THE HISTORICAL SIGNIFICANCE OF THE BOND OF 1844

by J. B. DANQUAH

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The declaration of the independence of the Gold Coast on March 6th, 1957 marks the enactment of two historic events: the liberation of the Chiefs and people of the Gold Coast from the legal effect of the Bond of 1844, and the liberation of the British imperial power from the legal effect of a promise of Gold Coast self-government made by the Earl of Kimberley, Secretary of State for the Colonies, on March 10th, 1873.

In the British eyes, or at least in the eyes of Dr. W. Walton Claridge, historian of the Gold Coast, by means of the Bond the Fanti Chiefs were brought under better control and their relations with the Government became more clearly defined. Although, says Claridge, nothing new was gained by the signing of the Bond, “it was none the less a very necessary step; for as time went on, it became more and more necessary to have documentary evidence of every agreement or arrangement made with the Chiefs and people, many of whom, in the coast towns especially, were now being educated and could no longer be regarded and treated as simple savages as had been the case in the past.”

Actually, the decision of the Select Committee of the British House of Commons, made in August, 1842, for the Chiefs of the Gold Coast to place themselves under a bond to the British, to justify the exercise of power by the British Governor beyond the forts and settlements, was couched in language more polite than that of Dr. W. Walton Claridge.

When in March 1842 the House of Commons rejected a report on the Gold Coast by Dr. R.R. Madden, a report in which Dr. Madden impeached gravely the characters of individuals engaged in the British Trade with Africa, a Select Committee was appointed for the House to make its own independent investigations and to issue its own recommendations. As a result of the investigations, the House of Commons realised that it was desirable for the jurisdiction which Captain George Maclean, as Governor or President of the Council at Cape Coast Castle, had exercised beyond the forts and settlements, to be better defined and understood.
In the course of its recommendations the Select Committee said: "It is to be remembered that our compulsory authority is strictly limited, both by our title and by the instructions of the Colonial Office to the British Forts, within which no one but the Governor, his Suite, and the Garrison reside; and that the Magistrates are strictly prohibited from exercising jurisdiction even over the Natives and Districts immediately under the influence and protection of the Forts. All jurisdiction over the Natives beyond that point must, therefore, be considered as optional, and should be made the subject of distinct agreement, as to its nature and limits, with the Native Chiefs, and it should be accommodated to the condition of the several tribes, and to the completeness of the control over them, which by vicinage or otherwise we are enabled to exercise. Their relation to the English Crown", said the the House of Commons, "should be, not the allegiance of subjects, to which we have no right to pretend, and which it would entail an inconvenient responsibility to possess, but the deference of weaker powers to a stronger and more enlightened neighbour, whose protection and counsel they seek, and to whom they are bound by certain definite obligations."5

To the British House of Commons, conscious of the fact that up to the 25th March, 1807, both "the weaker powers" on the Gold Coast and "the stronger and more enlightened neighbour" in Great Britain and Ireland, had been mutual partners in the barbarities of the slave trade, Dr. Claridge's use of the term "simple savages" would have seemed quite inappropriate. The House of Commons would obviously have preferred the use of the more polite, and much more accurate term, "less enlightened neighbours".

Some of the matters which the Select Committee of the House of Commons insisted should be included in the "distinct agreement" required from the Chiefs to enable the British to continue to exercise the irregular jurisdiction hitherto exercised by Maclean, and to be regularised, were set out in the aforesaid report to the House.

"These obligations", said the Select Committee, "should be varied and extended from time to time, and should always at least include (as many of the Treaties now in existence on the Coast already do) the abolition of the external Slave Trade, the prohibition of human sacrifices, and other barbarous customs, such as kidnapping, under the name of 'panyarring', and should keep in view the gradual introduction of further improvements, as the people become more fitted to admit them".6

It may be noted that the Bond, as actually signed, was based more or less on this last paragraph from the Report of the Select Committee, except for
two significant omissions. The House of Commons had recommended that the abolition of the external Slave Trade should be included in the "distinct agreement". Captain Maclean who is said to have drafted the Bond, and who knew the country better than any one in the United Kingdom, did not think it wise to include such a clause in the Bond. The second omission is the requirement by the House of Commons that the "distinct agreement" should keep in view "the gradual introduction of further improvements, as the people become more fitted to admit them". Captain Maclean was not interested in the acquisition of political power in the Gold Coast; his main interest was centred in the introduction of British ideas of justice to the people; therefore he left out of the Bond any idea of "the gradual introduction of further improvements". The nearest he went to this question of "further improvements" was that the customs of the country should be moulded "to the general principles of British law."* 

The genesis of the Bond, that which clearly gives it its proper place in the estimation of Gold Coast constitutional lawyers as a document which, at the date of the Bond, recognised the people of the Gold Coast as an independent people, is contained in the instructions to Commander H. W. Hill, R.N., newly appointed Lieutenant-Governor of the Forts and Settlements on the Gold Coast. These Instructions were conveyed to Commander Hill in a despatch dated Colonial Office, 16th December, 1843, and signed by Lord Stanley, Secretary of State, an ancestor of Mr. Oliver Stanley who, as Secretary of State, visited the Gold Coast in 1943 and, in 1946, gave to the country the first constitution of its kind in British Colonial Africa, an elected African majority in the Legislative Council.9

In those Instructions, Lord Stanley, having informed Commander Hill of the appointment of Captain Maclean to the office of Judicial Assessor and Magistrate, went on to stipulate more precisely that in the absence of an authority or permit by "the sovereign power" in each Territory on the Gold Coast, the Judicial Assessor was not, in pursuance of the recommendation of the House of Commons, to exercise any power or jurisdiction outside the Forts. Lord Stanley said: "As regards any power to be exercised by Mr. Maclean among Tribes not within British Territory, as proposed by the Select Committee of the House of Commons on the state of the British Possessions on the West Coast of Africa, I need scarcely observe that it must rest with the sovereign power in each Territory to authorise or permit the exercise of any jurisdiction on within that Territory, whether according to British Laws or the laws there prevalent."10
By the British Settlements Act of 11th April, 1843, the Queen in Council had been empowered to make laws and to constitute courts for the Government of Her Settlements on the Coast of Africa and in the Falkland Islands. By the Foreign Jurisdiction Act of 24th August, 1843, it had been provided by Parliament that the power acquired by Her Majesty in countries outside Her dominions should be held on the same terms as Her authority in the Crown Colonies, but that any courts authorised to exercise such powers should procure evidence of such power by application to the Secretary of State.  

As these two Acts applied to the Gold Coast, it was impossible for the Secretary of State to provide evidence for the exercise of power in Gold Coast courts by the Queen's judicial officers, unless, first, the sovereign power in each Territory of the Gold Coast came forward to bind itself, by means of a distinct agreement, that the Queen's judicial officers should exercise judicial powers in its territory.

Hence it was necessary, and quite compelling, that Commander Hill should, at the earliest possible moment, acquire documentary evidence that the Chiefs of the Gold Coast had placed themselves under an obligation, or bond, to permit or authorise the exercise of such power and jurisdiction. Commander Hill applied himself to this need without any delay. He arrived at Cape Coast on 13th February, 1844, and on March 6th, 1844, in just under three weeks, Captain Maclean had obtained for him an assembly of nine Gold Coast rulers, one of whom, the Omanhene of Denkyira, was styled as King, to sign the celebrated Bond of 1844 which placed certain of their rights and liberties in bondage to the Queen of Great Britain and Ireland.

There should be nothing startling about the use of the term "bondage" in connection with the Bond of 1844. By agreeing to the abrogation or diminution of certain of their ancient rights and liberties the "Fante Chiefs" placed themselves under a binding duty to observe the obligations of the Bond. It should be no more startling to speak of the "bondage" of the Bond than to speak of the redemption or atonement by the British of the promise made by the Earl of Kimberley in 1873.

In recent years it has become fashionable to speak of the Bond as a Gold Coast Magna Carta. But a second glance at the provisions of the Bond reveals it to be something other than a charter. It certainly has certain of the features commonly associated with charters, but the Bond is in reality a bond, not a charter.
Quite roughly, we may distinguish a charter from a bond in this way. A charter grants rights and liberties from a sovereign or other authority to those in need of them; a bond, on the other hand, binds a person in need to another, who is in a superior position, to secure the need.

Under the Bond of 1844 no special rights or liberties were granted by the British sovereign to the "Fantee Chiefs". If anything, it could be said that it was rather the "Fantee Chiefs" who granted rights and liberties to the British sovereign. The Bond did not create, enlarge or confirm liberties emanating from the British source to our Gold Coast end. By the Bond, a free people, who were not subjects of the British sovereign, voluntarily placed themselves under a binding agreement to the British Crown. In thereby diminishing and abrogating certain of their ancient rights and liberties, they secured a better maintenance of their society which was growing more complex by reason of its contact with a society based on a differently organised system of values.

The first axiom or self-evident truth of the Bond is therefore that the Chiefs who signed it placed the exercise of certain specified ancient rights and liberties, for instance the right to constitute their own courts, in bondage to the Queen of Great Britain and Northern Ireland. That two minds, unconnected by race, but chiefly by a trade separated by three thousand miles of sea, should so easily have forged such a juridical link between them, is a world-shaking event. It is not strange that, with the passage of time over a hundred years, the mere mention of the Bond of 1844 should stir up emotions of deep-seated and unexplainable comradeship between the British and the Gold Coast peoples.

Another peculiar feature of the Bond is that although it came about through the interacting interests of two minds, it is not in fact an agreement or treaty between two high contracting parties. Strictly speaking, the Bond is a unilateral act, moving voluntarily from its signatories to the Queen, and enacted in the presence of the Lieutenant-Governor of the British settlement of Cape Coast Castle.

Commander Hill did not sign the Bond as a contracting party, "for and on behalf of Her Majesty the Queen". He signed it as a witness. His signature was subscribed under the following superscription:

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

On the other hand, the superscription beneath which King Cudjoe Chibboe of Denkyira and his colleagues signed the Bond was in the following terms;
"Done at Cape Coast Castle before His Excellency the Governor on this 6th day of March, in the year of our Lord, 1844".

Quite clearly, the Bond was the "act and deed" of the Denkyirahene and the Fante and Assin Chiefs. And of that act and deed the principal witness was the Lieutenant-Governor, Commander Hill.

Indeed, to speak of the Bond as a treaty, in the special sense of a formal or negotiated agreement between two or more states, we have to assume that what Commander Hill and the "Fantee Chiefs" really intended to secure was a treaty, but that they were not sufficiently enlightened to draw it up in the proper terms of a treaty.

It will not, I think, be a just estimation of the knowledge of Captain Maclean, to suggest that what he wanted to draw up was a treaty binding two contracting parties but that he did it clumsily. Maclean undoubtedly knew the difference between a Bond and a Treaty. He must have known of the Dutch Bond or Contract of Government between the Government of the Netherlands Settlement on the Coast of Guinea and the Native Government of Elmina, drawn up as far back as 1642, and renewed every three years, the last renewal of which was on the 30th March 1844. Quite apart from that, Maclean had himself concluded a Treaty of Peace with Ashanti in 1831. He assumed office as President or Governor on 19th February, 1830, and got the Treaty of Peace signed on the 27th April, 1831. In that Treaty Maclean described himself as:

"the Governor of Cape Coast Castle and British Settlements, on the part of His Majesty the King of England".

And he signed it under the superscription:

"Signed in the Great Hall of Cape Coast Castle, this 27th day of April, 1831, by the parties of this Treaty, and sealed with the great Seal of the Colony in their presence".

There were three contracting parties to that treaty: the King of England, the King of Ashanti, and the Kings of the "Protectorate", headed by Aggrey, King of Cape Coast. As the Bond was not in the same manner made between two contracting parties, we may safely speak of it as a declaration. It has the features of a declaration on oath, or an affidavit. Such declarations are usually made before competent witnesses, in particular, before persons commissioned to take oaths and affirmations. Captain George Maclean, who was a fully commissioned Magistrate, signed as J.P. and Assessor. He, as well as the Officer Commanding H.M. Troops, Lieut. F. Pogson, of the 1st West Indian Regi-
ment, and Mr. S. Bannerman, the Senior African officer in the service of the Lieut-Governor as Adjutant of Militia and Police, signed the Bond under the following superscription:

"Witnesses, and done in the presence of—"

From the legal point of view, the Bond would have the same binding effect even if it had not been signed by the Governor but was only witnessed by Captain Maclean as Justice of the Peace.

This view of the Bond, which, I must confess, looks like a lawyer's oversimplification of a complex situation for the understanding of a common juror, may occasion comment, even surprise, as making complete nonsense of the celebrated Bond of 1844, namely, that it was no more than a declaration, but that it was neither a charter nor a treaty.

I suggest that this unfortunate situation arises from the peculiar nature of the jurisdiction which the British sought to regularise within the ambit of English law. If we are to be faithful to the historic causes which led to this situation, we should be ready to appreciate it, and distinguish it, strictly, from a treaty. Roughly speaking, a treaty is always an indenture, an agreement in writing, or by oath, ("fetish oath", or "drinking fetish" it is called in the Gold Coast) between two or more persons, each binding himself to certain obligations. On the other hand, a bond is a deed poll, not bipartite, but unilateral, a one-sided obligation having a binding effect only on the person whose rights are handed over to another, a document upon which, being without consideration, one cannot sue in a domestic or in an international court. Indeed, the Chiefs who signed it may have believed that they were signing a treaty with the British, but as events turned out, the British who drafted it never considered themselves bound by any article in it. It was most frequently referred to as "the bond by the Fante Chiefs".

The earliest copy of the Bond, available at the present time in the Gold Coast, is headed "Declaration of Fante Chiefs: Human Sacrifices". True enough, in Lord Stanley's despatch of November 22nd 1844, to Lieutenant-Governor Hill, it is referred to as treaty. But thirty years later, in 1874, the Earl of Carnarvon, in a despatch to Governor Strahan, dated August 20th, referred to it as "the document called the Bond of the 6th March, 1844". At page 114 of a *Confidential Precis of Information Concerning the Colony of the Gold Coast and Ashanti*, compiled by the War Office in 1904, it is referred to as the "bond" in inverted commas.

On the other hand, most Gold Coast historians have not hesitated to call the Bond a treaty, as well as a bond. Ellis refers to it as a treaty, Claridge as a
bond as well as treaty, Balmer calls it both treaty and bond, Ward in his shorter history calls it both bond and treaty, but in the larger history he avoids calling it a treaty, and describes it as an 'agreement', and also Bond and Magna Carta. Bourret calls it both treaty and bond; Fage reveals it as "a series of eleven treaties or bonds"; George Padmore classifies it in tendencious political language as "Treaty obligations" and also Bond.\textsuperscript{20} Dr. J. C. de Graft Johnson calls it by its historic name of Bond and adds that it can only be interpreted as "a denunciation of slavery and a pledge by Gold Coast Chiefs never again to acquiesce in slavery". (Actually slavery is not mentioned in the Bond). A writer in the \textit{West African Review}, December, 1956, who appears to have seen a copy of the document in the Public Record Office, and who reproduces a facsimile of its concluding portion, speaks of it as "The Bond".\textsuperscript{21}

Enquiries at the National Archives Department have elucidated the comforting information that a facsimile of the Bond, as well as Commander Hill's confidential despatch accompanying it, is expected in Accra any day now for use in the exhibition planned for the Independence celebrations. From the evidence afforded by the Earl of Carnarvon's handling of the Bond in his famous despatch of 1874, which buried the Bond under the debris of legal and diplomatic technicalities, it would seem a good guess to say that the document must originally have been described by Maclean and his contemporaries as the Bond or the Declaration.

But even as a declaration, the Bond of 1844 is of considerable historic importance for us in the Gold Coast. A declaration is more than a mere assertion of one's sympathies. It is a decision, and in politics such a decision is often decisive, as in a declaration of independence. It may lead to war, as offending the vested rights of other persons, or to peace, as making human co-operation possible.

We get at the core of the unique value of the Bond as a constitutional document by looking at its recitals, a set of admissions which showed that the Fante Chiefs have, for the purpose of a better system of society, burnt their boat of complete independence and assumed new obligations:

"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..."

A 'recital' is part of a document stating facts. What is the historic significance of these recitals? Is it a fact that power and jurisdiction were exercised for and on behalf of Her Majesty the Queen? Is it a fact that the forts and
settlements were the property of Her Majesty the Queen? And, thirdly, if power and jurisdiction had, in fact, been exercised, were they, in fact, so exercised within divers countries and places adjacent to the forts and settlements?

History, generally speaking, is a continuous record of public events belonging to the past, not of the present. But there is always one aspect of history, namely constitutional history, i.e. the living body of accepted fundamental principles according to which a state is governed, which carries the foundations of the past into a living relationship with the present. It may not be absolutely necessary to remember at all times that the ruler of England in 1830 was a king and not a queen, or vice versa, but it often pays study to be certain what the constitution of the Gold Coast was in 1830, to enable one to judge whether we are better off today than we were 120 years ago as to how we are governed.

What was the constitution of the Gold Coast, in relation to the British, in Maclean’s time? And when Maclean exercised power and jurisdiction during his day, did he exercise them “for and on behalf of Her Majesty the Queen”?

Early in 1834, ten years previous to the Bond, Maclean concluded an agreement with the Dutch authorities on the Gold Coast for the regulation of trade. In that agreement, Maclean, conceiving himself to be acting for and on behalf of His Majesty King William IV of Great Britain and Ireland (1830-1837), took the liberty to have himself described as “Governor of His Britannic Majesty’s Settlements on the Gold Coast”.

In due course a copy of the trade agreement reached the Colonial Office through the London Committee. On the 30th June, 1830, Mr. J. G. Nicholls, Secretary to the London Committee, received the following letter from Mr. R. W. Hay (who was the first person to be appointed in 1825 as Permanent Secretary to the Colonial Office):

“Sir,—I have laid before Mr. Secretary Spring Rice your letter of the 24th instant.
In perusing the copy of the agreement, for the future regulation of Trade, which has been entered into between the President and Council at Cape Coast Castle, and the Dutch Authorities on the Gold Coast, and which accompanied your letter, Mr. Rice’s attention has been struck by the title, assumed by Mr. Maclean, of ‘Governor of His Britannic Majesty’s Settlements on the Gold Coast’ which he cannot but consider as calculated to convey an erroneous impression of the real circumstances of the settlement.”
Up to 1830, when Maclean took over the affairs of the Council of Cape Coast Castle from Mr. John Jackson, first president of the Council, the influence of the Crown as such on the ultimate control of the Coast was negligible. According to Sir Mathew Nathan, former Governor of the Gold Coast, in an article by him in the Journal of the African Society, July, 1904, during the middle years of the eighteenth century the solution of the ultimate control of the Coast was forced on the European traders "as a necessary condition to efficient trading on the coast... and it was from this point of view, and not from any feeling of duty to the native population, that the question of establishing a real government over English settlements was first approached."24 As a matter of fact, apart from compelling the European settlers and traders to pay rent for the lands on which their forts were built, the Gold Coast Chiefs, who appear to have been well acquainted with the English law of real property long before any Englishman set foot on the Coast, did not hesitate, when the occasion arose, to exercise rights of sovereignty over the European settlers by inflicting divers punishments or chastisements upon them. On one occasion, says Sarbah, the people of Elmina confined the Dutch Governor-General and his garrison in the castle for ten months. At Accra the Danes were paid back in their own coin when about the year 1693, finding their trade much diminished through Dutch competition, they advised their landlord and his people not to trade with them. "When an attempt was made to enforce this advice, the African ruler, by name Asamani, and people," says Sarbah, "attacked the Danes and seized their fort, situate four miles to the east of James Town, with all the merchandise therein contained, including much treasure, which Asamani appropriated to his own use."25 Sarbah relates also the experience of Towerson, an English trader who landed at Don John's Town, i.e. Shama, on 5th January, 1556. Towerson narrates that at first the people of Shama refused to trade with them "because that the last year the Portugals at their place took away a man from them, and after shot at them with great bases, and did beat them at the place".

This English mariner's account of his meeting with the ruler of Shama contains what appears to be the first mention in English literature of the Gold Coast symbol of a Chief's power as a "stool." Towerson's account contains the following:

"We having stayed there a good space, and seeing that they would not come to us, thrust our boats head ashore, being both well appointed; and then the captain of the town came down, being a grave man. And he came with his dart in his hand, and six calummen after him, every one with his dart and his target; and their
darts were all of iron, fair and sharp. And there came another after them which carried the captain's stool; we saluted him, and put off our caps, and bowed ourselves, and he, like one that thought well of himself, did not move his cap, nor scent bow his body, and sat him down very solemnly on his stool; but all his men put off their caps to us, and bowed down themselves.\textsuperscript{26}

An even more interesting experience is narrated by John Lok who arrived at Shama on 12th January, 1555\textsuperscript{27} two years after Thomas Windham's ill-fated voyage. In his log-book, John Lok has the following account: "At the first voyage that our men had into these parts, it so chanced that on our departure from the first place where they did traffic, one of them either stole a musk-cat, or took her away by force, not mistrusting that they should have hindered their bargaining in another place whether they intended to go. But for all the haste they could make with full sails, the fame of their misusage so prevented them that the people of that place also, offended thereby, would bring in no wares; insomuch that they were inforced either to restore the cat or pay for her at their price, before they could traffic there". And Lok, observing them also at their manner of trading spoke thus of the Fante people: "They are very wary people in their bargaining, and will not lose one sparkle of gold of any value. They use weights and measures, and are very circumspect in occupying the same. They that shall have to do with them must use them gently: for they will not traffic or bring in any wares if they be evil used."\textsuperscript{28}

Panyarring appears to have prevailed to a great extent, and it was put into operation against the traders. Thus the Dutch General at Kromantin Fort, while visiting Anomabu, with his retinue, to drink palm wine and be merry, was arrested on the 5th April, 1666 by the prince of that town, panyared or kidnapped for an offence which the prince of Anomabu conceived had been committed against him by the English at Cape Coast Castle in refusing to release a hostage to the prince of Anomabu. At just about the same time, says Sarbah, "the people of Axim killed the Dutch-Comptroller-General, and refused to deal with the Dutch in preference to the English."\textsuperscript{29}

Claridge, in his characteristic "Old Coaster" manner, gives a fair account of how the country was controlled up to the abolition of slavery in 1807. "The English", he says, "up to this time, had made no attempt to exercise any jurisdiction over the people nor to improve their condition by education or other means. Strictly speaking, of course, they had absolutely no right to interfere with them. They were merely tenants, and had no concern in their landlord's business. It was only when their own convenience or property was
threatened by the out-break of inter-tribal wars and the consequent interruption to trade that they took any action and made occasional attempts at mediation; and it was not until many years later that the inevitable consequences of the long association of two races so far apart in the scale of civilization to make themselves felt.\textsuperscript{30}

Brodie Cruickshank who made a special study of the subject in his book, \textit{Eighteen Years on the Gold Coast of Africa}, was even more down right in his condemnation of the relations between the people and the traders. "In short, it may be safely affirmed", says Cruickshank, "that, from our first settlement on the coast until the abolition of the Slave Trade in 1807, we did not confer one single lasting benefit upon the people, and but few isolated advantages on individuals. No attempt had been made to educate them, none to repress their cruel and barbarous practices. If we except the successful inoculation, by Mr. Adams, of two thousand seven hundred and sixty natives in 1796, for which he received the thanks of the Council, and an occasional attempt to prevent a human sacrifice, the promptings of humanity would seem never to have visited the hearts of the Europeans on the Gold Coast during this long series of years. But if our benefits were few, who shall estimate the magnitude of the curse which we inflicted upon them? Our guilty and avaricious policy unchained all the worst passions of the human hearts, giving loose to the most unbridled depravity, until the very image of humanity appeared to be effaced, and nothing remained but the savage havoc of wild beasts and infuriated demons".\textsuperscript{31}

All this was to be changed by Maclean in the short space of 14 years out of the 16 years the Committee of London Merchants controlled the forts and settlements. The Portuguese, though they mixed more with the people than the English and the Dutch had done,\textsuperscript{32} did not exercise any jurisdiction whatever beyond the coast-line\textsuperscript{33}. The relations between the Dutch and the people of Elmina were at first harmonious, but becoming alarmed at the increase of the British trade, they changed their former "political conduct into one of harsh severity, took stringent measures, and devised means to deter the inhabitants from dealing with their competitors in the trade".\textsuperscript{34}

Within four years of his assumption of office, Maclean had not only secured a treaty of peace with Ashanti which was to last for over 30 years (1831–1863), but he had also secured a trade agreement with the Dutch who were the most important competitors of the British on the Coast. The question is: Did Maclean do all this for the traders, or the London Committee of Merchants, or "for and on behalf of the British Crown"? Did Maclean do all this as
Governor or as President? Who was in error, Mr. Secretary Spring Rice, or Captain George Maclean?

First, as regards the forts and settlements, who were their owners? The traders or the British Crown? True enough in 1480, King Edward IV, of England, at the behest of King John of Portugal, and in deference to the edict of the head of Christendom, namely Pope Sextus VI of Rome, had prohibited any of his British subjects from sailing to the West Coast of Africa to trade, in fear that they might trespass on the Segneury of Guinea which King John claimed had been granted to him by the Pope; and in consequence of this prohibition the first English voyage to the Coast, by Sir John Tintam and Sir William Fabian, who traded profitably at Moree in about April, 1482, only three months after the Portuguese had started building the Castle at Elmina, did not receive royal blessing.

But the change in the English spirit, brought about by the Tudors, was to affect our Gold Coast fate. Queen Elizabeth I was the first British sovereign to wish to build a British home or “colony” in the Gold Coast. She decided on Kormantin, but the fort was not built until 1631, in the reign of Charles I, one hundred and forty nine years after the British had become acquainted with the Gold Coast.

It is of some interest to recall that that first English home in the Gold Coast was built at Kormantin, no less than sixty-six years before the foundations of Kumasi, the Ashanti capital, and the Ashanti Confederacy, were laid by King Osei Tutu in 1697. Quite clearly had the English adopted our African polity of rule by Chiefs, not Governors, and had they been interested in the people and their land, and not so much in trade, there might have been established a Stuart kingdom on the Coast vis-a-vis the Oyoko kingdom in the hinterlands during the seventeenth century. But this was not to be.

What did happen is that a long line of members of the British royal family and the British aristocracy, supported by the Lord Mayor of London, and the City, took what may be called a royal interest in the promotion of trade with the Gold Coast, and in the building of forts and settlements and maintaining them in support of that trade. Many of them contributed large sums of money towards that end, and some of the money, large portions of it, were grants made by the British Parliament in support of the chartered companies. Some of such British names are Queen Elizabeth I, Lord Cecil, Sir Thomas Lodge, Lord Mayor of London, Benjamin Gonson, treasurer of the navy, William Winter, one of Queen Elizabeth’s most trusted officers, Charles II, Queen Catherine, Mary his Mother, the Duke of York, and many others. No less a sum than £110,000 was contributed by Charles II and James,
Duke of York, and their associates, to buy off the Company of Royal Adventurers (with £34,000) and to establish the Royal African Company of England, whose charter was to last for one thousand years. It actually lasted for 77 years until, in 1750, the African Company of Merchants, the last of such chartered companies, took over, to last, except for a short period of seven years, till 1821.

These companies, up to the time of George II, had built or acquired the following forts: Cape Coast Castle (acquired from the Dutch in 1663), Dixcove, Secondee, Commandah, Anomabu, Tantamquerry, Winnebah and James Fort, Accra. Whydah on the Slave Coast also belonged to them.\textsuperscript{36}

By an Act of Parliament passed on May 7, 1821 (1 & 2 Geo. IV, c.28) the African Company of Merchants was abolished, the several forts and settlements which had previously been in occupation of the African Company were vested in His Majesty, and the King annexed them to the Government of Sierra Leone. This was communicated to Sir Charles Macarthy, the Governor of Sierra Leone, in a despatch dated 19th September, 1821, from Earl Bathurst. Macarthy was instructed to take over, and on 27th March, 1822, he landed at Dixcove where he caused a proclamation to be made in terms of the instructions from Earl Bathurst. Macarthy proceeded to Cape Coast on the 28th March and on the 29th the assumption of the control of the forts by the British Government was proclaimed from Cape Coast Castle.

The story of how three outstanding British army officers, to whom was entrusted the task of turning the forts and castles of the Gold Coast into a Crown Colony, failed miserably in their task, belongs to another chapter of Gold Coast history. Lieutenant-Colonel Sir Charles Macarthy, who saw service in Flanders, the West Indies and Ferrol, ruled as Governor from 1821–1824 when he was overtaken by his tragic fate at the battle of Naman-cow. Major-General Charles Turner, c.b., who succeeded Macarthy, served from 1824 to 1826 as Governor. He described Cape Coast as a place “to which there is a great dislike to reside”, and reported on Accra and the Accra district as “a better kind of people and the Country is much better”. He recommended the abandonment of the Gold Coast forts, or failing that, the selection of Accra as seat of government. He died in Sierra Leone on 7th March, 1826. Major-General Sir Neil Campbell, who succeeded General Turner, was a close associate of the Duke of Wellington. It was Sir Neil Campbell who accompanied Napoleon to the island of Elba. His governorship of the Gold Coast was shortlived. Unable to get the Cape Coast and Accra Chiefs to agree to open negotiations with the King of Ashanti, he stayed in the country from 18th September 1826 to 15th November of the same year, a period of two months, and died in Sierra Leone on August 14th 1827, having ruled the
Gold Coast as Governor from 1826-1827.

Early in 1825, during the governorship of General Turner, a report on the Gold Coast was made by Captain Boteler, of the Royal Engineers. He had been sent out for an enquiry under the orders of the Duke of Wellington. On the strength of Captain Boteler’s report, and upon the Duke’s authority, the British Government decided to evacuate the forts altogether, and to have them dismantled or at least rendered unfit for military operation.37

At this stage, the merchants intervened and succeeded in getting the British Government to change its mind. On the 30th October, 1828 Mr. R. W. Hay informed the London Committee that Sir George Murray, Secretary of State, “was disposed to recommend that these forts be delivered over to the merchants residing there”, and held by them under detailed conditions set out in the despatch:

1. The forts and settlements to continue to be dependencies of Sierra Leone.
2. British law shall consequently continue to be in force in the said dependencies.
3. The affairs of the forts to be chiefly regulated by a committee of merchants of London, “who shall be chosen by His Majesty’s Government”.
4. Five of the resident merchants, recommended by the Committee, and approved by the Secretary of State, “be empowered to form themselves into a council of government” according to approved rules and regulations “for the purpose of regulating the external and local affairs of the forts”. The members of the council were to be appointed Justices of the Peace, and “empowered to form themselves into a court for the trial of all offences, not amounting to felonies and misdemeanours”. The Justices were also authorised “to exercise all such powers as may be legally conferred upon them, with a view to the preservation of the peace of the dependencies, and to the protection thereof against assault or rebellion, and for the repression of the slave trade within the limits or influence of the forts, it being understood that all crimes and misdemeanours committed within the limits of those forts shall be cognizable and punished by the courts of Sierra Leone.”
5. A grant of £4,000 a year to be made to the merchants to provide for regulation of the affairs of the forts, to maintain the buildings in repair, to provide a sufficient garrison, and to preserve and keep the guns and stores.
6. The forts or harbours to be open to all vessels without payment of any duty whatever.
7. The Committee to account for the parliamentary appropriations yearly, such accounts to be accompanied with a detailed return.
8. The amount of grant on account of the forts to be fixed in future by His Majesty’s Government on the basis of the annual returns.

9. "That although the transfer of the forts is to be considered as completely exempting His Majesty’s Government from any further charge on account of them, it is to be expressly understood that it will be incumbent on yourselves and any further committee that may be chosen to lay before His Majesty’s Government copies of such rules as it may be intended to lay down for the regulation of the establishments at Cape Coast Castle and Accra, and for ensuring the appointment of fit and proper persons at those places; and that no rules, regulations or appointments, made by you or any future committee for such purposes, shall be considered valid until they have received the formal sanction of His Majesty’s Government".

It was under these conditions that Captain George Maclean succeeded Mr. John Jackson as a member of the council of government of five, with him as President and J.P. in 1830.

On the 5th July 1830, giving evidence before a Select Committee of the House of Commons, Mr. John Jackson often referred to Maclean as Governor, occasionally as President, while members of the Select Committee cautiously used the term President. But in 1842, the House of Commons had overcome its own scruples in the matter, so that in the report of the Select Committee of that year, a committee which examined Dr. R. R. Madden’s report on the Gold Coast, Maclean was referred to as “Captain Maclean, the Governor”.

We are entitled to conclude that whatever may have been the position in 1828 when John Jackson was appointed president of the Council, and in 1834 when Mr. Secretary Spring Rice questioned Maclean’s use of the title Governor, by 1843, i.e. ten years after Mr. Spring Rice’s objection, Captain Maclean had created a new position, or had raised the status of president to such a place of distinction that the British Parliament did not hesitate, as it did in 1830, to accord the grant title of Governor to the man who has been referred to recently by Professor J. D. Fage as the founder of Gold Coast Colony.

And if Maclean was Governor, acting as such under regulations approved by His Majesty’s Government, and paid from a Parliamentary grant, then, even though he was the head, not of a national or country-wide government, but only of a municipal government, he was nonetheless Governor in the full sense, i.e. the official representative of the Crown appointed to govern a
province, town etc. He was responsible to the Secretary of State through the committee of London Merchants.

As regards the exercise of power and jurisdiction for and on behalf of Her Majesty the Queen within divers countries and places adjacent to the forts and settlements, there has never been any doubt that such exercise was "irregular", i.e. unauthorised. But if Maclean was a representative of the Queen, however indirect, do not the benefits and advantages acquired by him in such office, accrue also to the Queen directly or indirectly?

Indeed when the time came, Parliament did not hesitate to acknowledge that Maclean was able to exert the influence of his decisions over the countries and places adjacent to the forts, owing, in one part, "to the moral influence" of Britain's acknowledged power, "and, in another part, owing to the respect inspired by the fairness of Maclean's decisions".41

When therefore in 1843 the Select Committee of the House of Commons recommended the assumption of control by the Crown direct, and stipulated that future exercise of power and jurisdiction beyond the forts should be based upon "distinct agreement" with the Chiefs, they did so from a conviction that it was Captain George Maclean, principally, who had created an admirable situation of which the British Government could make profitable use.

For the first time in the history of the contact of Britain with the Gold Coast a situation had been created which would have commended itself to Brodie Cruickshank and Sir Mathew Nathan: a single and an important lasting benefit was being conferred upon the people from a feeling of duty to the African population. Parliament said:

"The Judicial Authority at present existing in the Forts is not altogether in a satisfactory condition; it rests in the Governor and Council, who act as Magistrates, and whose instructions limit them to the administration of British Law and that, as far as the Negroes are concerned, strictly and exclusively within the Forts themselves; but practically, and necessarily, and usefully, these directions have been disregarded; a kind of irregular jurisdiction has grown up, extending itself far beyond the limits of the Forts by the voluntary submission of the Natives themselves, whether Chiefs or Traders, to British Equity; and its decisions, owing to the moral influence, partly of our acknowledged power, and partly of the respect which has been inspired by the fairness with which it has been exercised by Captain Maclean and the Magistrates at the other Forts, have generally, we might almost say, uniformly, been carried into effect without interposition of force."
"The value of this interposition of an enlightened, though irregular, authority (which has extended, in some cases, and with advantage to humanity, even to an interference in capital cases), is borne witness to, not only by the parties connected with the Government of the Settlements, who might be suspected of bias in its favour, but also by the Wesleyan Missionaries, and even by Dr. Madden, who objecting to its undefined extent, and to the manner in which, in some respects, it has been carried out, yet still bears high testimony to its practical value, to its acknowledged equity, and to its superiority over the barbarous customs which it tends to supersede. ... Still, however, it is desirable that this jurisdiction should be better defined and understood, and that a Judicial Officer should be placed at the disposal of the Governor, to assist, or supersede, partially or entirely, his judicial functions ...

"We would here acknowledge the great services rendered to religion and civilisation on this Coast by the Wesleyan body; they have even established a friendly communication with the barbarous court of Ashantee, which promises results important in every way; and, indeed, little in the way of religious instruction would have been done without them. But we would recommend that further provisions should be made for these objects, by the appointment of a Colonial Chaplain, and by encouragement of schools of a higher class than any of which are there at present, to which, among others, the neighbouring Chiefs should be invited to send their sons to receive an education which might fit them to be of benefit to their own people directly, if they returned to their families; or indirectly, if they remained by entering into connexion with British interests."42

This appeal to humanity, and not to General Turner's military establishments, commercial profit and harbours,43 was brought into the sharp consciousness of the British Parliament as a result of the achievement of Captain George Maclean.

Out of the irregular, Maclean created regularity and law; out of chaos, he created order. That a British "protectorate" or "colony" eventually arose out of Maclean's achievement may rightly be credited to the condition he fostered and prospered. But a close examination of the Bond of 1844, drafted by him, gives not the slightest indication that he was interested in territorial expansion. His main interest was in the expansion and perpetuation of justice, what we now call British justice. It did not seem to matter to Maclean who was the territorial owner of a territory so long as the light of justice shone wherever the light touch of his hand could reach. This Maclean touch is what made the Bond of 1844 possible, the Bond by which
the "Fantee Chiefs" bound themselves to mould the customs of their own country "to the general principles of English law."

To the everlasting credit of the Gold Coast people and their Chiefs let this be said: Without them and their good sense, their own inestimable appreciation of values, Maclean's achievement could not have reached the height of glory it did, and the Bond of 1844 might never have been written or signed.

At the date of the Bond the Portuguese had been and gone, an unhappy people, leaving behind them an unhappy memory. After 155 years of settlement, from 1482 to 1637, Sarbah's historical memory of them is that they were guilty "of great cruelties and barbarities, the former of which they did not hesitate to inflict on Europeans attempting to engage in the Guinea trade". The Dutch, who stayed longer than the Portuguese, for a period of 277 years, from 1595 to 1872, had started well, but they spoiled their record before they left.

They much regretted that they had to leave; they left with pain in their hearts, but with respect and love for the Gold Coast people. In the proclamation issued to mark the departure of the Dutch by Jan Helenus Ferguson, Knight of the Order of the Oaken Crown, Lieutenant Colonel, the King's Acting Governor of His Netherlands Majesty's Possession on the Coast of Guinea, the following appears:

"With regret, however, the King came to the conviction that his good intentions were hindered by obstacles which cannot be removed as long as the difference of protection and flags continually gives occasion to discord between you and the neighbouring tribes... In the name of the King, you are discharged from the oath which you have sworn, not to accept other protection than that of the Netherlands. Also in the name of the King I return to you his his thanks for the fidelity and friendship hitherto shown by you, and which are highly estimated by His Majesty. It is the sincere wish of the King that you may always prosper; and how painful it may be to depart from you, His Majesty, however, is convinced to act in your real and future interests".

In the same Proclamation Lieutenant Governor Ferguson commended the people to the protection of the British Queen, with a certainty that "the Chiefs and people will be treated as a free people, and that their interests will be looked after with the utmost care, and that it will be profitable to their welfare and safety." The Dutch guaranteed the pensions of those who had been in their service, and even offered to receive into other Dutch possessions any of
such Dutch protected persons who would wish to remove from the Gold Coast and stay with the Dutch people elsewhere. 46

Quite clearly had our Gold Coast ancestors of the nineteenth century been a bad lot the Dutch would not have left them with such regrets and with pain in their hearts.

And that being the situation of the relationship between the African population and the European traders, it occasions no surprise to see the free people of the Gold Coast, through their Chiefs, acknowledging its benefits in the Bond of 1844, namely, the operative part of the Bond:

"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 inquired 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."

As aforesaid, this Bond was signed within three weeks of Commander Hill's assumption of office as Lieutenant Governor of the forts and settlements dependent on Sierra Leone. Had he not done so the creative work of Captain Maclean in the field of British justice might have come to an end, and the Gold Coast today might not have been a British territory, as soon to join the Commonwealth, but Dutch Guinea.

Quite ironically, when Gold Coast politicians speak of the Bond as a Magna Carta, they can only mean that by it, a liberty, not previously possessed in law by the British sovereign, exercising power and jurisdiction in the British Forts and Settlements, was confirmed or declared in favour of the British sovereign by what Lord Stanley, in his despatch of 16th December, 1843, to Lieut-Governor Hill, referred to as "the sovereign power in each Territory." 47 The Bond is a Magna Carta in so far as it purports to give to the British something they never possessed before in law; the grant to them of a right to try cases not otherwise in law within British jurisdiction. 48 And it gave them the right, in co-operation with our Gold Coast chiefs, to mould Gold Coast customary laws to the general principles of English law.

But as stated earlier, to treat the Bond as a Magna Carta is to strain the meaning of the English conception of a charter, namely a document granting
rights and liberties to the subjects of a ruler. Neither the British Queen, nor the Governor and officers of the Forts were subjects of the Kings and Chiefs of the Gold Coast, and therefore the real significance of the "Declaration made in 1844 by eleven separate acts and deeds of Gold Coast rulers", must be sought in the requirement of the Select Committee of the British House of Commons that power and jurisdiction beyond the forts were, as from 1844, only to be exercised, if granted to the British, "by distinct agreement".

Quite clearly, the objects of the British Parliament could have been better attained if the document had been drawn up in the manner of the Dutch Bond or Contract of Government of 1642, made with Elmina, and which contained no less than 31 Articles, in comparison with the two or three Articles contained in the Bond with the Fante, Denkyira and Assin Chiefs. Better still, the development of our Gold Coast constitutional law would have been smoother if the agreement had been drawn up in the form of a treaty, with binding legal effect not only on the Chiefs who made the declarations it contained, but on the British power in whose favour the declarations were made. As the Bond stands, the British gave no consideration for it, and in law, a document without consideration is not enforceable.

The Bond, as it stands, did not create the Gold Coast a British protectorate or colony. The circumstances that led to that were to develop later. But the Bond is the only living document which bears permanent testimony to the fact that but for the express recognition, acknowledgement, and consent of the Chiefs of the Gold Coast, the British could have had no claim in law to administer the first essentials of a constituted community, namely, the protection of individuals and of property. That the Bond enshrines such a testimony, confirms the view that from 1482 to 1844, throughout 362 years of the British connection, the Gold Coast people remained a free people, in full possession of their own sovereignty, their country's independence and freedom. In return for what they conceived, quite rightly, to be a step in the right direction, they suffered a diminution of their rights, and the abrogation of certain of their liberties, to make it possible for the new society they hoped to build to rest on a foundation approved by the severe tests of modern national societies.

At the first opportunity, thirty years after the Bond, in 1874, as soon as the British felt strong enough to give full expression to their imperial power over the Gold Coast, the Secretary of State, the Earl of Carnarvon, rejected the prudential policy which had inspired his predecessor, Lord Stanley, and the House of Commons in the middle of the century, and decided to
impose upon the Gold Coast a unilateral declaration which was described by him as “a Proclamation emanating from the sole authority of the Queen”.49

The intent of that Proclamation, and not the Bond of 1844, is the first written indication of the exercise of British imperial jurisdiction in the Gold Coast, and when Gold Coast politicians speak of liberation, it is from the restraints of this document and its successors, culminating in the Orders in Council of 1901, that they speak, not really of the Bond of 1844.

Lord Carnarvon fairly and squarely faced the question presented to him in 1874, after the so-called conquest of Ashanti by Sir Garnet Wolseley in that year. He felt that the Bond did not adequately express the rights, “the Queen’s rights”, in the Gold Coast. He conceived that the time had arrived for the enactment “of some more adequate definition of the Queen’s authority than” what he described as “the obsolete Bond of 1844”. He urged that it remained to be considered “whether that definition should take the form of a Bond to be negotiated with the Chiefs, as in 1844, or a Proclamation emanating from the sole authority of the Queen”. The Earl of Carnarvon discussed the question at length, and fearing that it might excite alarm and aversion among certain of the “petty chiefs”, decided on the alternative of what the Coussey Committee calls “treading on delicate ground,”50 and caused the Order in Council of July 24th, 1874 to be issued, erecting the Gold Coast into a Colony with Lagos.

Lord Carnarvon’s despatch is not available in Crooke’s Records of the Gold Coast Settlements, but is available as Appendix VII to Sarbah’s Fanti Customary Laws, which is difficult to obtain, and the following portion is worthy of close study:

“In 1844 the method of proceeding by negotiation was recommend- ed by obvious considerations of prudence. But in the thirty years which have since elapsed the power and resources of the British Government have been gradually increasing, until, by the recent victories of the British forces, they have been so strengthened and consolidated as to render an act of sovereign power, such as a Proclamation of the Queen, the only appropriate mode of proceeding for the attainment of the desired object. It may be added that there are many objections of policy to proceeding by way of negotiation. It is not for her Majesty to take as a grant what is already claimed and held as a right; whilst, looking to the number of petty chiefs on the coast, and the obscurity in which their relations with one another are involved, there would be some danger of not inviting the concurrence of chiefs who might afterwards allege, and with a certain show of reason, that their consent was as requisite as that of others whose co-operation had been asked and given. Besides this, the Government would be
solemn promise by Her Majesty's Government to the Fante Chiefs, in particular to the Fante Confederation. That promise was made in response to their representations to J. Pope Hennessy, the Administrator-in-Chief from Sierra Leone. It was that the permanent organisation of the Government of the Gold Coast, as required by the Confederation, would be discussed after the Ashanti war of 1873-74, but that, for the moment, the Fante Chiefs should have their attention occupied by the Ashanti invasion.

The great tragedy of our Gold Coast constitutional relationship with the British is that that promise was never kept. The Fante Confederation was not consulted, nor called into discussion of the Constitution after the Ashanti war was over. Quite surprisingly, and in complete disregard of that promise, the Gold Coast was joined to Lagos and erected into the status of a "Colony".

It will be recalled that when J. Pope Hennessy visited the Gold Coast in 1872 he held a meeting with representatives of the Fante Confederation. In a despatch of 29th October, 1872, he informed the Earl of Kimberley that he had agreed to the request of the Confederation for permission to submit their views to Her Majesty's Government. With that despatch was enclosed a Minute made by him of his discussions with the representatives of the Fante Confederation on 11th April, 1872. That Minute was as follows:

"I have listened with much interest to the clear and able statement of Mr. Brew and the other gentlemen who did me the honour of coming to Elmina to explain their views about the Fante Confederation.

I should be very sorry to discourage any legitimate efforts of the Fantees, or other protected tribes, to establish for themselves an improved form of government; on the contrary, I should be glad to foster all efforts of the kind.

As long, however, as the Fantees, or any other protected tribes, live under the protection of Great Britain, it will be necessary to consult the protecting power about any new institutions that may be proposed.

I have no hesitation in saying that in some parts of the scheme, described verbally by the deputation to-day, I entirely concur; as to others, I am not at present in a position to form any opinion. But when the whole scheme is sent to me, I shall consider it with a favourable disposition, and transmit it with my report for the consideration of Her Majesty's Government".55

The whole scheme was duly submitted in a document dated 16th April, 1872 and signed by J. H. Brew "For Self and other Members of the Deputation". The Scheme was submitted by J. Pope Hennessy to the Earl of Kimberley as Enclosure 2 to his despatch of 29th October, 1872, Enclosure
No. 1 being the Minute.\textsuperscript{56}

It was in reply to this correspondence that the Earl of Kimberley wrote his letter of 10th March, 1873, postponing the discussion of the constitution for a self-governing Gold Coast, until after the conclusion of the Ashanti war. The letter addressed to Governor-in-Chief Robert W. Keate, reads as follows:

"Downing Street,
10th March, 1873.

"... I have had Mr. Hennessy’s Dispatch of the 29th October last, and its enclosures, under my careful consideration, and I should have been prepared now to give general instructions as to the Fante Confederacy and the other important questions raised in that Dispatch; but as the attention both of the British authorities and of the native chiefs must at the present moment be entirely occupied by the Ashantee inroad, the moment is evidently inopportune for discussing and settling questions affecting the permanent organisation of the Government of the Gold Coast, and the relations of the Native Tribes to Her Majesty’s Government. I have therefore thought it better to postpone, for the present, dealing with the general subject, and I will address you further upon it when a more favourable juncture of affairs presents itself."

Surely “a more favourable juncture of affairs” presented itself when, in August 1874, the Earl of Carnarvon examined the Bond of 1844, and, in paragraph 6 of his dispatch to Governor Strahan, admitted what may be interpreted to mean that he looked upon it as a sort of Magna Carta granted by the Gold Coast to Britain. He said, “The Bond grants to her Majesty’s officers the right to try and punish crimes and offences and to repress human sacrifices, panwarring, and other unlawful acts and barbarous customs. It is silent as to the Queen’s right by her officers and delegates to collect customs, to administer civil justice, to legislate for the public health, to erect municipalities, to provide for education, to construct roads and regulate the industrial and social economy of the Protectorate”.\textsuperscript{59}

These are the very objectives which the Fante Confederation set before itself to achieve in the constitution of the Confederation, and the Earl of Carnarvon could have made it possible for Gold Coast self-government to begin in 1874, 83 years ago, if he had, in August 1874, taken up the discussion of the constitution postponed by his predecessor in March, 1873.

As matters now stand, the Earl of Kimberley’s postponement of the discussion of the Gold Coast constitution for self-government, stands postponed up till this day. Let us hope that when the Secretary of State Mr. Lennox
Boyd visits us this month of January, 1957, that promise will at last be redeemed, 83 years too late, but it is never too late to mend.

Whatever happens, at independence, the restrictions under which some of our more advanced Chiefs placed certain of our rights and liberties under bondage to the British sovereign, become permanently removed, but with the advantage that that statesmanlike act of our ancestors has fulfilled a good purpose. It has given us an opportunity to study under Britain, losing much by the way-side, but gaining a profitable experience of how independence in the modern form may be enjoyed by an intelligent people, possessed of an ancient freedom and tradition of which they are proud.

What is more, at independence, we in the Gold Coast will be in a position to tell Britain that she is liberated from the promise made 83 years ago, and which has waited too long for redemption.

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29. ibid., p. 73.
34. ibid., p. 72.
35. ibid., p. 63.
37. ibid., cc. ix-xiii.
38. ibid., pp. 252-4.
39. ibid., pp. 261-75.
40. ibid., p. 252.
41. ibid., p. 279.
42. ibid., p. 280.
43. ibid., p. 219.
45. ibid., p. 72.
47. ibid., p. 287.
49. ibid., p. 290.
56. ibid., pp. 423-8.
57. ibid., pp. 423, 424, 428, 437.