

John Mensah Sarbah (1864- 1910)

John Mensah Sarbah, also known as “Kofi Mensah”, patriot and statesman, was one of the most outstanding nationalists of the Gold Coast at the turn of the 20th century. He made a lasting mark on national life in politics, education, and law. When Sarbah studied at Lincoln's Inn/ London, he was the first African from his homeland who qualified as a barrister in 1887. On his return home, he was able to build up a lucrative practice and even overtook his father’s business after his death. Sarbah’s interest in politics led him to an active engagement in it. Although he accepted the basic assumptions of the British imperial regime, he felt that some of the evils of the crown colony system should be checked. In 1889, Sarbah complained: “Today we are being ruled as if we have no indigenous institutions, no language, no national characteristics, no homes (...)”¹ That same year, together with other natives of Cape Coast, he formed the “Mfantasi Amanbuhu Fékuw”, a Fanti National Political Society. This was to begin and see through a program of socio-cultural conversation. Together with them, Sarbah researched on the native institutions in Gold Coast. In 1897, the Aborigines' Rights Protection Society (ARPS) became the successor of Fékuw. It was supposed to watch over the interests of the Gold Coast population.²

The ARPS opposed the Lands Bill of 1897, which threatened the traditional system of African land tenure. They sent Sarbah to argue against its passage in the Legislative Council. When Governor Sir William Maxwell (term of office 1895- 97) refused to withdraw the bill, Sarbah advised the ARPS to send a delegation to England to petition against the passage. These finally succeeded in getting the lands bill forbidden. This achievement saved the Gold Coast from the alienation of

¹ John Mensah Sarbah, *Fanti National Constitution- A Short Treatise on the Constitution and Government of the Fanti, Asanti and Other Akan Tribes of West Africa*, 2nd Ed. (Frank Cass & Co. LTD, 1968), 12.

² “Kwaku Larbi Korang” in F. Abiola Irele and Biodun Jeyifo, *The Oxford Encyclopedia of African Thought*, Vol 1 (Oxford: Univers. Press, 2010), 118.119.

African land as it occurred, for example, in the British colony of Kenya. When Sarbah returned a 400-guinea fee which the ARPS gave him, they were able to establish a press which published "The Gold Coast Nation" (founded 1912) and "The Gold Coast Times" (founded 1923).

Sarbah was interested in promoting secondary education because he felt that it was the best way to enable Africans to gain the respect of the civilized world. His first act in this direction was to found a Dutton scholarship at Taunton School/England, where he had been educated, before. When for financial reasons, the "Wesleyan (Methodist) Mission" closed down his former elementary school in Cape Coast; Sarbah and some other nationalists revived, financed and renamed it the "Collegiate School". Returning from a visit to Europe in 1903 together with William Edward Sam, the two promoted an enterprise called the "Fanti Public Schools Limited". One year later, this led to the foundation of "Mfantsipim School" which in 1906 overtook the Collegiate School. Sarbah is said to have given the school its motto (Dwin Hwe Kan; meaning "Think and Look Ahead" or "Think and Aim High") as well as its emblem. He also helped to establish the Fanti National Education Fund which aimed at improving educational facilities in the country and also awarded scholarships. He founded one at Mfantsipim School and helped to pay the salaries of the staff when the school encountered financial difficulties.

Sarbah was a good legislator. He was interested in law reform and tried his best to prevent the passage of laws inimical to the interests of his countrymen. He proposed that in perjury, the falsehood with which the witness could be charged, should concern a matter material to the issues raised in the judicial proceedings. In 1951, his suggestion was adopted in concerning the competence and compellability of a spouse as a witness in a criminal trial in which the other spouse was the accused. Sarbah proposed that no distinction should be made between the spouse in a Christian marriage and the one in a customary marriage. The distinction, as he had suggested, was to be abolished in 1960 after Ghana had

gained its independence. As a lawyer, Sarbah was interested in spreading knowledge of Fanti laws and the Fanti Constitution. Therefore, he published two books, “Fanti Customary Laws” (1897), and “Fanti National Constitution” (1906).³ The first is still regarded as an indispensable book for lawyers in Ghana. These publications encouraged others to rethink the national politics. Sarbah carved a visionary compass on the Gold Coast educational horizon. After his early death, his work was continued by his counterparts James Kwegyir Aggrey and J.E. Casely Hayford. In his autobiography, Dr. Kwame Nkrumah cited the efforts of Mensah Sarbah and J.E. Casely Hayford in leading the nationalist movement in Gold Coast. He recalled the courage and foresight of the two to forge “an unforgettable bastion for the defence of our God-given land and thus preserved our inherent right to freedom”.⁴

³ Alfred W. Brian Simpson, *Legal Theory and Legal History- Essays on the Common Law* (London: Hambledon Press, 1987), 400-415.

⁴ Kwame Nkrumah, *Autobiography of Kwame Nkrumah* (Edinburgh: T. Nelson, 1957), 46.