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Abstract
The press in colonial and post-colonial Africa served as a link between the government and the governed. The press entertained, informed and educated the citizenry on the policies of the colonial government and successive ones. They also held governments accountable to the citizenry and ensured that governments performed their constitutional obligations. The press, however, has had to battle with some laws that were passed by the colonisers. These laws were used to muzzle the press, even though they were originally intended to ensure ‘responsible’ journalism in the country. Using the Ghanaian experience, the researcher traces, chronologically, the origins and application of laws passed to regulate the activities of the press during the colonial era and the impact of their use or abuse on the press.

Keywords: Libel, Sedition, Contempt, Newspaper Licensing.
Introduction

In the second half of the fifteenth century, the territory now called Ghana witnessed the arrival of Europeans on its coast; with the Portuguese being the first to arrive. Due to the ample gold that they found in the territory where they docked, the early Portuguese explorers named the place El Mina literally meaning ‘the mine’. As a result of the riches that the Portuguese sailors enjoyed from their trade in gold with the indigenes, other European nations including the French, the British, the Dutch, the Danes, and the Bradenburgers followed. By the eighteenth century, some European nations had established chartered companies that built trade posts along the coast and enjoyed great wealth from their trade. Due to the large quantity of gold that was found in the area, the whole expanse along the coast and its immediate hinterland was named Gold Coast “since it was the greatest source of gold for European traders” and it was only after the attainment of independence that the name was changed from the Gold Coast to Ghana.

With time, the British became the dominant European force in the Gold Coast thereby establishing their authority over their hosts officially in 1900. The British, as colonizers of the territory, saw to the daily administration of the colony in all spheres of the life of the indigenes. In this regard, the British passed ordinances and introduced policies that affected every aspect of the people in the colony. Some of their policies, it must be noted, were not in the best interest of the indigenes hence they (the indigenes) resisted their implementation. Policies such as the re-establishment of the Supreme Court in 1876, which abolished both the court of civil and criminal justice and the office of the Judicial Assessor; the introduction of direct taxation; the passage of the Land Bills which granted the British the power to take possession of “waste lands”; and the introduction and application of the Native Jurisdiction Ordinance, were strongly resented by the people of the Gold Coast.

The actions of the British colonial authorities were considered by the indigenes as sheer exploitation, a usurpation of the rights of the chiefs who were their natural leaders and an abuse of the fundamental human rights of the citizenry in general. In their attempt to express their resentments, a number of regional and nationalist movements sprang up in different parts of the colony, at different times and, of course, to protest different policies of the British. It was for such a reason that the Fante Confederation was formed in 1868 by some Fante and non-Fante (Denkyira, Wass, Twifo, Assin, and Ahanta) states to protest the Anglo-Dutch exchange of forts and the British reaction to the Asante invasion of the coast in 1863. The Aborigenes’ Right Protection Society (A.R.P.S.) was also founded in 1896 by some educated elite and chiefs to protest the imposition and application of the Land Bill. Later, there was the founding of the National Congress of British West Africa (N.C.B.W.A.) in 1920 which was more widespread since it consisted of delegates from other British West African colonies such as Nigeria, Sierra Leone, and The Gambia. Their aim was to protest what was considered as the maladministration of the British in some West African colonies.

2 Ibid. 69.
3 A. A. Boahen, Ghana: Evolution and Change in the Nineteenth and Twentieth Centuries (Accra: Sankofa Educational Publishers Ltd., 2000), 57-63.
4 Buah, 63.
After the Second World War, agitation for independence in the Gold Coast heightened and there was the formation of political parties which had as their main objective the wrestling of power from the colonial “masters”. This change in the focus and demands of nationalism led to the formation of the United Gold Coast Convention (U.G.C.C.) in 1947, the Convention People’s Party (C.P.P.) in 1949, the Ghana Congress Party in 1952, the National Liberation Movement (N.L.M.) in 1954, and the Northern People’s Party (N.P.P) also in 1954. It was through the combined efforts of the above mentioned political parties that the country gained her independence from the British in March 1957. Beside the efforts of the political parties, chiefs, and the ex-servicemen who did all within their might to gain independence for the colony, one agrees with the assertion that the print media (newspapers) also contributed immensely in making the dreams of the people of the Gold Coast a reality.

Founding of Newspapers

The print media played a wide range of roles in colonial Gold Coast just as it did in other African colonies. Apart from the fact that they entertained their readers, they also educated the indigenes on the policies of the colonial administration and monitored the government in its day to day administration of the colony. Newspapers were the main avenues through which the Gold Coast nationalists ensured that the colonizers were on track and also mobilized the indigenes to fight against obnoxious laws introduced by the colonial administration. They sought to stimulate awareness among the literate and the barely literate masses who read newspapers. The history of the West African Press goes back to the very beginning of the 19th Century. In English-speaking West Africa, journalism began, under official auspices, in Freetown, Sierra Leone, in 1801. The Gold Coast Settlements, Lagos Colony, and The Gambia followed progressively later.

From 1822 when the first newspaper, the Royal Gold Coast Gazette and Commercial Intelligencer, was founded in the Gold Coast, several publishing houses sprang up in the colony and this led to the founding of newspapers such as the Accra Herald (1857), Gold Coast Methodist Times (1874), Gold Coast News (1885), Western Echo (1885), Gold Coast Echo (1889), Gold Coast Chronicle (1890), Gold Coast Assize (1890), Gold Coast Observer (1896), Gold Coast Express (1897) and the Gold Coast Free Press (1899). Others included Gold Coast Leader (1902), Gold Coast Advocate (1904), Gold Coast Courier (1905), Gold Coast Nation and Aborigines (1912), Voice of the People (1917), Gold Coast Truth [later known as Truth] (1928) and the Gold Coast Daily Telegraph (1928).

In tracing the history of the establishment of newspapers in the Gold Coast, it can be said, as noted above, that the Royal Gold Coast Gazette and Commercial Intelligencer, was the first to be founded in the Gold Coast on Tuesday 2nd April, 1822 and it had the same

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6 Boahen, Ghana: Evolution and Change, 179-180
8 Ibid. 1.
features as the Sierra Leone Royal Gazette, the first newspaper ever to be printed in Black Africa. The Royal Gold Coast Gazette and Commercial Intelligencer was founded by Sir Charles MacCarthy, then Governor and Commander-in-chief of Sierra Leone who was appointed as the first Governor of the Gold Coast in 1821. According to K. A. B. Jones-Quartey, MacCarthy founded the newspaper for a number of reasons among which was the fact that he wanted to publish the activities of their neighbours, far and near; to educate its readers and also to inform its readers (including merchants) about commercial activities elsewhere. It is conceivable that the British authorities in the Gold Coast also used the newspaper to consolidate and extend its sphere of influence in the territory since it served as a medium through which the colonizers popularized their rule in the colony. By 1825, however, the newspaper had ceased to exist because its founder, Sir Charles MacCarthy, the then governor of the colony, was killed in the Battle of Nsamankow in 1824 in which the Asante defeated the British and beheaded its leader, MacCarthy.

It is not surprising that since the Royal Gold Coast Gazette was owned by the British administration in the Gold Coast and it sought to propagate the philosophies of the British, there was no need for the colonial authorities to pass ordinances that would regulate its operations in so far as its publications were concerned. The newspaper could not possibly have published anything that seemed to incriminate the administrative system or question the legitimacy of the administration of the British settlements in the Gold Coast. Among the issues that the Royal Gazette published were things to do with the abolition of the slave trade and illegal slave trading that still went on on the coasts of Elmina and Wydah. Two subjects which also featured prominently in the newspaper were economic matters and the promotion of education by missionaries and the government in the colony.

The demise of the government-owned newspaper left the entire colony without any newspaper for thirty-two years until 1857 when the Bannerman brothers (Charles and Edmund) started another newspaper called the Accra Herald, later on known as the West African Herald, in the colony. Journalism by the indigenes of the Gold Coast colony was thus started in Accra and it was owned, edited and printed by Charles Bannerman who had learnt the art of printing. Although the Accra Herald was initially hand written and appeared fortnightly and was short-lived, it had about 310 subscribers in the Gold Coast and other West African colonies by 1859. Its emergence opened the floodgate for the establishment of numerous newspapers owned by the people of the Gold Coast. Jones-Quartey writes that a year after the Accra Herald folded up in 1874, there was the launch of the Gold Coast Times which was the first African owned fully printed newspaper in the colony. The Times was founded by James Hutton Brew, a native of Dunkwa-on-Offin in the Central Region of Ghana.

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10 Ibid. 1.
11 Ibid.
12 Asante, 1.
13 Ibid.
A Critical Local Press

The *Gold Coast Times* was produced fortnightly in Cape Coast and it lasted from March 1875 to November 1885. It was noted for the vehement manner in which it criticized the colonial authority on issues that affected the citizenry. Passages from the first editorials of the newspaper included the following:

> We have embarked on this undertaking without any previous experience of the dangers and troubles attendant upon Editorship; but, since we have mustered sufficient courage to test them, any apologies on our part would be out of place. Once engaged in an enterprise we hold it our duty not to turn back, and have firm faith in the old adage, “where there is a will, there is a way…”

> The system of Government pursued by the British on the Gold Coast had been generally pronounced as most defective. This piece of land is simply ruled by a staff of foreigners who know just as much of the natives as their ancestors did many centuries back. The natives are entirely without representation and the consequence is that they are often branded as slaves. Ordinances or measures are repeatedly framed by the ruling power: but whether they are compatible with the interest of the natives or not is a question about which our authorities do not trouble themselves…. The death of misgovernment is now, we believe, being loudly sounded, and its information can, happily, be heard….

The above extract signified the resolve of the editors of the *Gold Coast Times* to be critical of the colonial administration regardless of the possible adverse consequences. The newspaper was suspended by the government for its critical publications in 1885 but it was later revived in November that same year as the *Western Echo*.

It was not until the number of newspapers owned by missionaries and mission-educated African elites in the Gold Coast increased that the colonizers saw it necessary to pass press-regulatory laws to check their operations and publications. The African-owned newspapers and some of the missionary owned ones which had Africans as editors were noted for their vigorous attacks on the colonial administration even after the passage of laws that adversely affected the press. Between 1857 and 1900, several newspapers and other publications were founded and one factor that promoted this phenomenon was the role of Christian missionaries, especially the Wesleyan Mission. Another reason was the technological advancement in newspaper publication at the time. The missionaries established a few newspapers and this urged individuals on to found newspapers. For instance, the Wesleyan Mission established the *Christian Messenger* and *Examiner* in 1859. Other newspapers founded by the missionaries were the *Christian Reporter*, and the *Gold Coast Methodist Times* (1874). Although the newspapers founded by the missionaries were meant mainly for the propagation of the gospel, some educated Africans who were editors of those newspapers used the pages of their papers to support nationalist agitations. An example was the use of the *Gold Coast Methodist Times* by its editor, Attoh Ahuma, a Gold Coast nationalist, to serve the progress of nationalism. It carried articles that questioned the

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14 Jones-Quartey, 83

15 Ibid. p. 2.
“maladministration” of the colonial government and brought to the attention of the government the demands of the indigenes.

It is worth mentioning at this point that the Gold Coast newspapers did not only inform, educate and entertain their readers but they also served as the mouthpiece of the nationalists in the colony and prompted the colonial administration whenever it went off course. What was considered the misrule of the colonizers never went unquestioned by the editors of the newspapers. For instance, the Western Echo, the Gold Coast Times and The Independent were very critical of colonial officials in the 1880s. The District Commissioners (D.C.s) were most often under the critical observation of the press and both their public and private lives were scrutinized in the columns of the Western Echo, in particular. The D. C.s were accused of drunkenness, obscenity, and assaulting the African for pleasure. The December 9, 1886 edition of the Western Echo published the following to highlight some gross misconduct of high officials of the colonial administration:

….When a D.C. can even dream of such doings as those spoken of at Quittah (Keta), when another can shoot down six men and nothing be said about it; when a Governor can pass over the cold-blooded murder of eight men by the people who attacked Captain Campbell; when one who is on the highroad to the Chief Justiceships of this lucky “colony” can jump in at a man’s window in the dead of the night and attempt to drag a man’s wife off his bed from beside him; and when the magistrate gives notice that his way of administering justice is to hear nothing at [sic] any case brought before him but to fine both sides, what more proof can be wanting of these people feeling quite secure against any question of their acts?16

The Western Echo also used court cases to illustrate the inequality suffered by the African before the law and to castigate the injustices of the judicial system in the Gold Coast. He complained that although there were more than fifty-four men eligible for jury duty, the same twelve [who were not competent enough] sat on every case. The Gold Coast Independent of August 12, 1875 complained about trial by jury in the colony and the calibre of jurymen who listened to cases in the colony. It noted the deplorable state of the court of criminal and civil justice in Cape Coast and also observed that the government did not provide counsel for prisoners charged with murder, as was done in other British West African colonies such as Sierra Leone. Rather, they were left to a jury of “illiterate men who deemed it their duty to say ‘Guilty’ ”, making the judicial process one biased against the indigenes.17

The vanguard role played by the newspapers in the struggle for independence was most likely because of the fact that the anti-colonial movements were dominated by the Western-educated elite who were the publishers and readers of the newspapers. It was also because newspapers were the most effective organs for the dissemination of written propaganda for change in every sphere of the society.18 The Cape Coast press was owned and edited by the Westernised Africans: John Mensah Sarbah owned and edited the Gold Coast People, Casely Hayford owned and edited the Gold Coast Leader and the A.R.P.S. owned the

16 Western Echo, January 20, 1886, 1.
17 Gold Coast Independent, August 12, 1875, 1
Gold Coast Nation, which was edited by Attoh Ahuma after he had given up the editorship of the Gold Coast Methodist Times. James H. Brew was also the founder and editor of the Western Echo.

Clampdown on the Press

Sensing the danger that the nationalist press could pose to its popularity and authority in the colony, the colonial government passed a number of Ordinances and took measures that were aimed at checking the activities of the nationalist press. Although most of these ordinances, from the colonizers’ point of view, were aimed at checking irresponsible journalism that was emerging in the colony, they ended up stifling the freedom of expression of the press and of the indigenes.

The very first ordinance to be passed by the administration was the Newspaper Registration Ordinance, 1893 (Cap 103 and cap 125). This ordinance was later amended over the years and it became the Book and Newspaper Registration Ordinance, 1897 (Cap 124). The ordinance established a register of newspaper proprietors, editors, and publishers. It aimed at helping the colonial authorities to locate and arrest the administrators of the newspapers whenever they went contrary to the stipulations of the government. The stipulations satisfied the personal interests of the colonizers at the expense of the operators of the newspapers. The ordinance also required the registration of the title of the newspapers, the names and residential addresses of the editors, proprietor and publishers. Every newspaper was required to publish the names and residential addresses of the editor, printer, publisher, and proprietor on the front and back pages of the newspaper. Any change in editorship, publisher and proprietorship was also to be made known to the registry within a week. There was a fine of fifty pounds attached for failing to notify the government about any change in the newspapers management personnel. It is believed that an article published in John Mensah Sarbah’s newspaper necessitated the introduction of the Newspaper Registration Ordinance.

John Mensah Sarbah was a lawyer, nationalist, and founder of the Gold Coast People newspaper in 1890. On the 2nd of January, 1893, the Gold Coast People, which had about 13,000 annual circulation, published an article which attacked some officials of the colonial administration in the Gold Coast. The article suggested that the Chief Justice of the Gold Coast colony bribed the Governor of the colony before he got his appointment as Chief Justice. The newspaper also made allegations about how most District Commissioners of Gold Coast went to court “three-quarters ‘tipsy” thus making it impossible for them to give any good verdict on the cases that were brought before them. The publication was considered as libellous by the colonial administration and this led to a heated argument between the Chief Justice and Sarbah. The issues at stake were finding out the true identity of the writer(s) of the story, since it was published under a pseudo name and the truth or otherwise of the story carried in the newspaper. The Chief Justice, obviously exasperated by

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19 Ibid. 16-17.
20 Ibid. 16.
21 Asante, 3.
the publication, drafted the bill which was consequently approved by the Legislative Council for it to become law in 1893 as *Newspaper Registration Ordinance, 1893* (Cap 103 and cap 125). This law was to make public whoever was behind a newspaper and the authors of stories in the newspapers, doubtless to enable the authorities deal with such people when the need arose.

In 1897, there was the introduction of another law, *Book and Newspaper Registration Ordinance* which was an amended version of the *Newspaper Registration Ordinance*. This new law required editors to send returns of the circulation, the title of the newspaper, the location of its offices, printers, and publishers. These ordinances did not deter the local newspapers from demanding accountability from the colonial administration, as they continued to question what they considered to be the misrule of the government. The colonial administration therefore set up its own newspaper, the *Gold Coast Pioneer*, in February, 1921 which was used as a medium through which they responded to the questions and accusations of the nationalist press. In realizing that their medium (the *Gold Coast Pioneer*) could not match the radicalism of the nationalist press, harsher laws were unleashed onto the nationalist newspapers.

The period between 1930 and 1937 witnessed the founding of many newspapers even though that same period could be described as the turbulent time in the press history of pre-independence Ghana because of the passage and application of some strict press laws such as the Sedition Ordinance in the colony. The *West African Times* (later the *Times of West Africa*), *Statesman*, *Gold Coast Observer*, *African Morning Post*, *Daily Eco*, and the *Ashanti Pioneer* all surfaced after 1931. These newspapers were founded when the people of the Gold Coast were agitating for better administration of the colony and later for independence from colonialism. They were thus very critical of the policies of the government and ensured that the colonial authorities were not arbitrary in their administration. This was done through their publication of every policy of the government and questioning of the rationale behind those that were detrimental to them. One of the laws aimed at gagging the press which was passed within that period was the *Criminal Code (Amendment) Ordinance*, sometimes referred to as the *Sedition Ordinance, 1934*. Even though this ordinance greatly stifled freedom of the press in the colony, it remained on the statute books from the colonial through to the post-colonial era.

Although the law on sedition had been part of the Gold Coast Criminal Code since the 1890s, its introduction in the *Criminal Code (Amendment) Ordinance* included, for the first time, provisions that made certain expressions through the press seditious acts punishable by fines, imprisonment or both. From that time onwards, press commentary on, or criticism of government policies and government officials that did not please the indigenes were interpreted as criminal offences. It was seditious to print, publish, offer for sale, reproduce, distribute, or import publications (books, newspapers, documents) that contained words, utterances or materials that provoked hatred against the colonial government or its officials.

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22 Ibid.
23 Ibid.
and representatives, advocated change in the colonial status of the Gold Coast, or agitated for the overthrow of the colonial state. Persons found guilty of any of the stipulations of the sedition ordinance could spend up to three years in jail or pay a fine not exceeding one hundred pounds. The ordinance empowered some police officers, officers of the Posts and Telegraphs, and Customs Departments, and any official authorized by the governor to detain, open and examine packages or articles which they suspected contained seditious materials.

It is obvious that per the stipulations of the ordinance, all nationalists would fall victim to the law because their messages called for the proper administration of the colony by the colonial government and an end to colonialism in the Gold Coast. The introduction of the law made the Gold Coast nationalists aware of the extent to which the colonial authorities could go in handling expressions that were unpalatable to them. There was, therefore, fierce resistance by the African members of the Legislative Council, some chiefs, the press, and the intelligentsia against the application of the law in the colony. In the same year that the law was introduced, delegates of the Gold Coast Youth Conference made up of J. B. Danquah, K. A. Korsah, F. V. Nanka-Bruce and E. Asafu-Adjaye sent a petition to the King of England requesting that the King should withdraw the Sedition Ordinance because of its repressive nature. Despite the stiff opposition mobilized against the law, it remained on the statute books of the colony and was used whenever the colonial authority deemed it necessary. The law on sedition, it must be emphasized, was first introduced into colonial India in 1901 and in Nigeria by 1909, both under British rule at the time, and it was ruthlessly used as a weapon in suppressing nationalist agitations in those colonies. Its successful use in India and Nigeria could be a reason for its introduction and rigorous use in the Gold Coast.

In May 1936, two well known West African journalists and Pan-Africanists living in the Gold Coast were charged and convicted of sedition. The two were Dr. Nnamdi Azikiwe, a militant Nigerian nationalist, and I. T. A. Wallace-Johnson, a Sierra Leonean and the organizer of the West African Youth League. Dr. Azikiwe tried to change the face of journalism in West Africa when he returned from the United States in the 1930s and his activities in Nigeria and the Gold Coast sparked a revival of both nationalism and journalism. Azikiwe, in partnership with Wallace-Johnson, established the African Morning Post which printed articles by well-known anti-colonialists such as George Padmore. It became a strong critic of colonialism in Africa and the castigation of what was considered to be the maladministration of the Gold Coast. In 1936, the two were charged for publishing seditious articles and also for possessing seditious materials. This was in relation to an article published in the 15th May, 1936 edition of the African Morning Post entitled “Has the African a God?” In it, the writer wrote: ‘….The European has a God, Deceit, whose law is “Ye strong, you must weaken the weak.” Ye “civilized” Europeans, you must “civilize” the “barbarous”

25 Ibid.
26 Ibid.
27 Boahen, Ghana: Evolution and Change, 139.
28 Karikari, 18.
African with chains and machine-guns... The article was considered libellous and seditious by the colonial government since it brought the colonial authorities into disrepute and incited the indigenes against colonialism. The colonial administration saw the publication as an opportunity to apply the law on sedition with very minimal or no opposition from the indigenes. This was because the activities of the two, Azikiwe and Wallace-Johnson, were resented by some chiefs and the intelligentsia in the colony and hence had fallen out of favour. For instance, Ofori Atta expressed his resentment at the activities of Wallace-Johnson at an important meeting of the chiefs of the Eastern Province. According to Adu Boahen,

In a session of the Eastern Provincial Council in 1936, Ofori Atta moved a motion for the deportation of Wallace-Johnson and Azikiwe from Ghana. The moderate intelligentsia or nationalists also joined in the attack. The Gold Coast Independence owned by Dr. Nanka-Bruce, accused Wallace-Johnson of trying to introduce ‘Bolshevic’ or reactionary policy into the Gold Coast.... Terrified by the lectures and activities of Wallace-Johnson, the colonial authorities were themselves looking for an opportunity to remove both Wallace-Johnson and Azikiwe from the political arena.

To the colonial authorities, the time was very opportune to deal with these two nationalists who were very critical of the administration. The two were, therefore, handed a six months jail term and a fine of fifty pounds (£ 50) each. When first convicted for publishing the article, Azikiwe said:

The fight for liberty has just begun in Africa. Only those who are prepared to face the odds with a will knows [sic] no defeat- having Right as their amour and the Sword of defeat-must follow the thorny road which was trodden by Socrates, Jesus of Nazareth,...As far as I am concerned, I am prepared for the inevitable, if through this oblation Africa will speed on its way towards redemption and self-determination.

The reason for the conviction of Azikiwe and Wallace-Johnson is not far to seek. Wallace-Johnson, a strong activist mobilized people through the West African Youth League to oppose the Italian invasion of Ethiopia. Although the press attacks on Italy may not have concerned the British colonial authorities directly, they might have reckoned that the same level of mobilization could be directed against them, and hence the need to silence him and anybody like him and also keep him out of the colony. The two appealed at the West African Court of Appeal but later left the colony because of the high level of antagonism faced at the hands of the colonizers. In 1949, long after the trial, Dr. Azikiwe was denied entry into the Gold Coast when he was due to deliver a lecture in Accra in that year. In a letter to Dr. Nkrumah, Azikiwe complained about how he was treated. He said “The Nigerian Government has treated me well but the government of the Gold Coast has not been fair. It could have allowed me to land at Accra without delivering the lecture.”

31 Boahen, Ghana: Evolution and Change, 145.
32 Ibid, 26-27.
33 Karikari, p.19.
34 Osafo, 6.
Reactionary Movement

The trial of the two partially served its intended purpose since it put some fear in the local press. The *Gold Coast Times* of February 3rd-10th, 1934 edition put it this way: “…[the law was] to make it perilous for the people to ventilate their grievances in the press or at public meetings and to protest against legislation which involves their ancient rights and privileges.”36 This, however, did not deter them totally since some others were urged on by the sayings of Azikiwe during the trial and hence founded newspapers to continue the fight for independence.

The *Sedition Ordinance* was introduced into the colony at a time when there was so much tension due to the economic difficulties which stemmed from the global economic depression which stirred up dissatisfaction in the colonies. The prices of West African export crops declined while the African exporters and importers lost grounds to the large European combines that were created. The newspapers in the Gold Coast, Nigeria and Sierra Leone were full of grumbles which were as a result of the outcome of the disaffection against the colonial authority. These disaffections led to the cocoa hold-ups of the 1930s in the Gold Coast.37 Considering the developments at the time, it was seemingly impossible for the indigenes to look on unconcerned. It is not surprising, therefore, that the colonial government introduced the law to suppress freedom of expression which in turn would silence the enraged indigenes. This strategy of the colonial administrators did not work to plan since the indigenes were not going to stop at anything in ensuring that their interests were heard and addressed by the appropriate authority.

From 1939, there was the establishment of more newspapers to echo the grievances of the Gold Coasters louder. The *Ashanti Pioneer* was founded in Kumasi in 1939 by John and Nancy Tsiboe and in 1947, the *Ashanti Times* (later called the *New Ashanti Times*) was established.38 It is understandable that these newspapers were founded and located in Kumasi because it was from that area that the bulk of the colony’s cocoa came. Realizing that the passage and application of laws alone would not deter the determined Gold Coasters, the colonial authorities founded a new newspaper aimed at neutralizing the hostilities of the Gold Coast press. In this light, there was the founding of the *Daily Graphic* in the Gold Coast just as the *Daily Times* established in Nigeria and the *Daily Mail* of Sierra Leone, all founded by the British newspaper giant, the Daily Mirror Group.39 The pro-British newspapers were to rebut the arguments and propaganda of the local newspapers and for a while, they seemed to be up to the task set for them. For instance, a pro-government newspaper, *Gold Coast Bulletin*, denounced Nkrumah and other leaders of the people of Gold Coast as subversive elements without any real support from the people.40

This development further motivated the local newspapers since they could not tell what the true motive behind the founding of the *Daily Graphic* and other pro-government

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36 Karikari, 18.
38 Asante, S.
39 Ibid.6.
newspapers was. The battle line was thus drawn between the state-owned newspapers and the private ones. The newspapers of the day became more radical in their dealings with the government and this was intensified when Dr. Nkrumah returned home from Europe in December 1947. Upon his arrival, Nkrumah established the Accra Evening News (1948), the Morning Telegraph (1949) and the Cape Coast Daily Mail (1949). Nkrumah saw newspapers as indispensable instruments for prosecuting the mission of self-government and this is how he put it:

“...the political party is not conceivable without its own newspaper... in that newspaper is a collective organizer, a collective instrument of mobilization and a collective educator- a weapon, first and foremost, to overthrow colonialism and imperialism and to assist total African independence and unity.”

Nkrumah, on the launch of the Evening News on September 3, 1948, described the newspaper as the “vanguard of the movement and its chief propagandist, agitator, mobiliser and political educationist.” Nkrumah’s newspapers, together with other outspoken ones, launched the campaign of ‘Positive Action” to protest against the British colonial administration and called for an end to colonialism in the country. In order to make it readable to as many people as possible, the Evening News was published in some local languages: Ga, Ewe, Twi and Fanti.

Even before the launch of “Positive Action”, Mr. C. A. Duncan, secretary of the ex-Servicemen’s Union, and three CPP journalists, Mr. K. A. Gbedemah, Mr. Kwame Afriyie, and Mr. J. K. Amegbe, were imprisoned on charges of writing seditious articles. After the declaration of ‘Positive Action’ by Nkrumah on the 8th of January 1950, there was widespread looting, insecurity and tension in the colony. This was heightened by the determined efforts of the colonial government to gag the press and opponents of the government. There was, therefore, the intensification of censorship of pro-C.P.P. press and the imprisonment of their editors which had began after the 1948 riots in the colony.

The Commission of Enquiry that conducted investigation into the causes of the riot noted in their reports to the Governor that the Gold Coast press had degenerated into an instrument of abuse of the government and that the introduction of censorship of the press after the riot helped prevent the publication of “mischief”. The editor of the Accra Evening News, Mr. J. G. Markham, and Mr. Kofi Baako, the editor of the Cape Coast Daily Mail (both C.P.P. newspapers), were imprisoned and their press houses vandalized and closed down for defending the civil liberties of the people. Nkrumah was also hunted down, arrested and sentenced to three years in prison for publishing a “seditious article” and inciting a strike in an attempt to “intimidate the government”. Nkrumah was in jail for fourteen months and was released in 1951 after he had won the parliamentary seat of Accra Central in the elections of

41 Ibid. 5.
42 Karikari, 21-22.
44 Padmore, 79-80.
46 Asante, 6.
that year. While in his cell at the James Fort Prisons, Nkrumah wrote a number of letters to Gbedemah, the C.P.P.'s General-Secretary concerning the running of the party’s main medium of communication. He expressed worry about the lowering of the standard of the newspaper with regard to its editorials and articles. To him, the paper was losing its dynamism therefore he directed that the paper be run by Mr. J. G. Markham and George Kofi Amegbe (editors of the Evening News and the Daily Express respectively) under Gbedemah’s supervision.  

More Repressive Laws

Between 1949 and 1952, the colonial government unleashed the existing press laws on the Gold Coast press and most of those charged with libel, contempt or sedition were associated with the C.P.P. or its press. The obvious reason for this was the vehement manner in which the C.P.P. opposed colonial rule and the threat it posed to the survival of colonialism in the Gold Coast. In 1949, the editors and publishers of the African Morning Post and the Spectator Daily were charged and convicted for contempt for a publication that sought to draw a parallel between the trials of Nehru in colonial India and the trial of Gold Coast nationalists. The article concluded that

…In the colonial system of government, the judiciary could not be regarded as a separate and independent entity. It is directly under the thumbs of the Executive….The colonial courts are all the same. The Gold Coast courts as they are constituted today cannot be an exception. They constitute an integral part of colonial set up….  

The court found the article imputing lack of independence and impartiality to the colonial courts and this was considered as weakening the confidence of the public in it. The defendants were sentenced to a fine of fifty (50) pounds each or a one month jail term in default. Clearly, the purpose of the fine was to deter the indigenes from questioning the obvious lapses in the colonial administrative set up since they realized that if they did not gag the critics of the administration, the whole colonial structure would become more unpopular before the citizenry.

The contempt suits brought against Dr. Nkrumah, the C.P.P. press, and activists of the party attracted heavier sentences as compared to those against other press houses. The reasons for this difference in the sentences are not very clear. It is evident that Nkrumah and the C.P.P. newspapers were the most critical and most antagonistic among the anti-colonial newspapers in the Gold Coast. One of the cases was in respect of the publication of the Sekondi Morning Telegraph, which had Nkrumah as proprietor. The newspaper published two telegrams of the Ex-Servicemen’s Association to the Kumasi Police. Both telegrams warned of a disaster if the numerous libel cases against Nkrumah were not withdrawn. The courts held that the telegrams were seditious in nature and so was their publishing and hence Nkrumah and his co-defendants were fined three hundred pounds each or four months imprisonment in default. This discrepancy in the sentences handed to Nkrumah was explained

48 Karikari, 23.
49 Ibid.
by the courts that the case involved the publication of articles directly prejudicial to the colonial government. This defence of the court was not tenable since the publications of the *African Morning Post* and the *Spectator Daily* were equally prejudicial to the colonial government.

The Colonial Office in London was aware of the laws passed to gag the press in the colony and was in support of them. The House of Commons, on several occasions, was so angry about colonial agitators that on many occasions Members of Parliament called for harsher use of the laws to bridle the nationalist press; all in the name of checking irresponsible journalism. Alan Lennox-Boyd, MP and later Colonial Secretary said:

> It may be necessary to make a new approach to the problem of propaganda. It would be futile to suggest that the papers in West Africa, for example must always be treated as if they were serious and reputable pamphlets or newspaper. It may be that a new approach to the law of sedition or the law of libel may be necessary.

Conservative MP, Daniel L. Gammon (July 12, 1950), urged his colleagues in Parliament:

> I ask any hon (ourable) [sic] Member…to read the West African press for about a month. They are not newspapers at all. There is no news in them. It is just scurrilous abuse of the administration, of the Government and the Colonial Office here. All of us should be reluctant to interfere with the freedom of the press… and I believe the best way to do this would be to appoint a Royal Commission to go and have a look…. Let us have a Royal Commission to look into the press of the colonies.

The local press suffered a number of libel suits that were brought against them between 1949 and 1952. In all, there were six libel suits; five against the CPP and one against Akufo-Addo’s *Talking Drum*. It must be noted that since some newspapers were used to attack opposing political parties, some of the cases were from members of opposing parties and not the colonial administration. One of such cases was the one brought against the *Talking Drum* by some members of the C.P.P. local branch committee. They demanded the payment of five hundred pounds ($ 500) for damages caused them by a publication in the newspaper that accused them of extracting money from their town (Darman) for Nkrumah. The court, however, ruled in favour of the defendants and awarded cost against the plaintiff. Of the five libel suits brought against Nkrumah and or the editors, publishers, and proprietors of the *Evening News*, two were from the main political contenders of the C.P.P., the U.G.C.C.

The CPP and pro-C.P.P. newspapers mostly fell foul of the law on sedition and this was largely because of the party’s radical anti-colonial propaganda. The party was liable to all the three counts of the law on sedition which were publishing seditious words with the intention to:

50 Ibid.
51 Osafo, 6.
52 Karikari, 15.
53 Ibid.
a) bring the government of the Gold Coast into hatred
b) excite disaffection against the government
c) promote feeling of ill-will and hostility between the different classes of the population.

It is on record that nearly all the newspapers and their editors that appeared on the above stated charges were found guilty and given jail terms that lasted for months. All the publications were either general comments on the anti-colonial struggle, attacks on the actions or inactions of colonial officials or calls to action against colonialism. One publication that attracted the displeasure of the colonial authorities was an article carried in the *Daily Express* entitled “The Era of Liberation Dawns”. Although it called on people to resist colonialism, it did not make any direct reference to the colonial officials or institutions of the state. The colonial authorities regarded the article to be revolutionary and seditious and hence the editor and publishers of the newspaper were prosecuted. *The Telegraph* also carried an editorial which condemned the use of tear gas and brutal force by the police to disperse a crowd that had gathered outside a court room to listen to a case of contempt against some papers. *The Telegraph* stated that “…all the hideous acts were committed by the Police as an incentive to violence in which they could call on the riflemen who were ready standing by for action.” The colonial authorities regarded the editorial as seditious in nature since it exposed the police force to public displeasure.

As the attainment of independence drew closer, the various political parties became more hostile to each other mainly because of their ideological differences. The C.P.P. press viewed the Ghana Congress Party of Danquah and Busia, and other parties and their leadership as “imperialist agents” who were opposed to “self-determination now”. The C.P.P. press, based on this charge, reserved the worst venom and biting attacks on them and the colonial regime. This kind of journalism was easy prey for the elastic provisions of the law of defamation and even of sedition in the criminal code. The law was stretched to draw in any nationalist activist who dared to expose misconducts of colonial officials or to question the legitimacy of colonial rule and institutions in a language that was interpreted to, or actually did arouse popular indignation against colonial servitude. The anti-colonial press and the blunt and uncompromising anti-imperialist slant of the *Evening News* publications became ready target for the release of those laws.

55 Ibid.
56 Ibid.
57 Interview with Kofi Lamptey, Aged 63, Private Legal Practitioner, Adastra Chambers, Cape Coast. 4TH April, 2010.
58 Karikari, 26
59 Ibid.
60 Ibid.
61 Ibid.
Conclusion

From the foregoing, it is evident that the British colonial authorities saw it necessary to pass ordinances aimed, mainly, at restricting the freedom of expression of the local press in the Gold Coast in particular, and critics of the colonial administration in general, although they (the colonizers) claimed that the ordinances were to check the recklessness of pressmen in the colony at the time. This is not to say that the local press did not err in the discharge of their responsibilities since they were sometimes too strong in their choice of vocabulary which was potentially seditious in nature. Regardless of this unfriendly situation that the press found themselves in, some pressmen were determined to carry through their responsibilities of educating the populace and putting the colonial authorities on their toes. For this reason, the arrests, fines and deportations of some pressmen from the Gold Coast did not deter the press from doing their work. The press, no doubt, did a yeoman’s job in the colonial struggle and final attainment of independence by Ghana on the 6TH of March, 1957.
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