

# WEST AFRICAN LEADERSHIP

*by*

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*Author of Gold Coast Men of Affairs, A Political Retrospect of the Gold Coast 1860—1930 and A Brief History of Gold Coast Journalism*

Public Speeches delivered

*by*

The Honourable J. E. CASELY HAYFORD, M.B.E., M.L.C.

With a Foreword

*by*

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TO THE FOND MEMORY  
OF  
PAST LEADERS OF WEST AFRICA  
THIS WORK  
IS MOST RESPECTFULLY INSCRIBED

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## FOREWORD

MR. MAGNUS SAMPSON is to be congratulated on his enterprise in seeking to preserve for the younger generation and for posterity some of the late Mr. Casely Hayford's most notable speeches. Mr. Casely Hayford deserves to be remembered as one of the most public-spirited men that the Gold Coast has produced. Many others have given freely of their time and energy to the service of the country, but Mr. Casely Hayford appeared to live for no other end. He engaged in the practice of the law only so far as was necessary to support his family and meet his own modest needs. In his later years he became so absorbed in public affairs that he hardly seemed to allow himself time even for this.

Mr. Casely Hayford grew up in the tradition of Fante nationalism which may be traced from the days of the Fante Confederation established in 1867, the spirit of which survived the Confederation and inspired the more recent Gold Coast Aborigines' Rights Protection Society. The Confederation was founded at a time when the Fante States were threatened with invasion from the North, and when it was uncertain whether the British would afford them active support should that happen. They accordingly proceeded to combine with a view to their defence and to carrying on the government of their part of the country as a single political unit. In the event the British Government took upon itself the burden of dealing with the Ashantis, and after the war re-defined its position in the South which was annexed as a Colony.

I do not propose to enter into the details or merits of the dispute which arose over the aims and actions of the Confederation. It is enough for my purpose to say that the annexation, which was unexpected, engendered deep resentment.

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The controversy continued in one form or another until the twenties by which time it had become barren and frustrating. Mr. Casely Hayford at length realising this joined with most other Gold Coast leaders in accepting the realities of the situation, in co-operating with the Government on this basis, and in striving for the effective association of people of the Gold Coast with its administration. His ideal remained unaltered, but his methods were moulded by circumstances.

This aspect of Gold Coast history is well known. I have referred to it, because it gives the background against which Mr. Casely Hayford's work can best be understood.

Most of the speeches in this collection relate to the short-lived but useful Congress of British West Africa which, created in the main by Mr. Casely Hayford, provided him and his associates with a convenient platform from which to press for overdue reforms. The constructive and practical approach now adopted met with early response from the Colonial Governments concerned, the result being a period of noteworthy development in the fields of education, administration, local government and social welfare. If the advance in the Gold Coast has not been sufficiently rapid to suit all tastes, it has brought the country a long way along the road leading to its original and ultimate goal.

L. E. V. M'CARTHY

ACCRA,  
21st July, 1949.

## INTRODUCTION

“A man known in the councils of nation, cool, and quite English, imperturbable, though apt to act with fire upon occasion.”—BYRON.

“By men of understanding and knowledge the state (nation) thereof shall be prolonged.”—

*Proverbs* : Chap 28. 2.

It has been a matter of serious regret, that men whose names are written in gold in the pages of the history of West Africa, have not left behind them specimens of the discourses by which their hearers were delighted and edified. Thus when our great men had fulfilled their day of public service, except perhaps men like John Mensah Sarbah, Casely Hayford, Edward Blyden, S.R.B. Attoh Ahuma and E. J. P. Brown, who have left us a fine legacy of literary works, nothing remained to benefit their country, but the remembrance of their names and virtues. But even then where are the speeches which these aforementioned statesmen delivered during their public career on major questions of policy? Are they not buried with them? British West Africans have all along stood in need of works of this kind whereby the wisdom and methods of their eminent men could be passed on to succeeding generations. Five motives, therefore, combined to impel me to attempt the compilation of this collection of Mr. Casely Hayford's Public Speeches as follows :—

- (1) That it may serve as a pioneer work and an incentive to the future political student of British West Africa to undertake works of similar nature.
- (2) That the ornate splendour of the speeches, their homely style and their massive thought may act as an inspiration to the rising generation, and a guide to the practical statesman.

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- (3) That the great author of the speeches though dead and consequently his voice is no more heard in the assemblies of people and in the Legislative Chamber of the Gold Coast, where he was a tower of strength, yet may continue to speak to his people.
- (4) That the speeches may serve as a model or guide to future public men and would-be Honourable Members of the Legislative Councils of British West Africa.
- (5) That if this compilation should contribute towards this end and lead eventually to other more comprehensive and authoritative works it will have served a useful purpose.

In truth it is only the man who refuses to see who can glance through the following speeches of a great leader of men without observing that they breathe a deep sense of patriotism, altruism and an earnest desire for the advancement of the Africans ; and further that Casely Hayford was a passionate lover of his country. Again whoever closely studies the speeches—which disclose that the one dominating thought behind them is the instilling of African nationality consciousness in the reflective African—without admiration must be destitute not only of moral feeling but genuine taste. Thus with regard to the focussing of public opinion upon African disabilities or upon the right of the West African as a member of the British Empire to free citizenship of the Empire, the late Mr. Casely Hayford counsels—in the quotation below from his Presidential address delivered at Lagos during the fourth session of the National Congress of British West Africa—that he should take the constitutional line of least resistance.

“ In these days when there is a tendency among the races of man to come together in their natural groups, it will be insincere for us to pretend that African nationhood does not interest us. If the principle that brought the National Congress into being is sound, the corollary must hold good that we are concerned

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in the pursuit of an African Nationality, which will tend to focus world opinion upon African interests generally. But as a Congress, we can only have sympathy with constitutional methods, remembering our fundamental policy which is to maintain strictly and inviolate the connection of the British West African Dependencies with the British Empire, and to maintain unreservedly all and every right of free citizenship of the Empire and the fundamental principle that taxation goes with representation."

Mr. Casely Hayford spoke with the voice of the Idealist and one of the most favourite doctrines that he propounded over and again was that administrative evils could only be remedied by the hard and patient industry of the African himself. This is a truism which can hardly be too strongly emphasised. The following pregnant quotation illustrating this most vital question appears in an address delivered by him at a public meeting of the Congress held at the Glover Memorial Hall, Lagos, on 31st December, 1929, in the course of its fourth session :—

"Now opinions are bound to differ in this world of ours. There are some who think that God still rains manna from heaven, that is not true. There are some who are afraid of their shadows and think that all they require will come to them easily without being worked for. We must, as a people, learn to speak out, we must tell our needs. The saying is true, that they who seek will find, without knocking, the door will not be opened to us. And therefore it was that in the year 1920 the whole of British West Africa, having thought the question carefully, decided that we should have a Conference at Accra in March of that year."

The dreams of Casely Hayford for increasing share of the Aboriginal inhabitants of British West Africa in the political governance of their countries was realised after the 16th anniversary of his death. Thanks to the singularly distinguished and successful administration of His

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Excellency Sir Alan Burns, G.C.M.G., Governor and Commander-in-Chief of the Gold Coast and its dependencies and the efforts of other British West African Governors for opening the door of opportunity by the grant of New Constitutions to British West African Colonies which are appreciated as stepping-stone to ultimate autonomies. It is sincerely hoped that this widening of our sphere of responsibility will foster our growth and enhance our capacity for contributing more effectively to the development of our manhood.

## WEST AFRICAN POLITICAL LEADERSHIP

LEADERS of whom any African country can be justly proud, West Africa has produced. At the dawn of the national consciousness of the Gold Coast in 1867, that is to say, during the days of the Fanti Confederation, the foremost national leader of the Gold Coast was Prince Gharthey—afterwards King Gharthey IV of Winneba. At this time the great Dr. Edward Wilmot Blyden, LL.D., was looming large in the affairs of Sierra Leone and Liberia while C. A. Sapara-Williams, C.M.G., was a great figure in Nigeria. Prince Gharthey served his country with wisdom and singleness of purpose until the time of his occupation of the stool of Winneba State when Prince James Hutton Brew of Abura Dunkwa—a man of great learning and authority—very ably piloted the national ship by raising politics to a high intellectual level from the early eighties up to the close of that period, and in an age which may be described as an age of journalistic enterprise. He was a contemporary of Sir Samuel Lewis, Kt., C.M.G., Barrister-at-Law who wielded a large influence in Sierra Leone during the "Eighties". John Mensah Sarbah, C.M.G., Barrister-at-Law, the great jurist and statesman, succeeded James Brew in the national leadership and for a decade led the Gold Coast with rare ability, patriotism and political sagacity. It was the days of the Aborigines Rights Protection

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Society—the days of articulateness or what Dr. J. B. Danquah has aptly described as the age of Criticism. During those propitious days, J. H. Thomas, J.P., who was nine times mayor of Freetown, Sierra Leone, was directing the affairs of that ancient and loyal Colony while Herbert Macauley, C.E., was a potential leader in Nigeria. On Sarbah laying down the leadership of the Gold Coast in 1910, Casely Hayford, M.B.E., Barrister-at-Law majestically stepped into the forefront and actively started to direct the national affairs of the Gold Coast for full twenty years, and to work for the political enfranchisement of British West Africa. He performed the task so well that he won the name of the great MOSES of West Africa. Casely Hayford became the foremost leader of the Gold Coast during the days of Reconstruction brought about by the Congress of British West Africa, the epoch-making session of which began at Accra in March, 1920, and whose London Delegation in the same year produced a veritable political earthquake in British West Africa, shaking the fortress of officialdom to its very foundations. And who can deny the remarkable work Casely Hayford did which has brought great benefit to British West African Colonies? J. H. Cummings, J.P., C. May, J.P., of Sierra Leone, J. Egerton Shyngle, Barrister-at-Law and Sir Kitoyi Ajasa, K.B.E., Barrister-at-Law of Nigeria were some of the contemporary leaders of Casely Hayford. The place of Casely Hayford whose passing out of the strife of our politics in 1930 created a national loss of the first magnitude will perhaps be difficult to fill for many years to come. Mensah Sarbah and Casely Hayford were both writers of considerable power and remarkable men of affairs whose names reflect lustre on the Gold Coast people just as the names of Blyden and Sir Samuel Lewis cast a splendour on the people of Sierra Leone. While Sarbah was a philosopher and conservative who detested change for change's sake, Hayford was an astute logician who believed in liberalism which recognises the right of every individual to have a voice in the government of the country and which stands foursquare for the basic principle of Democracy.

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In scholarship and statesmanship there is much to admire in both statesmen who have left behind each a great record of political and literary achievements seldom to be found in West Africa. When Casely Hayford died in 1930 and laid down the political leadership, the Provincial Councils had come into existence for four years with Nana Sir Ofori Atta, K.B.E., member of the Executive Council, as their brilliant and powerful leader. Sir Ofori became the foremost political leader of the Gold Coast Colony from that time until his death in 1943. He was reputed for his authoritative leadership and great foresight. The question is upon whom the mantle of leadership will fall? Of these indelible figures of West African history a good many are dead, but a few are still with us. Truly God buries his workmen and carries on His work. That is how British West Africa can still boast of able leaders. In the Gold Coast, for example, there are at the present moment the present enlightened and lovable ruler of Ashanti, the Otumfuor Sir Agyeman Prempeh II, K.B.E., who occupies a unique position in Gold Coast administration and who has made great contribution to the development of Ashanti in modern times. Ashanti is extremely fortunate in producing such a leader at such a time. Under him there are great possibilities before Native Administration in Ashanti. There are also other leaders of ability, sobriety, and honesty of purpose such as Honourable Nana Sir Tsibu Darku IX, Kt., O.B.E., Omanhene of Asin Atandasu State, member of Executive Council and Senior member of the Legislative Council, Honourable Nana Amanfi III, M.B.E., Omanhene of Asebu State and President of the Joint Provincial Council; Mr. Justice L. E. V. M'Carthy, B.A. (Oxon), a scholar of no mean order, W. E. G. Sekyi, M.A. (Lond.), a distinguished lawyer, philosopher and towering political figure, Honourable Nene Azzu Mate Kole, K.M.C., Konor of Manya Krobo State and President of Eastern Provincial Council, Honourable Dr. J. B. Danquah, Ph.D., LL.B., a brilliant author and politician, Dr. Justice K. A. Korsah, C.B.E., M.A., D.C.L. (Dunelm), LL.B. (Lond), Rev. E. D. Martinson, M.B.E., Arch-

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deacon of Sekondi (English Church Mission), Honourable Akilagpa Sawyer, B.A. (Dunelm), Barrister-at-Law, Honourable Dr. F. V. Nanka-Bruce, O.B.E., M.B., Ch.B. (Edin), Mr. Justice J. Henley Coussey, a brilliant Scholar, Honourable George E. Moore, Honourable C. W. Tachie-Menson, O.B.E., John Buckman, M.B.E., J. W. K. Appiah, M.B.E., Rev. Gaddiel R. Acquah, E. C. Quist, O.B.E., Barrister-at-Law, Honourable Dr. Isaac Asafu-Adjaye, S. R. Wood, J. T. N. Yankah, M.B.E., Awoonor Williams, B.A., Barrister-at-Law, K. Bentsi-Enchill, Honourable Edward Asafu-Adjaye, B.A., LL.B., Barrister-at-Law, Dr. J. W. deGraft Johnson, D.C.L., Honourable Nii Amaa Ollennu, LL.B., Barrister-at-Law and K. Adumua Bossman, LL.B. In Nigeria we have such leading personalities as Dr. C. C. Adeniyi-Jones, M.B., Ch.B., Honourable S. B. Rhodes, Honourable Sir A. Alakija, K.B.E., Herbert Macauley, C.E., Dr. Nnamdi Azikiwe, LL.D., D.Litt., and Chief W. H. Biney, a Gold Coast man domiciled in Lagos.

When we turn to Sierra Leone we see such shining stars as Mr. Justice E. S. Beoku Betts, M.B.E., M.A., B.C.L. (Dunelm), LL.B. (Lond.), Dr. H. C. Bankole Bright, L.R.C.S., L.R.C.P. (Edin.), Honourable A. E. Tuboku Metzger, M.A. (Dunelm), Honourable C. E. Wright, LL.B. (Lond.). And in Gambia there are leaders such as E. F. Small and others. These are some of the present leaders who are charged with the responsibility of working for the destiny of British West Africa and whose valorous deeds are worthy of noble traditions of our race. In no country in the whole British Colonial Empire can there be found more loyal, sober, and yet fearless subjects of His Majesty the King than these array of gentlemen. Nevertheless they stand for equal opportunity for all, irrespective of race, creed, or colour ; they stand for the great principle that "Taxation goes with effective representation" ; they stand for the British traditional policy of Trusteeship as well as the modern doctrine of partnership. In these days of conflicting ideologies and uncertainties, bold and purposive leadership by constitutional methods becomes

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vitaly necessary—leadership which does not mean merely pre-eminence in stating general principles but initiative in setting practical examples ; leadership in unity and inspiration in action.

### THE “GOLDEN AGE” OF THE GOLD COAST

THE “Golden Age” of England is said to have been the Elizabethan period, because it was a period of great national movement, both in the sphere of action and in the sphere of thought. The student of political history of the Gold Coast will not find it difficult to admit that the “Golden Age” of the Gold Coast is the “nineties,” because it was a dynamic period in which there was scramble for trade with the country by certain European Powers. Let us try to prove this by concrete considerations. First, it was during that age that this country produced its intellectual giants and great writers in Mensah Sarbah, Casely Hayford, George Ekem Ferguson, Attoh Ahuma, Kofi Asaam and Egyir Asaam. Secondly, it was in that age that cocoa—the principal industry of this country—was commenced to be exported to Europe. There can be no doubt that the cocoa industry has played a great part in the development of the Gold Coast. Thirdly, it was during that period that journalism began to grow with the *Gold Coast Echo*, the *Gold Coast Methodist Times*, the *Gold Coast People*, the *Gold Coast Chronicle*, the *Gold Coast Aborigines* and the *Gold Coast Independent*. As an instrument of fighting administrative evils and checking reprehensive Colonial methods, as well as a means of shaping governmental policy and moulding public opinion, these papers rendered invaluable service to the country in those unpropitious days of Trusteeship policy. Fourthly, it was in 1894 that Banks of British Currency were established by Sir Alfred Jones, who founded the Bank of British West Africa Ltd. ; and it goes without saying that Colonial Banking has contributed in no slight degree to the development of West Africa in general and Gold

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Coast in particular. Fifthly, it was during this same period that mining operations and railways were started in the country. Last, but not least, the "nineties" come under the age of the Aborigines Rights Protection Society, during which the people of the Gold Coast won a great constitutional victory and prevented their lands from being created Crown Lands. Thus we see that the "nineties" were a period of great national movement, both in the sphere of action and in the sphere of thought.

It is a curious fact that, in the intellectual sphere, most of the sons of the Gold Coast who have carved their names high in the niche in the temple of fame have been those men born in the "sixties" of the last century, particularly in 1864, the year in which were born John Mensah Sarbah, George Ekem Ferguson, Attoh Ahuma, Egyir Asaam and Thomas Hutton-Mills, with Casely Hayford following in 1866. Dr. Ernest Hayford, Dr. B. W. Quartey-Papafio and Mr. Kofi Asaam were born a little earlier, that is, in the "fifties", and Dr. Kwegyir Aggrey a little later, that is, in the "seventies". Those who believe in astronomical influences on a child during birth will have good ground to say that the year 1864, or rather, that the "sixties" were fortunate years for the Gold Coast for, the creditable performances, political, literary, journalistic and otherwise in the "nineties" and upward, were brought about chiefly through the activities of those men born in the "sixties". In short, it is they who contributed largely to making the "nineties" the "Golden Age" of the Gold Coast, and though dead still adorn the national firmament with their brilliancy.

## WHAT BENEFITS HAS THE BRITISH GOVERNMENT CONFERRED ON THE GOLD COAST?

At this juncture, it may be of interest to observe very briefly what are the benefits derivable from our contact with the British Government since the Fanti Bond of 1844,

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by means of which the British Government acquired control over the Gold Coast. There are certain political demagogues in West Africa who would have us believe that we have nothing at all, if any, to gain from the contact and that, on the contrary, the British Government has had all the benefits from us. These wiseacres say that we must either live in the North Pole or in the Equator, or in other words, that we must either be incorrigible pro-Government or inveterate opponents of Government. But I am for the temperate zone, where there can be co-operation and understanding between the Government and the governed, for the mutual benefit of both bodies, where the African can become a good friend and at the same time a constructive critic of his white tutor, and finally, where in the fulness of time there can be government of the people, by the people, for the people. Whoever says British Government is not an unmixed blessing tells a tale. It is only fair to say that the British Government has caused us both much good and much evil; good in the material and intellectual sense; evil perhaps from the moral point-of-view. It is true to say that the British rule has conferred immense material benefits by discouraging human sacrifices, abolishing humiliating rites and objectionable customs and by raising the country from illiteracy, heathenism and internecine wars to an intelligent and Christian community and ordered prosperity. It is equally true to say that British rule has been responsible for some anomalies or questionable Colonial methods or practices. But when all is said and done, we cannot overlook the fact that British Government is an institution with noble ideals. Still, as a human institution it certainly cannot hope to be entirely free from committing blunders. Therefore, if British Administration in the Gold Coast under the new era is to be a blessing, there must be a close correspondence between the will of the people and its policy. In other words there must be genuine partnership.

To be the better able to judge correctly of the merits and demerits of British Administration in these parts, the critic, or would-be reformer, should of a necessity visit

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the neighbouring colonies of Togoland and Ivory Coast, under the French Trusteeship, as well as the Republic of Liberia, before passing judgment on the British Administration. It has been said, and even the Bible confirms it, that Ethiopia shall raise her hand unto God. But when? Ethiopia in her long history has never been subject to any foreign power since the dawn of day. With sympathetic assistance and guidance from a more fortunate neighbour or mutual and sincere friendship with other advanced nations of the world, the day of her real greatness would surely dawn. Similarly, with sober judgment and quiet optimism, the Gold Coast would reach the goal of her aspirations under the benign influence of the British, and under devoted leaders as Aggrey predicted—nothing more, nothing less.

In the ranks of the hereditary Rulers, it is perhaps correct to say that there is no dearth of competent, sober-minded, sane leadership as becomes their exalted, responsible offices. But in the rank and file the bane of the country at the present moment, is lack of sane leadership; and here, keen student of affairs sighs for a Sarbah or a Casely Hayford. Would to God they could come back at this juncture of our affairs, to continue the service which they rendered so selflessly for the emulation, edification and inspiration of the mass of the people which is labouring under false values.

Statesmen of whom any African country may be proud, West Africa has produced. Like John Brown, the souls of these past statesmen of ours dealt with in this sketch go marching on, pointing the way to sacrifice, duty, industry, diligence and vigilance, the way to making good uses of the opportunity of the rising generation—"the hope of the future"—to equip themselves to shape the constitutional policy of their respective states in particular, and the development of their country in general.

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## THE NEW ERA

THE old order of the official majority system of the Gold Coast Legislative Council has changed, yielding place to the new with great possibilities, and with an African-elected majority—the first of its kind in Tropical Africa. Thus the British West Africa is at the threshold of a new era, an era of reconstruction, progressive developments and new constitutions. In order that we in the Gold Coast, therefore, may be able to evaluate or appreciate properly the new spirit of Colonial Administration, the spirit of partnership, it is necessary to have a short historical background, in other words, to trace just in outline the constitutional development of the country, from the fifties of the last century, up to the present stage. For this purpose the period may be classified into five bare historical periods, without any detailed dissertation :—

- (1) Period of Protection and Non-participation of the aboriginal inhabitants in the administration of the Colony (1844–1873).
- (2) Period of Trusteeship and of properly constituted Legislative Council with the Official Majority System (1874–1897).
- (3) Period of increasing African representation on the Legislative Council (1900–1924).
- (4) Period of introduction of the Franchise into the Gold Coast (1925–1945).
- (5) Period of Consolidation, Partnership and new Constitution with an African Elected Majority and with the inclusion of Ashanti in the Legislature (1946).

The seed for the Legislative Council of the Gold Coast appears to have been sown in 1852, when a Legislature of the Chiefs under the presidency of Major Stephen John Hill was constituted for the purpose of passing the Poll

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Tax Ordinance and perhaps also for the object of getting the consent of the Chiefs to future legislative measures.

In 1874 a differently-constituted Legislative Council came into being with the "Official Majority" System, and the principle of nomination by Government of a handful of Africans to the Council. The first African Councillor was George Kuntu Blankson of Anomabu. He was followed by John Sarbah, also of Anomabu, father of John Mensah Sarbah, C.M.G. Other Councillors who followed were Francis Chapman Grant (Cape Coast), Joseph Herbert Cheetham (Cape Coast), George Cleland (Accra), Chief John Vanderpuye (Accra), Thomas Hutton Mills (Accra), Dr. B. W. Quartey-Papafio (Accra), John Mensah Sarbah, C.M.G. (Anomabu), Joseph Peter Brown (Cape Coast), Nene Emmanuel Mate Kole, Kt., Konor of Many Krobo, Nana Ofori Atta, I, K.B.E., Omanhene of Akim Abuakwa, Nana Amonu V. Omanhene of Anomabu, Fia Sri II, C.B.E., Awoame Fia of Anlo, Joseph Ephraim Casely Hayford, M.B.E. (Cape Coast), Emmanuel Joseph Peter Brown, O.B.E. (Cape Coast), Henry Vanhein (Cape Coast), Nana Essandoh III, K.M.A.C., Omanhene of Nkusukum. These were the pioneers of the Gold Coast Legislative Council. They were men of sobriety and practical wisdom by whose brilliant works the Gold Coast has greatly benefited.

The system of nomination continued until 1925 when a new Constitution was introduced by the Gold Coast Colony (Legislative Council) Order-in-Council, 1925, as a result of the demand by the National Congress of British West Africa. The 1925 Constitution made provision for 15 Official members, 9 African Un-Official members elected by the people and 5 European Un-Official members representing various interests.

The 1925 Constitution was superseded by the 1946 advanced Constitution which provides for an African Elected Majority, the first of its kind in Tropical Africa. Since then other British West African Colonies have been granted similar privileges, thus distinguishing the Gold Coast as the pioneer of this progressive system in West

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Africa. It is too early yet to predict how well this system will shape in the near future ; but we can perhaps at least see in it a happy augury.

The Legislative Council is the key to the understanding of the British Colonial system, and in its proceedings can be judged the degree of self-government possessed by each Colony. Therefore if British Administration in the Gold Coast under the new era is to be a blessing, there must be a close correspondence between the will of the people and its policy. In other words, there must be genuine partnership.

## THE REAL CASELY HAYFORD

WITH regard to the real character of the late Mr. Casely Hayford, opinions are bound to differ, thus there are two distinct schools of thought. There are, for example, those who hold that he was inconsistent or opportunist since at certain times he yielded to Government measures. There are also those who think that to judge Mr. Casely Hayford from that point of view, nothing could be farther from the truth, since he was a man whose policy was based not on mere theories or ideals but on practical politics. That was the reason why he, as a wise statesman, suited himself to the present posture of affairs and thought as Plutarch did, that "often by foregoing a part one might save the whole, and that also by yielding in a small matter one might secure a greater". Thus he did compromise with Government when he thought it to be in the interest of his beloved country, as for instance, in the matter of the institution of the Provincial Councils of Chiefs which he at first strongly opposed, but which he afterwards sincerely thought that guided along proper lines they might become a stepping-stone to ultimate autonomy. But even if this was an error of judgment it did not certainly mean that he descended to the doubtful practice of opportunism. Some one has said, "never scoff at compromise". This is a

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wise saying, for after all, what do we mean by compromise? Everything is not black or white. Many issues do not involve a conflict between right and wrong. A compromise solution is not necessarily the lowest common denominator of agreement, but it is rather often the highest common factor of pooled ideas. Casely Hayford had his faults, but they were the faults of a great man. It was perhaps natural that some men could not see eye to eye with him in the pursuit of his national duties. In every age leaders of nations have invariably fallen victims of misunderstanding and misconception. Everywhere in the world great public men have been opposed by their people and have thereby faced detraction, calumny and every persecution upon questions of policy which they stood for and which they sincerely believed to be in the interest of their countries. Such are the vicissitudes of political life. Could Casely Hayford alone as a leader of the Gold Coast escape what had been the lot of leaders of other nations? That would have been indeed a strange phenomenon. Heine—a famous German poet—has said that “Everywhere that a great soul gives utterance to its thoughts, there also is a Golgotha”. This is an incontestable fact of experience. There is no gainsaying the fact that no statesman of the Gold Coast has surpassed Mr. Casely Hayford in the two great qualities of confidence and courage—confidence buoyant and unperturbed in the justice of his cause, courage, persistent and undismayed in its steadfast pursuit. Though he was unsparing in the arena of political conflicts, yet he was always a generous antagonist. It was characteristic of him that his patriotism did not evaporate in dreams or clothe itself in an imaginative form alone, but found concrete expression in political organisations, active press work, deputations to Downing Street, political pamphlets and literary works of high excellence. For ten years he was the one towering political figure of his time who alone could stand in all parts of British West Africa and speak and compel respect and admiration by men of all shades of political thought. The more one examines his speeches or writings—the basic principle of which is West African

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nationhood—the more one comes to know the inner spring of his conduct. It is true that his life had its limitation, but it was utterly sincere and altogether true.

### THE GENIUS OF CASELY HAYFORD

As a man of speech standing high among the company of West African orators, Governments, national and political assemblies fell before the wizardry of his tongue. His appeals not only touched the imagination, but moved the hearts of people. A born orator whose cultured voice and simple and delicious phrases charmed the ears of all who listened to him. There was the stamp of originality with a touch of genius in all his utterances. His resources were inexhaustible, and he was equally skilful in the setting forth of his case and in answering his opponent's case. He was one of the finest speakers that West Africa has known. Here, let me recall an incident which took place while he was delivering his Presidential address at the Wilberforce Memorial Hall, Freetown, Sierra Leone, during the second session of the National Congress of British West Africa in 1923. I was then a student of Fourah Bay College, and an old man who sat next to me during the meeting in the hall whispered in admiration of him in the Creole language—“*Troo, som tin day na Gold Coast*”—meaning literally there is something or rather a genius in the Gold Coast. That surely is an example of Casely Hayford's greatness as a speaker. That he was endowed with mellifluous eloquence indispensable to successful public men there cannot be two opinions. His speeches are full of life to-day as when they were first uttered. It may be stated without fear of contradiction that among the fine band of orators of the Gold Coast, namely, James Brew, Edmund Bannerman, Timothy Laing, Kofi Asaam, Egyir Asaam, Nana Sir Ofori Atta, and others, no one has eclipsed Casely Hayford's power of succinct expression and his gift of lucidity. From his

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speeches, which are full of marrow and sound common-sense, the reader will see much originality, humour and force, but the one overwhelming impression that they make upon one is that the author was a man with a passionate love for his country and race. It is indeed beautiful to watch his loyalty and patriotism from these speeches. Let the youth of West Africa, therefore, read, mark and inwardly digest them, for they neither weary the attention of the reader by abstract argumentation, nor by long, involved and elaborate sentences. On the contrary they invite attention by the importance of their matter, their historical facts and the luminous simplicity of their language.

### THE "GOLDEN AGE" OF THE GOLD COAST

WHAT BENEFITS HAS THE BRITISH GOVERNMENT  
CONFERRED ON THE GOLD COAST?

### THE NEW ERA

### THE REAL CASELY HAYFORD

### THE GENIUS OF CASELY HAYFORD

### LEGISLATIVE COUNCIL TRIBUTES

Now before I conclude this introduction it would perhaps, serve a good purpose, in order to clear any doubt as to the objectivity of the estimate of the character of Mr. Casely Hayford, to reproduce below extracts of opinions or testimonies given, after his death, in the Legislative Council of the Gold Coast by men in high places and of different nationalities and spheres of life.

The Colonial Secretary (The Hon. G. A. S. Northcote, C.M.G.), whose duty it was to move the motion expressing regret of the Council at the death of one of its most valuable members, said as follows :—"Your Excellency, I beg to move that this Council express its profound regret at the death of the Hon. Joseph Ephraim Casely Hayford, M.B.E., and its sense of the loss sustained thereby by this Colony. In particular this Council desires to record its appreciation

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of the conspicuous services rendered by Mr. Casely Hayford as a Member of this Council for 13 years. Lastly, all members of this Council desire to offer their deep sympathy to Mr. Casely Hayford's relatives in their bereavement."

"My first duty, Sir, in this Council, is a sad one, concerned as it is with the loss sustained by the Council of a distinguished member, who has rendered long and valuable services to the Council and one who had acquired the respect and affection of all his colleagues. After a brilliant career both at school in this Colony and College at Cambridge, Mr. Casely Hayford was called to the Bar in England, and for the last 34 years had practised in that profession. During those 34 years his public services had been well discharged. He was, as the motion has recorded, for 13 years a member of this Council. He served on the Education Board; he was a member of the Achimota Council and he served on numerous Commissions appointed by the Governor of these territories. Nor was his connection with public affairs only confined to the duties of this Council. As Editor of the *Gold Coast Leader*, he exercised a wide influence upon his fellow countrymen, and as an author of many volumes, he has, I may say, placed on record much valuable information concerning Native Laws and Customs. Mr. Casely Hayford's books have the peculiar value that they are the commentaries of a trained African mind upon some unwritten laws of Africa, at a time when those laws were still alive and active, still unmodified or only slightly modified by external irruptions. They are valuable to-day, but it may be said that their value to the students of the future will be even greater, because of their contemporaneous nature. I, who was not privileged to know Mr. Casely Hayford, or to be numbered among his friends and colleagues, speak to his friends and colleagues here. It will be fitting if I leave it to his friends and

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colleagues to speak of his high personal merits, but, as the mover of this motion, and sitting in this Council as its senior official member, it behoves me to say that: that in the course of his long and devoted career in the public service, Mr. Casely Hayford was often a strong critic of Government policy, but his criticisms were always sincere, deeply considered, and constructive in intent. When he opposed Government his opposition was founded upon his genuine belief in what was the greatest good of his country. Any country which has such a critic in its Councils is fortunate. Great though our sense of loss is to-day by his absence from among us, I venture to foretell that often in the debates that lie in the future, we shall realise our deprivation even more strongly."

In seconding the motion the Honourable Nana Sir Ofori Atta, K.B.E., Omanhene of Akyim Abuakwa (Provincial Member for the Akan Section of the Eastern Province) spoke among other things as follows :—

"The death of Mr. Casely Hayford has nipped the minds of all the people of this country. By his death we have lost a man who was unsparing in his efforts towards the advancement of the people of his race. I had the pleasure of making the personal acquaintance of Mr. Casely Hayford for the first time on the day he took his seat as a member of the Legislative Council, as constituted in 1916, and but for a short break, he has since adorned this Chamber by his presence, and by his most active, most lively and most intelligent interest in the debates of this Council. In nearly all matters which were introduced for discussion in this Council, Mr. Casely Hayford, as far as Un-Official Members were concerned, took the lead in the debates. In fact he was a brilliant ornament of the African element of this Council."

The Honourable The Acting Commissioner, Central Province :

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“The late Mr. Casely Hayford was of Cape Coast, he was born there and lived amidst the peculiar historical traditions of the Central Province.

“I had only met him on a few occasions. It was, however, not necessary to meet the man to appreciate his work, but to know him, was to realise also that behind all his vehemence and intensiveness, was a man, shy and unassuming, gentle and courteous, one who enjoyed the simple things of life, just as much as he relished intensive controversies in the Council. His ability in debate has already been referred to by the Honourable the Colonial Secretary, and others who have been in this Council longer than I have. It so happened that at the first Council I attended, as a spectator, the late Mr. Casely Hayford was debating some contentious measure, and was very definite in his opposition to Government. At the last meeting of the Council he was equally so, but it seemed to me that behind all he said was a moving appeal.”

The Honourable J. D. M'ckay, O.B.E. (The Mining Member) :—

“There is one thing that I would like to remind Honourable Members of. Though he was extremely tenacious of his points in argument, he was always clear in proving his case and studiously moderate in the language he used in supporting any important matter which he had at heart. In that moderation and courtesy Honourable Members of this Council may well take example.”

The Honourable J. Glover-Addo, O.B.E. (Municipal Member for Accra) :—

“He always fought for the interest of his people. It did not matter whether that interest was centred in Togoland or in America or in the Gold Coast. He did his best to make the Europeans understand the Africa viewpoint, and I think we Africans owe a

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great deal to him in that he led the way and showed us the proper road to go. In all he did he acted constitutionally, which legacy he has left to us.”

The Honourable Nana Ayirebi Acquah III, K.M.A.C., Omanhene of Effutu (Winneba) State (Provincial Member for the Central Province) :—

“ I watched old Casely carefully and found him to be very unselfish in all directions. He was indeed a man of unblemished character. Throughout my connections with him, and since I first met him at the Aborigines’ meetings at Cape Coast, I discovered some burning desire in him, that he was a man, though old, yet always ready to listen to sound advice from the young men after exchanging views with them, and since having met on this Council he has been a good help to each and every one of us.”

The Honourable K. A. Korsah (Municipal Member for Cape Coast) :—

“ His activities had not been confined to the Gold Coast but had embraced within its orbit the whole of British West Africa. He was one of the founders of the Gold Coast Aborigines Rights Protection Society in the year 1897, and at the time of his death he was Vice-President of that Society. He was also founder of the National Congress of British West Africa, and at the time of his death was the President of that Society. He was bold, courteous, and constructive critic of Government’s policy, and a fearless defender of the rights of this country. To all West Africans, present and future, the life of the late Honourable Joseph Ephraim Casely Hayford will ever remain an example of tireless and unselfish devotion to his country. His sagacious leadership, keen intellect, experience and understanding of local affairs, would have been of the greatest value to the country at this present juncture. His death is a loss to the country

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—a loss of a brilliant son, of a wise councillor and of a trusted leader.”

The Honourable G. J. Christian (Municipal Member for Sekondi) :—

“ It was some time in 1902, when I first came here as a young barrister, that I had the privilege of meeting Mr. Casely Hayford, and to me it always seemed a great gift in him that it did not matter how hard the fight, he was always calm and dispassionate. I have had cause, after a passage of words with him in Court, to go to him and say ‘I wish I had your gift’. Mr Casely Hayford has written books which are useful, and will continue to be useful, to us. We cannot forget the work he did in arousing the interest of everyone in the movement for recruiting men and collecting funds in the late war.”

His Excellency The Governor (Sir Ransford Slater, K.C.M.G., O.B.E.) :—

“ Honourable Members, before I put the motion I should like to express my deep personal sense of the loss we have sustained by the death of Mr. Casely Hayford. The news came to me in England (I regret it did not reach me till many days after his death) as a great shock. I had no idea that Mr. Casely Hayford had been ailing, and it was a matter of great regret to me, that owing to my absence in England, I could not pay in person my own respects to his memory at the funeral.

“ Mr. Casely Hayford joined this Council very soon after I myself joined it as Colonial Secretary in 1914, and in the course of 13 years of intermittent association with him on this Council (during five of which I was in Sierra Leone) I learned to respect him as an alert and vigilant critic of Government, a doughty champion of the interests of his people, and a courageous and trenchant debater. Mr. Casely Hayford and I, as Colonial Secretary, crossed swords, on more

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than one occasion, but I think I can say the same as Mr. Christian, namely, that we remained good friends. I never found that Mr. Casely Hayford opposed any measure merely for the sake of opposing. He had his reasons and he expressed them vigorously, but his convictions were, I am sure, always sincere. He took great pains to understand the point of view of Government and as one Honourable Member has said this morning, he took also great pains to get the people to understand that view. Outside this Chamber I found Mr. Casely Hayford an invaluable Councillor, and I specially deplore the loss of one, who particularly in his later years, sought to promote understanding, good-feeling and co-operation, not only between the European and African, but between the various communities of his own race. It will be long before we shall forget the memory of the Member who was so familiar a figure in our deliberations. I will ask Honourable Members to pass this resolution standing in silence."

### CONCLUSION

THE foregoing high tributes speak for themselves. They all strike but one important note, namely, the political sagacity, the honesty of purpose and the singleness of motive of the late Mr. Casely Hayford in whom the people of British West Africa had a candid, though reliable and trustworthy "spokesman" for their country's hydra-headed grievances or disabilities. There was nothing meretricious in his success as a leader, which was the result of rare and genuine ability, developed by thorough training and incessant practice. He was a complete man of affairs; an author of many notable books, being outstanding among writers of the Gold Coast of reputed scholarship. Truly he faced difficulties, internal and external, of the gravest description as the foremost statesman of British West Africa, but he always met crisis with rock-like strength and patient fortitude. Indeed he was a

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dynamic force of a rare order whose presence one could not be for long without one realising that one was in contact with a great personality.

The retrospect of twenty years brings with it many recollections of changes in the social as well as in the political life of the Gold Coast which owe much to the intrepidity and colossal self-sacrifice of the late Mr. Casely Hayford. Many things make it extremely difficult to estimate the most remarkable man that the Gold Coast has produced. Suffice it to say that Casely Hayford, Mensah Sarbah, James Brew, Edmund Bannerman, George Ekem Ferguson, Attoh-Ahuma, Kwegyir Aggrey, Nana Sir Ofori Atta, Ernest Hayford, Kofi and Egyir Essiam, Kobina Sekyi and Dr. J. B. Danquah will ever remain as some of the most remarkable sons of the Gold Coast, for there is no doubt that their lives will ever show forth in their massive greatness, compelling the admiration of all. But it is no exaggeration perhaps to assert that in British West Africa Mr. Casely Hayford was incomparably the greatest man of his time. His name will be cherished as long as we have a history (written or unwritten) as one of the wisest and the greatest benefactors of the Gold Coast in particular, and West Africa in general, that ever lived.

The late Hon. Nana Annor Adjaye I. once paid this high tribute to the subject of our discussion :—

“ The late Hon. Casely Hayford—an African of no mean order—was a path-finder. Succeeding to the wisdom of his uncle, Prince Brew of Dunkwa, to the intellectuality of the Rev. S. R. B. Attoh-Ahuma, and to the patriotism of the late Hon. John Mensah Sarbah, C.M.G., of ever blessed memory, the late Hon. Casely Hayford blazed a trail in a way which no African before him had done. Born of Christian parents, he was selfless and ever-willing to serve all men, irrespective of class, colour or creed. He served his day and generation. I have read the late Dr. Blyden's book, *West Africa before Europe*, and I place it in my highest estimation, but the brain

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which produced *Ethiopia Unbound*, *The Gold Coast Native Institutions* and *The Truth about West African Land Question*, must have been very fertile."

Throughout his long voyage over the dark and troubled waters of political life, Mr. Casely Hayford was far-seeing and vigilant, whose work has brought steady progress and whose faith has inspired the African to have faith in his own future and in his own capability to progress under modern conditions. His vision was clear and his political foresight remarkable. He always saw the wood and not the trees, and he was not the politician who viewed the future with a certain degree of hopelessness, and almost of sour disillusion as most politicians of West Africa are wont. He was the loyal son of the Gold Coast, yet he was of such a spirit that the sister colonies of Nigeria, Sierra Leone and Gambia could claim him as theirs. What impressed one most about him was his Catholicity, which made him not easy to be labelled and pigeonholed. But his comprehensiveness is not to be confused with easy tolerance or superficial eclecticism. There was nothing of that about Mr. Casely Hayford, for he was not the man who agreed with anybody for the sake of peace. On the contrary he always fought with intensity and dared to be himself and to stand by what he knew to be true through thick and thin. Moreover, he was the pioneer who faced all the ridicule and suffering that pioneers always have to face. He made the Gold Coast—his native place—the centre from which his zeal radiated far and wide throughout British West Africa. His energy and determination knew no bounds, and he had personal magnetism, which has always counted in political life. We need in these days of conflicting ideologies, catholic-minded men like him—men who refuse to be tied by shibboleths or bound by class loyalties, men who can rise above denominationalism and even Nationalism. His power of seeing unity in differences and differences in unity, constituted his wizardry in Congress meetings and national conferences. And concluding, it is not too much to say that there is no career in Gold Coast

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politics to excel his in variety and acuteness of interest. Like his colleagues, Sarbah and others, though dead and buried these long years past, the soul of Casely Hayford goes marching on, pointing the way to sacrifice, duty, industry, diligence, courage and vigilance. Thus no West African statesman has been more deeply lamented by a grateful people for inspirational and dynamic leadership.

“Life to us is suffering. Who save God  
alone shall call us to our reckoning?  
Let not reproaches fall on the departed,  
Not what they have suffered,  
but what they have done,  
Ought to occupy the survivors.”

GOETHE.

“God give us men ; a time like this demands  
Great hearts, strong minds, true faith and  
willing hands.  
Men whom the lust of office cannot buy ;  
Men who possess opinions and a will ;  
Men who have honour, men who will not lie.”

“Look therefore carefully how ye walk.  
not as unwise, but as wise, redeeming  
the time, because the days are evil.”

—*St. Paul—Ephesians, V. 16.*

MAGNUS J. SAMPSON.

Cape Coast,  
1st January, 1948.

## ACKNOWLEDGMENT

It was a few months after the lamentable death of the Honourable Casely Hayford, in the year 1930, that I conceived the idea of publishing in book form, some of his most scholarly and inspirational public speeches. As a young man then entering the University of Life, I had read some of these speeches with great admiration and edification. But it was not until 1947, just shortly after my return to the Colony from the United Kingdom as a guest of the British Council, that I made up my mind to undertake the task with the fervent hope that it should prove of inestimable value to the youth, not only of Gold Coast, but of West Africa.

I must acknowledge the debt I owe to Sir Leslie M'Carthy, Kt., for his ready response to my invitation to write a Foreword to this book at comparatively short notice and in busy moments.

Among those who must be thanked for their great help are, Mr. J. Eduam Baiden, Secretary of the Western Provincial Council, who kindly placed at my disposal copies of Honourable Casely Hayford's Presidential addresses and rendered assistance also in correcting the typescript; Mr. Charlie B. Addison, Mr. C. A. Ohin and Mr. Kwow E. Richardson, of the Joint Provincial Council, for their valued help in typing the manuscript and for their helpful suggestions.

In conclusion I wish to thank my wife for her keen interest in this work, and for her valuable assistance in other respects.

# I

A SPEECH DELIVERED DURING THE PROCEEDINGS OF A MEETING HELD IN LONDON IN OCTOBER, 1920, BETWEEN THE LEAGUE OF NATIONS UNION AND THE DELEGATES OF THE NATIONAL CONGRESS OF BRITISH WEST AFRICA.

GENTLEMEN, we thank you very much for the opportunity of meeting here this afternoon with the League of Nations Union, and we appreciate very highly the sympathy that has been expressed in the speech that was made by the Chairman this afternoon. I am quite sure that when we return to West Africa and we let our people know that upon our arrival an invitation was extended to us by the Union and we were enabled to put our views before you, which were considered, it will lead to greater confidence as far as the relations of British West Africa with the Empire are concerned.

The first thing I desire to bring to your notice is that at this Conference, which took place at Accra, one of the first things British West Africa did was to declare its policy with regard to the Empire, and that you will find upon page 9 of the Resolutions. It is there stated :—

“ It is hereby resolved by the Congress that its policy is to maintain strictly and inviolate the connection of the British West African Dependencies with the British Empire, and to maintain unreservedly all and every right of free citizenship of the Empire and the fundamental principle that taxation goes with effective representation.”

I.e., as the first speaker, Dr. Bankole Bright, has mentioned, those who promoted this Conference are all men of responsibility. We have, for example, the President of the Congress, my friend the Hon. T. Hutton Mills, who was

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serving on the Gold Coast Legislative Council years before I did so, and who was also serving during my time, but has now retired. Then there are many there who are responsible men, and, as I have said, we are all men anxious to do things constitutionally and hence the first act of the Conference was to declare its policy. You will agree with me, therefore, that being to a large extent controlled by reason of our inter-relations, in all matters as peoples and races, it naturally becomes very necessary that there should be good-will always prevailing between the ruling power and those who are under that power. It is also necessary that there should be good understanding, because, you will agree with me, that matters of difficulty which arise in the relations of men are due, to a large extent, to want of understanding.

The next thought I desire to leave with you is, that in British West Africa you are not dealing with primitive races, as is sometimes conceived in this country. There may be primitive races in various parts of Africa, who have hardly yet emerged from a state of barbarism, but that is not accurate with regard to West Africa. You have, as far as the educated element is concerned, representatives here to-day, and I may tell you frankly that we here do not claim a monopoly of the intelligence of West Africa. We are simply units among a large intelligentsia who represent the people, all the so-called aboriginal races of British West Africa. You have here, Chief Oluwa; Chief Oluwa may not be able to speak English as I am speaking it, but if it came to practical politics, to a practical understanding of affairs, I should hardly be sorry to consider him my superior in political conceptions.

To put it shortly, before ever the British came into relations with our people, we were a developed people, having our own institutions, having our own ideas of government, and the only great thing we secured from the connection was the Pax Britannica. Whereas formerly we used to have little differences among ourselves, when the British came along we all came together in a peaceful way and all worked together in harmony for the greater

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development of the country ; but it would not be accurate to say we were a primitive people emerging from barbarism. Therefore, gentlemen, from that point of view, when we come to this country to appeal to responsible authority to extend to us a certain amount of freedom in the government of our own country, we are not asking for anything that is new.

According to our system every man and woman of the community is trained in the principles of government. We have what we call the family system. The head of the family represents the units of the family. In governing the community the different heads of families would all realise among themselves the leading one, who, when they met, by reason of superior intelligence, would represent them. That is the way we go step by step until we arrive at the State Council. In the State Council, you have the different representatives of the different communities, the responsible men, thoroughly trained in politics, meeting together to consider right action. That is how we were governed before we came into contact with Great Britain. Therefore, when to-day under the British Crown Colony system, the Governor of the Colony selects whom he pleases to the Council of that Colony, although sometimes the nominees are very good, the people of British West Africa, both as regards the intelligentsia and the ordinary people, think here we have a system repugnant to our own ideas, and instead of our own elected members from the family system in the African community, as heretofore, we have men forced upon us—we might like them as members or we might not.

Another suggestion that I desire to bring home to your minds this afternoon is that, though we here happen to be dressed in your way, and happen to speak your language, it is not true or accurate to say that we are divorced from the institutions and customs of our people. An absolutely reverse statement should be made. I personally belong to an African community, an African family, so does my friend the Hon. T. Hutton Mills, and so do we all. And our system being a communal one, it is a case of sink or

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swim with the family and the community. I and my friends have identical interests with the people, i.e. in our system no individuals can come to the top and try to get political power into their hands with the object of exploiting the masses. We cannot do that in our system ; educated or uneducated, we sink or swim with our people. Therefore, I desire, sirs, that you may take it from us that in our representations we move simply for the good of our country and the future good relations between West Africa and the Mother Country.

Therefore, it is that in our first resolution on page I we say :—

“ That in the opinion of the Conference the time has arrived for a change in the Constitutions of the several British West African Colonies, so as to give the people an effective voice in their affairs both in the Legislative and Municipal Governments, and that the Conference pledges itself to submit proposals for such reforms.”

It is a remarkable thing, Sirs, that there should be associated with this resolution and the following ones, men who are actually serving upon present-day Legislative Councils, and that the whole community insists upon this. As regards this there will be no time for me to quote at length, but here I have the Proceedings of the Legislative Council of the Gold Coast for the years 1918—1919. Major General Grey was present. He was a member of that body up to the time of the war, and during the armistice he was able to come out and join in a very important debate ; he took an active part in that debate. Without wearying you with the various suggestions made from the African side of the House, this is what was said by the Hon. Major General Grey as regards a certain share in the government of our own country :—

“ There is no doubt that this Colony and the Dependencies of the Colony are not going to stand still. The time is bound to come when there will be a cry

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for elective representation. I think it is the duty of the Government to foresee that call and when the time comes allow it, taking the necessary steps to have some, if not all, unofficial members elected. Speaking personally as one of the European members, I should not mind if unofficial members were elected. I am sure the time will come for a larger system than the present one."

I may say, in passing, that in suggesting we should be given a certain share in the government of our own country, we are cognisant of the fact that there is a large element also responsible for aiding in the development of British West Africa ; the European merchant and pioneer who helped to develop it and without whom the Government could have done nothing. At our inaugural meeting at Accra, we took care to state most emphatically that we thought that in the system of elective representation asked for, European as well as African should be duly represented, so that all interests might be duly represented and none should suffer.

- To show you, Sirs, the importance which exists at the present moment of granting British West Africa the franchise, I may bring to your notice, particularly at the present moment, the difficulty in arriving at what is the policy of the Government. I am not speaking personally with regard to any particular Governor, or personally with regard to any particular Government, but I am speaking with respect to the system, and I cannot bring a better illustration to show the position than the debate that took place in the Legislative Council of the Gold Coast, with regard to the Palm Kernel Ordinance not very long ago. Now, what took place was this. During the war the then Governor of the Colony, Sir Hugh Clifford, a man who has gained the confidence of all British West Africa, one of the leading lights among the Governors of the Empire, took the trouble to ascertain the views of all the Executive Official Members, Heads of Departments, and of the unofficial Legislative Council Members as regards this particular

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measure, whether it would be good for the Gold Coast, or whether it would not. Among those who were addressed on the matter I myself was asked to give my views. To cut a long story short, I hold in my hand here the Minutes of the Legislative Council of the Gold Coast 1917-1918. It can be had, and it will take time to read the whole of the correspondence upon the matter. To put it shortly, these views were ascertained and almost unanimously the Executive as well as the Unofficial Members sent in statements to the effect that in their view the passing of such measure as the Palm Kernel Ordinance was inimical to the interests of the Colony. After that had taken place, later on a Bill was introduced to the Gold Coast Legislative Council, and the Hon. Major General Grey was present at that meeting. The measure was debated and, led by him, we made out a strong case, showing that the passing of the Ordinance was opposed to our best interests. We did not understand why we should be made to suffer for the good and the profit of British manufacturers here. We stated that if they wanted to protect British industry, it should be done on this side and not as far as we were concerned. When it came to a division the whole of the Unofficial Members, European as well as African, voted dead against the Bill. The result of that was that our then Governor, Sir Hugh Clifford, said, "I will suspend this measure for the present. I will send the matter to the Colonial Office to let them know what has happened". By and by, he was transferred to Nigeria; another Governor came. The same Bill was put forward. This time I led the debate against the Bill and European as well as African, all unofficial still, argued against it and voted against it, but by using the official majority that Bill is now law.

Well, this might happen with a primitive people, who do not know what their rights are, but considering the men you see before you here and who, I say, are mere units in a larger communal system, when it is considered that these things can be forced down their throats by an official majority, naturally it must lead of necessity to misgiving ;

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and we must remember that by tradition, by right, we claim freedom in bringing laws into operation, the people speaking through their chiefs, through their leaders. That method was not followed in dealing with this particular Bill. I could talk to you of other matters where we do not know where we are as regards policy—I am not dealing with personal matters but with the system. Well, in the matter, for instance, of rice growing in British West Africa at the present moment, one Governor thinks that we should grow rice, another thinks that the cocoa industry has become so important and such a stable industry that the people's attention should not be diverted from it; the former thinks rice growing may be for the good of the country. Naturally in a case like that, one asks the question, when Governors differ with regard to policy, what opinion is the people to hold? Under the elective system the people of the country it is who should suggest the policy. We really think that in the present situation financially anything may, as a matter of fact, happen. It is a very good thing from the point of view of colonial development that there should be transactions—want of money inhibits colonial development—we know for example, where large sums of money are involved, millions of pounds sterling. The Governors come before the British public asking for huge loans on the credit of the people—several millions have been obtained in this way. Surely, I say, the people from whose pockets the money will come eventually to pay the interest and something else, these people ought to be represented in the spending of that money. I say the people ought to be represented in the spending of these loans, not only the African communities, but also the Europeans who help to find the interest on these loans involved in developing the Colonies, and who have helped so far in obtaining these objects.

I have brought before you that the time has really come when British West Africa should be considered by being given effective voice in the management of its own affairs. Consequently Resolution 2 asks for a share of autonomy,  
Page 1 :—

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“That this Conference recommends a Constitution on the following lines : (1) An Executive Council as at present composed ; (2) A Legislative Council composed of representatives of whom one-half shall be nominated by the Crown and the other half elected by the people, to deal with legislation generally. (3) A House of Assembly composed of the members of the Legislative Council together with six other financial representatives elected by the people, who shall have the power of imposing taxes and of discussing freely and without reserve the items on the Annual Estimates of Revenue and Expenditure prepared by the Governor in the Executive Council and approving of them.”

We do not ask to disturb the Executive Council as at present composed, but only that half of the Legislative Council should be elected by the people and that the Legislative Council should have the power of discussing freely and without reserve the items of the Annual Estimates prepared by the Governor. I submit, respectfully, Sirs, that this is a very modest demand—if I may use that word for so very modest suggestion—only asking for some share in the conducting of our own affairs. I may mention that Sir Hugh Clifford instituted the practice in the Legislative Council of the Gold Coast, and probably the same has been carried into effect in Nigeria, that when the estimates had been prepared, before they were finally disposed of, they were referred to a Select Committee, including official and unofficial members of the Legislative Council, who went into the estimates item by item, and sometimes called for information from Heads of Departments, the Treasurer, say, and others, who attended during the sittings. A report was then submitted, which was generally acted upon. According to the reform now advocated, naturally the main difference would be that members on the unofficial side, who composed this Committee, would be elected, i.e. men elected by the people and therefore men in whom the people would have great confidence. We are suggesting

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that if we have this revision of estimates in a House of Assembly, together with the Legislative Council on the lines suggested in the resolution, we should have a fair representation of the rights of the people. It is gratifying, Sirs, that the Mother Country has generally lent an ear to suggestions for a better system of government in the other different Colonies of our wide Empire. In *The Times* of October 2nd, 1920, as regards Ceylon's new constitution, there was a very short paragraph which I might take the liberty of reading :—

“It is announced in last night's *London Gazette* that the King has approved of the reconstitution of the office of Governor, and Commander in Chief of the Island of Ceylon and its Dependencies, and has made further provision for the government of the Island.”

“Colonel Amery, Under Secretary for the Colonies, stated in the House of Commons on July 28, as reported in *The Times* of the following day, that the Secretary of State had decided to recommend certain changes in the Constitution of Ceylon, which would give a large measure of popular control of the Administration. The reforms include the increase of the number of elected members of the Legislative Council and the giving of a substantial majority over the official vote to the unofficial members.”

I ask, Sirs, if Ceylon has been given this Constitution, why should it not be given to British West Africa? In this great war, we all united for the common cause in common sacrifice for common hopes, and, surely if this concession is made to Ceylon, why not to British West Africa?

I pass on briefly to the question of Administrative Reforms, and that we deal with in Resolution 4 :—

“That this Conference is of the opinion that the exercise by the Executive of judicial functions in the West African Administration is inimical to the best

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interests of the people, and pledges itself to submit representations at the proper quarter with a view of remedying the evil."

We say, Sirs, that one of the most potent forces in inspiring confidence in the British West African aboriginal in Her Majesty's Government was the method of administering justice in her courts. In British West Africa, speaking particularly with regard to the Gold Coast, it was our people who gave jurisdiction to the British Government by reason of the fact that we had faith and confidence in the power of the proper administration of law, and up to recent times none of the Judiciary was in any shape or form interfered with by the Executive. To-day what happens is that in various parts of British West Africa we have officials who, though not legal men, are placed in charge of legal work, to the grave detriment of the people. They have certain courts now presided over by men who have no legal training, and who decide cases in a way that properly trained men would never decide them.

PROFESSOR GILBERT MURRAY : That is new, is it not ?

THE HON. CASELY HAYFORD : Comparatively new, but now it is growing.

THE HON. T. HUTTON MILLS : One capital case has been tried. British West Africa feels very strongly that in many of the cases—in some cases natives on trial for their lives—natives should not be allowed counsel. In one hundred and seventy cases last year the Government only permitted two natives to employ counsel. It is recent legislation.

THE HON. CASELY HAYFORD : We feel very strongly upon the point that we in British West Africa should not be considered worthy to deserve the same treatment as in British territory elsewhere as regards a man's liberty because of the hardship both as regards the cases and also that men who are not judges sit in trial on these cases.

PROFESSOR GILBERT MURRAY : Who appoints them ?

THE HON. CASELY HAYFORD : They are appointed by Government.

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The Hon. T. HUTTON MILLS : And the Administration of the Colony.

Sir WILLOUGHBY DICKINSON : And they are not legal men ? How does it come about ?

The Hon. T. HUTTON MILLS : The Administration laws are guilty.

The Hon. CASELY HAYFORD : In cases where there is trial by assessors and assessors are appointed and these assessors return a verdict, if the verdict is not agreeable to the presiding judge, he has the power to set it aside and the accused must go to prison. I myself as Counsel have seen people convicted. One was a case where the assessors returned an opinion of "Not guilty"; but according to this system the judge was able to override that verdict and he convicted the men.

Dr. BANKOLE BRIGHT : And there is no appeal against such conviction and sentence.

The Hon. CASEY HAYFORD : And we say these things must not be in a British Colony and under British rule. It is the case in various parts of British West Africa.

Then, Sirs, as regards the Civil Service, we see invidious distinctions made, notwithstanding our education. We are men who are very eager to stand well among men, and a large number come to this country to be educated and take as good and as high a degree as any European can or does, yet when we return to our own country where there is a Civil Service, and we desire to be employed and to be remunerated equally as regards emoluments and position with Europeans, we are relegated to a back seat. In the West African Medical Service, they have a trade union system, and they do not wish, if it be possible to exclude them, any African to enter, and they are men who have taken honours as high generally as any of the Faculty. That grievance is a very sore one to the men of British West Africa, who are properly trained medical men, having taken degrees here, and who are not allowed to help in the healing of their own people. There are invidious distinctions not only with regard to this branch of the service. Just before coming here, myself—and it was one of the reasons why I

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was late, gentlemen, in starting—I was engaged in sitting on a Commission enquiring into the salaries of African officers. I must say that our present Governor, General Guggisberg, is very sympathetic in having enquiries made, irrespective of race or colour, but I am not quite certain that there is the same tendency in other parts.

Dr. BANKOLE BRIGHT : It is not so in Sierra Leone.

The Hon. CASELY HAYFORD : It may not be so in other parts. Here, too, I desire to make very respectfully the point that, to cement the strong bond with the Empire there should be no invidious distinctions as regard the Service, or in any Department of the Public Service. Her late Most Gracious Majesty Queen Victoria's Proclamation, which has been quoted again and again, says :—

“ And it is our further will that as far as may be our subjects of whatever race or creed be freely and impartially admitted to office in our Service, the duties of which they may be qualified in their education, ability and integrity duly to discharge.”

We ask respectfully that this Proclamation may be followed in letter and in spirit, so as to affect entries into the service of British West Africa.

Now, I pass on briefly to municipal institutions. There also, we think that the time has arrived that there should not be a simple kind of arrangement by which the Government practically control the municipal board. We think it should be developed to the stage that the present units of British West African Municipalities should be really municipalities, dealing with the affairs of the community in the way it is done in other parts of the British Empire.

I pass on now to page 2 of the Resolutions—the resolutions on the Syrian question—and the first reads :—

“ That in the opinion of this Conference the Aboriginal inhabitants of the several Colonies of British West Africa are not ‘ Aliens or Foreigners ’ to one another, and advocates the avoidance of all discriminatory Ordinances in that relation, and pledges itself to make

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representations at the proper quarter for the repeal of any such existing Ordinances.”

We are suggesting, Sirs, that among ourselves West Africans are West Africans. To-day, anyone who has any knowledge of affairs in West Africa speaks of West Africa as one. However, it turns out that in certain parts of West Africa, Nigeria, for instance, they seem to discriminate between one West African and another. If men from Sierra Leone, for example, go to Nigeria, the law there seeks to make them foreigners and make restrictions against them. I need not enlarge on the point that that should not be. The desire is that in future all West Africans should be considered as one. There is another question of very great importance to us, and that relates to the passing of Emigration Laws to prevent “undesirables” from entering into British West Africa, for the presence of “undesirables” disturbs the relation between the people and the Government which disturbance otherwise would not take place. And Resolution 3 has reference to the question :—

“That this Conference, having heard the views of its members on the ‘Alien Problem’, with particular reference to the Syrian Question, is of opinion that the Colonial Office should be approached with the view of considering whether these Syrians are not undesirables and a menace to the good Government of the land, and consequently, should not be repatriated from the West African Colonies.”

In Sierra Leone, it appears that these Syrians, who came there before the War, by their peculiar methods of living and of trade, have begun to corner food stuffs, and begun so to conduct business methods that the ordinary African, in his own home, has to go short of foodstuffs at a given time.

PROFESSOR GILBERT MURRAY : Where do these Syrians come from ? From Syria ?

DR. BANKOLE BRIGHT : And they are Turkish subjects, aliens.

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The Hon. CASELY HAYFORD : And from Armenia. During the war they so cornered all food stuffs that rice, the ordinary food of the people, rose to such a high value that it was impossible to get rice to buy, and by some means the products of the interior were bought by these Syrians so that the farmers were precluded from bringing their products to market and selling them at ordinary rates. In other words, the Syrians are undesirables, and we are suggesting that the Conference, having had the matter very fully dealt with and debated that particular resolution, Sirs, should enlist your sympathy, and it is suggested that upon that particular head enquiries might be caused to be made, and if found that we have made good our case, steps might be taken to remove the Syrians.

I now pass on to Resolutions, under the head "With particular Reference to an Appellate Court", on Page 4 :—

"That this Conference, having taken into its deep consideration the question of Judicial Reforms, is strongly of the opinion that further to enhance the integrity and independence of the Judges of the Supreme Courts of the British West African Dependencies, the source and conditions of their appointments should be the same as those of His Majesty's Judges in England."

We know, Sirs, that under the Constitution of England the people have always been very jealous of the source of appointment of the Judge for the protection of the liberty of the subject. The Judge, having been appointed by His Majesty's proper authority, is entitled to his position and emoluments until either removed by death or for a good cause. In the Colonies the source of appointment is not His Majesty's original authority, but emanates from the Colonial Office, with the result that it has a certain amount of control over them, and the Judges cannot be as independent as they should be. I must confess, Sirs, that in some cases we have had very able Judges, men who have gained the confidence of the people by wise dealing, but it is better that the source should be other than it is, because

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there are matters coming before them affecting Government interests. I am not making insinuations of any sort, but I am suggesting very strongly that the time has come when this should be considered and given effect to.

Resolution 3 :

“ That the time has come to open definitely to African practitioners of experience all Judicial appointments.”

In this country, Sirs, when a man of integrity at the Bar has been seven years practising, it is possible to nominate him as Judge, and there are cases where such a man mounts the Bench and does very good service if he shows integrity. In our part of the world, at the present moment, the appointment of Judges from the practising Bar is barred to Africans—I am speaking of Judges. At one time we had such appointments in various parts of British West Africa, even up to the rank of Chief Justice and Acting Attorney General, which positions have been held by Africans in the past. Somehow or other, in this policy we have gone back. I am suggesting respectfully that the time has come when it may be considered and re-initiated and that reliable men may have the right to take up appointments. I may say that the office of Police Magistrate has been given to some of our people. On the Gold Coast recently they appointed a man, and a very good man he is. In Sierra Leone the acting appointment has been held by an African. Well, we say that the whole of the appointments, right through up to Chief Justiceship, should be open to Africans if they show ability.

PROFESSOR GILBERT MURRAY : Did you say that an African was Chief Justice ?

DR. BANKOLE BRIGHT : Sir Samuel Lewis was once acting Chief Justice of Sierra Leone.

PROFESSOR GILBERT MURRAY : In what year ?

DR. BANKOLE BRIGHT : I think it was in 1892.

MR. F. W. DOVE : And Macarthy.

MR. JOHN HARRIS : And Mr. Maxwell, Chief Magistrate of the Gambia, an office equal to that of Chief Justice.

THE HON. CASELY HAYFORD : And Mr. Justice Frans Smith, who for several years, on different occasions, acted

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as Chief Justice of the Gold Coast Colony, and was always referred to with great respect.

PROFESSOR GILBERT MURRAY : This is most interesting what you are telling us. A great deal of the information is quite new to me. Unfortunately Sir Willoughby Dickinson will have to go away soon.

THE HON. CASELY HAYFORD : I may mention that the late Sir Conrad Reeves, an African, was Chief Justice of Jamaica, and there is no reason why the privilege should not be extended to us.

I turn your attention respectfully, Sirs, to the land question, and I may say very briefly that in British West Africa the people know what their rights are with respect to the land. Those who know anything about Africans know that if they want to keep in good relations with them, never touch their land ; it is like putting your finger into his eye. Therefore we think the principle of trusteeship is carried to extreme where it is made possible for Government to interfere, with the result eventually that control is practically in the hands of the Government in respect to our lands. Our people feel a certain amount of unrest. We think to a large extent that the intelligent West African is quite capable of taking care of his land without unnecessary governmental paternal control.

On Page 8 we deal with the right of the people to self-determination, and there Dr. Bankole Bright has spoken to you with regard to Togoland. I must say to you, as men of responsibility, that no question at the present moment disturbs the minds of the people of British West Africa as does this question of self-determination with respect of Togoland and the Cameroons. The Resolution says :—

“ That this Conference condemns specifically the partitioning of Togoland between the English and the French Governments and the handing over of the Cameroons to the French Government without consulting or regarding the wishes of the people in the matter.”

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I may say that the belief of Togoland generally was that we should govern Togoland. They are really Gold Coast people. My friend the Honourable Sri II, who represents that border of the Gold Coast in the Legislative Council, has his ancient capital actually on the French side of the land's boundary now, and the people there are some of them Fantis and some Accras, who settled there. And what I say to you is they think and say : " We had no fight against either Britain or France—they fought Germany, and we came to their aid and helped them. By what right can they come and partition our lands between them without consulting us ? " We have all a very great respect for the French Government. I say here, as a man of responsibility, that they deal with the African in a way that no other Power deals with him. I may say here, frankly, they have no colour bar to Africans, so that an African may rise to any position, according to his ability, and no nation ranks higher than French.

In France you have men of high rank in the Army and in the past, as in the present, men have represented Africa in the French Senate ; so that we have no prejudice against the French. But this we do say, Sirs, that the hope was held out to the whole of the peoples of the world as regards the right of individual peoples to self-determination. It is not fair, it is not right, it is not just, that these people should be handed over to Powers under whose flag they would rather not live. It is a crime, and it has shaken the confidence of the people very very greatly. And I ask you respectfully, Sirs, as the League of Nations Union, that you might well consider that matter and give the people an opportunity to make representations. I ask you, Sirs, respectfully, firmly, emphatically that you might not allow any diplomatic reason to keep you from doing what is fair and what is right to the people of Togoland.

I have nearly come to an end. We thank you very very much for the patience and sympathy shown since we have come here as a Delegation. Our sole desire is to establish good relations, better relations, between British West Africa and the whole Empire ; and we trust and believe

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our visit here will have the happy result of inspiring the people with greater confidence and that we shall have more and more unity thereby. Our sole desire and wish, the wish of British West Africa, is "to maintain strictly and inviolate the connection of the British West African Dependencies with the British Empire and to maintain unreservedly all and every right of free citizenship of the Empire and the fundamental principle that taxation goes with effective representation".

The Hon. T. HUTTON MILLS : I think it will be a crime to inflict any more speeches, especially after the reason given to us that the respected gentleman on your right is anxious to leave to attend to other business. We can only ask you, Sirs, to consider all the points referred to in the speech we have listened to from the Hon. Casely Hayford, and to consider that under Clause 23, Section B of the Covenant of the League of Nations, some of them appeal to you for just treatment towards our people. It appears there that the Members of the League "undertake to secure just treatment of the native inhabitants of territories under their control".

We observe that and have put before you the case for such just treatment. That is all we have to say.

## II

INAUGURAL ADDRESS DELIVERED DURING THE BRITISH  
WEST AFRICAN CONFERENCE HELD AT ACCRA ON 11TH  
MARCH, 1920

Ga Manche, Manchemei, Ladies and Gentlemen,

This is a great moment in the annals of West Africa. It is also a great moment in West African endeavours. The idea of a West African Conference was mooted five years ago, but at that time it was thought undesirable to press the matter forward, in view of the great struggle in which the Empire was engaged, and as the Conference, it was feared, might embarrass His Majesty's Government. However, the time that elapsed between the first conception of this great idea and the present moment has been utilized to the extent that you see before you here to-day, the Representatives of the four British West African Colonies. I think it is right to say that, in the course of our efforts we have met with opposition here and there ; but it is important to explain that no person of responsibility in any of the four Colonies has been found who is not in favour of the idea. The idea of a Conference, everyone agrees, is a desirable one, and I propose to read to you a short paragraph from an address, delivered by the Honourable Nana Amonoo V, Omanhin of Anumabu, and a member of the Legislative Council of the Gold Coast. He said that formerly meetings of the Fanti Kings were held at Mankessim and did not include Cape Coast. Later on the Fanti Confederation brought about the inclusion of Cape Coast in their counsels. And it was because we recognised the strength which lies in unity that when the Aborigines Society was instituted, we welcomed the inclusion of Elmina, Wassaw, Ahanta, Apollonia and, later on, Accra and the other Eastern Province divisions. Since then we know

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what we had achieved by combinations which we could not have done formerly. For these reasons, if there was no danger in associating with the other West African Colonies for the purpose of doing what manifestly we could not do otherwise, he was in favour of it. But he suggested that before doing so, we should first set our own house in order.

He practically represents the whole of the Fanti Tribes in the Legislative Council of the Gold Coast, and he was of opinion that, since the Conference was thought by its founders to be the means of promoting the unity of the four West African Colonies, it was a desirable thing.

Not very long ago we met in these very premises in connection with the Conference movement. One of the speakers was the Hon. Nana Ofori Atta, C.B.E., Omanhene of Eastern Akim and a Member of the Legislative Council of this Colony. He spoke strongly in favour of the movement and could not understand what possible reasons any honest man might have against a Conference of this sort. Further, it will be remembered that the Government itself has now and again called people together to confer upon matters of public importance. The main item on our programme, viz. : the better and more effective representation of our people, is the same item that has engaged the attention of politicians, not only in the Gold Coast, but also in other parts of British West Africa. You all do remember that in 1898 a Deputation was sent from the Gold Coast to England, among other things to ask His Majesty's Government to allow us more effective representation in the Council Chamber, but the proposal was turned down. Again, in 1912, when a Deputation waited upon the Right Hon. the Secretary of State for the Colonies at Downing Street about the Forestry Ordinance, the same request was presented with no result. Further, you will agree with me that no reasonable man in this country, or throughout West Africa, can say that the idea of presenting a claim to Government now for fuller representation is a bad one. The time that has elapsed has enabled public opinion to be thoroughly educated upon the important movement we are here advocating to-day.

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In Lagos I hold a pamphlet in my hand which deals with the necessity for a West African Conference, being a lecture given by one of the delegates, Professor Adeoye Deniga, who is here to-day. We know that lectures, both in English and in the vernacular, were given in the various parts of Nigeria, with a view of educating public opinion. My friend, Dr. Savage, who was one of those who originally promoted this idea, spoke in Lagos in this way :—

“ This Conference is not founded as an anti-government movement but for the purpose of helping the Government in the work of civilisation that they are doing in our midst ; sometimes they may make mistakes, but this must be pointed out in a loyal and constitutional manner, knowing that after all we are all human beings and that the Government is working for our good, and we must do all we can to help them and let them know our minds, and that our intentions and aspirations are loyal and good.”

That is what Dr. Savage said upon this matter, and he was one of the promoters of this great Movement. Now, then also at Accra, this matter has engaged public opinion to a very long extent, with the result that to-day we have on the Committee of this Conference, the Ga Manche, the James Town Manche (Kojo Ababio), and various important public men of Accra. When our President was speaking he gave you a long list of the persons who are actively engaged in this movement. I may also remind you the Gold Coast Aborigines Rights Protection Society has got sections at Accra and Cape Coast. The Accra section is represented by Mr. C. J. Bannerman, Barrister-at-Law, President ; the Hon. Hutton Mills is one of the prominent members, Manche Ababio is a member of the Committee, and there are various others. All these men are on the Conference Committee and are doing great work in connection in this Province. When you come to Cape Coast it may be found that a section of the Aborigines Society has not seen its way clear to attend bodily ; but I am pleased to be able to point out on this platform Mr. Henry Van-Hien, Treasurer of the Society at Cape Coast, and Treasurer also of this Conference, Prince Atta Amonoo,

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Barrister-at-Law, Mr. Ward Brew, Barrister-at-Law, Mr. William Sekyi, Barrister-at-Law, and others who represent a very large portion of the Aborigines Rights Protection Society at Cape Coast. We then come to the Axim Section, a very important section of the Society, and I take the liberty of reading to you a letter to the Parent Committee here, which will explain to you the position taken up by the Western Provinces and by the Axim Section in regard to this movement.

Axim,

19th February, 1920.

The Secretary,  
Central Committee,  
British West African Conference,  
c/o The Hon. T. Hutton-Mills,  
Accra.

Sir,

I am directed to transmit through you to the proposed British West African Conference, shortly sitting at Accra, the following RESOLUTIONS, unanimously passed at a large and influential meeting of the Aman-Ahinfu, Ahinfu and Sub-Chiefs of Axim-Appolonia District, and other Educated Natives of the community, which was held on the 18th December, 1919, to confer with the Executive Committee of the Axim Section of the Gold Coast Aborigines Rights Protection Society, on the Subject of the Conference Movement :—

### RESOLUTIONS

“ That this Meeting of the Ahinfu and Chiefs and people of Axim ; The Representatives of the Omanhin of Attuabu with the Ahinfu and Sub-Chiefs of Eastern Appolonia ; The Regent and Representatives of the Stool of Beyin with the Ahinfu and Sub-Chiefs of Western Appolonia ; The Representative of the Stool of Bansu, Ancobra River ; The Representative of the Omanhin of Barmiankor, now assembled in conference with the Executive Committee of the Axim Section of the Gold Coast

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Aborigines Rights Protection Society and other Educated Natives and Residents of Axim, is fully convinced that the time is ripe for a United West Africa, and that the objects sought to be attained by the British West African Conference now about to sit at Accra, are calculated and will be conducive to, the true progress of West Africa as a whole and the Gold Coast in particular, and therefore associates itself with the British West African Conference Movement and offers to support, to uphold, and advance the same.

“It is also resolved that this Meeting ratifies and endorses all that has hitherto been done by the several Committees on the Gold Coast and in the sister colonies and that a local Committee be constituted before rising.

“It is further resolved that a copy of these resolutions be transmitted to the Secretary of the Central Committee for the information of the British West African Conference.”

I am also directed to wish the Conference every success, and to request that my Committee may be kept informed of the deliberations of the Conference.

I remain,  
Sir,  
Your obedient and humble Servant,  
SAM R. WOOD,  
*Secretary, Local Committee,  
British West African Conference.*

I have brought this to your notice in order to enable you to see that the Western Province is easily in front of this great movement. We have in the Committee in the Western Province the representatives of the Omanhin of Lower Wassaw and Chama and we have also in the Central Province, representatives of the Chiefs of Saltpond and Winnebah, and Chief Biney of Akra in the Saltpond district.

Now the question arises whether this is not a movement

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of the educated classes of British West Africa? We claim that it is. This Conference has been brought about by the intelligentsia of British West Africa by the necessity of bringing before the Government the wants and aspirations of the people so that they may be attended to as best they may. Sometimes it is supposed that the educated African is a kind of impediment in the way of successful administration. I do not think that this view is held by all, but there are some who hold that view. Some even would like to see direct dealing with the untutored native, without the medium of his educated brother. That view is a wrong one. From the earliest times of barter, when the European wanted to speak with the black man, it was through the black man who could speak English with some intelligence. As the African advances in education and intelligence, naturally the higher grade of educated African becomes the leader of his people and we have educated men who have been chosen by the Government to assist them in their deliberations. The time will never be when it will be possible to dissociate the educated African from his uneducated brother. (Cheers.) We made this quite deliberately, and we made it with the approval of our people. (Loud applause.)

The question again arises, what it is that we seek to do? We desire, by the medium of expression of public opinion, to let the Government know plainly and fully what is passing in the mind of the African. We do not believe in subterranean grumblings. We believe in open explanation of our wants, because our experience teaches us that when these wants are fairly placed before the executive, generally they are attended to, if not to-day, the next day or the day after. We desire further, as the intelligentsia of British West Africa, to promote unity among our people. You all know the importance of unity, and you remember the parable of the man who, when dying, called his sons together, and when they were come asked them to bring him a bundle of wood. You all know how he asked them to loose the bundle and how each of them was taken out and could be easily broken and how they were put together and

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could not be broken. It is in the same manner that our people are now learning the importance of unity. Nigeria has joined hands with the Gambia and Gambia with Sierra Leone and Sierra Leone with the Gold Coast, etc., and it is our hope, by this combination, to express our views in a way that can be effective.

Now we are dealing with systems. We are not dealing with individual Governments, or with individual Governors, or with individual officials. We are all the slaves of a system, and in West Africa we have what is known as the Crown Colony System of Administration. It is an archaic and anachronic system. I tell you, Ladies and Gentlemen, that sometimes it may be found difficult for even the various members of the system to work it. It is my sincere hope that in the enlightened year 1920, it will be found possible to do away with this archaic system. I say this advisedly. Not very long ago the question of the Palm Kernels Ordinance arose. The Executive Government here were against the principle of the Bill, and so were the whole of the members of the Legislative Council, European and African, opposed to it. However, instructions came from Downing Street, that the Bill should be passed into law, and it was passed against our will. This is the kind of thing that we hope to get rid of as far as it is practicable. To my thinking the only remedy for this state of affairs is to give the people the opportunity of electing their own representatives who could watch all measures that are introduced. In this connection the promoters of the present British West African Conference wish you to understand that all interests and all claims have been considered. We are quite aware that the country cannot make any progress without the capital of the European. European merchants, missionaries, and officials have always lived with us in a most friendly way, and we also claim that the capitalist should be given a voice in the affairs of the country. In the same way we who own the soil and produce the labour without which mercantile enterprise in this country would be a failure, also claim to be entitled to an effective representation in the affairs of our own country.

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I come now to another matter of some importance, i.e., Administrative Reforms ; and here I desire to make it clear that, in the opinion of Intelligent West Africans the time has come when there should be a distinction between the functions of the Executive and the Judiciary. By it I mean that the Supreme Court should be considered and treated as part and parcel of His Majesty's Government. The judges of our Courts are placed there to see justice done between man and man. They are by training, by character, and by experience qualified to do that work. The tendency in West African Colonies from the Gambia to Nigeria, has been to combine the work of the Judiciary with that of the Executive. We have pledged ourselves to do all in our power so that the functions are kept in two separate and distinct places in the future. Why? Because it is quite possible that if a Provincial Commissioner, for example, who is not a trained man, is made to decide cases even to the extent of an appeal, that deprives the judges of that function. It may be convenient for the Government, but it is neither convenient for the people nor safe for them either.

Now in connection with the Administrative Reforms, I desire to touch briefly upon the important question of equal rights and opportunities for all. The time has come in West African history when there should be equal opportunities for all without consideration of creed or colour. We should all wish to see Civil Service Examinations instituted in connection with all West African appointments. Let those who pass merit the appointments according to the results of the examinations. It is an anomaly that a black man, however well educated and whatever his merits, is relegated in rank, salary, and emoluments, to an inferior position to that of the European.

Then again there is the question of Commercial Expansion. We in this country sometimes do not trouble ourselves to look out and think of the great things outside our world. There are thousands and thousands of our people right over in America, who were carried away from our country years and years back. We may not care to follow

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what they are doing, but sooner or later, we shall have to know. Over there our people are thinking, their young men are dreaming dreams and their maidens are seeing visions. They are suggesting to themselves that the time has come when they should have some place in their native land of Africa. I understand that a great Society has been formed there called Universal Negro Improvement Association, and they have launched out a ship. Probably in course of time some of their ships may come our way. I think, Ladies and Gentlemen, that it will not be out of place for us to encourage them to come among us in order that they may try and make money as all others are doing. But the express reason why I bring this forward to-night is that they have no idea of our local circumstances and conditions. They have no idea of our laws and institutions, nor as to our rights of property, and they may seek to get into touch with us by some channels that are not the right ones. Therefore I appeal to you young gentlemen, leaders of thought in West Africa, particularly to you, the delegates of this Conference, that you should so steer our men and so influence them in constitutional methods that they may know that although they went from this country, we who remained on this soil have known better and understand the relations that exist between the Government and the governed, so that if they desire to come back and enjoy the milk and honey of their native land they may do so in a right and constitutional manner.

I am afraid I am speaking too long, but I should like to say a word about the relations of the Government with respect to our lands. In various countries, for instance in South Africa, we find our people there have lost the control of their lands. I think you have all heard of the Matabeles. They, who, at one time, owned the land of their ancestors, are to-day a landless people. I desire to say frankly that we, the members of this Conference should all like to feel that, on one spot of the earth at least, the black man can claim the land as his own absolutely. Consequently we do not wish to see any control other than our own prevailing over the lands of West Africa (Cheers).

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You all know to-day in the history of nations that the written word goes farther than the spoken word. Truly has it been said, that in the rule of men entirely great, the pen is mightier than the sword. We are suggesting therefore that in all our West African Colonies we establish Papers impartial, so firmly and yet so constitutionally conducted as to enable the powers that be to know what are our wants and aspirations. In the early eighties when I was helping my friend Mr. Timothy Laing in editing the *Gold Coast Chronicle*, I met King Gharthey of Winnebah, of very great intellect, though he had not had the chance of much education, and he told me of how our people got up the Fanti Confederation. This great man, when on his death-bed, sent a message to our people, and his words were, "Be Constitutional". I pass that on to the Gentlemen of this Conference. In all that we do, and in all that we say, we must for ever remember those words "Be Constitutional".

We must be firm, we must be outspoken, we must avoid subterranean grumblings ; but in everything that we do, in the name of Heaven, let us be constitutional. As we have already heard, our goal is eventually to secure for West Africa a Government of the people, by the people, and for the people !



### III

PRESIDENTIAL ADDRESS DELIVERED DURING THE  
SECOND SESSION OF THE NATIONAL CONGRESS OF BRITISH  
WEST AFRICA, HELD IN FREETOWN, SIERRA LEONE,  
JANUARY, 1923

IN the unavoidable absence of the President of the Congress, the Honourable T. Hutton Mills, the duty devolves upon me of addressing you on this occasion, and I need hardly say how greatly I feel my responsibility. But, relying upon that Divine assistance which has hitherto, as a Congress, guided our feet, I can approach that responsibility with courage, assured as I am of your sympathy and support.

We are living in a new age and a new order of which we, who participate in them, are hardly aware. One important element of this new order is the growing consciousness of our race the world over, of which practical statesmanship must take cognisance. Among world problems to-day is the appeal which goes from the heart of the African to be accorded certain rights which are common to humanity ; and it is important to address ourselves to the facts and to find a solution to the problems which confront us.

One result of this race consciousness is its growing articulateness. What enlightened African opinion is at present upon most matters affecting African interests may easily be gleaned by any one who takes the trouble to find out. We claim that we have the right to our opinion and to the expression of it. We say that we have passed the childhood stage, and that, much as we appreciate the concern of our guardians, the time has come for us to take an intelligent, active part in the guiding of our own national destiny ; and that is the primary fact that has called into being the National Congress of British West Africa.

Now, speaking broadly, there are certain fundamental

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considerations that are common to the whole race. We claim, in common with the rest of mankind, that taxation without representation is a bad thing, and we are pledged, as all free peoples have had to do, that in our several communities the African shall have that common weapon for the protection and safe-guarding of his rights and interests, namely, the franchise. It is desirable, we hold, that by our vote we shall determine by what laws we shall be governed and how the revenues which we help to put together shall be utilised.

Equally do we hold with others that there should be free scope for the members of the community, irrespective of creed or colour, to hold any office under the crown or flag to which a person's merits entitle him or her. We hardly think that in these enlightened days there are any to be found who can seriously quarrel with that proposition. Indeed the time is past when the African can be expected to continue the burden-bearer of the world. The time has come, I submit, when others took their share in that thankless task. Some of you have doubtless seen that great work of art, "The Man with the Hoe", and have read the tragic lines in which the poet referring to our race, says :—

"Bowed by the weight of centuries, he leans  
Upon his hoe and gazes on the ground ;  
The emptiness of ages in his face,  
And on his back the burden of the world."

And, perhaps, you would like to hear the version of the new African as expressed by one of our poets, Lucian B. Watkins, who passed to his rest not so long ago. Thus he puts it :

"They call you crazed and curst—  
'Bowed by the weight  
Of centuries' of burden-doom and woe  
They say of you, 'He leans upon his hoe  
And gazes on the ground' They mark  
your state.  
That you are 'Dead to rapture' and  
the great  
Star-worlds above your 'aching  
stoop' ; you know

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Naught of the 'reddening of the  
rose'—for, lo  
You're 'brother to the ox' a brute of  
fate!  
But, I have seen your soul, No evil  
there.

Makes hard your task, you humbly  
serve and plod.  
In love with life and life's created  
care,  
You read the living scriptures of the  
sod,  
'Man with the hoe'! son of the Eden  
pair!  
You work the wonder and the dream  
of God."

You see in the new African, then, as here depicted, not only a creature who denies the right of any to enslave him bodily, but he has risen even to the heights of soul-enfranchisement, a co-worker in the spiritual realm, for he is to "work the wonder, and the dream of God" according to the seer.

Well, still thinking of fundamentals, one may say, for example, that mob law, wherever practised, is a barbarous thing. And so must we with the rest of civilised peoples raise our voices in condemnation when practised upon members of our race. No right-minded person can restrain our feelings of indignation, which we proclaim to all whom it may concern, that African sentiment is dead against this abominable practice.

Of minor grievances are segregation laws and Criminal Codes which work detrimentally to Africans in their several communities, and all attempts at land exploitation.

Now, the foregoing sentiments are common to members of our race throughout the world, and accord with the universal repugnance of mankind. They constitute some of those liberties which others have striven for until they have attained them; and it is our purpose also to strive for them until they are ours.

But it is our duty, as a Congress, to define our attitude

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as to the methods that should be pursued in attaining the liberties that we seek in so far as they apply to British West Africa. And here I am called upon to remind you that the policy of the National Congress of British West Africa "is to maintain strictly and inviolate the connection of the British West African Dependencies with the British Empire, and to maintain unreservedly all and every right of free citizenship of the Empire and the fundamental principle that taxation goes with effective representation." That implies that we are resolved to honour the choice of our forebears in selecting the Union Jack as the flag under which we shall work out our national destiny ; and I may say, as one of the leaders of the people, that notwithstanding any local differences that may exist with local Administrations, the heart of British West Africa to-day beats true in loyalty and devotion to the throne and the person of His Majesty the King-Emperor. It further implies that in seeking our rights we shall do so firmly and yet constitutionally.

Now, remember that this is not only a matter of sentiment. It is one of wisdom and practical common sense. We understand the British Constitution. We have no first-hand acquaintance with other constitutions. From Magna Carta to the Bill of Rights we know the path that has been trod to win British liberty ; and we prefer to believe that the only way is not the way of violence. We prefer to believe that, although in some cases local Administrations are slow to yield, in the end we shall gain our rights by constitutional persistence and insistence ; and, at all events, we shall give the British Government the opportunity of proving that we have not trusted in vain.

It is nearly three years since the Congress was inaugurated. Let us note what progress has been made along some of those fundamental lines of liberty commonly sought by our race. But let me say in passing that, as indicated by the opening announcements of the Secretary, the National Congress of British West Africa is known throughout the English-speaking world, and we are recognised by, and are in touch with, some of the greatest world

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movements of the day. Without anticipating the report of the London Delegation, the Congress has been accepted by its Delegates into the Membership of the League of Nations Union ; and it is well known the sympathetic hearing your Delegation had in London on October 8th, 1920, at the Conference between the Executive Committee of the League of Nations Union and the members of your Delegation.

The main plank of the Congress problem, as you are well aware, is the granting of the franchise. To effect this your Delegation was sent to England in the fall of 1920 and although, owing to false representations from certain quarters, we did not meet with immediate success, yet it is no exaggeration to say that the effect of your efforts has been the general concession of elective representation in British West Africa by His Majesty's Government. It is true that as yet definite announcements have been made with respect to three only out of the four British West African Colonies namely, Nigeria, Gambia and Sierra Leone. But we have reason to think that the sense of proportion and fair play of the Government cannot longer deny the same privilege to the sister Colony of the Gold Coast. You will have noticed the language of our Policy in respect of the franchise. It aims at "the fundamental principle that taxation goes with effective representation". In other words, our policy is not merely to secure either simply enlarged Legislative Council on the old method of Government Nomination, or an elective system in which the elected members are swamped by official and nominated votes but "a Legislative Council composed of representatives, of whom one-half shall be nominated by the Crown and the other half elected to deal with legislation generally" and "a House of Assembly, composed of the members of the Legislative Council together with six other financial representatives elected by the people, who shall have the power of imposing all taxes and of discussing freely and without reserve the items on the Annual Estimates of Revenue and Expenditure". By this provision was intended to safeguard the people's claim to "effective representation".

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Now, neither the Nigerian, Gambian nor the Sierra Leone proposed constitution goes as far as this, though the Sierra Leone one would seem to be the most liberal of the three. Still it is gratifying to note that the principle of elective representation has been conceded by His Majesty's Government; and our brethren in Sierra Leone must be congratulated upon the expedition with which His Excellency Governor Slater made his recommendation, although the Government of Nigeria leads the way in an enlightened policy. As we have said, there is nothing definite to report of the Gold Coast, but it is to be hoped that she will not have to wait much longer.

And here I may say in passing, that it is the aim of British West Africa to approximate, as time goes on, to the Dominion stage fore-shadowed in a speech of the last Secretary of State for the Colonies when he adumbrated a British West African Confederation with a Governor-General. Judging of the interchange of high officials now proceeding between the several Colonies, it is not chimerical to suppose that in time British West Africa will command a Parliament of its own. Though that must necessarily take time, we have at present such models as the Indian and the recently proposed West Indian constitutions to go by. It will be our duty to examine those constitutions in the light of our needs, and to make recommendations accordingly.

Touching Municipal Reforms, it may be noted that the Government of Nigeria has made considerable advance, and the Gold Coast Government has appointed a Committee which has gone thoroughly into the matter of a more advanced type of Municipal Government, which, it is hoped, will ultimately pass into law. We shall await with interest progress along this line in the sister Colony of the Gambia.

In the matter of openings in the higher branches of the Colonial Service, the Congress had not been more than a few months old when we were able to report progress by concessions to men of our race in the several Colonies. There are yet more subsidiary disabilities which may be considered with a view to suitable recommendations, with

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particular reference to the West African Medical Service.

The matter of education should receive the careful consideration of the present session of the Congress. There is hardly any of the four Colonies in which the matter is not engaging the serious consideration of Government. For our part, I would suggest for your consideration the matter of compulsory education for our youths within certain age limits ; the strengthening of the courses in our Elementary schools ; the improvement of the curricula in our Secondary schools ; leading up to the British West African University ; greater attention to female education and training ; and industrial and technical training of our youth in all their ramifications. We do not subscribe to the proposition that a peculiar kind of education is desirable for the African *per se*. But we believe in the African being trained by the African with an African outlook, which is a very different thing. Experience has taught that it is oftener than not the half-educated African who is de-Africanised rather than the thoroughly educated African. These things being so, we must press upon the attention of Government the early foundation of the British West African University, and it must be respectfully urged that no considerations of finance must retard action.

In the matter of Judicial Reforms, we cannot suffer the question of an Appellate Court for British West Africa to be summarily dismissed on the score of want of funds. We cannot admit that in such an important reform, urged by a resolution of the last session of the Congress, the four colonies concerned cannot together pool the necessary funds which would meet the salaries of the Appellate Judges. I invite your attention to this matter with a view to suitable representation at the right quarter. The efforts of Their Honours, the Chief Justice of the Gold Coast and the Chief Justice of Sierra Leone in pressing the matter of a united Appeal Court for British West Africa has met with public approval and appreciation.

It is to be recorded that since the recommendation of the Congress, more magistracies have been established, notably in the Gold Coast, two of the appointments being held by

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Africans, and that there has been a laudable tendency to recognise African merit. But it is contended that there is still room for the appointment of experienced African legal practitioners to higher judicial appointments.

As regards the principle of appointing none but duly qualified experienced legal men to hold judicial appointments, it is regrettable that it has not received the attention which it deserves and we must again invite the attention of Government to the importance which we attach to the reform.

British West Africa still suffers in some parts from a denial of the right of British citizens to trial by jury in criminal cases. Where it is allowed a *modification of the Common Law* still prevails, and the Assessors Ordinances still operate detrimentally to the liberty of the subject. The Criminal Appeal Act of 1908 has not yet been extended to British West Africa, and, in some parts, still the right of defence by Counsel is denied to a person charged with an offence, even though it be a capital one. These are anomalies to which the attention of Government must again be respectfully drawn, and it will be our duty to make the necessary representations.

At the last session the Congress recognised by one of its resolutions the important part the Press plays in national development, and recommended the promotion of greater co-operation in the British West African Press. Although no active steps have yet been taken to bring about a West African Press Union, yet it is gratifying to observe that the resolution has been followed in the spirit by a remarkable unanimity in pressing forward West African wants and grievances both by the local Press and by the London Press devoted specially to West African affairs. Two new papers have come into existence, which have taken their share in the good work, namely, *African Industries*, edited in London, and *The Gambia Outlook and Senegambia Reporter*, edited in Bathurst, Gambia. We congratulate our Gambian brethren in possessing now a suitable medium of public opinion. I would suggest practical steps being taken to promote a West African Press Union, and the adoption

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of a method by which news may circulate more freely and easily.

It is unnecessary to dwell upon every item of our agenda. But there is one subject to which I feel it my duty to call the serious attention of the Congress, and that is business-co-ordination and co-operation. As a people, we have not yet quite realised what a mighty part successful business plays in national economy. Nor do we yet know how to come together in matters of business as we have learnt to come together in matters political. Permit me to say that until we have learnt combination in the way of business, all our efforts stand to prove abortive. If we want to be really free, we must aim at financial and economic independence and here, as elsewhere, we ourselves must strike the blow that would loose our bonds. I shall invite the opinion and criticism of our men of business upon this important matter with a view to formulating recommendations for the consideration of our people.

I must bring to your notice the attention and the kindness which your London Delegation received from public bodies, such as the League of Nations Union and the African Progress Union, and prominent public men, including Members of Parliament of all shades of political opinion. The African Progress Union forms a link in the heart of the Empire between the African at home and the African abroad. As such, it deserves every encouragement and support, and I shall ask the Congress to consider the views of the London Delegation upon the matter and to give effect to them as far as it may be possible.

I have earlier in my observations spoken of the common wants, common claims of our race, and yet have indicated the practical common sense of loyalty to the several flags under which we may live. Is there no hope, no means of co-operation? Of course there is. Even now we are unconsciously co-operating. Thought waves reach us from the four corners of the earth where our brethren in distress cry up to God for relief. And we say, lo, we come. And when this great race of ours, within the British Empire and outside of it, begins to think together, and to will

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together and to act together, there is nohtng that we cannot attempt, we cannot effect in race emancipation. As a Congress, we do not believe in violence. But we do believe in enlightened opinion which, in the end, will rule civilised men. I feel I have kept you long, but the issues of the day in which we live have made a detailed examination of them necessary ; and I pass the discussion to the Speakers who will follow me. In the name of the National Congress of British West Africa I must thank the Government of Sierra Leone, and particularly His Excellency the Governor, and also His Worship the Mayor and Councillors of the City Corporation of Freetown, for the courtesy they have extended to the Congress and to the Delegation of which we shall carry happy recollections to our homes. I must not omit to also thank the several Governments of British West Africa for the promptness with which they have supplied the Secretary of the Congress with information and the Churches for having invoked God's blessing upon our works. And you, Ladies and Gentlemen, I thank you for having so patiently heard our message.

## IV

PRESIDENTIAL ADDRESS DELIVERED DURING THE THIRD SESSION OF THE NATIONAL CONGRESS OF BRITISH WEST AFRICA, HELD IN BATHURST, GAMBIA, DECEMBER, 1925

MR. ROBERTS and Members of the National Congress of British West Africa, Ladies and Gentlemen :

It is now two years and ten months since the second Session of Congress was held in Freetown, Sierre Leone. In the ordinary course our third Session should have been held on March 28, this year. From circumstances over which we had no control it was first deferred till May, and next till December, pursuant to which we are now met. In May current, however, our Sierre Leone Delegation did reach the Gambia and did pioneer work of such a splendid nature as to make our present Session hopeful of the best results in securing the franchise for our local brethren. On that occasion the fine and warm reception given our Delegation by the Governor of this Colony, His Excellency Captain Armitage, C.M.G., D.S.O., went a long way to indicate that, intrinsically, the Administration was not antagonistic to the aims of Congress, but that there had only been a slight local misunderstanding, which, happily, is now a thing of the past.

The postponement of the session has also enabled us to speak definitely of the form of the franchise bestowed by His Majesty the King upon the recommendation of the Governor upon the people of the Gold Coast. Before our second Session, Nigeria was in the enjoyment of the franchise, and shortly after, Sierra Leone received her new Constitution which, so far, appears to be the most liberal and in keeping with the march of progress in British West Africa ; Gambia, it is known, had only had consideration in so far as the Mohammedan element was concerned, the

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Christian portion of the Community having been left wholly unrepresented by election.

It will be recalled that at our first Session it was laid down that the objects of the Congress should be to press for "a Legislative Council composed of representatives, of whom one half shall be nominated by the Crown and the other half elected by the people, to deal with Legislation generally. Next a House of Assembly composed of the Members of the Legislative Council together with six other Financial representatives elected by the people, who shall have the power of imposing all taxes and of discussing freely and without reserve the items on the Annual Estimates of Revenue and Expenditure prepared by the Governor in the Executive Council and approving of them." This, it will be seen, aimed at effective representation which was emphasised in the resolutions passed upon that head at our second Session. It will be our duty to study the provisions of the Constitutions extant, see in what way they fall short of Congress proposals, and to make representations accordingly.

The advance of Science has brought about a contraction of our globe, which compels contact and inter-dependence among peoples, creeds, and races. So strong is the impact that you cannot escape it, if you may. As a Congress, therefore, we cannot be indifferent to world problems which affect us more nearly than we have yet realised. The African, for one thing, is called upon for his contribution to the maintenance of the conditions of modern life, and often the call comes upon him so insistently and in a way which may easily make him the slave of circumstances.

Within the Empire itself there was at the beginning of the Congress movement the activities of the Empire Resources Development Committee, which distinctly aimed at African exploitation and which we had cause to condemn at the time. There is reason to believe that even now British West Africa is not free from danger of that sort; and it will be for us to examine the facts and resort to that eternal vigilance which is the price of liberty.

Nor is that enough, as a Congress, we must be in advance

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of the current racial thought of the day. We must, to a certain extent, be able to guide and control it. There is intense activity in racial progress both in the United States and in the Islands of the Sea. But, admittedly, in the last analysis, the right inspiration must come from the mother continent ; and in no part of Africa can such inspiration be so well supplied as in the West. Our work, therefore, must be constructive ; and we must take long views and look far ahead of our times in racial reconstruction. As there is an international feeling among all white men, among all brown men, among all yellow men, so must there be an international feeling among all black folk. And it is no good pretending otherwise. To-day, where two or three of our race are gathered together, the thought uppermost in their minds is how to attain African emancipation and redemption. At the same time it is true that we are all intensely attached to our several nationalities. Trained under the constitution of the British Flag, we in British West Africa, for example, are intensely patriotic, and we have given blood and treasure for that Flag and may yet do it again. But let no one make the mistake to think that the general disabilities of our race in the four corners of the Earth do not concern us. If we, as a people, sow in order that others may reap, we are sure it is not so much from an innate inability to command success as from want of equipment ; and if that is the result of improper education, we hope to remedy it. There is no reason why we, as Africans, should not also harness the discoveries of Science to our everyday need and make them productive of Wealth and prosperity within our own borders. We have been burden-bearers far too long for others. We must set to work to realise some of the assets for ourselves. And how to bring that about must form a topic of our deliberations.

At the same time it must be recognised that co-operation is the greatest word of the century. With co-operation we can command peace, goodwill and concord. Without : chaos, confusion and ruin. But there can really be no effective co-operation between inferiors and superiors.

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Try as they may, there must come a time when the element of superiority will seek to dictate, and the inferior ones will resent such dictation. It logically follows, therefore, that unless there is an honest effort to raise the inferior up to the prestige of the superior and the latter can suffer it, all our talk of co-operation is so much empty gas. For instance, so long as you regard the African as a person who must be held in perpetual tutelage for your convenience, there cannot, in the nature of things, be that spirit of confidence essential to true co-operation.

While co-operation between race and race is preached, and it is desirable that it should be preached, surely there can be nothing wrong in suggesting that there should be closer and yet closer co-operation between members of our own race. While there has been a tremendous wave of race consciousness, our coming together for practical purposes is yet uncertain, and our organisations are very loose. In the dominant race while there is rivalry and competition in business and other concerns, yet do you see a general co-operation between banking and shipping and mercantile elements which tends to ensure the prosperity of a progressive society. If the black man hopes to survive, he must assimilate and adopt this sort of intensive co-operation. However great the philanthropist, it is startlingly true, that unless he be a Christ, there comes a time when he must choose between his country and another's, between his own people and other people. And you cannot blame him. It is but natural. Therefore there must come a point when we must make up our minds to shoulder our own industrial, educational, political, and religious burdens, expending thought upon them, and resolute in taking action. Hitherto the practice has been for the European to make use of the African to get *there*. We must change that. The African must in future make it a point to get *there* himself. There has been considerable activities in the matter of education in the Colonies since the last Session, and this more particularly in the Gold Coast. At the first Session of Congress a series of resolutions were passed, urging educational advance on a sound

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basis by strengthening the courses in the elementary and secondary stages, leading up to the University standard. A sense of African nationality was to be preserved in the students. At the second Session these were more definitely emphasised, and among the recommendations were greater and more systematic attention being paid to the training of the teachers ; the raising of the standard of remuneration so as to compare evenly, if not favourably, with other departments of the civil service ; the granting of subsidies, where necessary, to missionary and other educational bodies ; and the making pensionable the teaching profession in every case. In large towns and cities compulsory education was to be enforced, it being obviously practically impossible to enforce compulsory education throughout. The whole educational system of the several Colonies was to be so co-ordinated, strengthened, and regulated that the highest form in the Elementary branch fitted a pupil for the Secondary School, and the highest form in the Secondary School for the College. Agricultural and industrial training for boys, and domestic training for girls, were not to be delayed for advanced years, but were to be taught in all Schools, and the classics and modern languages were to be taught in the Secondary Schools and Colleges. It was laid down that African outlook being necessary in the training of African youths, there should be no interference with such African customs as were not repugnant to the best feelings of humanity and good conscience. Lastly, attention was called to the previous resolution of Congress as to the founding of a British West African University, Fourah Bay College, Sierra Leone, King's College, Lagos, and the proposed Government College in the Gold Coast forming the nuclei of such University, with a recommendation that Gambian Government may also promote the founding of a College to supplement the efforts of the sister Colonies.

It is satisfactory to note that almost all the recommendations have met with the serious and favourable consideration of almost all the Governments of British West Africa, and nowhere more pronouncedly than in the Gold Coast where

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some £500,000 is earmarked for educational purposes in carrying out the magnificent programme of the Prince of Wales' College, Achimota ; and it is to be hoped that, should fulfilment measure up with the intention, Africans everywhere will avail themselves of the opportunities that will be thrown open by this great institution. There is one thing to be said, however, and it is this : It should be the steady aim of the Governments of British West Africa and of the educationists concerned generally to produce African Teachers and also to make use of such materials as are at present available. In the Universities of the world it ought to be possible to get select Africans to augment the staffs of Achimota, King's College, and Fourah Bay College. Indeed, with respect to the last named institution, it is hardly necessary to make the suggestion, since from its inception that policy has been kept in view and put into practice with most satisfactory results. In the final analysis the African's true mentality can only be reached by the African, and the only way to inspire complete confidence is by the gradual elimination of huge European staffs in favour of African teachers.

The federation of the four British West African Colonies is now well within the scope of practical politics. From the latest utterances of British West African Governors and the highest ministers of the Crown in Colonies Circles it is evident that there must come soon closer co-operation as to policy and action between the several Colonies. Congress has long anticipated this, and, accordingly, at our earliest Session it resolved that the question of British West African federation with a Governor-General should be kept in view. The object of Congress being effective representation, it cannot too early address its mind to a more practical move, and, to this end, I shall invite your attention to this important matter in the course of this Session.

It will be remembered that one of our aims is to secure equal opportunity for Europeans and Africans in His Majesty's Civil service. In this matter we have been sympathetically met, and it continues to receive the earnest attention of the several British West African Governments.

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In the Gold Coast there is a definite programme of throwing open to Africans 231 European appointments within the next fifteen years ; and we should like to see similar definite pronouncements made by the other Governments. It is a question of practical urgency, since it is the only means by which revenue may gradually be relieved of recurrent expenditure that may be dispensed with in favour of development. On the other hand, the other British West African Governments are more in advance in the provisions for the entry of Africans into the West African Medical Service than the Government of the Gold Coast. Thus, while we find, for instance, in Sierra Leone and Nigeria practically no bar to African Medical men, in the Gold Coast there are restrictions which are regarded, in some sense, as invidious. We trust, in due course, the more liberal policy will prevail everywhere throughout British West Africa.

With respect to Judicial reforms at the instance of the Right Honourable the Secretary of State for the Colonies a Conference was held at Accra in the months of October and November, 1924 " with a view to the formation of definite proposals for the establishment of a single Court of Appeal for the Gold Coast, Sierra Leone and the Gambia. This conference was attended by several Judges and Law Officers representing the three Colonies ; and in due course two reports were rendered, a majority report and a minority report. These reports were forwarded to the Secretary of State in the usual way ; and the questions dealt with in them are still under consideration at the Colonial Office ". We trust at no distant date the Colonial Minister will be in a position to arrive at a favourable decision.

In parts of British West Africa the anomaly still prevails of trial, even in capital cases, without the aid of counsel or Jury. Congress has repeatedly pointed to this grave defect in the British West African Judicial system ; and it will be our duty once more to urge the necessity of an early attention to the matter.

Time will fail me to address you specifically on other equally important aims of Congress, such as British West

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African co-operative businesses ; British West African Press Union, etc. But there will be ample opportunity in committee for a full discussion of these allied subjects.

One outstanding event which must not be passed over in this review is the visit of His Royal Highness the Prince of Wales to the British West African Colonies in the early months of the present year. He was everywhere received with the characteristic warmth and hospitality of the African, and this was due in no small degree to the charm of his distinguished and sympathetic personality. The Gold Coast Section of the Congress had the honour of presenting him with an address of welcome to which he graciously replied. What His Royal Highness said in his reply with respect to the main policy of Congress is worth recording, and is here set down. "I note with keen appreciation the main policy of the Congress and sincerely hope that the Educational reforms being carried out in the Gold Coast will give Africans the opportunity of fitting themselves to take a gradually increasing share in the affairs of their country. It is in the manner in which Africans take advantage of any facilities for education which may be provided for them that their progress will depend".

To summarise much of what has been said in this address, we want to get to the essence of things. We, as Africans, want to reach the kernel and will not be satisfied with the husks. If the civilisation which we have imbibed leaves us without backbone and makes us incapable of helping ourselves economically, politically, educationally, and religiously, we must be prepared to shed off that civilisation. In a community where educational aspirations are high and there is an ostensible intention to train for leadership, if leadership by leading minds is in fact tabooed, we must have to examine the situation in the light of the facts and to apply the necessary remedy. We shall have to examine the constitutions of British West Africa and discover in how far they make for national progress, and, where they fall, it will be our duty to say so explicitly and without reserve. If we find that the instrument which we have forged in defence of our national rights, our national

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integrity, is not sufficiently effective, we shall have to devise means to strengthen it. What is obsolete must be scrapped, and unwieldy agencies and obstacles in our path must be weeded out. Personalities must not stand in the way of principles, and the national soul must be more important to us than the strappings of mere conventionality to the end that we, Africans, who have borne the heat and burden of the day in the world's work and in the world's progress, may benefit fully by the resultant harvest.

I cannot close this review without a word of thanks to His Excellency Captain Armitage, the Governor of this Colony, and to leading Officials for the courtesy shown and the kind reception given us ; to high ecclesiastics throughout British West Africa, who have invoked the Divine blessing upon our work ; to leading men, publicists, editors, and others in different walks of life in the Colonies and abroad, who have given us their support ; and to you, Ladies and Gentlemen, who have so patiently listened to my message. Members of Congress, I commend your deliberations to the guidance and blessing of Almighty God without whom all human effort is vain.

PRESIDENTIAL ADDRESS DELIVERED DURING THE FOURTH  
SESSION OF THE NATIONAL CONGRESS OF BRITISH WEST  
AFRICA, HELD IN LAGOS, NIGERIA, DECEMBER, 1929

V

THE time that has elapsed since the last session of Congress has served to open the eyes of British West Africa as to the disabilities from which she still suffers, and to indicate some line of action which may help to remove such disabilities. It becomes my duty to examine the situation, and to make suggestions for the consideration of Congress.

It is desirable to remind ourselves that the appeal of Congress has, generally speaking, met with ready response and sympathy by Government and where not possible to grant reforms asked for in their entirety, Congress has been met half-way. Looking down the passage of time to the memorable conference at Accra in the Gold Coast in March, 1920, it is true to say that the main resolutions of Congress have passed the stage of controversy to the domain of actualities in the affairs of British West Africa.

By way of review, a measure of the Franchise is now enjoyed by Nigeria, Sierra Leone and the Gold Coast, though we have yet to press home the desirability of extending the privilege without delay to our brethren of the Gambia. The effort in the Gold Coast to establish Achimota College is a direct response to the resolution of Congress that in its opinion the time "had come to found a British West African University on such lines as would preserve in the students a sense of African nationality". The establishment of the West African Appeal Court with criminal jurisdiction is now an accomplished fact, although Nigeria has yet to come into line. The resolution of Congress was to the effect "That this Conference desires to place on record the widespread dissatisfaction throughout British West Africa as

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to the constitution of the Appeal Court in which Judges sit on their judgments, and recommends an early arrangement by which experienced Judges outside the British West African judiciary might be appointed to form an Appellate Court for British West Africa ”.

The resolution on the policy of Government in relation to the land question has led to repeated assurances by the Under Secretary of State in the late Unionist Government, the present Permanent Under Secretary of State for the Colonies, and by the present and the past Governors of the Gold Coast that Government have no intention of interfering with the Lands of the people. It will be our duty, however, to examine minutely in what particulars the main resolutions of Congress have yet to be given close attention by Government.

Dealing with the question of the Franchise, although the principle of elective representation has been conceded, it is evident that it does not go far enough, and that British West Africa cannot stand still in this matter. The *Sierra Leone Weekly News*, in commenting upon the recent local Legislative Council elections, expressed the hope that before the completion of the present term Government would see its way to extend the limited Franchise by giving the important township of Bonthe its own elected member and increasing the Rural representation by another member. Of course it is obvious that no matter what the increase in unofficial representation may be, all that Government has to do is to increase at the same time the official votes in the Council, and thus leave matters where they were. That, it will be seen, does not touch the constitution in principle, or advance us materially. In the Gold Coast we know the African representation on the Council is wholly elective, but there also the principle of official majority is not disturbed. If, therefore, up to the present British West Africa has no effective voice in her affairs, it becomes our duty to consider what representations are necessary to effect the desired end.

In principle if British West Africa wants more extended representative powers, she must be prepared to assume

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responsibility. Her function must not only be in criticism, but she must accept the responsibility of initiating policy, and carrying it out executively. Along this line we have the proposed changes in the Ceylon Constitution to guide us, and it will be the work of this session to examine the position, and to make the necessary recommendations.

In these days when there is a tendency among the races of man to come together in their natural groups, it will be insincere for us to pretend that African nationhood does not interest us. If the principle that brought the National Congress into being is sound, the corollary must hold good that we are concerned in the pursuit of an African nationality which will tend to focus world opinion upon African interests generally. But, as a Congress, we can only have sympathy with constitutional methods, remembering our fundamental policy which is "to maintain strictly and inviolate the connection of the British West African Dependencies with the British Empire, and to maintain unreservedly all and every right of free citizenship of the Empire and the fundamental principle that taxation goes with representation". We are, indeed, concerned with the fortunes of our brethren in various parts of the world, and it will not be amiss if we study carefully the happening to members of our race elsewhere, if only to apply safeguards to our own immediate privileges. Indeed, while propagandists of another race are spreading abroad doctrines which may submerge our continent and make the black man perpetually a hewer of wood and drawer of water, it will be criminal in us to remain silent, and to pretend that these matters do not concern us. We are called upon, therefore, to survey the effect of propaganda in this regard, and to take such steps as may safely and constitutionally correct it.

Moreover, it is necessary to realise that the duty is cast upon us in British West Africa to lead the way in making suitable suggestions for the amelioration of African disabilities. The African of the dispersion, though of high cultural attainment, has yet to grasp those indigenous conditions which must command practical reforms. Our

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brethren in the Eastern and Southern portions of the mother continent are so distracted by the circumstances which arise from economic servitude that they can scarcely be expected to view the situation calmly and to command the constitutional solution of their immediate problems, and, in some cases, they lack the necessary machinery.

At a period in African affairs when White Settlement in Africa is being preached from the housetops by a leading statesman with the corollary of forced labour, it is plainly our duty to bring into the field our counteracting influence. The Africans for generations past have talked glibly of Ethiopia stretching forth her hands unto God, but it will end in idle talk until the national sentiment is sufficiently strong in us to drown our petty rivalries, our petty dissensions. The gods, indeed, must be weary of our everlasting wranglings, weary of our vain disputations, weary of our everlasting quarrels, which are a drag upon progress, and which keep from us, as a people, the good that is intended for us.

We have facing us the economic question which we must by no means overlook. Indeed, it is of prime importance. The temptation, as we have seen, is strong in certain quarters to create conditions wherein the African cannot get the full benefit of his labour. We must study these conditions and devise means to counteract them; and if there is one subject requiring the utmost sagacity of Congress in its consideration, it is this economic question. Holding the present session at such a business centre as this, I recommend to you the appointment of a strong Committee of sound business men to go into the question and report with a view to action.

The subject of National Schools calls for attention. We are grateful to the Missionary bodies for what they have done in the past in the matter of African education. We are also grateful to Government. But it is obvious that we cannot forever remain babes and sucklings and yet complain when our destiny is being decided for us by others. History tells us how other peoples have risen to nationhood, to economic security and power. We must tread the same

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path if we would see salvation as a people ; and that path is primarily educational. We have our ideals; we have our interests to safeguard ; we have our line of evolution, and we cannot afford to leave them in the hands of others to manipulate them for us. There must be an educational awakening throughout West Africa greater than at any time in African history, and when this pentecost breaks in upon us, we shall begin to tread the sure path to national emancipation.

The foregoing will recommend to you the importance of a sound financial scheme. At the last session of Congress the promotion of a permanent fund and the method of collection were adumbrated. In the light of experience it will be necessary to reconsider the matter from a practical standpoint with a view to immediate action.

Since 1920 Congress has had its Honorary Secretary, the present General Secretary, who has most efficiently carried on the secretarial work. The time has come now to appoint a whole-time officer, as the work of Congress hitherto has suffered tremendously by the absence of such an appointment. Provision must be made in this respect before the rise of Congress.

From the beginning the Congress has had wellwishers. It has also had detractors and even opposers, it has reared its head and achieved practical ends in the life of British West Africa, and to-day it stands on the watch-tower of African interests, not only in West Africa, but throughout the world. By reason of our indigenous institutions, by reason of our national experience, we are in a position to be a guide to our brethren in other parts of the world in constitutional methods, and we know we cannot fail them.

As a Congress, we have nothing to do with the local politics of the component sections of Congress. We stand upon an open platform in the interest of all British West Africa. Ours is an open fold to which all British West Africans are welcome, and, of course, we will not be dictated to as to whom to admit or reject.

Men of Congress, in your deliberations I commend you to the Divine Wisdom and guidance, and through you I

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appeal to all Africans everywhere to smoke the peace pipe together whatever sacrifice that may involve, for the African God is weary of your wranglings, weary of your vain disputations, weary of your everlasting quarrels which are a drag upon progress and which keep from you, as a people, the good that is intended for you. It is my earnest prayer that the work of this session may conduce, not only to the preservation of our national and social interests, but also to that spirit of co-operation between the two races which must prevail in an age when isolation means death.

## VI

SPEECH DELIVERED IN THE LEGISLATIVE COUNCIL ON NOVEMBER 20, 1922, ON THE OCCASION OF THE INTRODUCTION OF A BILL INTITULED "AN ORDINANCE TO MAKE BETTER PROVISION FOR THE REGULATION AND EXERCISE OF CERTAIN POWERS AND JURISDICTION BY NATIVE AUTHORITIES AND FOR PURPOSES CONNECTED THEREWITH "

YOUR EXCELLENCY, I take it that the last speaker intended to move formally that the second reading of this Bill be not taken and I rise to second that motion.

After listening to the speeches of Counsel yesterday before this House and also to the effort made by my friend, the Honourable Member on my right, this morning, it is quite evident that both the chiefs of this country, represented by the Honourable Mr. Hutton-Mills, and also the Bar, who were represented yesterday by my learned friend, Mr. Renner, as the eye of the community, think that there is something in the Bill which is inimical to the interests of the community and the country, and that therefore the Bill should be withdrawn or carefully reconsidered on the lines suggested by them. I therefore have no hesitation at all in seconding the motion that the second reading of the Bill should not be taken, having regard to the question of the underlying principles thereof, which go to shake the very roots and foundations of the constitution of this country.

Now, Sir, it will perhaps be in order in this relation to refer to the fundamental basis of British connection with this country, because this Bill undertakes to regulate the jurisdiction of the chiefs, and, in so doing, as I have stated, not only seeks to regulate or facilitate, but strikes at the very foundations of our constitution, and, therefore, I am asking leave to draw the attention of the Council to the original

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basis of British connection with this country, and this is recorded in the Bond of 1844. That Bond is a very short instrument, and, in order that those members of this Council who are not familiar with it may know what it is, I beg leave to read it. It is dated March 6th, 1844, and appears on pages 367-8 of *Gold Coast Native Institutions*, and it reads as follows :—

“ 1. Whereas power and jurisdiction have been exercised for and on behalf of Her Majesty the Queen of Great Britain and Ireland, within divers countries and places adjacent to Her Majesty's forts and settlements on the Gold Coast, we, chiefs of countries and places so referred to, adjacent to the said forts and settlements, do hereby acknowledge that power and jurisdiction, and declare that the first objects of law are the protection of individuals and of property.

“ 2. Human sacrifices and other barbarous customs, such as panyarring, are abominations, and contrary to law.

“ 3. Murders, robberies, and other crimes and offences, will be tried and enquired of before the Queen's judicial officers and the chiefs of the district, moulding the customs of the country to the general principles of English law.

“ Done at Cape Coast, before His Excellency the Lieutenant-Governor on this 6th day of March, in the year of our Lord 1844.

Their.

- X Cudjoe Chibboe, King of Denkera.
- X Quashie Otoo, Chief of Abrah.
- X Chibboe Coomah, Chief of Assin.
- X Gebre, Second Chief of Assin.
- X Quashie Ankah, Chief of Donadie.
- X Awoossie, Chief of Dominasie.

(Signed) Quashie Ankah.

- X Amonoo, Chief of Annamaboe.
- X Joe Aggrey, Chief of Cape Coast.

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“ Witness my seal on the 6th day of March, 1844,  
and the 7th year of Her Majesty’s reign.

“ (Signed) H. W. HILL,  
“ *Lieutenant-Governor (L.S.).*

“ Witness, and done in the presence of :—

“ (Signed) GEORGE MACLEAN, J.P. and Assessor (S).  
F. POGSON, 1st W. I. Regiment (S).  
“ *Commanding H.M. Troops.*  
S. BANNERMAN, *Adjutant of Militia*  
*and Police (S.).*

“ Blue Book : *Africa, Western Coast*, p. 419.”

In those days there were kings in this country, and I would respectfully draw attention to the fact that such jurisdiction as is enjoyed by His Majesty’s Government is derived from the Kings and Chiefs as representing the people and from this it will be noticed, that these kings and chiefs have inherent jurisdiction. That position has never been shaken or tampered with by ignorant people in any way, and I think it is reasonable and fair to Government to bring up the position they have taken up in this regard.

I am quoting again from a communication which was addressed by the then Secretary of State for the Colonies to the Officer then administering this Government ; but before doing so I should like to refer Your Excellency to what the late Mr. Sarbah wrote about the position and relation of His Majesty’s Government to this country with respect to the jurisdiction of the chiefs of this country. I am quoting from page 66 of his book entitled *Fanti Customary Laws*, and he wrote as follows :—

“ The King, by the Law of England, is the Supreme Lord of the whole soil. Whoever, therefore, holds lands must hold them mediately or immediately from him ; and while the subject enjoys usufructuary possession, the absolute and ultimate dominion remains in the King.

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“As far as the Gold Coast is concerned, this portion of the English Law does not apply, for it is a group of territories under native rules taken under British protection. It is British territory, but not so by conquest or cession. As a matter of fact the Colonial Office stated on March 11th, 1887, as published in a Parliamentary Blue Book of that year, that it is inaccurate to state that after the successful Ashanti Expedition of 1874, the Protectorate was annexed by Great Britain and became a Colony, inasmuch as the greater portion of the Gold Coast Colony still remains a Protectorate, the soil being in the hands of the natives and under the jurisdiction of Native Chiefs.

“According to native ideas there is no land without owners. What is now a forest or unused land will, as years go on, come under cultivation by subjects of the Stool, or members of the village community, or other members of the community.”

That is the reason I read that paragraph, and I read it in connection with such assumption as may be gathered from this Bill to confer jurisdiction, or to remove, or to curtail it, or to extend it, or to confirm it. That is the reason I read that paragraph. I refer briefly also to a letter written by the Secretary of State for the Colonies on November 23rd, 1865. It is quoted at page 28 of *The Truth about the West African Land Question*, by the speaker, and reads as follows :—

“I have to acknowledge your Despatch No. 144 of 17th October, enclosing the copy of a notice which you have issued, in which you define the limits of Her Majesty's possessions on the Gold Coast. I am unable to approve the step which you have taken in declaring the territory within five miles of eight separate British forts to be British territory, and I have to instruct you to recall the notices in which this is done. Whatever influence you may be able to exert in discouraging or repressing barbarous customs leading to loss of life will be very proper, and I shall be happy to approve

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your exercise of it; but the extension of British territory is a different matter, and cannot receive my sanction."

This has been so far recognised right down to the time of Sir Hugh Clifford, the present Governor of Nigeria, who, in his time, confirmed this over and over again.

We have also a letter from the Secretary of State for the Colonies, dated January 9th, 1913, quoted in the same work at page 29, in which he writes as follows :

"The Secretary of State is anxious to secure the co-operation of the Head Chiefs and Chiefs in all matters which affect the welfare of the Colony and its inhabitants, and that the Government will always be pleased to receive and consider their views with regard to legislative measures or matters of administration."

I am submitting respectfully, Sir, that in this legislative measure that is proposed to be enacted, it is most desirable that the full views of the chiefs should be taken thereon and that Government consider them seriously. And to show that they have altogether the same view, we have got the Western, Central, and Eastern Provinces, represented by the Aborigines Rights Protection Society, who spoke yesterday, through Counsel, to the effect that the fundamental principles involved in this Bill are detrimental to their constitution. I think, therefore, that it is important for us to consider whether we should relegate this Bill to Select Committee, involving as it does, these fundamental principles.

According to the rules of this Council, the principles of the Bill cannot be determined in select committee but by open Council, and it is our duty here to determine that the underlying principles are such as can be applied to the conditions prevailing in this country.

I read again section 46 (ii) of the Standing Rules and Orders :—

"The principle of the Bill shall not be discussed in Committee, but only its details."

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The Honourable the Secretary for Native Affairs has, in the course of his speech, told us over and over again that certain matters would be discussed in Select Committee. I am submitting respectfully Sir, that if according to this section of the Standing Rules and Orders of the Council we are not to discuss in Select Committee the principles of the Bill but only its details, then until we have decided upon the principles involved in this Bill in Full Council, the Select Committee could only deal with the details ; and if we sent the Bill to Select Committee without the principles involved being decided, we shall certainly not be doing the proper thing. Therefore I am asking that this Bill be not read a second time.

In relation to what I have brought forward, Your Excellency, upon taking over the reins of this Government, addressed a very important communication to the members of the Legislative and Executive Councils, the Manchemei, ladies and gentlemen of Accra. In the course of that communication, Your Excellency, also dealing with the same view that your predecessor had adopted, said :—

“ As the land belongs to the people, its administration must be carried out by the people’s representatives—the Chiefs and their Councillors, the Chiefs duly selected by the people in accordance with recognised native custom. It is the aim of the Government to support the Chiefs and Tribal Authorities in the proper exercise of their powers, to preserve native customs and institutions, while keeping in view the necessity, in the interests of all, of possessing the development of the country’s resources without prejudicing the people’s rights to the land.”

I say that this Bill, as I shall show in the course of my remarks, does not tend to preserve native customs and institutions. I submit that considering the relations of Government with the tribal authorities and the national rulers of this country, this Bill in some of its fundamental essential principles, is, to my mind, *ultra vires* of such relations. In other words, if the understanding with the

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British Government was, and is, that such jurisdiction as existed before His Majesty's Government took over the protection of this country, should remain and be inherent in the native Kings and Chiefs, I submit that any Bill proposed which shakes that relationship is *ultra vires* of the written understanding.

One may ask, who has asked for this Bill? I take it that this is not one of those Bills sent out from Downing Street with instructions that it has to be passed. If it is not that class of Bill, why do it? If the people of this country were duly represented in the sense in which people are represented in other constitutions, where a given Bill relating to their customs and institutions comes up for consideration whether approval should be given or not would naturally depend upon the will and the voice of the people. In other words, supposing those of us who are here to-day as unofficial members were returned by the country and not nominated by Government, I say confidently that if we represented the views of the people and said, this is our own country, these customs and institutions that are to be regulated are our customs and institutions, and we do not think that the way they are to be regulated and consolidated is to our advantage, I am quite certain that Government would halt and not force this Bill upon us. Assuming for a moment that we are mere advisers of Government, we come here to-day and say that in view of the fact that the whole country is aroused and has presented an objection by Counsel, that this Bill is inimical to the interests of the people, their contentions may be duly considered by Government.

Then, again, Sir, I suggest that the present moment is not the right time for producing a Bill of this nature which may disturb the public mind. We have a good many worries at present. I remember a day or two ago I entered an establishment and entered into conversation with a man there. He said they were doing badly, not quarter as much as they should at this time of the year. He ascribed that to the state of trade due to over-taxation; and when we have to consider such worries and anxieties as we have,

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and other difficulties, I ask, in all seriousness, is this the time once more to stir the public feeling by introducing a Bill which I suggest is inimical to their interest?

Now, my friend, the Honourable the Secretary for Native Affairs, has told us that this Bill is simply a consolidation of other Bills. In other words, he says that this Bill does not constitute in itself any separate principle apart from what may have been before. I would say that that argument to my mind is academic, because, even if it be true that on the statute book at present are certain enactments which tend to prejudice the relations between the Government and the people, two wrongs do not make a right. It is quite possible that at the time these Ordinances were passed the people were not so enlightened and articulate. To-day they are articulate, and they say the Bill which you have introduced and which will perpetuate those principles is inimical. Therefore, I submit, we are entitled, whether or not some of those Bills are on the Statute Book, if we as a Council find they are inimical, or they will not be acceptable to the people, we are entitled and should have the courage to say that this Bill should be withdrawn and, if necessary, a new Bill brought forward which will not contain those principles that have been criticised.

Now, when one considers some of the essentials of this Bill, you will find that one of the first objects seems to be ministerial or executive control of the chiefs. In other words, to bring about such relations that every chief of the country would more or less be in a state of being under the control of Government. The second that strikes me is that the exercise of his judicial functions would be in the control of Government, and when you have got ministerial control, and, taking those clauses of the Bill which enable Government to fix boundaries and sub-divide divisions eventually it would lead to land control, and gradually we should be back to the position of 1898, the time of the Lands Bill and the Crown Lands Bill. The Honourable the Secretary for Native Affairs has once or twice, in considering certain clauses of the Bill, declared it is the

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intention of the Government to do this, or to do that. We cannot approach this matter in that way. When the time comes for the operation of the clauses of the Bill in a cold judicial atmosphere, the Court will not regard the view of myself or the Secretary for Native Affairs, but will say the Bill reads so and so. I cannot but say that such clauses of the Bill to which I have drawn attention with their power of infringing inherent jurisdiction and the interpretation placed upon them by both learned Counsel who addressed this Council yesterday, made the position somewhat doubtful and unsatisfactory. Let me take one or two instances. There is the power of confirmation by the Governor which is quite clear in this Bill. In that connection with respect to the memorial which was presented to the Secretary of State for the Colonies, then Lord Milner, dated September, 1919, Your Excellency caused a letter of great importance to be written to the petitioners in which is recorded Your Excellency's position as regard chiefs who had been duly elected or deposed ; and it is only fair that I should read it:—

No 2036/M.P.61/1920.

Colonial Secretary's Office, Accra.

Gentlemen,

10th March, 1920.

His Excellency has read your Petition to the Secretary of State for the Colonies on the subject of the Native Jurisdiction Ordinance. He desires me to draw your attention to certain points :—

- (i) That the Government does not assume the right to refuse recognition of any Chief who has been elected and installed in accordance with native customary law,
- (ii) nor does it assume the right to refuse recognition of the fact that a Chief is no longer on the stool if he has been deposed by his people in accordance with native customary law.

2. In view of the above points it is quite clear that the Government is making no attempt to create any source from which such right or power should emanate, as you point out in paragraph V.A.4 of your petition.

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3. The Native Jurisdiction Ordinance which is now under consideration will be amended to make the above points perfectly clear ;

4. In view of the above facts His Excellency desires to know whether you still wish the petition to go forward to the Secretary of State, in which case he is naturally perfectly ready to comply with your request. At the same time His Excellency desires me to point out to you that it is not usual for a petition to be sent direct to the Secretary of State without a previous petition having been addressed to the Governor.

Such procedure cannot but indicate a grave lack of confidence on your part in the interest which His Excellency takes in this country and its people.

I have the honour to be,  
Gentlemen,

Your obedient Servant,  
C. H. HARPER, Acting Colonial Secretary.

It is stated here that the petition would be made perfectly clear. It has been made perfectly clear in a sense. In other words, the word in the Bill is not "recognition" but "confirmation". I submit that he who has the power to confirm has the authority. Supposing I am leasing my land, I as "A" am leasing land to "B" and "C" has the power to confirm, surely it means that until he has confirmed it my grant is useless. On the other hand, if I have got a perfect right to lease or sell my land to "B" and "C" may only recognise the fact, it seems that in so far as possible relations with my grantee are concerned he is to know so that he may regulate his relations. It is all very well to say Government does not mean this or that. This Bill says that power of confirmation is with the Governor. In other words, when a chief is elected, until he has been confirmed by Government he is no chief, and a written statement from the Secretary for Native Affairs that he has been duly confirmed is evidence against everyone else. Therefore, I submit, it takes away the power of election and installation of our chiefs by the people. It rests with the

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Governor, because he has the right to confirm the election. If the word used by Your Excellency, "recognition", had been adopted in this Bill, there would have been no need for me to argue on this point.

Then there is the clause about the right of suspending or deposing. If the chiefs have an inherent right to exercise jurisdiction over their people, then one must ask whence do they derive that authority? That authority is derived from the sovereign will of the people. The people have the right to elect and install their chiefs. I say they have the right to depose their chiefs. Our system is democratic. No member of a family, it does not matter whether he is freeborn or not, has the right to say, I shall rule over you. The particular family that rules a given district is selected by the people, and even when selection is made of the family, a member cannot say I have the right to sit on the stool; it is the people who decide who shall sit on the stool. Therefore, the right of deposition and installation are both in the people. Therefore when the Bill says that the Governor shall have the right to depose and suspend a chief as clause 6 does, surely that is a change of our constitution. Not only that, it goes so far as to say the Government shall have the power of extending or removing or curtailing his power.

I will read the clause :

Power to  
Governor in  
Council with  
respect to  
deposition and  
suspension of  
Head Chiefs  
and Chiefs.

6.(1) Whenever in the opinion of the Governor there is reason to think that a Head Chief or Chief has abused his power or is unworthy or incapable of exercising the same justly, satisfactorily and efficiently the Governor shall order the issue to be investigated by a Commissioner who shall conduct an enquiry into the same in manner like to that in section 5 hereof provided; and the provisions of the last said section shall, with any necessary consequential modifications and so far as the same may be applicable, apply to an inquiry held under this section. Provided that the grounds of complaint shall be communicated in writing to the Head Chief or Chief concerned, and a full opportunity shall be accorded to him of making his answer or defence thereto before the Commissioner.

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I submit he who had the power of extending and removing the final authority is with him.

Your Excellency, before resuming the thread of my speech of yesterday, I desire to emphasise a few points, and one of them is that going to Select Committee upon this Bill means our having adopted a principle, which we consider is dangerous, that the ultimate authority, ministerially and judicially rests in the Government and not in the people. We say, Sir, that that principle, if adopted, will be a dangerous one, namely, that the ultimate authority, ministerially and judicially, as far as the people are concerned, rest in Government and not in the people, according to our constitution.

After the speeches of Counsel yesterday, I am submitting respectfully that a case has been made out showing that that important principle is involved, and we, sitting here to-day as the Council, I take it, we are in the position of judges to find out whatever a case, having been made out, it is proper and right that this Bill should be sent to the Select Committee, knowing what our standing rule is. I am, therefore, submitting, Sir, that until and unless Standing Rule 46 (ii) has been repealed and some other clause inserted, we cannot send this Bill to Select Committee without practically adding a corollary that those who sit in Select Committee must not consider this important point of principle involved, namely, that the ultimate authority ministerially and judicially, rest with the Government and not with the people. We shall commit ourselves to that principle if we go into Select Committee upon this Bill as the Standing Rules are at present ; and I ask as it were, as Judges of the people's case sitting here ; (a) Can we conscientiously say that this fundamental principle is not involved ? (b) If that principle is involved, I ask myself and others the question whether we can send the people's case to Select Committee with an injunction to that Committee to ignore the vital principles involved ? I say we cannot. (c) If we did that shall we be doing the right thing by the people ? and (d) Whether, if the people had real voice in affairs, we could so send them to the Select Committee ?

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So far as I can make out, what the people say is that they do not want this present Bill in the particular form in which it has been placed before this Council, both as to principles and as to details. And if that is the position taken up by the people, and by sending this Bill to Select Committee would prejudice their interests as regards the principles involved, I am submitting that after all the arguments that have been adduced against this Bill the Government may see its way to withdraw it, and, if necessary, to put up a Bill on the lines that are acceptable to the people.

Now, I ask the natural rulers, my colleagues on this Board, whether they can go back to their divisions and say to their people that they have adopted this Bill, and that the ultimate authority, ministerially and judicially, is not in the people but in the Government? I do not think if the Honourable Member, who is the ruler of Akim Abuakwa, put that to his people, he would get any other answer but that that is not their view, and that if he considers that is the correct position, then the sooner he and they parted company the better it would be for all concerned. The same would happen to the ruler of the division of Nkusukum, and the same to the ruler of the division of Manya Krobo. Therefore I am free in saying that all the natural rulers upon this Council must be sure that if they go into Select Committee upon this Bill which involves vital principles, without having had it cleared up now by taking a division upon this amendment and throw out the Bill then they have practically gone against the oaths which they swore to their people; because they swore to abide by the constitution of the country.

Now, I desire to draw attention to the very important fact that this Bill has no preamble. It is a very curious thing, for one should have thought that after all these years of criticisms and suggestions, and of endeavouring to find out reasons for this Bill, it should have had some preamble. In the present session of this Council there are four Bills presented :—“ The Girl Guides (Incorporated) Bill ”, “ The Public Officers Pension Bill ”, “ The Final Supply

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Bill", and "The Colonial Treasury Bills Bill", in all these Bills preambles have been inserted. If we turn to the 1883 Ordinance, namely, "The Native Jurisdiction Ordinance", we find that there is also a preamble; but there is no preamble to this Bill now before the Council. I am submitting that that is a weak point to show that there is no real need for the Bill; the people have not asked for it, and I suggest that the Bill aims at the ultimate authority, ministerially and judicially.

If the confirming of election and installation of our kings and chiefs is in Government, and if their jurisdiction is to be extended, or removed, or curtailed, by Government, and they can be suspended and deposed by Government, and, when so deposed, Government can settle where they are to be moved to, practically a deportation from their own state, then, since the choice remains with the executive Officer under whom he is, and through the District Commissioner to the Provincial Commissioner, and then to the Governor, he must, indeed, be a very strong man, knowing that his confirmation depends upon Government, the extension or removal or curtailment of his jurisdiction depends upon Government, and that he may be suspended or deposed at any time by Government, he must, I say, be an uncommonly strong character to be able to hold his own, to be independent in his view, and to represent fairly the wants and opinions of his people. And particularly, wherever there is a question of Government policy involved, he will be a very strong man to be able to indicate the people's point of view, if it should happen to be contrary to that of Government.

Our kings and chiefs are placed there to represent the people's sovereignty and their authority, and if they are to be so controlled ministerially, unless the king or chief is a very strong man, he cannot act independently. Section 10 of this Bill means ministerial control, which I think is dangerous.

Let us take the question of the Schedule that is referred to, I think, in section 14. Section 14 says :

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Power to  
Governor in  
Council to  
vary First  
Schedule to  
Ordinance.

14. It shall be lawful for the Governor in Council by Order under his hand to vary the First Schedule hereto by adding thereto or deleting therefrom the name and description of any position which appears to him to be recognised or not to be recognised by native customary law, and otherwise to vary the said Schedule as circumstances may seem to him to require ; and thereupon the provisions of this Ordinance shall apply to such Schedule as so varied.

That also, to my mind again, shows that there will be complete ministerial control.

This Bill seems to adopt the general name " head chiefs " and promiscuously places the Amanhin and Ahinful in one category.

I submit this practically gives power to Government to grade our kings and chiefs although it may not appear so. In other words, if it is in the power of Government to alter this schedule and put under the head of " head chief " any Omanhene or Ohene, it practically makes an Ohene and Omanhene equal, and that is against our constitution. Our Amanhin have been constituted from time immemorial for particular services, and I must say that I do not agree with the last speaker who moved this amendment that all our kings and chiefs are equal. I say no. The head of the state is the Omanhene. After the state we have the division whose head is the Head Chief. After that the important towns controlled by the chiefs, and then the Odikros who look after the villages. You can take an example from any state you will.

Take an example from Wassaw State. There you have the Omanhene who controls several divisions, then you have got the Head Chiefs who have under them, namely, the chiefs of towns, and under them you have the Odikrofu. This schedule would tend to shake our constitution and impose ministerial control. I submit further that this Bill does this, also, although it may not appear on the face of it. I said yesterday that the original jurisdiction of the British Government in this country was, not using the word offensively, derived from the kings and chiefs of this country.

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Now the tendency throughout this Bill is to make the juridical function of the kings and chiefs entirely dependable upon Government. To begin with, the Provincial Commissioner has got the power of transferring cases from his court to another court ; may stop the hearing of cases ; has got the power of hearing appeals ; in fact the whole manipulation of their judicial jurisdiction is in the hands of the Provincial Commissioner. He can sit with them when he likes. The Honourable the Secretary for Native Affairs said yesterday he sits there for his own information, and did not take part in the proceedings. It was pointed out by Counsel that this sitting might fetter the proceedings of the tribunal.

Now we come to the question of appeals and transfers. Here also we find that the power that transfers cases is the Provincial Commissioner, and the Provincial Commissioner is unable to form a court by himself, therefore a new court is established by this Bill, viz., the Provincial Commissioner's court. I cannot personally see why Government should go out of its way, when there is an established Supreme Court with a judiciary competent in every detail to deal with cases, to establish specially another court presided over by executive officers. I fail to understand the reason. The Secretary for Native Affairs suggested yesterday that the Provincial Commissioner has got an opportunity of going to the land and inspecting it and to take evidence on the spot and to go down and give his judgment, and he quoted in support of this Bill certain rules that had been furnished by the late Chief Justice Chalmers and others. I am going to ask to be allowed also to refer to certain reports that were put in by a no less judicial personage than the late Chief Justice Griffiths, a man of very great experience, who knew all about our customs and who was helpful in interpreting our institutions and customary law. It seems to me that there is no real reason why the judges of our courts should not be competent to deal with all land cases. The judiciary, I submit, is part and parcel of the general Government. They represent the King's justice, and to my mind it is a reflection of

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some sort upon them that certain particular cases should be removed from their jurisdiction, these cases being the most important cases that are triable in this country, viz. land cases. And that lends itself to the suggestion that there must be some reason in the mind of Government why of all other cases land cases are specially selected to be dealt with executively by the native heads and chiefs with appeal to the Provincial Commissioner's court, and from there in some cases to the Chief Justice's court. I am submitting that there is nothing that justifies this course being taken.

As regards this particular matter I may be allowed to refer to the view of the late Chief Justice Griffith, which is quoted in *Gazette* No. 78, of the 20th August, 1910. He was a member of the Council and this was his view with respect to those clauses of this Bill which referred to the transfer of cases :—

“With reference to clause 9 of the Bill, he draws attention to the hardship that would be imposed in a case which, after all preliminary steps have been taken and Counsel engaged for hearing, is transferred by a Judge or a District Commissioner to a Native Court. He should like to know what procedure is to obtain in such cases and who will pay the costs at the Native Tribunal and the expenses incurred prior to the transfer? Whether the witnesses are to be summoned again, and whether the police are to prosecute in the Native Court. He instances the example, of an indifferent Magistrate who may consider every case between two Natives as cognisable by a Native Court and remit it accordingly. He thinks that some further explanation of this great change in the Judicial administration of the Colony is necessary.

“The majority of land cases before the Supreme Court are with respect to land ‘held by Native tenure’ and as to which there would be no satisfactory reason why they should not be heard by a native tribunal except that our Courts are supposed to give superior justice and that the plaintiff has preferred the King's

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Court, but, unless the Court is to ignore the express intention of the legislature, that would not be "satisfactory reason" to withhold the transfer.

"Let us see how it would work out in practice. A plaintiff brings his suit to the Supreme Court; by doing so he incurs some odium as the Chiefs do not like their Courts neglected. He pays his fees, possibly retains Counsel, the defendant is served, witnesses are subpoenaed, the case comes on for hearing before the Court, a District Commissioner's Court or a Divisional Court. The case proceeds. The first point to be ascertained is whether both parties are "natives" within the meaning of the Ordinance; then will follow in question whether the case is properly cognizable by a native tribunal. The case will have to progress some distance before that is ascertained and the section contemplates that as it directs the Court 'to stop the further progress' of the case. The defendant in most cases will press to have the case transferred, not only to gain time but because the fact of the case being brought in the King's Court connotes the idea that the plaintiff feared the native court where the defendant was concerned.

"The plaintiff will object to the transfer and will adduce evidence to show that the case should not be transferred; this evidence will often be directed to show that the native tribunal is not impartial in or will not be impartial in this case. Then the defendant will be entitled to call evidence in rebutter and the first issue in most land cases will be whether or no good reason has been shown for retaining the case in the King's Court.

"To justify this extraordinary expenditure of time and money upon issues absolutely foreign to the real matter of controversy needs very strong reason."

It continues with reference to clause 15 of the Bill :—

"With reference to clause 15 of the Bill, he states that he echoes the remarks of the Attorney-General

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on the subject of appeals. He points out, however, that District Commissioners with only one exception have no jurisdiction in land cases ; and he does not think that it is fair to throw any further burden on their shoulders. He feels sure that the provisions of this clause will be most unpopular with the public in general, as in nine land cases out of ten, appeals will doubtless be made from the District Commissioners' decisions to the Divisional Court. He thinks that the clause is neither fair to the District Commissioners who, with their multifarious duties, cannot go properly into intricate land cases, nor to litigants, who, if their cases are not fully gone into by the District Commissioners, will still have to go to the expense of appealing to the Divisional Court. He agrees with Mr. Sarbah that in land cases appeals should lie direct from a Headchief's Court to the Divisional Court."

The learned Chief Justice at the time thought that this proceeding would be most unpopular. It is about ten years or more since he expressed this view in this House. The Bill has been put into operation. The public have tried it, and to-day they come here and tell us through Counsel that the method of transferring cases to the courts of native tribunals in land cases is not a proper thing. We are submitting that when the whole public are in agreement on a point of this sort, and it happens to agree with the view of so exalted an officer, that view ought to be accepted. I am saying, in passing, before I forget, that it is not suggested that the jurisdiction of the kings and chiefs should in any way be limited. The Honourable the Secretary for Native Affairs raised a very important point, whether we are to limit inherent jurisdiction. I say, no one asked for that. It should be co-ordinate with that of the Supreme Court ; it should be concurrent with that of the Supreme Court. My reason for saying that is that when His Majesty's Government took over the control of the government of this country the people gradually began to attend

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the courts that were established by the British Government. Gradually they learned to have confidence in those courts, because they found that the judges were, as a whole, impartial and settled matters fairly particularly in land cases which are the most important of all our cases here. In these the jurisdiction of our native kings and chiefs should not be excluded, but at the same time a person should have the right of instituting his action in the Supreme Court if he pleases. But, instead of that, this Bill makes the jurisdiction of the Native Tribunal exclusive, and we say that is not right, that is not fair. If you have led the people gradually to become acquainted with the Supreme Court and, claiming to be citizens of the Empire and as subjects of the British Empire, they claim the right to protection from the King's Court, you cannot deny them the privilege; and I am submitting that it is not fair or right that they should be relegated exclusively to the courts of native tribunals in land cases. This exclusive jurisdiction given in land cases to native tribunals has a tendency to defeat itself, because the result has been that cases that have been decided have not generally given satisfaction. They have come back to the Commissioners on appeal, and in the long run the expense involved has been very great compared with the original proceedings before the Supreme Court. Now there is the practice of the case going before the Omanhene, then to the Provincial Commissioner's Court, and then to the Full Court with the expense it involves. The public have tried and have found that it is inimical to their interests.

Yesterday the Honourable The Secretary for Native Affairs referred to the number of cases that have been dismissed from the Full Court. I may remark that a good many of these cases were dismissed because the records were badly prepared. I myself was in a case recently at Secondee where an important appeal involving an important interest in land was struck out for the reason that the wrong officer in the Provincial Commissioner's Office had given the leave to appeal, thereby my client being mulcted in costs. Naturally he says, I cannot pay this; I asked him leave to

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appeal and he granted it ; I went to the Provincial Commissioner's Office, I saw a European sitting there, and as he gave me leave to appeal, why should I pay costs because a wrong person had given me leave? My client says it is fair that Government should pay the costs. Now, with all due respect, however intelligent our Provincial Commissioners may be, it cannot be fair, with their multifarious duties, to impose upon them judicial duties as well.

Generally, if you go to a Provincial Commissioner's Court, you find that he has a lot of work to deal with, correspondence from outstations and hundreds of letters to reply to, and among this he is suddenly asked to come into Court and hear cases involving intricate points of law which would require the most careful consideration of even judges. I ask, is this fair? Is it fair to those concerned? and is this fair to the public? I think the time has come when these over-burdened officials might be made free from this unnecessary burden, because we say the judiciary is established for the purposes of hearing cases, and they should not be deprived of the opportunity of doing so.

I may mention that the learned Chief Justice did not content himself merely with recording his views upon this Bill in committee, but went to the extent of presenting a petition to the Secretary of State for the Colonies upon the matter and that petition I should have thought would have been brought to the notice of the House by either the Honourable the Attorney-General or by the Honourable the Secretary for Native Affairs. He thought at the time that the changes in the law were inimical to the interests of the people. I am reading a paragraph in his petition—that petition is dated 2nd September, 1910, and was addressed to the Right Honourable the Secretary of State for the Colonies, and I believe a copy of it can be found in the archives of the Government. I also believe there is a reply to it, and I should like to know in the course of this debate what action was taken upon it and how matters stood. The petition reads as follows :—

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“The principle of the appeal in land cases being to the District Commissioner’s Court, whether to the District Commissioner or to the Provincial Commissioner, is unpopular. Both unofficial members of Council objected and although at the end one agreed to the provision with respect to Provincial Commissioners, it was only because that was, in his opinion, better than the appeal going to any ordinary District Commissioner who might have landed in the Colony a day before. The Government idea is that it will save expense and that the boundaries will be settled with more finality than before the Divisional Court. I doubt both. My experience is that land cases transferred to a Provincial Commissioner by a Judge for hearing usually have taken many months before being heard, as the Provincial Commissioner could not spare the time to view the land, and in the mean time the parties have suffered. If the parties have to come down to the Coast to the Provincial Commissioner, there will be the same costs as before a Divisional Court and the same plan will be needed. Furthermore, unless the Provincial Commissioner is proficient at surveying or spends much time and exercises great care he will let in more room for future disputes than the plans which the Divisional Court gets from licensed Surveyors. I know the difficulties over even small plots of land that I have viewed and I have had experience of cases where Provincial Commissioners and others have heard cases upon the land. There will also be, I think, more appeals from the judgments of Provincial Commissioners than from those Judges, with the increased costs of appeal.”

I need not read more. These indicate clearly the views of a very high official.

Now that is a very important case. The learned Chief Justice says that in his view the Commissioners who come to the Colony and took charge of districts were not

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necessarily experienced to deal with land cases; and in fact I go to the extent of saying they are not experienced to deal with ordinary cases. Because it takes a man of some training to be able to sit as a judge, and only men specially judicially trained should have to deal with such cases.

It has been suggested by the Honourable the Secretary for Native Affairs that most of these principles we are discussing are in the Bill of 1910. As regards how that Bill came on the Statute Book I desire again to quote the view of Sir William Brandford Griffiths which he gave expression to both in Council and in his petition. In his view the people had no opportunity of criticism. He says :

“ The next point is that the Ordinance was hurriedly pushed into and through committee without giving the Legislative Council sufficient time to suggest amendments and without affording the public an opportunity for criticism and expression of opinion. The Bill was sent to the members of the Legislative Council towards the end of May (that was the first inkling I had of its nature) and it was read a first time on the 28th May. It was published in the *Gazette* of the 11th June, which was not issued until the 26th or 27th June. It came on for the second reading on Saturday the 2nd July.

“ The *Gazette* containing the Bill came out on the 26th or 27th June. The committee stage began on the 2nd July and the Bill was through Committee on the 4th July.”

It gives us to understand that the Bill was hurriedly read and did not have that proper consideration it should have had. These are the views of a very high official.

Your Excellency will notice the phrase “ the King’s Court ”. The people have been praying to have access to the King’s Court, and the suggestion here is that it is unfair to send them back against their will. I am not suggesting for one moment that the inherent jurisdiction of our

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kings and chiefs should be limited, but it should be concurrent. In other words, if I choose to come to any tribunal with my land case, there it ought to be adjudicated. I may say the law ought to lend its weight to all the processes necessary to carry out the judgments of the tribunals ; that one should not be forced, willy nilly, to go there exclusively.

Now, Sir, if the object of exclusive jurisdiction being imported into the Bill of 1910 and this is to bring about a cleavage between the people and the Bar, I say that object has failed, because the people themselves come here to-day and say that they want to be represented by Counsel. They want the aid and protection of Counsel in their land cases ; and more than one chief has asked me this, how is it that Government, so powerful, so intelligent, has got lawyers to protect its interests. There is the Attorney-General, the Solicitor-General, and Crown Counsel. When they come to prosecute us a lawyer is sent ; when there is an important land case in which Government is involved, Counsel is generally sent to represent Government ; how is it that we poor ignorant people, when our lands are involved, they say lawyers must not come in ? It arouses suspicion. Is it that our lands are aimed at eventually ? I say that if the Ordinance was to bring about a cleavage, that has failed, and to-day the people and the lawyers say that their interests are identical. In the native community the lawyers are supported, and even in far away Ashanti people are clamouring for lawyers to go there and protect and help them, and I hope that in all sincerity in due course there will be a way open for even the people of Ashanti to have the aid and protection of Counsel. When I had the honour of speaking before the League of Nations Union in London some time ago, I was obliged to refer to the circumstances that in some cases people charged with offences in certain parts out here have not the aid of Counsel. I also referred to the circumstance that men untrained in the law sometimes had to preside over important land cases ; these facts cannot be tolerated, because it was so, and even to-day it is so.

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I have sometimes observed how very awkward it is, and must be, for an officer who has not been trained in the law endeavouring to follow Counsel in his arguments, endeavouring to take down notes even from his dictation intelligently to arrive at a decision. The process is painful ; and I think the time has come when the people of this country and even of Ashanti should be given the free opportunity, when they can and when they will, to retain Counsel to protect them in their interests, particularly in the interests of land.

I do not know how it is, but I have always heard it said that the lawyers of this country fleece the people. We have been reminded here by Counsel that the lawyers out here are both conveyancers and counsel, they are solicitors and they are advocates. The ordinary African who consults the lawyer does not know that he has first got to prepare his brief. He has to do a lot of hard office work. In England, when you go to a solicitor for an interview, he charges you for it. He charges for every letter he writes. Here once retained, always retained.

The amount of work we do from the time an African comes to consult us is enormous. He calls at your office every day. He proves a very persistent client. I remember a client who would come to me after a morning's hard work and when I was trying to get a little rest. He would come to my office, and when I would say "What is the matter?" he would say "I come to say good-morning." "Well, good-morning." When I return from Accra after being away for a while I meet the same man at my house. He greets me with "I come to give you welcome." I cannot drive him away. He would go and say : "The lawyer won't see me." It would spoil my practice. That is what we have to put up with. I say with all seriousness that it is the lawyers of the country who have instilled loyalty into the minds of the people. They have taught them loyalty and devotion to the throne of His Majesty, and lest it might be said that I am making this statement because of what I have heard others say in this House, I am begging leave of Your Excellency to refer to what I

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said on this matter years and years ago in *Gold Coast Native Institutions*, at pages 220—221 :—

“ Strange as it may seem, they serve Great Britain best who serve her in truth and godly fear. Men like Sir David Chalmers, Chief Justice Macleod, and others of like grit, who looked not to promotion or official applause in the manly discharge of their simple duty, are the ones who dig deep the foundations of British supremacy in West Africa. For, believe me, the Native of West Africa has profound respect for the qualities of justice and fair play. The careless observer may think that the fear of British guns and maxims has hitherto kept the Gold Coast proper free from disturbances. A greater mistake could not be made. If you want to know what has hitherto been a tower of strength to the British Government on the Gold Coast, you will find it in the confidence which has been inspired in the native mind by the Judges of the Supreme Court, who have been, taking them generally, men of singular uprightness, fairness and ability independent of bureaucratic influence. But they have not worked alone. They have been supported by a strong and loyal Bar, a band of men in whom the clients have the most implicit confidence, and who generally succeed in throwing the oil of peace upon the troubled waters of popular passion and ferment. They help to make the administration of the country possible ; but the figure-heads generally receive all the praise, and the lawyers all the opprobrium.

“ You have only to suggest to a native chief, smarting under a sense of wrong, real or imaginary, that the Court will look into his case, and he will patiently bide his time for months till the whole matter has been thrashed out. If he is defeated, he will retire with good grace from the scene of conflict, and all because he has implicit confidence in both Bench and Bar. What honest man is there, I ask with all seriousness,

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who will dare to shake such confidence? It will be an evil day for the Gold Coast when the native client begins to lose confidence in either Bench or Bar. It will be but the beginning of the end, with chaos and black ruin attending it, of which, happily, I see no signs at present."

These were my convictions then. Those convictions were echoed by learned Counsel yesterday, and I am still of the same opinion. I think that the Bar should be supported rather than discouraged. Even if they do make enormous fees it is not undesirable, for after all what do they do with the money? Do they not educate and train their children to become good citizens, and to provide you with Legislators capable of following your debates? Do they not build good houses and improve our cities? Do they not invest in articles of merchandise and make money circulate? In what way therefore are they undesirable? I hold no special brief for them. I have nearly come to the end of my own career, but I think it is not right that the Bar in this country should be discouraged; rather should they be encouraged, in view of the way they have aided the loyalty and devotion of the people of this country to the throne of His Majesty the King.

Now there is also the judiciary. I do not think that the idea of part of the executive being set aside with the right of transferring cases to the judges is right. I have known in practice that it is the higher jurisdiction that transfers cases and not the inferior to the superior, and we know what great confidence our people have in the administration of justice as exemplified in that great case of Chief Oluwa when he went all the way from West Africa to the Fountain Head, namely, to the Privy Council, in a case between him and the Nigerian Government which was dealt with fairly and impartially. I say that British Justice is appreciated in these parts more than anything else, and I am here to-day pleading for the integrity of the Judicial Bench of the Gold Coast, its pristine position as under the Bill of 1883. Let it have full jurisdiction, let this jurisdiction run concurrently

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with that of the native Tribunals ; then there will be harmony ; then there will be contentment.

Now, it may be said that my criticisms have been destructive. Supposing this Bill is thrown out now, what is proposed in its place ? Before I come to that I may draw attention to one point that was referred to by the Honourable the Secretary for Native Affairs, namely, that the schedule put up by Government will not have the effect of transferring the allegiance of one people to another ; but in practice, I say, it must be so. For if Government had power to subdivide divisions, it may have the tendency of taking a whole people, say the Akwamus, and placing them under Akim Abuakwa.

Then there is also the power of making bye-laws by Government. The right of making bye-laws is really inherent in the people. The bye-laws are not bye-laws of the chief. A chief has no right to make bye-laws himself. Bye-laws are enacted with the consent of his people. If the people have got the inherent right of establishing such rules that guide them, when once the power is placed in the hands of Government to either approve or disapprove or vary them, the inherent right of the people is lost : I think I need not labour that point. Therefore bye-laws which are not repugnant to natural justice and which the administration may not have the opportunity of knowing the reason for which they have been promulgated should not be disturbed.

Now then, having destroyed the present Bill, what do I put in its place ? I cannot do better than to tell the Council what is suggested in the able words—in the masterly words—of the Petition to the Right Honourable the Secretary of State for the Colonies by the citizens and chiefs of this Province, dated September, 1919. Now, what they said in that petition is as follows :—

“ Your humble petitioners further pray to be permitted to make the following proposals that, to their minds, will remove the grievances of the people.

“ That the powers and jurisdiction of the native

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tribunals be made to revert to the position in which they were under the Native Jurisdiction Ordinance of 1883, inferior tribunals retaining their respective inherent jurisdiction.

“ That the jurisdiction of such tribunals be allowed to remain co-ordinate with that of the English Courts in all matters and suits whether relating to land or otherwise, that is to say : whilst suitors are given liberty to elect their own forum in all matters inclusive of suits relating to land, native tribunals should still possess and exercise the power to compel the attendance of persons summoned before them and enforce their judgments.

“ That appeals from inferior native tribunals in land suits should lie to the superior native tribunal of the Division and from such tribunal to the Divisional Court or to a Judge sitting in another branch of the Supreme Court to be known as the Lands Divisions at which Court Counsel should have audience as in the other divisions of the Supreme Court.

“ That His Majesty's Privy Council should remain the final Court of Appeal to natives as well as to Europeans in matters and suits relating to land or otherwise.

“ That the right of the people to elect and install and to depose their Chiefs should not be interfered with by the Government, and that the exercise of jurisdiction by a chief should not be made to depend upon the pleasure of the Governor.

“ That the chiefs should have jurisdiction over all Africans or over all persons of African descent resident in their respective jurisdictions.”

These are the main points involved in my observations, and I am asking that effect may be given to them; and since it is impossible, as our standing rules and orders are to-day, to deal with this important question of principle in Select Committee, I am asking, respectfully, that Your Excellency may see your way to cause this Bill to be withdrawn and

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another one, in consonance with the wishes of the people, brought before this Council at a later date.

Now in conclusion I ask : Who has asked for this Bill ? Surely it is not the people ; it is not forced upon us by Downing Street. It must be of local origin and should not therefore be forced upon the people who are worried over many things. After hearing all the views that have been, and will be, expressed, when we come to vote upon this important matter, we hope Your Excellency may be pleased to grant the prayers of the petitioners and this Bill withdrawn.

## VII

### SPEECH DELIVERED DURING THE BUDGET SESSION OF THE LEGISLATIVE COUNCIL ON 9TH MARCH, 1928, ON THE PROVINCIAL COUNCIL SYSTEM AND NATIVE ADMINISTRA- TION ORDINANCE

YOUR EXCELLENCY, anyone reading the lucid and admirable address to this Council at the opening of this session cannot but be struck with the grasp that the administration within a comparatively short time has over the problems of this country and also of the affairs generally of the country. I think that imposes upon one the duty of bringing to the notice of Government any circumstances or any information that may lead Government to have a clear view of the people's point of view upon any particular question with a view to the smooth administration of the affairs of the country ; and if in the course of my address I refer, for example, to the Native Administration Ordinance or the Provincial Councils which your Excellency has dealt with in your address, it will be purely from that point of view—namely, as far as possible, to place before Government the difficulties which at present present themselves to the people of the country. It is not my object at all on this occasion to argue whether the Provincial Council system is a good one or a bad one ; whether the Native Administration Ordinance is a good one or a bad one. My object, Sir, is purely to place as clearly as possible any information before the Government as I can of the difficulties which present themselves to the people to enable Your Excellency to consider them and devise some means of removing those difficulties. I well remember that so soon as Your Excellency took up the reins of this administration you said that you realised that on questions of this sort it was not possible for all members of the community to

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see eye to eye, but you expressed the hope that before the end of your term of office these difficulties will have been solved. It is from that point of view I am addressing the Council.

It seems to me, Sir, that at the present moment it is difficult for even some intelligent persons of this community to differentiate and distinguish in their own minds between the Provincial Council system and the Native Administration Ordinance. Somehow or other they say the Ordinance is the off-spring of the Provincial Council system, and, therefore, having strong objections to the latter, the two must go. It were better if those who say so tried to think dispassionately of the Provincial Council system and of the Native Administration Ordinance separately and arrive at suitable conclusions. It is worthy of consideration, although those who think so may be right or wrong. It is possible that whatever difficulties there are may be explained by the responsible officers. Rightly or wrongly the people think that the Native Administration Ordinance is partly the work of the Amanhene, who introduced it, and also partly the work of certain Government officials. It is therefore suggested that if they are to take their explanations only from Government officials, it is quite possible that the official view may prevail as regards what they rightly or wrongly consider to be the view in which this matter should be considered. I present the case as it appears to me. Therefore when it is suggested that protests against the Native Administration Ordinance—unless they emanate from the whole Oman—should not be seriously considered, the people suggest that not every action of the Amanhene that is supported by Government has been sanctioned by the whole Oman.

Now, Sir, it is not a bit of use suggesting that the people had an opportunity of criticising this bill when it was introduced. I myself think they ought to have taken the opportunity of suggesting any important reasons that could then have been brought forward. At the same time when I have gone so far it does not remove our difficulty. The object, I take it, is that the Government seeks the

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happiness and the contentment of the people. They want, whatever mistakes may or may not have been made, to so explain matters and to make the working of these measures so easy that the people would take them up, not by compulsion, but of their own free will and their own free act. I am very anxious that a system like the Provincial Council system may be regarded by the people of this country as a means of reaching a higher development of those principles of self-government which we have all had in mind from the very beginning. Consequently any steps that may be taken to clear away the fears of those who have got any doubts I am suggesting may be considered by Government and by all concerned. Personally I see no insuperable difficulties. Already we have made considerable advances both in the municipal side of the system and also in the provincial side, and perhaps it may help all concerned, Sir, if from my standpoint I state briefly what advances have been made on either line, since the introduction of the system. We know, Sir, for a fact, that at the outset it was suggested that unless the several municipalities adopted the Municipal Corporations Ordinance they could not exercise the franchise. At that stage it was urged that as the public had not taken kindly the provisions of the Municipal Corporations Ordinance they might be allowed to make use of the Town Councils in returning members to the Legislature. That was readily accepted by Government with the result that to-day Accra returns a Municipal Member; Sekondi returns a Municipal Member, and Cape Coast could do so if it pleased. I believe, Sir, that I have seen it in official publications that it is intended to increase the areas of the several municipalities. If that should be the intention, I take it that it may lead to further developments. It was suggested by the old administration that if certain modifications of the Municipal Corporations Ordinance were considered by the people the Municipal areas would be so increased as to enable say Accra to return more than one Municipal Member; the same with Cape Coast and Sekondi. All these, I submit respectfully, are lines of advance.

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Now, Sir, to come to the Provincial side of the system. There also at first there was considerable difficulty and misunderstanding as to whether the persons who were to follow the Omanhene to the Provincial Council were officially recognised members of the Council or only followers. There also we got it made clear that those who follow the Omanhene to the Provincial Council are to be officially members of the Council up to 8 in number. Now I was very pleased to read in Your Excellency's address the remarks I am going to quote. It says :

“ I hope that as suitable opportunities present themselves educated Africans may be appointed to the State Councils ; as members of those Councils they will be eligible to attend the Provincial Councils and, under certain conditions, to speak therein. I would also draw attention to Section 93 of the Ordinance under which a head chief may, within certain limitations, send an accredited representative to the Provincial Council.”

There also is a further advance. Now, therefore, I think I am right in saying that there are no insuperable difficulties, and I am here this morning urging respectfully and with emphasis that if possible Government might see its way to direct some enquiry so as to get at the back of the people's minds as to what are their real difficulties ; because I am quite certain that when once those who are objecting are enabled to lay on the table fully and freely what are their difficulties, we shall be able to get to a working basis rather than if we allow the present impasse to remain, and I claim support for this suggestion, Sir, from the despatches published relating to the Native Administration Ordinance. I am first of all reading from the despatch of the Officer who was administering the Government namely, Sir James Crawford Maxwell, who was our former Colonial Secretary. He says on page 7, paragraph 20 :

“ As the Attorney-General states in his report this

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is a very important and far-reaching measure embodying a great constitutional experiment. It will require to be watched with the greatest care. I have no doubt that experience will very soon reveal the necessity for amendments ; and the more successful it becomes the greater likelihood is there of amendments being required to render it more useful. It reflects the greatest credit on the Chiefs who prepared the first draft as well as on the officers of Government mentioned in the Attorney-General's report who helped to put it into proper form ; and I trust that His Majesty will not be advised to exercise his power of disallowance."

Then at page 9 this is what Mr. Wilkinson, the then Attorney-General, states :—

This Ordinance is, however, in any case a very important and far-reaching measure. In some respects moreover it embodies a great constitutional experiment. Its merits and demerits must largely be judged by the manner in which it proves to work in practice ; and, if experience from time to time indicates the desirability of amending it, amendments can always be made in the usual way."

I am suggesting, Sir, that the Law Officers of the Crown then stated that the measure constituted a constitutional experiment, and I do not think that any of my colleagues on this Council, on the Unofficial side—the Amanhin—I don't think any of them would suggest that, if to-morrow any sound grounds were forthcoming as to the reason why the Ordinance should be overhauled with a view to such amendments making it workable, there could be any objection, nor do I think any of them would raise any objection. I take it, Sir, the object of all parties is to insure the happiness and the contentment of the people of this country, and I am also sure that it is the desire of every member in this room to see the end of the conflict and misunderstanding that have prevailed and to ensure that we shall all

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work hand in hand in the development of this country by the laws which have been passed by this Legislature to govern us ; and for these reasons, Sir, I am urging, as a last word on the matter, that Government might see its way to direct an enquiry which will clear the way and enable us to adopt such lines as may make the working of this system and this Native Administration Ordinance possible when looked into and put on a working basis for the good of all concerned.

I desire now, Sir, to deal briefly with the matter of our recurrent expenditure. It is noticeable that, year by year, this has a tendency to increase ; and if we are to promote the efficiency of the service this must be so. I believe the Government has recognised long ago that the only way by which we can, in course of time, lessen our recurrent expenditure is by the increase of the number of Africans who hold higher appointments in the Service. I was, therefore, very glad to read in your Excellency's address to this Council on page 99 the following :

“ The training of Africans to fill what are termed European Appointments is steadily progressing and there are some hopeful features.”

I desire, in this connection, to point out that however strongly the administration may lay this principle down as a policy to be followed, its success or failure entirely depends upon the Heads of Departments. There is, generally speaking, no competitive examination held in each department by which the promotion to appointments of responsibility may be decided. It entirely depends upon the observation and the recommendation of the Head of the Department as to whether a suitable person is appointed or not ; and therefore I am soliciting—and I may humbly do so—the loyal support of every Head of Department of Your Excellency's administration so that this policy which is near the heart of the Government—and I know it was near the heart of the late Governor—and near the heart of Your Excellency, may yield the necessary result.

In this connection, we can derive considerable assistance

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from Achimota. Now, I have said once or twice before that the work of Achimota should concentrate more upon secondary education than otherwise; and one of my reasons was to enable our Government to find suitable Africans of proper education and efficiency and character to take up these higher appointments. And therefore I should like to say that Achimota should concentrate on secondary education, for something may be done along these lines, and what I am humbly suggesting is that we may find in a given Department Africans of considerable aptitude for the particular kind of work who you think should receive promotion, but unfortunately their education is deficient. I am suggesting that you might adopt what has been called "Continuation Classes" or night schools, to help the man whom you find to be unable to do his work efficiently, though he has the aptitude. I am quite certain such a man will avail himself of the continuation or night school if he knows his promotion depends upon his cultivating his mind. Now then Achimota will be able to help the country enormously if a master or two of the able staff were to train up young men of aptitude in different departments who are good in their work, good in character, but unfortunately are deficient in ordinary education. By that means we shall be able in course of time to find worthy men to take up some of these higher appointments and help to decrease our recurrent expenditure.

In the matter of education generally, I hardly think there is a country in the tropical dependencies of the Empire that has shown such keenness as the Gold Coast. Under the Education Ordinance it became necessary to exclude some children from our schools for their own good in order that good and sound education may be imparted to those who do go. It seems to me if possible Government might spend a little more money in providing educational accommodation by way of suitable buildings to take in those children that are now excluded from the schools. It is quite possible that Government may not be able to undertake the buildings themselves, but I think that missionary bodies might be encouraged, not to use money lavishly,

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but carefully, in erecting simple buildings to accommodate these children. I notice in Your Excellency's address that application has been made by the Principal of the Royal School for some contribution by Government towards the erection of new buildings. Your Excellency rightly referred the matter to a Committee (unfortunately I have not seen the Committee's report) but what I am suggesting respectfully is that if possible every facility might be given to the promoters of that scheme. It is quite conceivable that they may not be able to raise the ready cash as their contribution towards the building, but if they can supply labour in lieu of actual cash, I am asking that Government may consider the scheme so that if possible it may be assisted.

I asked a question about the curriculum of Achimota and for the first time we were given the information that classics would be taught where necessary, for example, to boys going for medicine. I desire to express the view, Sir, that at all events elementary classics might be imparted to the boys attending the secondary school at Achimota. My reason for that is that I hardly think that anyone who has got no idea of the classics at all can use the English language with the accuracy and intelligence that one who has got that knowledge can use it. Now we are trying to provide suitable men, men who are efficient in every way for the service. Let us take it that some of these men are seeking for promotion in the Secretariat where important matters are dealt with. My point is that a person who deals with such important matters as despatches cannot really know what he is writing about without a fair elementary knowledge of the classics. Some knowledge at least of the classics might make his work more efficient. For this reason I am asking for the inclusion of at least the elementary classics on the secondary side of Achimota.

I am pleased to note that there is an intention of appointing an extra judge in the judiciary. As practising barrister, I know how congested the lists are and how hard the judges have to work in order to clear the lists, and I hope

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that it will not be long before this appointment is made. In this connection, Sir, I desire to say one word as regards the promotion of Africans to the Bench. At the present moment we have at least one African in the service who happens to be the senior Police Magistrate in the country. I understand, Sir, that this officer has now been in his present appointment over eight years, and that reports on him are consistently good. Barristers throughout the Empire when they mount the judicial bench hope stage by stage to rise to the position that their character and their efficiency warrant. I am asking, Sir, that in order to encourage other Africans—efficient and senior men—to enter the ranks of the judiciary promotion, when the opportunity offers, may not be denied the Africans who are in the service.

I have in Select Committee suggested that the difference in the emoluments of the Police Magistrates, namely, two Africans at so much and four at so much, might be removed, I was thinking of the promotion. I think their promotion should be made by way of encouragement to others who may wish to enter the service along these lines.

I am glad to know, Sir, that the suggestion of the Honourable the Mining Member as regards the unsuitability of the site for the New Court House has been considered by Government. Since this suggestion was made I have had conversation with persons who understand the matter, and I am quite certain that a more central place would be more suitable than the one contemplated. I desire to record my view that Government may give the matter due consideration.

Then there is the important matter of a general Court of Appeal for British West Africa. I learned, Sir, that some time ago the Judges of the Supreme Courts of the Gambia, Sierra Leone, the Gold Coast and Nigeria (I am not quite sure of Nigeria) met here in Accra. It appears that three of the Colonies were in favour of such an Appeal Court being established. I understand the Government of Nigeria did not see its way to agree. Now when you are dealing with four Colonies in the matter of an institution of this sort necessary for efficiency, and one of them falls

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out, the views of the three might be considered and given effect to. I am suggesting Government should re-open the matter, and if the Gambia, Sierra Leone and the Gold Coast seriously desire a Court of Appeal the same might be given effect to to enable the work of the Divisional Courts to run more easily than it is at present.

I desire now, Sir, to say a word or two on Ashanti. In the Address Your Excellency tells us at page 60 :—

“The development of Kumasi is advancing by leaps and bounds. I doubt whether any town in the Gold Coast can show such vivid scenes of trade activity as may be witnessed in ‘Kingsway,’ while the hundreds of lorries which ply every day between Kejetia, the surrounding country, and as far north as Tamale and Wale-Wale, afford striking evidence of increasing prosperity.”

It can no longer be doubted that Ashanti has made good use of its opportunities, and to-day is advancing very rapidly. My submission is we cannot continue to keep Ashanti in a watertight compartment and I think, Sir, the time has come when Government may consider the advisability of giving Ashanti representation upon this Council. Why I say so is that there may be important laws necessary for the good government of Ashanti. I am not suggesting for one moment that the Government of this Colony is not competent to consider and enact suitable laws, but at the same time, if Ashanti had the opportunity in the forum of this Council whenever a law is proposed to express its views, it would help Government and make Government feel that the best has been done.

Of course, it is too early to make a similar proposal as regards the Northern Territories, and I thank the Honourable the Colonial Secretary for the full explanation he has given this morning in connection with the Lands Ordinance for that territory. For one thing I am glad that I raised the point to afford an opportunity to Government to explain as it has done. Even there we see that if it were possible for laws affecting the Northern Territories, although at

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present it would not be ripe for representation to be given, if those laws were formally brought to this Council and discussed, it might lead to the avoidance of much misunderstanding. There also I humbly say that His Majesty's Government might consider the possibility of enabling this Council in important measures affecting the Northern Territories to have such measures openly discussed in this Council before they are applied.

I will now say a word, Sir, as regards the liquor traffic. I am very pleased to learn that this important matter has received the attention of Government and enquiries are being made. I must say that from my own personal experience the drinking of gin is a very damaging thing in this country and the evil is spreading. I mentioned in one debate here that I happened to attend a funeral custom of an Omanhin. There what I noticed was that the gin was drunk, not only by the men, but by the women, and I think my friends here will bear me out, that what happens very often is that the father, before he pours the poisonous stuff down his throat gives a sip to his child beside him. We know what that means. It is about time, Sir, that this drink traffic was looked into to see how at least the consumption of fiery liquor like gin can be lessened. I admit, Sir, that there are very serious difficulties. There is the question of revenue. We all want revenue ; we are always asking for this and for that. At the same time I do trust and hope that Government, when advised that this drink traffic is doing great harm to the physique and morals of people in this country will be able to devise means for meeting any deficit in revenue that may arise.

I was glad to hear from the Honourable the Colonial Secretary that as the result of our recent discussion the stench arising from the Korle Lagoon has ceased. Well, Sir, I don't know whether it will remain so, but one thing I am quite certain of is this : that if the sewerage system were at least adopted for the headquarters in Accra we shall not have to complain any longer of bad smells from the Lagoon. I hope Your Excellency will revive enquiry into this system and that it will be prosecuted vigorously

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and the next time we come here we shall have some announcement as to what has been done to remove one of the eyesores of Accra life, namely, this stench.

I have finished, Sir, and my last word is on co-operation. Sometimes when we Africans speak of co-operation it may be taken that we don't mean anything. Sir, I have lived long enough, and the longer I live I come to this conclusion : that there is only one thing possible,, namely, co-operation. It must be either co-operation or confusion, chaos and trouble. I believe, Sir, that as a nation, through civilisation we are beginning to learn the great lesson of co-operation. Therefore I ask you will take it in all sincerity when we say here from time to time we desire to co-operate with the Government, and any suggestion that we may offer from time to time, as to the way to make our people understand and appreciate things sought to be done for them, may be considered so that the happiness of the people of this country may be ensured not only now but in the future.

## VIII

SPEECH DELIVERED IN THE LEGISLATIVE COUNCIL ON  
JUNE 30, 1930, ON THE OCCASION OF THE INTRODUC-  
TION OF A MOTION BY GOVERNMENT TO REVISE INITIAL  
RATES OF SALARY FOR THE SUBORDINATE STAFF OF THE  
AFRICAN CIVIL SERVICE

YOUR EXCELLENCY, I rise to move an amendment to this motion in the terms that this motion be not taken till this day six months. Your Excellency, I regret that in moving this amendment His Excellency the Governor is not himself present here to-day because I should have liked this particular debate to have taken place while he was here. To my mind, the proposed reduction in the initial rates of salaries is not simply a matter as to whether an officer can live upon the amount or not, but it involves questions of policy which perhaps have not been considered by Government.

Besides regretting the absence of His Excellency the Governor, I also regret that the debate on the Estimates since the 26th of February last has not yet been published, because in the course of that debate certain things were said and we were led to hope that the Council as a whole would be taken into the confidence of Government in arriving at the results before us to-day. It is unfortunate that these debates are delayed. The debate in question took place as far as the 26th of February and to-day, the 19th of June, almost four months, they have not been published. It has been suggested that some members of Council do not return the proofs in time to allow the debates to be published. This matter has been referred to in this Council over and over again, and at one time it was decided that within a fortnight of the receipt of the proofs by a member, they should be returned or else the debates should be published.

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It is so very important on occasions like this that the debates should be available for reference, and I am asking respectfully that every effort, whether there is financial stringency or not should be made in future to get these debates published, as promptly as possible in order to enable the public to follow the work of Government and of this Council, which at present it is difficult to ensure.

Well, Sir, to my mind this Sessional Paper reveals a state of affairs which from the taxpayer's point of view can hardly be considered satisfactory. It seems to me that there is something defective in the system of Government owing to the facts disclosed within the pages of this Sessional Paper, and I will make myself clear. We are told in paragraph 4 of this Sessional Paper that the correspondence relating to this matter was laid before His Excellency the Governor in October, 1927, when he asked the Executive Council for their opinion as to the advisability of reducing the initial rate of salary of Second Division Clerks. "The Council by a large majority (four to one) advised that, with the opening of Achimota there was every reason to hope that future clerks would be worth an initial salary of £60, and that, having regard to the flourishing state of the finances the time was inopportune to reduce salaries." There we had it that the Executive Council of this Government by a majority of four to one deprecated the decrease in the initial rates of salary then proposed by Government, and I may go a step anterior to this, that the name of Sir Gordon Guggisberg has been brought into this matter, namely, that he was for a reduction in the initial rates of salary; but in paragraph three of this despatch we find that according to him they should be given an incremental scale of £48—3—£54 which is very different from an initial rate of £48 per annum for three whole years without any increment at all!

Now from the pages of this correspondence we find that when the Executive Council, as it were, vetoed this proposition, the next step was that His Excellency the Governor awaited the arrival of the new Colonial Secretary (Mr. Thomas) and asked for his views upon this matter. Well,

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Sir, it seems to me that having had the opinion of his Executive Council men of experience in the Government of this country, men familiar with the trend of public opinion and with local conditions advising him contrary to this proposition, it seems to me extremely strange that he should have sought the opinion of the new Colonial Secretary, who was quite new to local conditions, as to what should be done in this matter, and we all regret that the Colonial Secretary gave his view that, "there was no reason, even if there was no financial stringency, why Government should not consider a revision of the present rates." (Sessional Paper, paragraph 5).

The next step was that in the Select Committee on the Estimates for 1929-30 the Honourable Member for the Banking community stated that he considered that the initial rates of salaries of clerks were extravagant having regard to the rates paid by mercantile firms. Then His Excellency the Governor's views coinciding with those of the new Colonial Secretary and the Banking Member directed Mr. Ross, an officer of the Secretariat, to make a comprehensive report. Mr. Ross made a report, and somehow in paragraph nine of this correspondence we are told that the same Executive Council which disapproved the reduction has now given its concurrence to the new proposal. It strikes me as odd that the same body that gave the Governor the advice should be said to have concurred in a proposal that was contrary to what they had advised before. The next thing that took place was that this report of Mr. Ross is adopted and His Excellency tells us in his despatch that he has reason to believe that the European element of this Council and the employers of labour like the missions and the mercantile houses would welcome the proposed reduction. He intimates that the African section of the Council, at least some of them, might object. However, the proposals were to be carried through. I am asking very respectfully, where do we come in? We are supposed to be the elected members of Council—Provincial and Municipal—sent here by the taxpayers of this country. Here we are dealing with an important

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fiscal matter. This correspondence discloses how His Excellency the Governor arrived at his final decision ; there is not a word to show that this matter was referred to any member of the African community as to what his views were upon this matter. Nevertheless we find that when the Estimates debates were on, although this matter was referred to by some of the African Unofficial Members and it was asked specifically that before Government took any steps in the matter finally the Unofficial Members of this Council should be given an opportunity of knowing what the proposals were so that they might tender their criticisms, yet there was not a word told us in this Council at that time that as far back as the 19th of February His Excellency the Governor had actually sent a despatch to Downing Street and asked for the Secretary of State's decision to be cabled out. The Honourable Mr. Korsah said this :—“ I would not have touched this point if the Colonial Secretary in his able address yesterday had not referred to it, and I am only touching upon the point, so that when the Government decides to go into the matter, Members of this Council may be given the fullest opportunity to discuss the suggestions for reductions before the reductions take place.” That was the express request of the Honourable Mr. Korsah, Municipal Member for Cape Coast, at the time. That was on the 26th of February, 1930. We were not told a word at the time that as far back as the 19th February His Excellency the Governor had actually forwarded a despatch to Downing Street and asked that a reply be cabled. Now that shows how we are governed. In an important matter of this sort one should have expected that there would have been a despatch dealing with the various points raised, or perhaps an enquiry as to whether this matter had been referred to the representatives of the taxpayers, namely, the elected members of this Council. Within the four corners of this despatch the Secretary of State for the Colonies immediately cables his consent, and by that decision the interests, not only of the present generation of would-be African servants of the Crown are sealed, but also the interests of the succeeding

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generations. I am submitting frankly, and with all due respect, that that discloses a defect in our system of Government which should be remedied as soon as possible. That is to say if we are the taxpayers of this country and if representation should go with taxation, then we should be given some effective voice in our affairs, and I may say here that this Sessional Paper shows that we have got no effective voice at all in our affairs. If in such a matter a decision has been taken over our heads, it is quite conceivable that in any other matter of far greater seriousness a decision will also be taken over our heads, although by the constitution we are here as representatives of the people, and I personally desire to record my protest upon that particular point as has been disclosed.

Now, the question may be asked : What do these reductions involve? I am suggesting with every possible emphasis that this reduction goes to matters of policy. At the last sitting of Council during the debate we discussed very fully the financial policy of Government, and we tried to come to the united opinion that in no way were we, even although there was financial stringency, to impair efficiency. I particularly stressed upon that in my speech, and that is one reason why I regret that the report is not yet out, otherwise I could have referred, point by point, to what was said at the time. It was suggested that in view of the financial stringency and the recurrent expenditure in pensions and passages it was desirable, even according to the Governor's own address, that every encouragement should be given for African education so that step by step we may get an efficient body of African employees of the Government qualified sufficiently to take up higher appointments as occasion occurs. Well, if that is a sound doctrine and a sound policy to be followed, not by way of considering African or European but simply considering the general good of the Gold Coast, we cannot afford the heavy annual recurrent expenditure, and therefore as a common sense policy we must aim at reducing the European staff so that this Colony may be able to sustain its services. If that is so, and we are making every effort to introduce into the

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service men of better training—higher training—I ask respectfully, is this the time for us for the sake of a few paltry thousand pounds to reduce the initial salaries of clerks? When I asked the question I was told that in 1931 or so the saving through revenue would be £3,000 odd. Is it a wise policy for the sake of a few paltry £3,000 to strike a blow at this important financial policy which we have thus discussed?

You are supposed to send your son to Achimota to be trained there for about 17 years or more. At the present I personally pay my cook £5 a month and my driver £5 a month. Then when I have sent my son to Achimota to be educated at a cost of several hundreds of pounds, he is to be started at £48 a year for three years, and the Honourable the Acting Colonial Secretary tells us that in every part of the world the father is supposed to bear the extra burden of his son's expenses during the period of his probationary service.

I should like to bring to the notice of this Council a very suggestive advertisement inserted in the Supplement to the *African World* by that big and important combine—The United Africa Company, Limited. It reads as follows :—

“Twenty-one million Africans are waiting to purchase your goods. Those 21,000,000 Africans are distributed amongst the British Colonies of the Gambia, Sierra Leone, Gold Coast and Nigeria. Many of them are doctors, lawyers, teachers, clerks, etc., who wear what you wear—shoes, socks, shirts, collars, ties, etc. They eat what you eat—fish, biscuits and groceries, etc. They enjoy themselves as you do—tennis, cricket, football, etc.”

I say seriously, Sir, that you have made us what we are ; you have created wants and aspirations in us, and I am asking in all seriousness if any one thinks that the African will wear what you wear, drink what you drink, at £48 a year? By this policy, Sir, you are hurling a great blow at Achimota ; you are discouraging the parents of this country

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in their efforts and their anxiety to train their children to take part in the service of their country. Hitherto you have complained that we all want to be doctors and lawyers and do not care to take up humble callings. Here now we have Africans qualifying themselves to take part in the Government and to control their own affairs and you are discouraging them, and I am asking you, Sir, to look at this matter from a broader and wider point of view than from the routine way in which you look at it. I suggest also that it is an unwise policy if this should prevail in view of the educational wants of this country.

Now for these reasons we feel that we must enter our very warm protest, and I shall read it—the protest that the African Unofficial Members of this Council have put in :—

“ We the African Unofficial Members of the legislative Council, whose signatures are appended hereto, do hereby respectfully place on record our protest against the reduction of the initial rates of salary in the African Civil Service, and deprecate the fact that in a matter which concerns the most vital interests of the youth of the African community His Excellency the Governor did not think it necessary to consult either the African Unofficial Members of the Council or any member of the African Community, and desire that this protest may be brought to the notice of His Majesty's Principal Secretary of State for the Colonies with a view to the reconsideration of the whole matter.

Dated this 18th day of June, 1930.

OFORI ATTA,  
Omanhene, Akyem Abuakwa,  
Provincial Member for the Akan Section,  
Eastern Province.

AYIRIBI ACQUAH III,  
Omanhene, Effutu (Winneba),  
Provincial Member for the Central Province.

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SRI II,  
Awame Fia, Anlo,  
Provincial Member, Ewe Section, Eastern  
Province.

ADUKU III,  
Omanhene of Mankessim,  
Provincial Member for the Central Province.

M. A. AWAH II,  
Shai Mantse,  
Provincial Member for the Ga-Adamgbe Section.  
Eastern Province.

CASELY HAYFORD,  
Municipal Member, Sekondi.

ANNOR ADJAYE,  
Omanhene of Western Nzima,  
Provincial Member for Western Province.

K. A. KORSAH,  
Municipal Member, Cape Coast.

J. GLOVER-ADDO,  
Municipal Member, Accra."

We are asking that this protest may be submitted as early as possible to His Majesty's Principal Secretary of State for the Colonies and respectfully and humbly ask that the whole of this matter may be reviewed and that the policy involved may be reconsidered and altered. I may say, Sir, that in all I have said here this morning, I am speaking against the system and am casting no reflection upon any person whatsoever, but I do frankly say that a system which makes it possible for this state of affairs to occur is deplorable, and ask that steps be taken to place us in a position of having an effective voice in the affairs of this country.

This is the last public speech of Casely Hayford delivered under a great strain of a severe illness. He died in a month afterwards.

## IX

SPEECH DELIVERED IN LEGISLATIVE COUNCIL ON  
21ST MARCH, 1923

I HAVE said in this Council on more than two occasions that the interests of the European community and the African community of this country are identical ; and every year I am more and more impressed by the same fact. It is true that the different European pioneers by their enterprise and by the capital sunk in this country have so far identified themselves with the progress of this country and its advancement ; and we who are sons of the soil so very well recognise the fact that it is correct to say that our interests are identical. That fact leads, as I have said, to the formation of a strong public opinion, and that public opinion year by year becomes more articulate and more pronounced. At the same time it is true that there is no Party Government in the Gold Coast, nor can there be one. I, personally, deprecate anything in the form of Party Government ; in other words, opposition for the sake of opposition. I am asking respectfully, therefore, that any criticism we pass in this House, either in the past, or in the present, or in the future, may be taken as coming from us after careful thought and consideration with a view to securing the successful administration of this country in the interests of all classes—European and African—and it is in that spirit that I desire to-day to say a few words. In other words, I believe that the co-operation of all classes is absolutely necessary—the Government must co-operate with the public and the public with the Government in order to make a successful administration possible.

The other day I had the opportunity of visiting that fine block of buildings known as the “ Gold Coast Hospital ” now in progress. In the course of my visit my attention

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was attracted by the peals of laughter of women working down below. When I finished my inspection I found that these women were breaking stones, and the peals of laughter that reached one's ears from time to time seemed to me to indicate that they mocked the idea that in any part of the world could the great man do without the small, and the strong without the weak. I should like to feel that in this country every little unit, no matter what, and every section thereof are all working for one end in the spirit of co-operation, which I say will lead to successful administration.

Now, one word more as to what happens to be the feeling not only of this country, but of all British West Africa, and that is that we feel that our loyalty and co-operation with His Majesty's Government is no mere matter of sentiment; for we feel and realise that our interests as a people are identical with those of the Empire, and we mean, as in the past, in the present and in the future, to stand by the Empire through thick and thin in every circumstance. Therefore, I ask that whenever we stand here to criticise, Your Excellency may not take it that it is only for the sake of opposition; but because we are convinced that it is our duty to place things before this Council that they may lead to satisfactory administration.

Now, Sir, in the course of the Honourable the Colonial Secretary's address to us to-day he has told us that in Select Committee, over and over again, suggestions were made as to how certain schemes were desirable and how to meet those schemes. We know that the Government has also well-thought out schemes and from time to time we have freely criticised some of these schemes and Government, in the light of such information, has decided upon a certain course to be adopted in respect of those schemes. At the same time we do feel that on the one hand the loan account of this country tends to increase—if I am wrong I should like to be corrected—I think we stand somewhere in the neighbourhood of £7,000,000, and there is a prospect of raising a further £2,000,000. That would bring us to at least £9,000,000. Now, there is interest to be considered on this amount. I speak, open to correction: the interest

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per annum might amount to £500,000. Possibly then we have to have a sinking fund and how soon we shall wipe off this liability is the question. I may say that it may be fashionable for countries and Governments to incur debt and to get loans floated, yet it is a serious matter to the people who eventually will have to shoulder the interest and to find the money for extinguishing the capital. Therefore it is a very serious thing for this Council to consider that our loan fund tend to increase year by year.

As against our loan fund, it is also correct to say that our only asset is cocoa. Now, Sir, if cocoa were to fail tomorrow I daresay there will be a bankruptcy of Government, a bankruptcy of agriculturers, a bankruptcy of merchants, and a bankruptcy of everybody, and we shall all be in a very bad position altogether. Therefore, Sir, without entering into criticisms that have been raised here over and over again, I am suggesting that this country should go slowly in order that our position may be sure and safe.

Now, Sir, the Honourable the Colonial Secretary has told us that beyond suggesting these schemes we did not say where the money was going to come from. I shall answer that question in a minute ; but, before doing so, I am suggesting that where we suggest caution and say we must go slowly, we are supported by the highest authority that this Council could get, namely, the view of the Right Honourable the Secretary of State for the Colonies. Here Your Excellency may allow me to refer to the despatch of the Secretary of State, dated Downing Street, June 7th, 1922. In that important despatch I read paragraph 2, as follows :—

“ The estimates appear to have been framed with due regard to the need for economy in expenditure and I am glad to observe that revenue is expected to exceed ordinary expenditure by as much as £143,578. The general financial position, if not free from anxiety, is considerably more satisfactory than at one time seemed likely. I cannot, however, view without grave concern the continued dependence of the

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Colony upon the cocoa crop. The extent of this dependence is not to be measured merely by the sums directly yielded by railway freights and the export duty on cocoa, although these amount to no inconsiderable portion of the total revenue. Imports are paid for by exports and it is thus proper to attribute to the cocoa trade the same proportion of the total receipts from import duties and harbour dues as the value of the exports of cocoa bears to the total value of all exports. That proportion is practically three-fourths, which represents in the case of the estimated revenue from import duties during the present year, a sum of £680,000. In addition, there can be no doubt that some part of the revenue from railway passengers and from the post office is derived from merchants and others engaged in the traffic in cocoa. Apart, however, from these less important sources, it is evident that during the year 1922-1923 if the estimates are realised, the cocoa trade will be responsible for securing to the revenue by direct charges (viz., railway freights and export duty) a sum of £1,072,000 and by indirect charges (viz., import duties) a sum of £680,000—a total of £1,752,000 or over 60 per cent of the whole estimated revenue.”

That is a very serious view presented by the Secretary of State. He proceeds to say in paragraph 3 :—

“ In those circumstances any failure in the demand for or supply of cocoa is bound to cause violent fluctuations in the revenue. In Sierra Leone, where similar conditions prevail—the staple industry being the export trade in palm kernels—a drop in the price of palm kernels in 1921 caused a large reduction in the volume of trade, and the revenue fell short of the estimate by as much as one-third ; a similar loss to the revenue of the Gold Coast would amount to almost £1,000,000.”

That is a significant fact and is worthy of consideration. He proceeds to say in paragraph 4 :—

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“ I do not wish to convey the impression that a failure in cocoa trade in the Gold Coast similar to that which occurred in the palm kernel trade in Sierra Leone last year is imminent, nor do I suggest that the market in cocoa is as liable to sudden collapse as the market in palm kernels. I see no reason why, in the absence of unforeseen circumstances, the estimated export of 140,000 tons of cocoa this year should not be realised. But a lean year is by no means a remote possibility. The world's markets remain in a most unsettled condition and it is impossible to foresee the future with any degree of confidence.”

A warning to go slowly. He proceeds . . .

Well, Sir, Your Excellency has also very fully gone into the question of this cocoa trade and its possible fluctuations. From the views in Your Excellency's message to us this morning, it has been shown clearly that there is nothing to show that the demand in Europe for cocoa to-morrow would be greater than any we have had an idea of. Russia, we know, has not been consuming cocoa as in pre-war days. That being so, sooner or later prices of cocoa will come down to about £30 a ton. Therefore, Your Excellency proposes that we should improve our transport facilities in order to meet the time when prices are as low as £30 a ton ; and for that reason we are invited to spend some millions of pounds in getting ready Takoradi Harbour and the railways that will lead to it. Now, assuming that cocoa is going to fetch that low price and assuming that our object is that of revenue, and also assuming that every loan that we float affects our revenue, I am asking seriously whether the position of the country would not be safeguarded if we improved our existing harbours and ports, in order that when our cocoa sunk to the low price of £30 a ton, we might still be able to compete with other countries ?

I believe I heard Your Excellency remark in the supplementary address upon the revenue that cocoa sometimes reaches Liverpool in a wet condition, due to the open surf, and that is cause of great damage to the merchants. All I

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can say is that the very merchants whose cocoa reaches Liverpool in that poor condition are the very ones who suggest to this Government to go slowly in the matter of providing the extra harbour accommodation that is required. Therefore, Sir, I suggest again that we might go slowly. As far as we are concerned, the £2,000,000 we are to raise, a portion is to go towards the completion of Takoradi Harbour. I am aware, and I must say frankly, that it is not considered by Government that the sum of £1,600,000 will be— . . . .

That being so, I will not pursue that further. The amount will not be exceeded, I am certain ; but at the same time a portion of this amount that is going to be floated will go towards that Harbour. If not, we would have ample funds to deal with some of the other works which have been advocated in Select Committee. Therefore, my answer to the query of the Honourable the Colonial Secretary as to where the money is to come from for sanitation, water works, sewage systems, and others, is that by abandoning such schemes as in the opinion of the general public are of a doubtful nature and not of pressing necessity, money would be saved for some of the schemes advocated in Select Committee.

Now, Sir, let us take for instance the question of road rails. I am free to admit that it was shown in Select Committee that if road-rails were not used, a sum almost equivalent in repairing the Winnebah-Swedru road would have to be used one way or the other. With regard to the general principle, I desire to say that I would personally object to the wholesale introduction of road-rails. I would suggest the concentration on one method of transport until that has been proved wholly inadequate before we venture upon another. Now, let us take, for example, the question of tarmetting of roads. In Accra we find some parts of the streets have been tarmetted ; on others not. There are several parts which are in bad condition and full of dust. I would suggest that we concentrate upon tarmetting the roads and bring them up into good condition. As regards the wholesale introduction of road-railways, I

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personally would suggest that we do not adopt such a scheme.

As regards saw-mills, some of us think that it is a doubtful proposition.

As regards the question of sisal, the Honourable the Colonial Secretary has also dwelt this morning upon the possibility of it being taken up commercially. I think the possibility of it being taken up is somewhat remote—and do not think that this industry is going to be taken up in this country in a whole-hearted manner like cocoa—and therefore in my judgment the moneys that are spent upon that enterprise, since we want money for other pressing needs, might well have been saved.

Having said so much, Sir, upon the question of finance, I desire to dwell for a few minutes upon the question of education ; and in this regard I must say that the educational policy of this Government has my warmest support. I have had the opportunity of going to the Government Technical School which is doing good work in Accra ; here I have seen furniture turned out by the School ; I have seen the building put up by the School ; I have seen the pupils at work, and I cannot help but come to the conclusion that a very good work is being done there. I have also had the opportunity of going to the Government Boys' School and seen the boys turn out in exercises and in their drills and work generally, and I think, Sir, that the principle of bringing these boys out in the Boy Scouts movement is that it may promote in them a sense of responsibility which we should like to see in every useful citizen.

In Your Excellency's message to this Council reference is made to " Character Training " on page 55 to which I should like to draw attention. There Your Excellency suggests that after all the question of character training is somewhat nebulous. I venture to submit that the characteristics quoted in Your Excellency's message of perseverance, thoroughness, order, cleanliness, punctuality, thrift, temperance, self-control, reliability, honesty, and respect for parents will be very possible for the youths of this country to attain, and I may also say that there are

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already sound indications in some of these primary schools. Also under the head of general training in the highest branches Your Excellency has thus said in paragraph 115 :

“ No doubt for many years to come further courses of instruction will be required for those who enter the professions of engineering, law, and medicine. With regard to engineering and medicine, I have strong hopes that at no distant date Government will be able to provide local facilities for students desiring to enter those professions from the secondary school. But whatever actual courses we adopt, whatever professions we prepare students for, one of the guiding principles of the school will be to encourage among the students love of country and avoidance of those European institutions which are not suitable to it. In fact we hope to assist in the making of the progressive African.”

There also we are entirely in sympathy with the Government. We think the time has come when Government should take up higher training so that we may have leaders in thought and industry.

I may say, Sir, that as regards Trade Schools I have not had an opportunity of visiting any of them ; but I intend when next I have an opportunity of visiting Cape Coast to visit the Assuantsi Trade School, and then in due course I will be able to refer to it.

As regards the Judicial Department, I endorse every word said about it as to the very good work done by His Honour the Chief Justice in maintaining the best traditions of British Law and Justice, and also of the Bench. We feel, however, that for some time the Judges have been over-worked, and we are pleased to hear that there is now going to be an additional Judge, and it is gratifying both to the general public and the Bar of this country. At the same time we suggest that as soon as practicable Government might see its way to provide a distinct appellate court for British West Africa, including ourselves. We feel that although at present it has been possible for a

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Judge of first instance to drop out of the Appeal Court, yet it seems most desirable to create a distinct appellate court which would be a distinct improvement, and we hope Government will see its way to promote such a scheme, and a thousand pounds or more spent upon it by each Colony I do not think will be money badly spent.

Coming to municipal loans, I am suggesting that the principle should not be that the municipalities should have to pay for the whole of the capital money spent, but only what may be necessary for maintaining and running. The reason why I dwell upon this matter is that on page 67 of Your Excellency's message it is said there that with regard to the Cape Coast Water Supply :—

“ The survey is in hand, and an order for pipes will be placed during the coming year if the Cape Coast Town Council can make the necessary financial arrangements.”

I am doubtful as to what the meaning of this is. Is it meant that to supply water to Cape Coast the Town Council will have to shoulder the financial responsibility that may be involved ?

There are two other matters upon which public opinion in this country is distinctly pronounced, and I am suggesting that where public opinion is pronounced, Government might take such opinion into consideration by way of co-operating with the public.

The first is the matter of Elective Representation. Your Excellency in your message states that there are certain points that require to be cleared off ; and I venture to express the hope that when these difficulties on the part of Government have been removed, the Gold Coast will also, at an early moment, be granted the franchise that has been granted to other West African Colonies. Your Excellency will remember that when last this question was brought before this Council almost all the Unofficial Members were in favour of Elective Representation. I therefore hope Your Excellency will submit a suitable scheme for adoption by His Majesty's Government.

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There is another matter of very great importance—Native Jurisdiction. There was a debate, I believe last year, in which every member of this Council on the African side took part, and also the senior Unofficial Member, who happened to be the Honourable Mr. McKay, took part; and I am glad to say that on that occasion there was a unanimity of views as regards the unsuitableness of the Bill and its relation to executive officers dealing with judicial matters and also as regards certain power that Government expressed themselves as being desirous of exercising as regards deposition of our chiefs and their being installed. Without wasting the time of the Council I would beg to refer to the very able speech of my friend the Honourable Mr. McKay which appears on pages 574 to 576 of Sessional Paper No. 6 of 1921-1922; and the final conclusion he came to was that a bill far more simple and elastic than even the 1883 Ordinance should be introduced to conform with the public opinion of this country. I am asking that this matter may receive the early consideration of Government.

One or two points more and I have done.

I desire to say a word with regard to the road from Seccondee to Axim. So far, Sir, Government have done what is possible in bringing about communication between Accra and Seccondee; you can reach Seccondee from Accra by road in a day; but from Seccondee to Axim there is still a difficulty. I know of persons having engagements to Axim who find it very difficult in travelling from Seccondee to that place. At present when you want to go to Axim from Seccondee sometimes you cannot get there for over a fortnight, and I am asking most earnestly that Government might see its way to devote a portion of the revenue to complete that road during the coming financial year.

The question of the Central Province Railway is also another sore point with the people of that Province. They think the terminus of that Railway should be at Cape Coast; Government think that the terminus should not be at Cape Coast. The public ask that the Government might

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reconsider its decision because they think it might have an inevitable ill effect on the trade of Cape Coast, if the terminus was not at Cape Coast. I am aware that Your Excellency has reason why in the opinion of Government it will not affect the trade and people of Cape Coast ; but there are, however, differences of opinion and I urge Government to give these differences some consideration.

I think I have covered all the grounds of what I have to say ; and, once more, I say that our object in criticising Government is by way of advice and not opposition.

## X

### P A T R I O T I S M

AN ADDRESS DELIVERED TO THE MEMBERS OF THE  
CAPE COAST LITERARY AND SOCIAL CLUB

PATRIOTISM—that is the biggest word in creation barring that by which we express our idea of that Supreme Being whose greatest attribute is love, and whose province is unceasing action in the service of man. And this introduces us at once to the heart of the matter. Before man attained unto any measure of civilisation, the necessities of his nature made him only regardful of the things which administered unto his immediate preservation, and this without regard to the claims, or the needs of others. He, like the brute creation, was red in tooth and claw, and had not developed a conscience, which bade him pause when assailing the rights of others. The developing conscience is the measure of the developing civilisation; and when man becomes perfect, he will have attained unto that standard of introspection, which causes him to shudder at the idea of wronging others. And he who “makes his life fruitful,” is working on lines which will ultimately bring him into complete harmony with the Divine Mind. And this is the end which the practice of true patriotism is intended to promote.

There is then a patriotism that is the genuine article and a patriotism that is false, just as much as there is a real education and a false one. True education is from within, the false is from without. The last begins in imitation; the first starts with self-examination and results in self-realisation. Similarly the patriotically false starts by imitating something, which is not patriotism at all, and ends in a grotesque representation of the one thing needful. And, truly, it is the one thing needful, for it cannot be understood

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save by those whose hearts are aflame with love in the service of man.

Having arrived at the conclusion that love is the basis of true patriotism, it follows that, in the final result, it will embrace love for humanity and the absence of a desire to wrong any man ; and as the Golden Rule is the test of individual perfection, so the same rule applied to the patriotic impulse must be the test of national perfection. But it is possible for the patriotic instinct to be retarded in its development just in the same way that the virtue of love is often arrested after certain manifestations. A man, for instance, may love his mother and his father, his home, and his children, and after that stage be so engrossed in his own good as to neglect the cultivation of love and respect for his neighbour. In the same way a people may develop a strong love for their own good to the detriment of the good of others, which is the case of an arrested development of the patriotic instinct. For the highest form of patriotism has the world for its province, and the good of mankind as its mission. It goes forth to labour, to spend and be spent, in the Father's vineyard without thought of meed or praise, having for an example Him who said, " Inasmuch as ye have done it unto the least of these my brethren, ye have done it unto Me." This is the mark of the high calling of man ; and it is strange that mankind are still seeking for pelf instead of that Peace of God, which passeth all understanding.

How far humanity is from perfection must be realised by all. It has been demonstrated by science that an Eolithic age existed before the Paleolithic, and its deductions are that man has lived upon this planet for a million years at least. And all this time God has, in divers ways, been nurturing man unto a fuller knowledge of Him and His purposes. And yet it is only now that the faintest glimpses of that far-off hill in noble service, " to which our God Himself is moon and sun," is about dawning upon the consciousness of man. As yet the light is too strong for our awakened sense to bear, and men are asking, Is it possible? Is it possible for individuals and nations to go

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labouring on, their joy to do God's Will, though it clashes with self-interest, believing that in this grand, this unique service, though the youth shall faint and be weary, and the young man utterly fall, the workers in this service shall run and not be weary, shall walk and not faint, ever mounting up with wings like eagles. These are the heights possible to humanity ; and it is a great pity to see men centred upon their petty selves, their petty aims and ambitions, thinking of the passing moment instead of eternal verities.

But the foregoing does not negative giving our first and best love to our nearest and best. It does not follow that because I am enjoined to love my neighbour, therefore, I am to love him better than I love my own kith and kin, any more than it follows that because I love the Flag of the Empire, therefore, I am expected to love my own country less ; or again, because it is worthy to love other nations, that, therefore, I can be expected to love them as I do the Empire of which my country is a member. Here it may be said, not that I love my neighbour, or the Flag, or any other nations less, but that I love my own kith and kin, my own country, and the Empire to which I am proud to belong more.

In the present life and death struggle between the forces of good and evil it is essential that men should practise the true type of patriotism. And in the pursuit of duty it may be necessary now and again to ask, Who is my father and who is my mother ? Jesus Christ was the greatest patriot that ever lived. In fact, it was He who set the fashion of the Higher patriotism, which embraces universal man and universal history in one grand democratic conception in which all men shall be brothers. His own convictions were so strong that He emptied Himself of all but Love, and consumed Himself in sacrifice for the human race ; and until you and I feel like that, until we have imbibed this spirit, we cannot be said to be patriots at all.

And in the new era what part shall the black man play in the higher service of man ? The black man has served civilisation in a wonderful way, in a way that men hardly

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dreamt of, scarcely yet realise. The moral support of Ethiopia has been worth more than gold and lead and blood to the Allied cause. The enemy has stood condemned before the public conscience of the black man, and that is the severest censure that could be recorded against German remissness and wrong to mankind. Henceforth the sons of Ethiopia shall count, must count in the counsels of men. Henceforth any man worth the name of man, whatever his pretensions, whatever his clime, whatever his nationality, must hail him brother and fellow-co-worker in the uplift of man. And yet we, as a people, are prone to belittle our capabilities and our opportunities. The story goes that a flock of birds once set out to find a king. And they climbed unto an high mountain, if so be they might find him. And they climbed and climbed until they scaled the topmost peak, and there they did find him. But—he was only a bird! In my midnight slumbers quite recently I dreamt a dream. I dreamt, and behold I saw a Shakespeare in the guise of an African, one of my own literary friends. And I beheld him with wonder and questioned him. I said unto him, "Are you in very truth Shakespeare?" And he said, "Yes". I said again, gazing at him admiringly, "And you wrote *Romeo and Juliet*?" And he said, "Yes, why?" "Why?" I said, "you look so ordinary, so unlikely a person to have written this immortal work." Take each of these, you who listen to me, as you please. But remember this, that it is the ordinary which, under God, becomes extraordinary, and that the part that Ethiopia will play in the new era is yet unrealised by men.

If you want to be saved in these days of stress, when you cannot keep away from the coming hurricane, you must have articulation, which depends upon enfranchisement, which, to be effective, depends upon education. And your patriotism will dictate to you the necessity of bearing your own burdens in this respect. Allow me, therefore, to commend to you the idea of a national educational scheme, which aims at the provisions of the most liberal standards of culture and training in the arts, the sciences, and industries

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at a national common ground or centre, call it a University or by what name soever you please.

We have spoken of a new era, the people's era, the era of democracy. Like as the Christ in the fulness of time came and revolutionised the world of ideas by the introduction of the Golden Rule, even so now must patriotism be given a new twist in the concepts of man to take in the cause of the weak being taken up by the strong in the remaining chapters of man's history. But such is human imperfection that before the strong can hear the weak, the weak must appeal in no uncertain voice. Indeed, the strong cannot be blamed, if they regard not where there is no outcry, for the simple reason that the world is passing through a storm, and it is difficult to hear sounds of distress, even though one strains one's ears. Hence the necessity, the urgent necessity, for the uplifted voice of him, who is likely to drown. That being so, I venture to commend to you also the coming together of entire West Africa as one man to think together, and to act together in matters of common need on a common constitutional platform. If you meet with the weak-kneed and the prophet of evil in this grand enterprise, pray pass him by on the other side, and say this is not the day of petty considerations ; this is Ethiopia's day, and Ethiopia must march on to triumph.

Once more I bring West Africa a message of hope, a message of triumph. The last message that I had the privilege and the honour of delivering has, under God, borne fruit. To-day entire West Africa has clasped hands over a common need, a common constitutional demand. She is asking for an effective voice in her affairs. She is asking for self-determination, and we believe she will not ask in vain. It will be uphill work we know. There will be slackers ; there will be obstructionists ; there will be traducers. But the Eternal Power, whose fiat set our sphere going, will sustain us until our little world attains unto that degree of free and democratic life, which will enable us to develop according to the genius of our race within a free United British Empire.

## XI

TOAST PROPOSED TO HIS EXCELLENCY THE GOVERNOR,  
SIR HUGH CLIFFORD, K.C.M.G., DURING THE BANQUET  
GIVEN TO HIS EXCELLENCY BY THE OFFICERS AND MEM-  
BERS OF THE EXECUTIVE COMMITTEE OF THE GOLD  
COAST ABORIGINES RIGHTS PROTECTION SOCIETY ON  
MAY 19, 1913

MR. CHAIRMAN, SIR HUGH CLIFFORD, LADIES AND GENTLEMEN.—It is with pleasure that I rise to propose the toast of our distinguished guest, Sir Hugh Charles Clifford, and I wish particularly to associate with that toast the name of Lady Clifford, who we all wish could have been here with us this evening joining in this festivity. Lady Clifford's name is a household word wherever the English language is spoken, and wherever good literature is read and appreciated. . . .

The assembly here to-night, Sir, reminds one of the days of the judicial assessors. There was a time when the officers of the Government mixed freely with the people. I believe the Eastern Province provided an African Governor in the person of the late James Bannerman. The judicial assessors sat on the Bench with native chiefs, and we had principal medical officers of African descent. Those times, after a while, seemed to have gone past. Then we come to a period of isolation, of distrust, of segregation, and even of suspicion.

We bridge over the gulf of time and come to the year 1913, in the month of May. His Excellency has told us that we must not expect that he is going to create for us a new heaven and a new earth. But we know what he is going to do, that he will restore the confidence of the people in a way that has not been done since the days of Governor

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Maclean. He was able to inspire the sympathy and the loyalty of the people, and he ruled with a success that has scarcely been matched since.

The Aborigines' Society has been doing a good work, in reviving the confidence of the people. You know we cannot help people thinking, and I think it is safe for all concerned to know what they are thinking about, and for this reason an intelligent press, dignified in tone, is a useful thing and so is a body like the Aborigines' Society which interprets the needs and the wants of the people.

There is a force in this country which we are apt to make little of and do not appreciate sufficiently. I refer to the warm-heartedness, the loyalty and the devotion of the people to any administration or official in whom they have confidence. I must confess, Sir, that when in the Secondee address we suggested that Your Excellency might be pleased to extend your tour to the Central Province and to this historic town, we were nervous lest you might not be able to do so. Seeing the enthusiasm of the people, one may say Your Excellency has been repaid for the trouble you have taken. One characteristic act of a characteristic man has blotted out the memory of the past and restored the confidence, the sympathy, and the co-operation of the people.

But co-operation, Mr. Chairman, Ladies and Gentlemen, must be intelligent, frank, and earnest, otherwise it helps not on the work intended ; and, so, we bespeak for the new administration such co-operation.

Two notable thoughts have been contributed to political literature quite recently. The one is by Lord Rosebery where he points to Japan as an object-lesson of national efficiency. That is relevant in so far as it enables us to appreciate also the success of Japan in colonising. For the second thought is by Baron Goto, where he refers to the Formosans as Fellow Nationals. That suggests training the Formosan people to the status of citizenship. It precludes the idea of their being for ever hewers of wood and drawers of water. It is unfortunate that that exactly has not appeared to be the object of a recent administration.

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We hope to see revived in the time of the present administration the ideal of citizenship, so that the people of this country may take their true place as citizens of the British Empire.

One thought more, and I have done. We thank His Excellency for the assurance as regards our lands that the pledges given to us by Mr. Chamberlain will not be set at naught nor our right to them in any way interfered with.

Sir, our land system and our institutions are found upon a rock, and we trust they will find in Your Excellency a sure defence. In that hope and in that faith I wish Your Excellency and your consort long life, success, and prosperity in the administration of this country. I ask you all to drink heartily the health of His Excellency and Lady Clifford.

