood neck to neck with its senior Sister Lodge, EC.⁵⁸⁴ Through the efforts of Sir Arku and his administration, the SC's membership did not only record appreciable increment, but the late colonial and post-colonial periods show that it also attracted high ranking and influential politicians, professional public and private servants, intellectuals and the new middle class.⁵⁸⁵

Indeed, his exemplary reflection of the masonry principles and philosophy in his public and private life became a source of attraction to the Craft. A senior mason observes:

Bro. WM Korsah's use of Masonry principles "to deal with the realities of life" in tandem with communicated Masonic "mysteries" and his application of the timeless cardinal masonic virtue of Brotherly Love, Charity and Truth in his public and private life made the Craft, an epitome of elite fraternal organisation worthy of joining. This explains why myriads of Gold Coast educated young men, business magnates and seasoned politicians entered SC in their numbers leading to erection and consecration of new lodges to meet the demand.⁵⁸⁶

Thus, by the time Korsah's tenure which spanned a period of ten years (January 1953-April 1963) ended, the SC had recorded massive improvement and erection of masonic infrastructure. As many as six new Scottish Lodges were consecrated:

- Lodge Achimota No. 1522, chartered on 1 November 1956 and consecrated on 29 December 1956.

⁵⁸³ Ibid.

⁵⁸⁴ Interview with Fernando Baeta, Secretary of the Grand Lodge of Ghana (GLG) at the GLG headquarters, Accra Industrial Area, 28 November 2016.

⁵⁸⁵ Ibid.

⁵⁸⁶ Ibid.

- Lodge Akim No. 1526, chartered on 1 November, 1956 and consecrated on 31st August, 1957.
- Lodge Elmina No. 1534, chartered on 1 August 1957 and consecrated on 31st November 1957.
- Lodge Academic No. 1550, chartered on 1 August 1957, and consecrated on 29 May 1958.
- Lodge Dunkwa-on-Offin No. 1569, chartered on 5 May 1960 and consecrated on 9 July 1960.
- Lodge Ghana No. 1588, chartered on 2 November 1961 and consecrated on 17 January 1962. He also added Lodge Perfect No. 1597.

Sir Arku was succeeded in 1963 by Bro. Asafu-Adjaye, Past District Grand Warden and a former Ghana High Commissioner to the Court of Saint James, in England. Scottish Freemason is now a “Sovereign Masonic Body”, the Grand Lodge of Ghana (GLG) following the amalgamation of the SC and Irish Constitution (IC) which occurred on 24 January 2009. In all 49 Subordinate Lodges comprising 28 Scottish and 21 Irish Lodges constitute the Foundation Lodges of GLG. These have been grouped into 3 Provincial Grand Lodges (PGLs): Provincial Lodge, South East: headquartered in Accra with 20 Lodges.⁵⁸⁷

⁵⁸⁷ Interview with Fernando Baeta. The following are the 21 subordinate lodges under Scottish constitution:

- | | |
|--|--|
| 1. Anniversary Lodge No. 157 | 12. Oguaa Lodge No. 868 |
| 2. St. Patrick Lodge No. 793 | 13. Ewutu Lodge No. 871 |
| 3. Abuakwa Lodge No. 840 | 14. Krobo Lodge No. 876 |
| 4. Saltpond Lodge No. 841 | 15. Greater Accra No. 862 |
| 5. Ahanta Lodge No. 843 | 16. Donoughmore Memorial Lodge No.8987 |
| 6. Asante Kotoko Lodge No. 844 | 17. Gomoa Lodge No. 890 |
| 7. Adansiman Lodge No. 849 | 18. Plateau Lodge No. 896 |
| 8. Sekyere Lodge No. 850 | 19. Provincial Grand Masters Concord Lodge No. 912 |
| 9. Akwapim Lodge No. 860 | 20. Amua-Sekyi Memorial Lodge No. 973 |
| 10. Universal Fraternity Lodge No. 866 | 21. Omega Lodge No. 972 |
| 11. Asin Lodge No. 867. | |

GRAND MASTER	PERIOD
1. Bro. Sir Kobina Arku Korsah	1953-1963
2. Bro. Sir Edward Okyere Asafu-Adjaye	1963-1968
3. Bro. Henry Reginald Annan	1968-1973
4. Bro. Richard Mabuo Akwei	1973-1976
5. Bro. Joseph Collingwoode-Williams	1977-1981
6. Bro. Joseph Osei-Tutu Agyeman	1981-1986
7. Bro. Victor Owusu	1986-1991
8. Bro. Dr. Kofi Dsane Selby	1991-1996
9. Bro. Daniel Sackey Quarcoopome	1996-2003
10. Bro. William Charles Stanley-Pierre (GLG)	2003- 2013
11. Bro. Otwasuom Osae Nyampong VI (GLG)	2013-2017
12. Bro. Naval Captain Kwadjo Adunkwa Butah (Rtd)	2017-

List of the Grand Masters of Grand Lodge of Ghana (SC) from 1953 to 2017 compiled by Kweku Darko Ankrah.

Currently, the GLG enjoys an autonomous sovereign existence, unlike the EC, which continues its dependence and existence on the Grand Lodge of England, and therefore has no “autonomous” identity.⁵⁸⁸

6.7 Belief in African (Akan) Tradition

The social milieu of Gold Coast in which Sir Arku lived his life was a fusion of various elements, African and European. Thus, apart from Sir Arku`s Christian and Freemasonry socio-

⁵⁸⁸ The first Grand Master of the new GLG is RW Bro. Charles William Stanley-Pierre, who was succeeded by RW Bro. Nana Otwasuom Osae Nyampong VI, known in private life as Yaw Adjei. On the formation of Grand Lodge of Ghana from the Scottish and Irish constitutions, see William G. M. Brandful, *Personal Reflections of a Ghanaian Foreign Service Officer - Whither Ghanaian Diplomacy?* Pittsburg, Pennsylvania: RoseDog Books, 2013, p. 233.

religious adherence, and the influence of Western ideas on him, he was also in tune with his African traditional belief and cosmology. Like the coastal African elites of his time, Korsah was proud of the traditions of his people, and of his family.⁵⁸⁹ He adroitly traversed his life in the worlds of his ancestral tradition and modernity.

In practice, Sir Arku observed Akan-Fante tradition and cultural practices whenever the occasion demanded.⁵⁹⁰ The belief in traditions, perhaps, emanated from his ancestral roots and royalty. For instance, Sir Arku once served as regent of the Amanfopong *Kɔna* royal stool on behalf of his patrilineal family sister, Mrs Leighton Armah, until her young son, Nana Kweku Egyin Orleans-Lindsey, was old enough to take over as the substantive Omanhen of Amanfopong.⁵⁹¹

In the family and official state functions, Sir Arku occasionally called “upon Twerampon Nyami” to offer libation and thanksgiving through the ancestors who act as intermediaries to “the Almighty God.”⁵⁹² His toast to President Nkrumah at the luncheon on 4 July 1960 confirmed Sir Arku’s traditional African consciousness when he prayed thus:

*As true descendants of our ancestors of Ancient Ghana, we also call upon Mother Earth, by whose bounteous gifts we have been sustained, to continue to yield of her richest products, including cocoa, to help us sustain life, and maintain our new Republic and its citizens in happiness and prosperity. In true traditional form we pour down drinks - libation – to the spirits of our ancestors in belief that they too may watch over our President, guide him along the right path and protect him from all dangers.*⁵⁹³

Korsah was not only a traditionally conscious person, but he also had strong esoteric beliefs in certain symbolic objects which he believed bring luck and/or good omen. In his official car, a

⁵⁸⁹ The Gold Coast elite families who experienced the period of cultural nationalism and imbibed Western education were able to navigate their way through African traditions and customs without making their Christian beliefs to serve as impediment. The *Gold Coast Leader* of 10 January 1924 reported that the Hayford families of Gold Coast who were Christians with Methodist priests observed their traditional rituals, see Gordon M. Haliburton, "Mark Christian Hayford: A Non-Success Story." *Journal of Religion in Africa* (1981): 20-37.

⁵⁹⁰ Interview with Nana Kweku Egyin Orleans-Lindsey.

⁵⁹¹ Interviews with Mrs. Dinah Tagoe.

⁵⁹² Korsah, *Law in the Republic*, p.7.

⁵⁹³ *Ibid.*

Chevrolet with a number plate AG 9999, Sir Arku always kept a clean pair of “Horse shoes” in the front of the radiator.⁵⁹⁴ He cleansed it regularly and placed it in the same place before either he or most often his loyal driver, Papa Kweku, drove out of the house. He insisted that the “pair of horse shoes is for good luck.”⁵⁹⁵

6.8 A Critique on Sir Arku

The study of Sir Arku`s biography exposed three major weaknesses which his critics have raised. He was said to be pro-establishment and an imperialist stooge; intellectually incompetent judge who gave poor judgements and was wrong in signing the Preventive Detention Act.

In the first place, Sir Arku was accused of being pro-establishment and a betrayer of the nationalist cause by his opponents in the Aborigines Right Protection Society. This accusation may be true to some extent when juxtaposed with his support for Britain during World War II. He minced no words in expressing his readiness to help in the recruitment drive, logistics provision and contributing his own quota to the British war effort.

In his speech at the Colonial Office in Britain as the 1934 Ashanti and Gold Coast delegation`s spokesperson on the Sedition Bill, he continued to intersperse his pleadings with expressions which suggested that the Gold Coasters were loyal citizens to the British Empire.⁵⁹⁶ For instance, he said “Gold Coast has been loyal to Britain in the past, “...we will continue to express our loyalty” and “...we take this opportunity to express our loyalty to you.”⁵⁹⁷ When Dr Nkrumah summarily dismissed him as the Chief Justice, he confided in the visiting British official that “He is proud that the end of his career as a judge has come as a result of his

⁵⁹⁴ Interviews with Mrs. Dinah Tagoe; and Erica Ifill.

⁵⁹⁵ Ibid. At this point in time the CJ no longer drove himself. His very loyal driver, Papa Kweku, drove him until his death.

⁵⁹⁶ PRAAD, Accra, ADM 23/1/877 Petition to the Secretary of State by the Gold Coast and Ashanti delegation, 1934.

⁵⁹⁷ Ibid, pp. 14-15.

upholding the fair administration of justice: he will be remembered for what he thinks, especially in Britain.”⁵⁹⁸

Sir Arku, however, is not the first Gold Coaster to have supported the British War effort. Casely Hayford and the National Congress of British West Africa supported the British World War I effort by donating money with other Gold Coast individuals and Chiefs. Sir Arku’s pride as a loyal subject of the British Empire was not of his own doing despite his Africanist consciousness. The colonial education and profession were conducted in tandem with British traditions and culture which extracted loyalty from the subjects. Thus, some of the British educated elites saw the honours and awards as achievement for hard work in the society. But to many Gold Coasters, the awards had different connotations. For Prof. Ekow Daniels, Korsah’s desire for British ideals and bourgeois taste in all things were portrayed in his friendship, associations and accumulation of British honours from the King and the Queen, such as his CBE, Kt, and KBE, among others. Prof. Ekow Daniels contends that, historically, Gold Coasters describe these Order of British Empire (OBE) honours in the local parlance as “*Obra Bɔn Enyimyam*.”⁵⁹⁹ Which means only people who please or do things to favour Britain gets the OBE, CBE, KBE and other awards, “that is why neither Nkrumah nor Kobina Sekyi could receive any honours from the British Empire.”⁶⁰⁰ It explains why when John Mensah Sarbah accepted the Knight Commander of the Order of St Michael and St George (CMG), he was accused as a sell-out who was rewarded for his endorsement of the 1906 debate on the Native Jurisdiction (Amendment) Ordinance of 1883. *Times of West Africa* also disclosed how some educated Africans abhor the acceptance of foreign titles: “*There seems to be abroad the*

⁵⁹⁸ TNA, Kew, London, (Confidential) File no J1641/4/G, Discussion with Sir Arku Korsah on his dismissal as Chief Justice of Ghana, 9 January 1964.

⁵⁹⁹ Interview with Prof. Ekow Daniels. “Evil Life Honour” or “Bad life Award.” Indeed when the much respected Gold Coast lawyer John Mensah Sarbah received CMG award in 1930, he was seen as betrayer by his contemporaries.

⁶⁰⁰ Ibid.

*very ignorant and superstitious belief that to receive an honour... is a proof positive that that person so honoured had sold his country.*⁶⁰¹

The second critique of Sir Arku is that he was intellectually deficient amongst his contemporaries such as Kobina Sekyi, Casely Hayford, John Mensah Sarbah and others. The reason is that Sir Arku did not write books or publish scholarly works. His legal judgement in the *Re-Akoto* case which had received serious criticisms in Ghana's history is often cited by his critics to show that he was not an astute legal luminary. The decision was perverse, because it did not deal with justiciability of the articles in the Constitution and it also failed to expunge the PDA. Currently, the Ghana School of Law has annual lectures on their calendar known as the "*Annual Re-Akoto and Seven Others Memorial Lecture*" to dilate on certain topical national, and scholarly constitutional issues and debates.

For instance, Ofosu-Appiah alludes to the *Re-Akoto* case to compare Sir Arku with Dr Danquah, and concludes that Sir Arku was an envious man who "could not bear J. B. Danquah, because he felt that J. B. had a poor opinion of his intellect as a lawyer and a judge."⁶⁰² He opines further that Korsah was morally and intellectually bankrupt, and for him his "personal ambition and old scores were more important than the norms of civilization."⁶⁰³

The criticisms notwithstanding, the fact that Sir Arku did not write books and journal articles does not mean he lacked intellectual prowess. His intellectual ideas can be found in his LEGCO debates, constitutional and statutory draftsmanship and legal cases that he won as a private legal practitioner. From 1928 to 1940, he was among the few lawyers who appeared before the Gold Coast Supreme Court.⁶⁰⁴

⁶⁰¹ *Times of West Africa (editorials)*, 18 April 1893.

⁶⁰² Ofosu-Appiah, *The life and times*, pp. 141-142.

⁶⁰³ Ibid.

⁶⁰⁴ *The Echo* 9 December 1938, p. 8. From 1930-1940, the Supreme Court of Gold Coast was always busy with appeals from K. Sekyi, D. Myles-Abadoo, W. Ward Brew, C. E. M. Abbensetts, K. A. Korsah and C.F.

For years Korsah has been targeted by pseudo-partisan academics and legal practitioners as a bad lawyer and judge, because of Danquah's involvement in the *Re-Akoto* case. It could be argued that Korsah erred monumentally in this particular case, but he (Korsah) also erred in his judgments on *Abude and ors. v. Nii Adjei Onano* and *Quargraine v. Davies*. The underlining thread that runs through these supposed perverse judgements delivered by Korsah shows clearly that he was a staunch acolyte of positivist legal thought, a legal theory which its opponent insists that it turned to a narrow instrumentalism about the functions of law.

There is no judge who always delivered sacrosanct decisions and never attracted criticisms. Every judge in the world has probably had one or two of his cases criticised as perverse and even overturned by another judge; or legislations passed to nullify their decisions. Prominent judges like Lord Diplock, Lord Denning, Oliver Wendell Holmes and many other great judges have had one or two of their judicial decisions criticised, overruled or legislations passed to nullify their rulings.

Thus, the assertion that Korsah was envious, morally and intellectually bankrupt is far from the truth. It has everything to do with politics, a mere attempt to raise a political figure over a judge in a purely political campaign of "who is who" in Ghana's history. But the facts speak for themselves. Danquah himself respected Korsah and admitted that if Sir Arku had not followed a career on the Bench he would have become the first president of Ghana. Indeed, Korsah and Danquah may have had some disagreements in 1940, but the period after 1940 witnessed a solid renewal of friendship between the two. Any disagreement afterwards was purely on professional, legal and political matters. However, with regard to the accusation that Sir Arku was envious and jealous of Danquah's legal and intellectual prowess, one may ask: "If Sir Arku

Hayfron-Benjamin, whom *The Echo* newspaper of Gold Coast described as the most popular lawyer among the Cape Coast youths.

was envious and jealous of Danquah, why did he attempt to appoint Danquah as the first editor of the Ghana Law Report, despite President Nkrumah's disapproval?"

Thirdly, Sir Arku was critiqued for assenting to the signing of the Preventive Detention Act in his capacity as the Acting Governor-General without exercising good political and legal judgement. His presence in the Presidential Commission as the Chairman, deputising for the President and his reticence in the face of massive public outcry against the PDA gave weight to the claim by his critics that he was unconcerned about the fundamental human rights of Ghanaians. The contention that Sir Arku was wrong in signing the PDA holds true in the face of the many arrests and detentions which flowed from the application of the PDA. It brought too much pain and deaths, especially when the CPP chieftains in rural communities used the law to execute personal vendetta against their opponents.

Two events, however, show that Sir Arku was actually not in favour of the PDA, and was also not enamoured of the genius of Nkrumah nor was scared of him as his critics contend. Firstly, the judgement in the treason case of Baffour Akoto and seven others in which all other accused persons were jailed was not the sole decision of Sir Arku. Together with the two other Supreme Court judges, Van Lare and Akiwumi, Korsah interpreted the Act as they deemed fit in law and in line with their own positivist legal thought. He did not interpret the law to favour or disfavour somebody because, for him, a judge on the Bench had a duty to contribute to the tranquility and happiness of the people of Ghana. Secondly, a recent CIA declassified document also clarifies beyond reasonable doubt that Sir Arku was vehemently opposed to the PDA. In fact, the members of the Presidential Commission had fought against the Communist-Marxist hardliners like Tawia Adamafio and John Tettegah about the dangerous utilisation of the PDA against CPP critics.⁶⁰⁵ It was quite interesting that Adamafio, who was a staunch

⁶⁰⁵ Central Intelligence Agency Bulletin, CIA-RDP79T00975A005900370001-6, Situation in Ghana, 2 September 1961.

supporter of the PDA and resisted its relaxation at the Cabinet level, would be saved later by Korsah.

In a nutshell, careful balance of Korsah's acquisition of the OBE and endorsement of the PDA reveals a man who was thoroughly acculturated to European attitude and behaviour. From intellectual perspectives, the disagreement between Danquah and Korsah should be understood as a politico-legal one about the role of the judge in rule making and decisions. The role of a judge is to interpret the law as he understands it. This judicial interpretation flows from the legal schools of thought to which a particular judge belongs.

As stated earlier, the track-record of his judicial rulings show that he was a legal positivist. He seems to have been influenced by the positivism theories of the Austrian legal philosopher, Hans Kelsen and his British followers when he trained as a lawyer in Britain and also relied heavily on the British jurisprudence as a judge. Legal positivism as argued by legal philosopher, David Dyzenhaus mandates judges to "apply only those values and norms that have been explicitly incorporated into the law by statute."⁶⁰⁶ Drawing its roots from Hobbesian idea, legal positivism obliged judges to enforce the law as it exists, that is, 'the will of the sovereign as he intended it to be executed'.⁶⁰⁷ Furthermore, the Kelsenian positivist model of the rule of law regards statutes as the primary, if not the only legitimate source of legal values.⁶⁰⁸

The interpretation of the law tends to be anchored in authoritarianism, which effectively catapults legal positivism to endorse legislative supremacy. This interpretative trajectory underpinned the judicial rulings of colonial judges in Gold Coast in tandem with the

⁶⁰⁶ David Dyzenhaus, 'The Juristic Force of Injustice' in David Dyzenhaus and Mayo Moran (eds) *Calling Power to Account: Law, Reparations and the Chinese Canadian Head Tax Case*. Toronto: University of Toronto Press, 2005, p. 261

⁶⁰⁷ David Dyzenhaus, 'Why Positivism is Authoritarian' (1992) 37 *American Journal of Jurisprudence* 83, 112.

⁶⁰⁸ Dyzenhaus, 'The Juristic Force', p. 261.

sovereign's (British Empire's) desire, and was followed by the African colonial and post-colonial judges such as Korsah, Molade Akiwumi, Van Lare, Sarkodee-Addo and others who were trained in Britain. Thus these colonial judges after independence in following the footsteps of colonial judges, also interpreted the law which at times favoured the state or the post independence government of President Nkrumah.

Thus in consonance with his legal positivism ideals, Korsah sided with the government on the PDA, and it also explains his "illiberal" views, e.g., what the traditional head of a family can and cannot do, thus his enforcement of Sarbah's customary law in *Abude* case that "no junior member can claim an account from the head of family." The ruling was a pure positive prejudice about law. The same positivist reasoning flows in his *Re-Akoto* judgement, for as Dyzenhaus argues "positivism cannot supply a foundation for judicial review since it is politically committed to minimising the role of judges in legal order"⁶⁰⁹ Indeed, Korsah's vehement opposition to Governor Slater's passage of NAO in 1929, which gave defined powers to State Council on subversion, judicial and executive duties and extended government control; proves that he was not a supporter of autocrats and PDA. Korsah had argued that the NAO will afford endless opportunities to Chiefs to exercise their powers capriciously and autocratically.

In spite of criticisms against Korsah, his greatness in Ghana history has been recognised. Sir Arku Korsah had been honoured by the State and institutions. Streets have been named after him. For instance, Sir Arku Korsah Street at the Airport residential area, near his 'Amanuah House' residence in Accra, and a street opposite the UCC Library in Cape Coast. The Law School Library at the Kwame Nkrumah University of Science and Technology (KNUST), Kumasi has also been named after Sir Kobina Arku Korsah.

⁶⁰⁹ David Dyzenhaus, 'Form and Substance in the Rule of Law' in Christopher Forsyth (ed), *Judicial Review & The Constitution*. Oxford: Hart Publishing, 2000, p. 159.

CHAPTER SEVEN

SUMMARY AND CONCLUSION

Conclusion

Sir Kobina Arku Korsah is arguably one of the many unsung nationalist heroes in Ghana's nationalism and independence history. The works of scholars and commentators mentioned and partially extolled his contributions and achievements in the area of protest nationalism, law-making, legislative debates, educational development and nation-building. Korsah's entire politico-public career spanned 1928 when he was elected as the member of the Gold Coast Legislative Council until his death in 1967. His monumental legacy continues to shape historical and judicial discourse in Ghana. He could truly be described as a man who saw it all.

At the professional level, Sir Arku was an astute lawyer, student leader, legislator, a judge and an accomplished public servant who crowned these with his achievements as the Chief Justice and Acting Governor General of Ghana. In private life he was a loving father, grandfather and philanthropist to his constituents and people, a remarkable sports man, patron of Literary and Social Clubs and Grand Master of Scottish Freemasonry in Ghana. Thus the entire complex life trajectory of Sir Kobina Arku Korsah within the context of Ghana's socio-economic, political and cultural milieu clearly signifies that the first Chief Justice was actually a phenomenal man in the history of Ghana.

Sir Arku, as the son of a bourgeois Gold Coast business magnate and traditional ruler, had privileged education in Gold Coast, Sierra Leone and Britain and by a dint of hard work became an accomplished legal practitioner. His education in Fourah Bay College and his interests in the Pan-Africanist writings of Dr Dubois prepared him to become a great student leader in Durham University, United Kingdom, where he rose to the position of the Secretary of the Union of Students of African Descent (USAD). His Pan-Africanism values were entrenched when his USAD position brought him into personal contact with great Pan-Africanists such as Dr

Dubois, Duse Mohammed, Ladipo Solanke, and others; an opportunity which he used to re-invigorate his Pan Africanism fight for the conditions of Africans when he returned back to the UK in early 1940`s.

As a politician, Korsah served as a high ranking member of the proto-nationalist pressure groups such as the Aborigines Right Protection Society (ARPS), National Congress of British West Africa (NCBWA), and the Ratepayers Association (RPA). In ARPS and NCBWA, he was involved in the protest against the amendment of Native Jurisdiction Ordinance of 1883 which gave more powers to the chiefs, and advocated for the rights of educated Africans to be elected to the Legislative Council (LEGCO). In his association with the RPA, Sir Arku became the LEGCO member for Cape Coast, which enabled him to contribute towards nation building and socio-economic development as a pro-establishment legislator, who also cared for his country and the interest of the people. For instance, when the Government introduced the obnoxious Sedition and Water Works Bills, Sir Arku joined the Gold Coasters to criticise the administration and went further to join Gold Coast and the Ashanti deputation to Britain to protest.

In the LEGCO, he served as a ranking member for important Committees such as the Select Committee on Labour, Select Committee on Co-operative Society Bill, Select Committee on the Cocoa Industry (Regulation), and Select Committee on the Workmens Compensation Bill among others. He used the opportunity to demand for equitable and respect for the fundamental right of the people, opportunities in job creation, educational and agricultural development. He emerged as a skilful and respected legislator among his peers and demanded for increment in royalties to owners of mineral lands, appropriate prices for cocoa farmers. He recommended to the Government to offer immediate solutions to Swollen shoot Disease; establishment of agricultural training schools train farmers and create banking institutions offer soft credits to Gold Coast farmers to alleviate poverty.

In the area of public service, Korsah utilised his appointment as a member of the Governor`s Executive Council and the Elliot Commission to push for improvements in the operations of the native courts and development of basic educational curriculum and infrastructure, as well as provision of an institution of higher learning in Ghana. His contribution to the development of education, especially quality and higher education in Ghana, is one of his highest achievements. Korsah`s contributions as a member of the Elliot Commission of Higher Education in West Africa and his lobbying in the Governors Executive Council towards the creation of the Bradley Committee which finally led to the formation of UG cannot be overstated. Sir Arku worked with the University Council and the government towards the establishment of the University of Ghana from its original Achimota premises to its current location, worked towards the foundation building of University of Cape Coast and assumed the position of Chairman of the UG and UCC Councils. He contributed to private and public basic educational development by working towards their quality service delivery and ensuring the formation of the Ghana International School.

In his private practice as a lawyer and member of LEGCO, Korsah was seen as an excellent and respectable legal draftsman. His draftmanship and experience in constitutional and legislative matters which had earned him respect among his peers convinced Dr Danquah to propose him to chair and oversee the drafting of the 1942 Constitution for the Joint Provincial Council of Chiefs, which was later watered down as the Burns Constitution and reflected in its description as “outmoded at birth.” His stewardship as the chairman of several Committees of Enquiry such as the Committee of Inquiry into the Existing Organization and Methods for the Control of the Swollen Shoot Disease by the Compulsory Cutting-Out of Infected Cocoa Trees; the Committee of Enquiry into the Native Courts, and the Commission of Enquiry into Mr. Braimah`s Resignation and allegations arising therefrom, clearly established his great contribution to his country.

The exceptional intelligence and due diligence with which he discharged his duties in these Committees of Inquiry contributed to the improvement of institutions of State, transparency and accountability and the building of the foundation of a democratic culture in Ghana.

As a judge and chief Justice, Sir Arku improved legal education and the development of law by providing educational infrastructure, institutions and appointing the right calibre of persons to occupy those positions. He established the General Legal Council and the Ghana Law Report; he appointed Edward Akufo Addo as the chair of the Disciplinary Committee of the GLC. In the end, Sir Arku, in tandem with the mark of transformational leader strove for excellence in legal and constitutional matters.

His legacy in agricultural development still stands tall today. He was among the the first to propose a creation of agricultural bank and micro-credit facilities to peasants and small-holder farmers. He also attacked the bulk purchases of cocoa by the British government during the World War II on the grounds that their act deprived the cocoa farmers of their bargaining power. His conceptualisation that communities with mineral endowment must benefit from its exploitation based on contributive and distributive justice inspired him to advocate for 5-10 per cent royalties to the landowners. A proposal post-independence Ghana governments have not been able to achieve. The current rate is still between 3-5 per cent.

Korsah cared for the ordinary man, he represented their interests in pro bono cases, attended to the welfare of his constituents, and used his Legislative Council position to fight for the rights of workers and deprived persons. In the construction of railways, Korsah asked for equitable compensations to the affected landowners. He further assisted to shape government policies which dealt with legislation concerning forced labour, workmen`s compensation, money-lending, and other worker-related matters that appeared before his committees.

Despite his moderate political and pro-establishment political attitude, Korsah always rose to the occasion to defend the rights and liberties of the ordinary Gold Coasters in his days at the LEGCO. For instance, he criticised the government severely on the Water Works and Sedition Bills, and even went to England to protest against the legislations. Whilst his detractors at law accused him of perverse judgement in the *Re-Akoto* case, they self-servingly failed to acknowledge his monumental decision in the treason case which led to the acquittal of Adamafo, Ako Adjei and Cofie Crabbe leading to his own dismissal from the Bench. There is no doubt that the accusation that Korsah favoured Nkrumah and/or was scared of him, thus his perverse decision per *Re-Akoto*, had no validity when juxtaposed against his subsequent ruling in the treason case of Adamafo and four others.

Sir Arku had a personal trait as a humble, reticent, unifying and persevering individual who understood the vicissitudes of life and was ready to welcome what life had in store for him. He brokered the friendship deal between Casely Hayford and Nana Sir Ofori-Atta I; he brought the educated elites and the traditional rulers together to form a Shadow Cabinet or African Caucus in the LEGCO; he worked with Danquah and Asantehene Nana Agyeman Prempeh II to bring Gold Coast colony and Ashanti together and ensured the appointments of opponents into positions against opposition. He showed no sign of vindictiveness, even when Danquah attacked him severely in the 1940s, he still appointed him as the Editor of Ghana Law Review and never went public to attack Nkrumah when he was sacked. Indeed, Korsah's political resilience and patience offer lessons to current politicians to emulate.

Sir Arku's success in public life was also evident in the Scottish Freemason (SC), where he served as the first Grand Master. He contributed towards the establishment and consecration of several Lodges and brought Ghana's SC influence and prestige to be at par with their Sister Lodge, the English Constitution. Sir Arku was a founder-member of some Lodges in Ghana and abroad. Sir Arku's leadership of SC brought the crème de la crème of the society into

Freemasonry. He was an ideal Grand Master of Freemasonry who exhibited nobility of his character, strength and splendour of his manhood, high principles and sense of honour, constant devotion to duty, unbounded sympathy and consideration for others, beautiful gentleness and kindness, courtesy and tact, and innate modesty - for Sir Arku never boasted. He had two honorary Ph.Ds from Durhan University and the University of Ghana, but he never used the title Doctor anywhere in his communications and public address. Above all. Sir Arku was non-corrupt; a trait which is now a scarce ingredient in the lives of many masons and officials in public and private positions. One of his mason admirers, Bro. Justice Kweku Etrew Amua-Sekyi, first Grand Master of Irish Constitution (IC), former Supreme Court judge and the Chairman of the National Reconciliation Commission (CRC); noted:

The headship of the Scottish Freemasonry is a hot seat. The Constitution is over democratic since the appointment is made by the Lodges themselves and the Grand Lodge of Scotland merely stamps the choice of the Brethren. That for the fourteen years that he bore sway over Scottish Lodges in this country not a single petition was sent to the Grand Lodge against him for the mismanagement of the District, was clear evidence of his high administrative ability. He was always firm but courteous and never ruffled. He proved in every way to be a true Brother.

Through the study of Sir Arku in Freemasonry, some aspects of the fraternity as an elite society which deployed the tactics of the masses by using its leadership to incite Asafo Companies to riot against the colonial authorities and autocratic traditional rulers is brought to the limelight. It also shows the complex and intricate web of our colonial and post-independence political leadership, organisational structure of political pressure groups, close family and professional relationships and how it served as a catalyst for rising through positions in society.

Indeed, Korsah did not write his biography, neither did he write seminal or scholarly books and articles, but his intellectual depth was acknowledged by organisations such as the Royal African and Royal Empire Societies and Ghana Academy of Arts and Sciences who published his public addresses, "*Indirect rule—a means to an end*" and "*The place of law in the Republic of Ghana*", as journal articles. The Ministry of Information compiled his speeches into a book,

“*Law in the Republic of Ghana.*” Despite the obscurity of these works of Korsah, some legal scholars appreciated his intellectuality. One of Sir Arku’s admirers, Justice Azu Crabbe, in his tribute to him, points out:

Yet another, also a lawyer, was no revolutionary; and, perhaps, not the kind of intellectual that one is likely to encounter in the monastic seclusion of a University. But surely, very few people have passed through our history who have put their intellectual endowment to more practical use, and achieved greater influence in the political life of our nation, than Kobina Arku Korsah. It was fitting that, in his lifetime, his rare combination of intellectual agility, a commanding presence, absolute gentlemanliness, and consistently sincere commitment to the political progress of his people, should have earned him the solitary distinction of having been, not only the first Chief Justice of new nation of Ghana, but also the first Governor-General of a modern independent African Nation.

The study of Sir Arku through biographical methodology, is also a critical introspection of Ghana’s independence history, political and economic struggles and the quest for sanguine democratic and responsible government. Future research into the biography of Sir Arku Korsah can concentrate on his intellectual works with regards to his views on important national issues of the development of laws, good governance and the Ghanaian masonic philosophy and practices.

He is arguably the only Gold Coast Pan-Africanist, political and intellectual heavyweight who saw 19th and 20th centuries Gold Coast and Ghana, as well as the first independence government toppled by the military. Professor Ofose-Appiah contends that Sir Arku died as “a broken man,” but the overthrow of Nkrumah, the attempts to reappoint him as Chief Justice, his re-appointment as the Chairman of the interim Council of the UCC and his role as the head of the National Liberation Council’s goodwill delegation to East Africa and other states surely portrayed him as a nationalist and a true patriot who had the last laugh before his demise. His track record shows that he was indeed an unsung nationalist hero in Ghana’s independence and nationalism history.

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APPENDICES

Appendix A: Letters

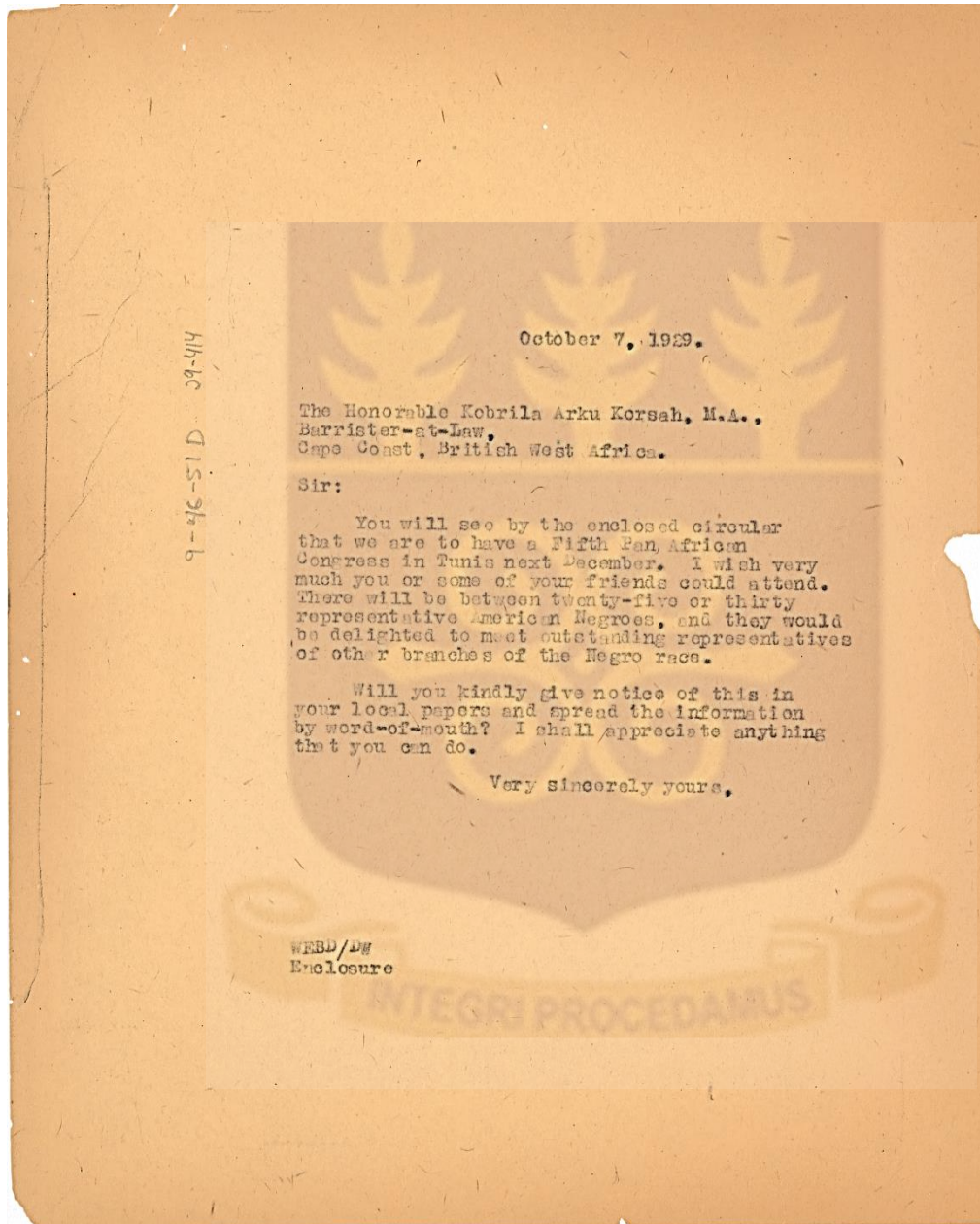


Image 12: Letter sent by W. E. B. Dubois to Hon. K. A Korsah. Circa 1929.

16th April 1957.

I had a visit here yesterday afternoon from Geoffrey Bing, Q.C., who is now adviser to the Prime Minister of Ghana, as you well know. Bing is over here on a number of missions for the Ghana Government which include a proposal that the Hon. Sir James Henley Coussey, formerly President of the West African Court of Appeal, and the Hon. Sir K.A. Korsah, the new Chief Justice of the Supreme Court of Ghana, should be made members of the Judicial Committee of the Privy Council.

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You may remember that during the passage of the Ghana Independence Bill a plea was made in the Commons for representation of the Judiciary of Ghana among the Judges of the Judicial Committee, and Coussey's name was specifically mentioned. Bing spoke to me eloquently of Coussey's abilities, and I have heard from other sources too that he is probably of the quality which we need.

Bing said that direct representation of Ghana on the Judicial Committee would be a very important factor in keeping the appeal alive at all. There was no talk of abolishing the right of appeal at present, but responsible opinion in Ghana thinks it necessary that the Judicial Committee, when hearing African appeals, should have someone on it who is an acknowledged expert on African law.

I understand that if a Ghana member or members were added to the Judicial Committee, the Ghana Government would be prepared to defray their salaries and pay their travelling expenses. There was some suggestion that H.M.C. should make a contribution in regard to their expenses over here, but as we know that would require

The Right Honourable
The Earl of Home,

Image 13: Letter of the Lord Chancellor to the Secretary of State for the Commonwealth, 02 April 1957.

Appendix B: Evening News Cartoon Images

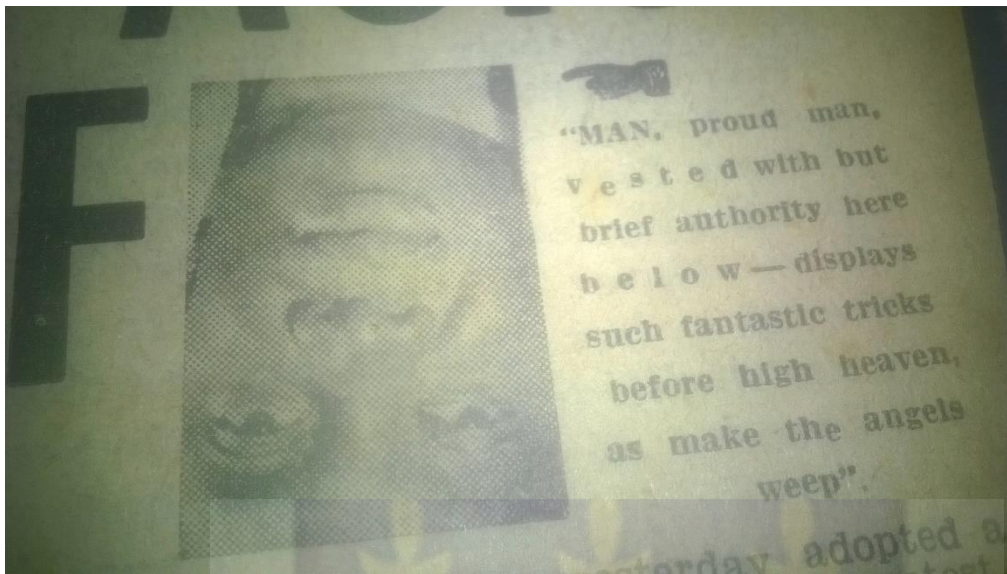


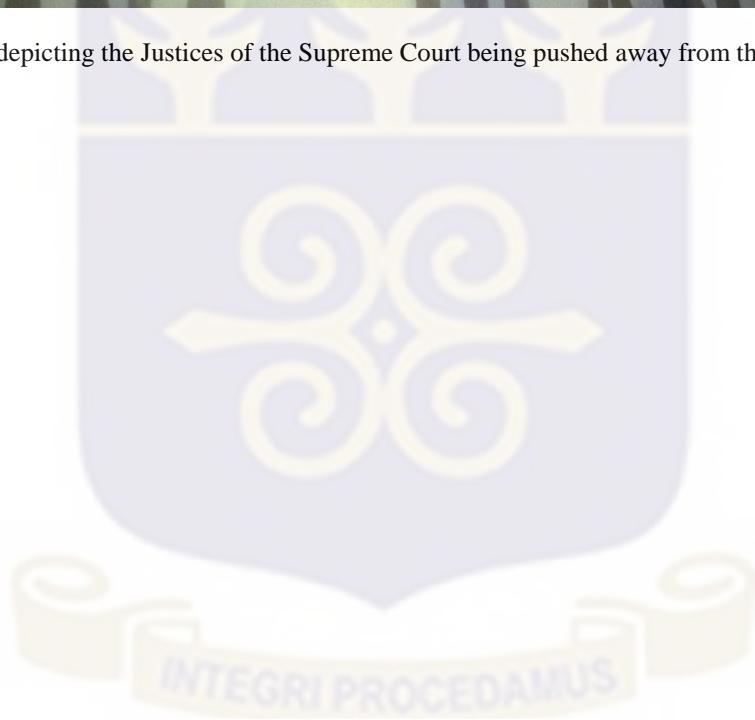
Image 14: Ridicule; passport size photograph of Chief Justice Korsah turned upside-down on the front-page of the *Evening News*



Image 15: Cartoon depicting Sir Arku Korsah with two other judges, Van Lare and Akufo Addo being threatened by the people.



Image 16: Cartoon depicting the Justices of the Supreme Court being pushed away from the moving lorry



Appendix C: Table of Key Informants

Names of Respondents	Designations	Place of Interview	Date (s)
Akainyah, Azanne Kofi	Lawyer at A& A Law Consult	Online-Email enquiry	4 November 2016
Amegatcher, Andrew Ofoe	Lawyer, Legal Historian and formerly Judicial secretary	Dansoman Residence, Accra	11 November 2016
Baffour, Fritz	Former Member of Parliament for Ablekuma South Constituency, former Information Minister and Heritage Consultant	Telephone	22 January 2017
Daniels, William Cornelius Ekow (Prof.)	Retired Professor of Law, Former Director of Ghana School of Law, Chairman of Moncrest University and Legal Practitioner	The Den residence, Ridge Accra	24 November 2016
Elegba, Samuel Panyin	Secretary to the Chief Justice, Sir Arku Korsah, and long-time Administrator at the University of Ghana	Kasoa	20 November 2016
Ifill, Erica	Grand-daughter of Sir Arku, Caterer and the family`s Historian.	Amanuah House, Airport Residential Area, Accra	10 October 2015, 23 March and 22 January 2017
Orleans-Lindsey, Nana Kweku Egyin (Nana Owodu Aseku Brempon V.)	Retired Civil Servant, Nephew of Sir Arku and the Paramount Chief of Amanfopong	Dansoman, Accra	10 January 2017
Matera, Marc (Prof.)	History Lecturer at the University of California Santa Cruz in Santa Cruz, California, United States	Online-Email enquiry	30 March 2017
Sackeyfio, Henry Werner Aryee Kofi Lt. Colonel (rtd,)	Engineer, Retired Army Officer and one of the Pioneer teachers of Ghana National College, after he was sacked from Mfantsipim over 1948 riots.	Cape Coast	22 March 2017
Striggner-Scott, Thérèse Eppie (Justice)	Retired High Court Judge, Diplomat and a family friend to the Korsahs	Villagio, Dzowulu-Accra	7 March 2017

Stansfield, Michael M. N. (Dr.)	Deputy Head of Archives and Special Collections at Durham University Library	Online-Email enquiry	1 November 2016 and 24 January 2017
Temple, Richard (Dr.)	Head of Archives at the Senate House Library of the University of London	Online-Email enquiry	25-26 January 2017
Tagoe, Diana Mrs. (nee Diana Aba Andowah Tagoe)	Retired Educationist and first child (daughter) of Sir Arku Korsah and Lady Kate Korsah	Amanuah House, Airport Residential Area, Accra	10 October 2015, 23 March and 22 January 2017
Baeta, Fernando	Secretary of the Grand Lodge of Ghana (GLG)	GLG headquarters, Accra Industrial Area, Accra	28 November 2016
Serfo II, Nana Yaw	Krontihene of Assin Asempanaye	Krontihenfie, Assin Asempanaye	25 July 2017

