British Land Legislation in the Gold Coast (1876-1897): A Threat to Native Institutions?

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The system of land tenure in the Gold Coast was extremely complex. Endorsing West African lawyers' view, British officials singled out three main kinds: stool land, family land, and "private" land (Sarbah, *Fanti Customary Laws* 27; CO.96/247, Griffith to Ripon Conf., 29 Aug.1894). The first belonged to the ancestors and the traditional rulers acted as custodians of that common heritage (Busia 44). The second referred to the land acquired by inheritance, purchase, or awarded after a successful war. The third included the kinship group and the freed slaves who still shared the family's life (Busia; C0.96/247, Griffith to Ripon Conf., 29 Aug. 1894, encl. 1). In most cases, land was inherited through the matrilineal line. In practice, however, males were preferred and women dropped their rights in favour of the next male successor and, therefore, patrilineal principles of inheritance were also acknowledged (Sarbah, *Fanti Customary Laws* 274). "Private" land in the Gold Coast context did not entail full rights as in Europe. On their plots, the individuals could grow crops but could not sell the land without the assent of the lineage. As specified by Sarbah: "absolute, unrestricted, exclusive ownership enabling the owner to do anything he likes with his immoveable property is the exception" (62). Moreover, land held in severalty was doomed to revert to a state of joint tenancy in the next generation (*Sarbah, Fanti Customary Laws*). This overview shows that the indivisibility of land and its inalienability were salient features of land ownership.

> In the southern states to which this monograph is limited, the latter seemed in jeopardy following the Fanti call for British protection against the Ashanti. To establish peace and order, Lieutenant Governor Hill made the kings sign the Bond of 6 March 1844 in which they acknowledged British power and jurisdiction which had been formerly exercised by Maclean, the president of the council of merchants in Cape Coast. The withdrawal of the Dutch from the country in 1872, the collapse of the Fanti Confederation Movement by 1873 and the defeat of the Ashanti in 1874 encouraged the British to transform their settlements on the coast into the British Crown Colony of the Gold Coast in July 1874. (Boahen 34-43)

Using their jurisdictional powers, the British enacted a Lands Bill in 1897. They claimed that their land policy aimed at protecting the natives against concession-mongers. Yet, the African elite looked upon the matter with a different eye. They suspected that the final goal of British legislation was the expropriation of their land and dreaded the disintegration of their traditional institutions. As a result, the land issue raises several questions: what were the British real intentions? Did the African opponents resort to violence or to legal means to counteract British land policy and what motivated their choice? What were the social groups involved in that opposition, their interests, and their relationship with one another?

To fully appreciate the African reaction to the Lands Bill of 1897, it seems judicious to refer to the previous legislation: the Public Land Ordinance of 1876 and the Crown Lands Bill of 1894. Indeed, the African leaders constantly referred to these documents in their protest movements. For example, Casely Hayford suggested that "to understand the political movement of 1897, you must at least go back twenty-seven years in the political history of the Gold Coast" (172). It would be important, then, to analyse how far such a statement was pertinent.

The Public Land Ordinance of 1876

Issued under Lieutenant Governor Lees, this ordinance purported to entitle the government to get land for public purposes (CO.96/358, Drayton to Antrobus 97, 6 March 1900). It also stipulated that a compensation would be granted to the owners of such land, except for "unoccupied land" which was defined as follows:

> Any land shall be deemed unoccupied where it is not proved that beneficial use thereof for cultivation or inhabitation or for collecting or storing water or for any industrial purpose... (CO.96/358, Drayton to Antrobus 97, 6 March 1900).

The British expressed their intention to cause no hardship to the locals throughout the process. That concern is conveyed through the above definition of "unoccupied land" whose main criterion was its lack of "beneficial use." Furthermore, the latter were allowed to resort to a Court of Appeal to

> redress their grievances. (CO.96/358, Drayton to Antrobus 97, 6 March 1900)

However, the Africans felt that the Ordinance impaired their land rights. They chiefly denounced the above concept of "unoccupied land," later used in both the Lands Bills of 1894 and 1897. From their perspective, untilled land was simply allowed to stay fallow according to the traditional technique of shifting cultivation (CO.96/247, Griffith to Ripon Conf., 29 Aug. 1894, encl.1) and thus its taking over brought about real hardship (CO.96/358, Hodgson to Chamberlain 97, 6 March 1900). The people's protests pushed the government to enact another land bill in 1894.

The Land Bill of 1894

Prior to Griffith's governorship under which the bill was passed, an increasing number of mining concessions had already been granted to European prospectors (Dumett 67-68). Contemplating a market type of economy, Griffith proposed in 1889 to the Colonial Office (CO) a policy aiming at fostering European enterprise (Omosini 455). With this end in view, he charged J.T. Hutchinson with framing a new bill.

The latter consciously collected information about the CO intentions and about the African system of land tenure in an attempt to find the difficult compromise to vest land in the Crown without encroaching upon Africans' rights on it. His study of the system allowed him to set forth the following conclusions. First, land alienation could occur only under exceptional circumstances such as to raise money to clear off a stool or a family debt, which was not the present case. Secondly, it was granted against a tribute and reverted to its former owner when it ceased to be occupied, whereas the government seemed to envisage perpetual rights. Thirdly, a traditional ruler could not grant it without his councillors' prior assent and likewise, the head of a family could not sell it without the senior members' approval. Fourthly, the Gold Coasters clung to land for economic and sentimental reasons and, therefore, its expropriation was likely to generate tensions (CO.96/247, Griffith to Ripon Conf., 29 Aug. 1894, encl.1).

> In Hutchinson's opinion, the advantages to be gained from taking over land would be an increase in revenue from sales and leases and a benefit to the community from the creation of titles by the Crown. He remarked, however, that these advantages would be overshadowed by serious drawbacks. Land appropriation would undermine the traditional rulers' influence and would generate a feeling of hostility against the government. To reconcile them to its loss, he suggested the allocation of a compensation. Moreover, the creation of titles raised the problem of a costly survey. As a result, he proposed to target only forest land and minerals. Most natives, he wrongly assumed, did not view them as a source of profit. (CO.96/247, Griffith to Ripon Conf., 29 Aug. 1894, encl.1)

In the Bill, not only forest land but also "waste land" and minerals were vested in the Crown. The concept of "waste land" was given the same meaning as the notion of unoccupied land in the Ordinance of 1876. The locals would continue to uphold their former privileges of habitation, cultivation, and exploitation of forests and minerals, but their rulers' right to grant concessions was now subject to the governor's approval, which was clearly a blow to their traditions. Under the terms of the bill, too, the grantee was bound to work the land conceded to him within a reasonable time and in a proper way, two vague conditions that were likely to entail antagonisms. In return, he could expect a title from the government. Concerning the existing grants, they were to be registered within six months. Finally, conflicting claims were to be settled by a Divisional Court (CO.96/247, Griffith to Ripon Conf., 29 Aug. 1894, encls. 5 & 6).

The CO approved of the main lines of this draft. They thought it was high time to stop the anarchy caused by concession grants. To quote them: "It is very desirable that the government should be in a position to prevent the land of the Colony falling into the hands of concession-mongers for a bottle of rum or a case of gin" (CO.96/247, Griffith to Ripon Conf., 29 Aug. 1894). They nevertheless proposed a few amendments. They suggested a longer period for registration to avoid discontent. They also argued that conferring an absolute title was not a wise policy as a grant obtained by mistake or by improper means could not be cancelled under the present bill (CO.96/247, Griffith to Ripon Conf., 29 Aug. 1894).

The Bill which was first read on 14 November 1894 triggered protests at once. The Rev. S.R.B. Solomon who later took up the African name of Attoh Ahuma for nationalist reasons, warned the government against the "fiery indignation likely to devour the Colony..." (*The Gold Coast Leader*, 21-28 Jan. 1922). Several meetings took place in Cape Coast, Elmina, and other towns to protest against it. Petitions from the Kings of Abura and Christiansborg as well as from the Chiefs and Headmen of Cape Coast, Elmina, and Himan began to rain. In an address to the Secretary of State dated 30 March 1895, Accra inhabitants threatened that they were "as one man opposed to the Crown Land Bill ever becoming law" (Kimble 336). They complained that although they had been repeatedly told that the British had no prerogative on any land outside their forts, they were now denied rights on it (*The Gold Coast Leader*, 21-28 Jan. 1922).

J.F.H. Brew who had already been involved in the Fanti Confederation scheme of 1863-1873, played a conspicuous role in the widespread movement against the Bill. In two letters forwarded to Secretary of State Ripon on 22 March and 9 April, he protested against Griffith's attempt to vest the land in the Crown (CO.96/307, Brew to Chamberlain 12616, 10 June 1897; *The Nigerian Pioneer,* 14 May 1915). He claimed to voice his compatriots' fear of being divested of their land as it had occurred in other colonies. He wrote that such a perspective was unacceptable owing to the special situation of the Gold Coast as the Bond of 1844 which was not approved by all the traditional rulers allowed the British government to exert only a limited jurisdiction and never empowered them to take over their land:

> The Gold Coast Protectorate stands on a footing different from that of any dependency of the British Crown... It has not been acquired either by conquest, cession, or treaty; and although the British Government has exercised certain powers and jurisdictions, it possesses no inherent legal right to deprive us of our lands, as is contemplated in the proposed Bill, whatever it may have done in countries such as South Africa, Tasmania, New Zealand, East Africa, and elsewhere. (Metcalfe 475)

Later, African opponents used his major arguments and their references to the landless people of South Africa became a leitmotiv (*The Gold Coast Aborigines*, 31 Jan. 1899; *The Gold Coast Leader*, 6-13 Sep. 1919). On 9

April Cape Coast inhabitants repeated the same arguments in a petition drafted by Sarbah and sent to the Secretary of State and added that their laws had been acknowledged by Chief Justice J. Marshall in 1886 (CO.96/257, Maxwell to Ripon 196, 11 May 1895, encl. 2). To assert their right on land, the protesters burnt the bush upon it all over the country (Crabbe 16).

On 29 April 1895 the Kings and Chiefs of Appollonia and all adjacent villages including Eastern and Western Wassaw, Shama, Elmina and Sekondi voiced the same grievances to the Secretary of State against the so-called "waste land." They also drew his attention to a letter dated 11 March 1887 where the C.O specified that the land belonged to them:

> The term "annexation" is incorrect 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 the native Chiefs. (CO.96/257, Maxwell to Ripon 196, 11 May 1895, encl.1)

The locals made it plain that there was a gulf between the British allegations and deeds since the Bill now threatened to oust them. They ascribed their ordeal to the lack of adequate representation at the Legislative Council (LC). Their fierce opposition pushed the new governor W.E. Maxwell to pass a new bill in 1897.

The Crown Lands Bill of 1897

From 1865 to 1869, Maxwell worked at the Supreme Court of the Malay States. Up to 1884, he held several posts: Police Magistrate in 1869, then temporary judge at Penang Supreme Court, and subsequently assistant governor for Wellesley Province (*The Gold Coast Aborigines*, 22 Jan. 1898; *The Gold Coast Chronicle*, 3 Jan. 1898; Metcalfe 493). Nineteenth century Malaya deserves careful attention for it has been suggested that Maxwell's misconceptions about the Gold Coast stemmed from his experience there. In Malaya, he used to deal with Rajas or absolute sovereigns of states. Under the treaty of Pangkor (20 January 1874), the Rajas had clearly surrendered their sovereignty as they had to seek the British Resident's advice

"in all questions other than those touching religion and custom (CO.96/583, Kuma II to CO Secret, 26 Dec. 1917, encl).

The treaty sparked off forthwith much unrest culminating in the Perak war (1875-1877). Yet the British authorities did not shrink from applying similar measures although the Gold Coast traditional rulers were not absolute monarchs but acted only as their people's representatives. Sarbah asserted that "at most the king or head chief is but a trustee" (*Fanti Customary Laws* 65-66). They again argued that they did not surrender their sovereignty and felt that they were still entitled to have a say in the management of their country. Time and again, they called for "cooperation not coercion, not the wholesale abolition of native institutions" (*The Gold Coast Aborigines*, 26 Feb. 1898). That call to cooperation was to become the swan song over the years.

Despite these differences, Maxwell suggested to the Secretary of State that their Malayan policy could be applied to the Gold Coast. The following quotation conveys the parallel he drew between the two countries:

> As soon as Protectorates were established in the Malay Peninsula, the native rulers were taught that the advice of the protecting authority must in future be obtained before an act of sovereignty could be performed by them. From the first no grant or concession made by a native ruler after the date of the establishment of a Protectorate was recognized unless it was countersigned by the chief British resident authority. This, I humbly conceive, is what should have been done here as soon as concessions in the district commenced (in 1890) to cause embarrassment. (CO.96/583, Kuma II to CO. Secret, 26 Dec. 1917, encl; Metcalfe 476)

Another fact related to Maxwell's experience was his knowledge of R. Torrens's land registration as long as he had reported on its experimentation in the Australian Colony (Dumett 192). In 1857 Torrens had introduced a scheme of land registration allowing land transfers to Europeans to confer titles on them. Secondly, he advocated the creation of an insurance fund to right any injury caused by wrongful registration. Thirdly, he proposed voluntary and gradual registration of restricted areas, which revealed his intention to avoid tensions.

Similarly, the Lands Bill provided for a concession court whose prerogatives consisted in checking land transactions and issuing land certificates. Maxwell claimed his wish to control the increasing distribution of land by the traditional rulers to European concession-mongers, often for preposterous sums (Kimble 339; CO.96/295, Maxwell to Bramston 306, 15 July 1897, encl. 5) His uppermost goal was, of course, to raise revenue to finance the cost of administration.

In the Bill read at the LC on 10 March 1897, the distinction between superior and inferior rights was borrowed from the 1877 Indian Act to stress the paramount power of the government on public land (CO.96/257, Maxwell to Ripon 172, 2 Aug. 1895). In Bombay and Madras, a tenant was considered as an "inferior holder" possessing "inferior rights" and a landowner was regarded as a "superior holder" enjoying superior rights on his land *(The Gold Coast Aborigines*, 5 Feb. 1898). Likewise, the Governor was given a superior right to take over land for public purposes and grant land certificates. A concession court would decide upon the validity of all claims related to grants of land from 10 October 1895 onwards. If the grants were declared valid, the grantee had to pay a sum related to the importance of his land. The traditional rulers who thenceforward were to be recognized by the Governor could no longer grant concessions without his approval. The locals were reduced to "settlers" and their disuse of land for five years would entail the loss of their rights on it (CO.96/295, Maxwell to Bramston 306, 15 July 1897, encl. 5).

On the very first day the Bill was laid before the L C, the African opponents viewed it as a despotic measure and rose like a storm against it (*The Gold Coast Aborigines*, 3 Sep. 1898). J.H. Cheetham, an unofficial member of the Council, caused an uproar by forwarding his own copy of the Bill to J.W. de Graft Johnson (CO.96/295, Maxwell to Bramston 306, 15 July 1897; CO. 96/317, Hodgson to Chamberlain Conf., 25 June 1898). A Fanti of Cape Coast, Johnson was a man dedicated to his people's welfare. As soon as he received the copy, he brought it to the notice of Chief J.D Abraham, J.P. Brown, and Sarbah. On this Fanti triumvirate, the influence of the Mfantsi Amanbuhu Fekew could easily be guessed. This society — whose name means Fanti National Society — was established in Cape Coast in 1889

thanks to the strenuous efforts of Sarbah and his friends (*The Gold Coast Leader,* 25 Feb. 1918). It aimed at putting an end to "the demoralizing effects of certain European influences" and to "further encroachments into their nationality." It brought in a movement known as "the gone Fanti" or "the Doctrine of Return to Things Native" (Tenkoreng 70; Boahen 63; Crabbe 3). To save the country's customs from oblivion, the Society urged their codification (Boahen 63), a challenge met by Sarbah in his books.

Their reaction to Western influence was not a blind one. The lawyers had the opportunity to come across certain cases where English law was at odds with African customs. For this nucleus of intellectuals, the Bill was nothing but the sword of Damocles looming over their head. The lack of funds of the Fekew, its small membership, and the importance of the issue at stake made them think that the opposition to the Lands Bill was beyond its scope (Kimble 341; Tenkoreng 71). As a result, the Aborigines' Rights Protection Society (ARPS) was established at Cape Coast on 17 April 1897. The new Society's executive committee included J.W. Sey as President, J.P. Brown, J.D. Abraham, and T.F.E. Jones as Vice-Presidents, de Graft Johnson as Treasurer, and J.E.K. Aggrey as Secretary. J.S. Abraham, T. Addagway, J.E. Biney, G. Hughes, W.F. Hutchinson, J.E. Ellis, W.E. Pieterson, Sarbah, and A.M. Wight were the other members of the Society. To defeat the Bill, the ARPS adopted a strategy focussing on the masses' mobilization (*The Gold Coast Aborigines*, 1 Jan. and 3 Dec., 1898). Information of the people was seen as a necessary step to ensure unity of action and success. Their recurrent motto was: "United we stand, divided we fall" (*The Gold Coast Aborigines*, 30 April 1898). Yet the ARPS did not want to sever links with the government (*The Gold Coast Aborigines*, 1 Jan. 1898). They chose to put in their claims constitutionally because they viewed themselves as British subjects. As they put it:

> The Constitution of England… proclaims upon the housetop the Liberty of the Press and the Sacred Right of Resistance. Those are the graces and virtues which bind us still to the Union Jack. (*The Gold Coast Methodist Times*, 15 Sep. 1898)

To comply with the rules they had set to themselves, the ARPS educated elements helped the traditional rulers frame petitions that were forwarded to the Governor or the Secretary of State. They also hired counsels to appear at the L.C on behalf of their countrymen. The content of the different petitions as well as the counsels' addresses concentrated on the clashes likely to occur between English law and African customs.

Upon his visit to Axim, Cape Coast, and Elmina, Maxwell noticed the deep resentment his Bill had aroused amongst the population. On 18 May 1897 Axim authorities sent a petition to the Governor after they had sent a cablegram to the C.O a day earlier. The following days, several petitions were laid before the LC (CO.96/295, Maxwell to Bramston 306, 15 July 1895). encls. 3 & 4; *The Gold Coast Methodist Times*, 15 Nov. 1897). The protests chiefly dwelt on the questions of unoccupied land, the concession court as well as on African people's new status under the proposed Bill.

The very name of the concession court sounded unpleasant to them and they proposed instead the setting up of a board including at least two chiefs and other persons acquainted with their customs, which were to supplant English law in all cases where no documentary evidence could be obtained to establish the validity of a claim (CO.96/295, Maxwell to Chamberlain 306, 15 July 1895, encls. 1 & 2).

The alteration of their status of landowners to that of mere "settlers" sparked off bitter criticism. They refused it on the ground that the Bill had been framed under grave misconceptions about their laws. In addition, the Bill overlooked the African system of inheritance. Whereas property was inherited through the patrilineal line in Great Britain, in the Gold Coast it descended through women. As a result, Sarbah did not exaggerate when he asserted that the Bill would upset the fabric of society. To quote him: "Not only are the bonds of society to be snapped, but family ties are to be broken and family relationships destroyed" (quoted in CO.96/295, Maxwell to Chamberlain 306, 15 July 1897, encl. 4). The Bill also infringed mulattoes' rights on land. Indeed, their mothers were invariably African and through them, they were consequently entitled to enjoy the privileges they were now denied. The African elite raised other contradictions. For instance, African claimants were bound to present certificates although there was no public

notary in the country. Sarbah remarked ironically: "he is an official who has not yet made appearance here" (CO.96/295, Maxwell to Chamberlain 306, 15 July 1897, encl. 4).

Last but not least, the educated elite's objections crystallised on chiefly power. They declared that unlike the Malayan Raja, the Gold Coast traditional ruler did not have sovereign rights on land, but only the limited power of a trustee and therefore, the British officialdom could not seize his so-called rights (*The Gold Coast Aborigines*, 5 Feb. 1898). The Bill also required the traditional rulers' recognition, but it remained silent on who had to acknowledge them and how. If it meant that the British authorities endowed themselves with such a prerogative, they believed that it was dangerously depriving the people of their ancestral right to select their leaders and reducing the latter to mere figureheads. J.H. Brew declared:

> Long ere the white man appeared on the Gold Coast, there were Kings, Princes, Chiefs and persons in authority so selected, created, and recognized by their people: they owed not their titles or position or authority to any other power on earth. (CO.96/307, Brew to Chamberlain 12616, 10 June 1897)

In addition to African opposition, Maxwell had to face the discontent of the Chambers of Commerce in London, Liverpool, and Manchester, which stood against the imposition of a 5% levy on the gross value of minerals and other products and called for its reduction. Chamberlain answered their claim by decreasing the royalty to half (CO.96/295, Maxwell to Chamberlain 306, 15 July 1897, encl. 4). Besides, some British newspapers such as *The Financial Times* and T*he Manchester Guardian* added fuel to the flame by publishing articles about the general bitterness the British land policy had aroused in the Gold Coast (CO.96/583, Kuma II to CO Secret, 26 Dec. 1917, encl.; Kimble 344; Omosini 462).

Maxwell who was determined to enact the Bill whether the Kings and Chiefs "were satisfied with the terms offered them or not" became increasingly overawed by the growing opposition to his unpopular bill. He nonetheless tried to withstand the tide. To quieten the C.O, he explained that much of the agitation was mainly due to the initiative of land speculators who were

annoyed by a reform that would require the Governor's approval of a concession grant. He also pointed an accusing finger at the educated few who, in his opinion, had engineered much of the trouble.

> There was some truth in Maxwell's assertions. Some leaders of the protest movement against the Bill had, indeed, studied in England or the United States and taken up legal, teaching, trading, or other professions. Among the lawyers, let us mention Casely Hayford, Sarbah, and Brew (Sampson 161-62, 195). Among the teachers who turned down the British land legislation, there were Brown, Ahuma and Aggrey. (Sampson 69-99; Niven 151-52)

Conversant with the English language, these men emerged as an influential group, the lawyers being more prominent than the others. More articulate than their fellows, and thereby more able to make their protests heard, a leading role naturally devolved to them. Though highly westernised, these men managed to become the traditional rulers' allies during the land issue. In fact, tribal and modern elites did not always constitute two clear-cut categories, as Maxwell and other governors assumed. It is noteworthy that most of the outstanding members of the modern elite were related to reigning houses in the country (CO.96/673/4205/27, Guggisberg to Amery Conf., 21 April 1927, encl. 2; Niven 150; Smith 19). They mainly used their rank to impress upon British officials that the traditional and new elites formed a politically tight unit (CO.96/333, Minute by Mercer, 26 May 1896; *The Gold Coast Aborigines*, 21 May 1898; *The Gold Coast Nation*, 29 April 1915; Lloyd 99; Sampson 90). Nor were all traditional rulers illiterate. Belfield wrote about the ARPS members:

> At least three or four of the chiefs readily speak, read, and write English. Almost all of them take in the "Government Gazette" and follow the actions of the Government with accuracy and intelligence. (1912-19, LIX, Cmd. 6273, *Report on the Legislation Governing the Alienation of Native Land in the Gold Coast and Ashanti, with some Observations on the Forest Ordinance,* 1911, 38)

That agitation was caused by some interested men, there was little doubt about it, too. Indeed, most ARPS members who were related to one

stool or another owned land and thereby felt directly threatened by the Bill (*The Gold Coast Nation*, 23 May 1912). However, some of them had been involved in concession grants to Europeans (Kimble 343), but this does not mean that they supported the loss of land. Furthermore, their fear to be reduced to the status of wage earners as it came about in British settler colonies increased when they noticed Maxwell's resolution to pass the Bill despite their rejection. Consequently, their protests continued, reaching a climax in 1898. On New Year's Day, the ARPS issued its own newspaper — *The Gold Coast Aborigine*s — which appeared with the motto: "For the Safety of the Public and the Welfare of the Race." Its first editor, K.F.E. Asaam stressed his determination to fight against the Bill. Through the new weekly, the Society's leaders dwelt on the importance of united action and urged the creation of branches in all centres where there were important traditional rulers, in addition to Axim and Elmina (*The Gold Coast Aborigines*, 15 Jan., 1898; Kimble 349-350). They asked the latter to support a deputation to England to end their plight. In their eyes, their cooperation would reveal they were not mere rabble-rousers and would give more weight to their claims (*The Gold Coast Aborigines*, 21 May 1898).

However, Maxwell did not live long enough to realize the magnitude of the turmoil aroused by his Bill. Of a more conciliatory nature, his successor F.M. Hodgson proposed amendments to some of the most violently criticized clauses of the Bill. He stressed the scarcity of qualified surveyors, supported the mulattoes' property rights and freed the traditional rulers from governmental recognition.

> However, like Maxwell, Hodgson underestimated the strength of the people's' resentment and informed the CO that agitation was quietening down (CO.96/314, Hodgson to Cox 147, 9 April 1898, encl.1). He simultaneously received a petition from the Kings of Abura, Anomabu, Inkusukum, Cape Coast, and from the Chiefs of Elmina hinting at disturbances if the Bill were passed in its original form (CO.96/316, Hodgson to Cox Conf., 3 June 1898, encl.1). Despite this unrest, Hodgson remained confident that no serious trouble would arise from the implementation of the Bill; he was obviously unaware of the deputation scheme to England.

Indeed Cape Coast leaders, who were not at all resigned to the inevitable as he affirmed, decided secretly to be heard in London itself. The Secretary of State had wind of the affair in March 1898, when London solicitors informed him that the traditional rulers of the Western Province had asked them to voice their grievances against the Bill in Parliament (Kimble 350). Eager to sort out the land issue, Chamberlain agreed to receive the delegates. On 24 May 1898, a deputation composed of Sey, Jones, and Hughes sailed for England. Hodgson had then no other alternative than to cable the CO four days later to inform them that although the Society was not a representative body, he did not object to the delegates being granted an interview. On 24 August 1898, Chamberlain let them in (CO. 96/673/4305/27, Guggisberg to Amery Conf., 21 April 1927, encl. 2).

The delegates were received by Chamberlain, Lord Selborne, Wingfield, Antrobus, and T. Cochrane, M.P. They were introduced by E.F. Hunt, the ARPS solicitor, who stressed the fact that they represented the traditional rulers' grievances against the Bill which threatened to blow up their system of land tenure. Corrie Grant, a counsel at the English Bar whose services had been hired, added that they agreed to make a few concessions, however. They would pay for the security they were enjoying under Her Majesty's government and give up land for public purposes. After discussion, the Secretary of State replied:

> I think I can give you the assurance which you wish. I am willing that in all cases where natives are concerned, native law should remain and prevail – native law, I mean with regard to the devolution of land. And I am also willing that the court which is to decide upon these questions should be a judicial court. (CO.96/333, Minute by Antrobus, 3 Aug. 1898)

Overjoyed by this historical decision, the ARPS reported it under the heading "A Great Point Scored" (*The Gold Coast Aborigines,* 19 Nov. 1898). On 16 November, the delegates gave an account of their mission in England to Cape Coast traditional authorities and a few days later, they met Hodgson. Following Chamberlain, the latter accepted to deal with the ARPS and called for the latter's "cooperation at all times in the difficult task of beneficial

government" (CO.96/673/4305/27, Guggisberg to Amery Conf., 21 April 1927, encl. 2).

Was the Secretary of State shaken by the strength of African resistance or was he influenced by other factors as well? What motivations urged him to fulfil the ARPS claims? How far did the Lands Bill constitute the Gold Coast people's "Magna Carta" as some suggested? In fact, Chamberlain did not see the Gold Coast trouble as an isolated event, but he conceived it within a wider political spectrum. He was worrying about rebellions in other British colonies: the Sierra Leone insurrection due to the imposition of a hut tax was raging (Irish University Press 1898-99, 55, *Insurrection in Sierra Leone Protectorate* 1898, 25-26). At the same moment, he was casting his eyes on the South African situation which was quickly moving to a climax: the war of 1899-1902. Pressure also came from British philanthropists who were reacting in favour of African people (Sarbah, *Fanti National Constitution* 259-264). The other cause that made the removal of the Bill easier was the death of its main author: Maxwell. Now it could be carried out "without too much loss of face" (Kimble 354). All these variables weighed with Chamberlain who thought it wise to yield to the delegates' claims. His concession had far-reaching repercussions. Indeed, once African land-tenure had been officially acknowledged, it became difficult to ignore it later.

To conclude, the Lands Bill of 1897 is certainly a milestone in the Gold Coast political history. It brought about a coalition between old and new elites which was often strengthened by family ties. To achieve their goals, they claimed they formed one political front calling for the same reforms.

These men who had understood that a movement without mass following was doomed to failure devised several means to get it. The Bill also created a tradition. As in 1897-1898, they later forwarded petitions to the Governor or the Secretary of State, hired counsels to appear at the L.C and sent deputations to England to be heard at the heart of the British Empire. These leaders resorted to constitutional methods. The lack of settler pressure for land helped them, to a great extent, to keep it.

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