SIR GEORGE RUSSEL CLERK AND THE ABANDONMENT OF THE ORANGE RIVER SOVEREIGNTY, 1853-54: ROOM FOR ANOTHER VIEW[1]

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Sir George Russell Clerk en die prysgawe van die Oranje-Rivier Soewereiniteit, 1853-54: Ruimte vir 'n verdere mening

Hierdie artikel bied 'n herwaardering van sir George Russell Clerk se rol in die Britse prysgawe van die Oranjerivier Soewereiniteit in 1854. Dit steun op private versamelings wat nog nie tevore aangewend is nie, en openbaar onder meer dat 'n ernstige beenbesering wat Clerk opgedoen het, in aanmerking geneem behoort te word wanneer daar kritiek op sy houding en optrede uitgespreek word. Die artikel plaas ook vir Clerk in wyer verband, nl. in sy ervaring as administrateur in Brits-Indië, veral onder die Sikhs van die Punjab en die Cis-Sutlej state. Hierdeur word die besliste moontlikheid geopper dat spesifiek hy as Spesiale Kommissaris aangestel is vanweë sy oortuigings wat hom vir die situasie in Suid-Afrika geskik gemaak het. Met sy vaste geloof in die behoud van die Indiese gemeenskappe was hy op 'n siniese wyse krities oor die heersende opvattinge, beginsels en praktyke van die Britse administrasie. Hy het nodelose uitbreiding van die Britse ryk veroordeel, en die deugde van nie-anneksasie, die herstel van afgesette regeerders en nie-inmenging in die sake van Indiese state geloof. Dit was hierdie hoë beginsels wat in Suid-Afrika toegepas is. Daar is opmerklike ooreenkomste in Clerk se siening van Sikh en Boeregemeenskappe, dermate dat hy "nasionalisme" by albei onderken. Selfs die uiteindelike regtelike en konstitusionele skikking van 1854 weerspieël die sterk geloof in indirekte regering waarmee Clerk vanweë sy diens in Indië volkome op die hoogte was.

This article seeks to re-evaluate Sir George Russell's Clerk's role in die abandonment of the Orange River Sovereignty in 1854. It draws on hitherto unused private papers which reveal, inter alia, that a serious leg injury offsets criticism of his attitude and work. The article also places Clerk in the wider context of his experience as an administrator in Birtish India, especially among the Sikhs of the Punjab and the Cis-Sutlej States. This raises the distinct possibility that he was handpicked as Special Commissioner because he had held strong views which were suited to the South African situation. With a firm belief in the integrity and preservation of Indian societies, he was cynically critical of the prevailing attitudes, principles and practices of British administration. Hy denounced gratuitous extension of Empire, extolling the virtues of non-annexation, restoration of deposed rulers and non-intervention in the affairs of Indian states. These high principles came into play in South Africa (and were publicly recognized in later life). There are distinct similarities between his perception of Sikh and Boer societies, to the point of attributing "nationalism" to both. Even the final legal and constitutional settlement of 1854 reflects die pervasiveness of indirect rule with which Clerk was entirely familiar because of his service in India.

In 1854, by the Bloemfontein Convention, Britain abandoned the Orange River Sovereignty. For a number of creditable historians this was a watershed in the history of South Africa. C.W. de Kiewiet, W.M. MacMillan, and others, one way or another, have raised the question succinctly put by A.M. Keppel-Jones: "Where did we take the wrong turn?" His view that the emergence of apartheid was assured by

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[1] The author is writing a biography of Sir George Russell Clerk.

the abandonment of the Orange River Sovereignty in 1854 is well known.[2]

The principal player in this abandonment was Sir George Russell Clerk who departed from the South African scene unloved and unsung. In the words of Joseph Orphen, a contemporary, he was regarded as "the instrument of the greatest injustice ever perpetrated on a people. May we never see him here again".[3] J.F. Midgley, in his thesis on the Orange River Sovereignty, concluded that Orphen "would have been nearer the mark had he described Sir George Clerk as an instigator and not merely as 'the instrument...'"[4] Thus Clerk was relegated to the ranks of those who bequeathed an unhappy legacy to South Africa.

But a little more than a hundred years after Clerk's death it is appropriate to review his role in the affairs of South Africa by introducing two new aspects. The fitst of these is hitherto dormant evidence. For instance, Midgley's judgement was arrived at after a perusal of the official correspondence, mainly between Clerk and the Duke of Newcastle, Secretary of State for War and the Colonies, but without regard for certain important collections of private papers.[5] The second is the necessity to place Clerk, and this segment of South African history, in the context of the wider world - in this case, India.

The exercise seeks to present another side to the South African story: that Clerk, far from being a mere instrument of British policy, was someone with firm views of his own; that he believed in what he was doing, not merely as a political necessity, but also as a fulfilment of high principles and certain perceptions of societies under British rule (or under the threat of it) which he had acquired in India. It thus cautiously advances the view that Clerk's Indian experience more than likely influenced his approach to South African affairs. There is enough evidence - for India, at least - that previous experience contributed to the formation of policy.[6] Hence it may legitimately be asked whether Clerk's Indian experience either shaped or nourished a predisposition towards granting independence from Britain to subject peoples. In other words, was he handpicked by the Secretary of State for War and the Colonies as someone who, by inclination and by virtue of his public and private record, would naturally be inclined to implement a policy of abondonment already decided upon?

A.M. Keppel-Jones, 'When did we take the wrong turn?' *Race Relations Journal* (South African Institute of Race Relations, Johannesburg) 26(1), 1959, p. 29.

A bibliography relating to this question is to be found in a recently published article by Timothey Keegan, 'The making of the Orange Free State, 1844-54: sub-imperialism, primitive accumulation and state formation', *Journal of Imperial and Commonwealth History,* 17(1), 1988, p. 48, footnote 2. See also his discussion on pp. 26-27.

3. Quoted in J.F. Midgley, 'The Orange River Sovereignty (1848-1854)', *Archives Year Book for South African History,* 1949 (2), Cape Town, p. 578, footnote 98.
4. *Ibid.*, p. 578.
5. The collections in question are the Clerk Papers in the Colonial Office Library, London; the Newcastel papers, University of Nottingham, and the Cathcart Papers in the possession of Major-General the Earl Cathcart, CB DSO MC, to whom I extend my thanks for allowing me to consult them.

   Midgley is not alone in having neglected to consult private papers (not that trying to exhaust all possible sources should become an obsession, but in the search for less obvious motives this is sometimes useful). John S. Galbraith, *Reluctant Empire: British policy on the South African Frontier 1834-1854* (University of Clifornia Press, 1963) and John Benyon, *Proconsul and paramountcy in South Africa: The High Commission, British supremacy and the sub-continent 1806-1910* University of Natal Press, 1980) could both have benefitted from such consultation - the former more than the latter who saw the Newcastle Papers. But none of these historians, and certainly none known to me, explore the added dimension of Clerk's Indian experience.

   The influence of India on the formation of policy in the India Office is discussed below (see footnote 30 onwards). Less complicated is the way in which events in India affected South Africa at the symbollic level of place names. Sir Harry Smith, returning to South Africa after the laurels of the Battle of Aliwal in the Cis-Sutlej states (1846) bequeathed Aliwal North (and South) to the Cape Colony.

In announcing Clerk's appointment, Newcastle observed to Sir George Cathcart, Governor of the Cape Colony and High Commissioner, 1852-54, that:

> Questions of great nicety will require adjustment in carrying the measures into effect. I have thought fit to accede to your strong recommendation that a duty of such delicacy and difficulty should be entrusted to a Public officer selected with special reference to its nature and in full possession of the views of the Government.[7]

But was there more to it than mere diplomatic expertise? Was there something else, based on his Indian experience, which made Clerk so attractive to the British Government as it embarked on the unusual, and, in this case, difficult step of relinquishing territory?[8] It may well be, of course, that they happened on Clerk by happy chance; but an early private letter from Newcastle to Cathcart may well suggest that Clerk's Indian background had something to do with it:

> I consider myself fortunate in having secured the Services of Sir George Clerk (whose name I have no doubt is well known to you) in the important task of bringing the affairs of the Orange River Territory to a Settlement.
>
> ...His experience is great & his judgement good & I have left him therefore a wide discretion.[9]

And Clerk's experience in the Empire at that point was Indian, through and through.

George Russell Clerk was born at Worting House in Hampshire on 28 June 1 800, educated at Haileybury,[10] and entered the service of the East India Company as a writer on 30 April, 1817. He successively Assistant Magistrate of the suburbs of Calcutta (1819), Assistant in the office of the Superintendent of Stamps (1820), Assistant Magistrate, Judge and Registrar in Nuddea[11] (30 June, 1920), First Assistant to the Secretary to the Supreme Government in Calcutta in the Secret and Political Departments, and Second Assistant to the Resident in Rajputana.[12] From 1824 to 1827 he visited England, returning to India as First Assistant to the resident at Delhi. In 1831 he was appointed as Political Agent at Ambala (Umbala). In 1838 he was charged with the control of Ranjit Singh's Cis-Sutlej possessions. 1840 saw him as Political Agent at Ludhiana in the North-West Frontier Agency in the Cis-Sutlej states of the Punjab.

During 1842-43 he was envoy to the court at Lahore, and in June 1843 he was appointed as Lieutenant-Governor of the North-West Provinces. By 1844 he was a provisional member of the Supreme Council of the Government of India. This was followed in 1847 by his appointment as Governor of the Presidency of Bombay, an office which he resigned in 1848. Clerk then returned to England where he was created a Knight Commander of the Bath. He declined the governorship of the Cape Colony but nevertheless undertook the mission to South Africa with which this article is concerned. Thereafter he returned to Indian administration. In 1856 he was appointed Permanent Under-Secretary to the East India Company Board of Directors. In 1858, after the Indian Mutiny, the rule of the East Indian Company was replaced by that of the Crown. The Home administration, while retaining much of the old administrative structure, was modelled along more conventional Whitehall lines. Clerk

7. Newcastle to Cathcart, 14-3-1853, des. no. 36, Cathcart Papers.
8. Writing to Clerk, Cathcart mulled over the problems inherent in the constitutional and legal position of British authority in the Orange River Sovereignty and the means whereby it should be "relinquished" (a word which he used once in preference to "abandonment"). He observerd: "It occurs to me that his case of abandonment is without precedent - you have to create one for future occasions." (Clerk Papers, 6-9-1853).
9. Newcastle to Cathcart, Private, 14-4-1853, Newcastle Papers.
10. Haileybury College trained personnel for the government of India under the East India Company. It was closed in 1853. This gave rise to a new breed of civilian administrator described (with some accuracy) as the Competition Wallah.
11. A district under the Presidency of Bengal.
12. An area in Western India, home of the Rajputs, embracing a number of Indian states.

became Permanent Under-Secretary in the new India Office with its Secretary of State for India. 1860 to 1862 saw Clerk once again as Governor of Bombay. The following year the Council of India, which had been created in 1858 as part of the new administrative framework, claimed him as a member and he was actively engaged in its work until 1876. He died on 25 July 1889 at 33 Elm Park Gardens, London.[13]

A colourful character lurks behind these bare biographical bones. Imaginative, clear-headed and efficient, especially in emergencies,[14] irascible, ebullient, event petulant, Clerk is one of the most underrated administrators of the Birtish Empire. As I have written earlier, in connection with his Under-Secretaryship in the India Office:

> Clerk's term of office as Under-Secretary was too short and he was too preoccupied with office reorganization to set a trend. Perhaps, after all, he was too flamboyant, too emotional in a good cause, too critical, too eager for action to make a successful Permanent Unver-Secretary. He was at his best in India, galloping furiously in his short, black coat to put down local squabbles, or as a member of the Council of India, mercilessly falying inadequate or biased draft despatches. The difficulty with Clerk was that often one could barely take him seriously. Someone who, tantalizingly, attributed the decline of British influence in Tehran and the ascendancy to that of Russia to the discontinuance of a regular supply of 200 dozen of Hodgson's Pale Ale for the use of the ladies of the Shah's household, could easily become the office joker. Equally, to suggest that British troops be removed from India to force the English there to conciliate the Indians, was to invite begin labelled as irresponsible. But behind the clown's mask was a serious face; laughing with tears in one's eyes is often the only sensible reaction to opportunities missed and lives lost through lack of imagination and initiative. Clerk's love of caricature, the sarcasm and the boisterousness veiled a nimble mind, and a seemingly casual approach concealed efficiency, persuasiveness and persistence.[15]

Greatly admired by his contemporaries,[16] Clerk was probably the most forthright critic of British administration in India during the 19th Century, especially as a member of the Council of India during the 1860s when he denounced political charlatanism, hypocrisy and false motives as vigorously as he commended tolerance, sincerity and understanding. Warm-hearted and sensitive to the needs of Indians whom he understood, and who understood him,[17] he heaped scorn on the

13. *Ibid.* Inter alia see C.E. Buckland, *Dictionary of Indian biography* (Reprint, New York, 1969); Government of India, Imperial Record Department, *List of the heads of administrations in India and of the India Office in England (Corrected up to 1 October 1938)* (New Delhi, 1939); Barkat Chopra, *Kingdom of the Punjab 1839-45* (Vishveshvaranand Institute, Hoshiarpur, 1969), Appendix K, pp. 445 ff.; *Dictionary of National Biography* (Reprint 1937-1938), vol. XXI (Supplement), p. 459. The version in the *DNB* of Clerk's relationship with the Governorship of the Cape Colony needs revision. When he was in South Africa he was asked again by Cathcart to take on the governorship of the Cape Colony, and he refused it, in spite of pressure and compliments. (Cathcart to Newcastle, Private, 15-11-1853 and 14-2-1854, Newcastle Papers.)
14. His swift action to counter the disastrous British retreat from Kabul in 1842, during the first Afghan war, when 16 000 men were lost and only one returned, was commendable. (See Sir Herbert B. Edwards, K.C.B., K.C.S.I. and Herman Merivale, C.B. *Life of Sir Henry Lawrence* (3rd Edition, London, 1873, pp. 186-188).
15. Donovan Williams, *The India Office 1858-1869* (Hoshiarpur, Punjab: Vishveshvaranand Vedic Research Institute, 1983), p. 110.
16. In the writings of Joseph Davey Cunningham, Henry Thoby Prinsep, Henry Lawrence, Herbert Edwardes, John Lawrence and Henry Edward Goldsmid, Secretary to Clerk when he was Governor of Bombay, 1847-48. (See Indra Krishen, *An historical interpretation of the correspondence of Sir George Russel [sic] Clerk, political agent, Ambala and Ludhiana, 1831-43 (Delhi, Preface 1952), p. 9, for further bibliographical details).*
17. For some insight into Clerk's approach to his work as an administrator-diplomatist in the Punjab, and the respect with which he was regarded, see Sohan Lal, *Umdat-ut-Tawarikh* (Translated by Professor V.S. Suri) (Chandigarh, 1972), *passim.*

petty ambitions of political agents who, instead of confining their activities to political matters,so obtruded themselves into affairs of Indian states that they thereby encouraged the British Government to hanker after, or even engage in, conquest.[18]

The insidious attraction of British interference in the affairs of Indian states, and of annexation itself, was deeply embedded in the ethos of the Indian subcontinent. Clerk had had to conted with it in his work as an administrator in the Cis-Sutlej states of the Punjab where he gained considerable experience of Indian societies.[19] It may well be, as Indra Krishen said in 1952,[20] that during the period 1831 to 1843, when Clerk was Political Agent at Ambala and Ludhiana, he favoured the extension of British authority over Indian states, and the benefits which it bestowed, providing there was no "glaring injustice". This opinion requires further investigation in the appropriate archives in India and Pakistan. Certainly, as time went by, Clerk felt increasingly that many of the benefits of direct British rule were at least dubious, and by the sixties he was crusading against many of the disadvantages for native societies which the process bequeathed. His appreciation of the cultural, religious and political fabric of Sikh society (albeit that it suffered from internecine differences)[21] seems to have laid the foundation for his later more liberal views as a member of the Council of India. Hence it seems natural that in 1853 he could recognize the cohesiveness of Boer society which was not confined to the Orange River Sovereignty[22] and which had divisions within it which were somewhat reminiscent of the differences between the various Sikh factions.

Certainly by 1844 Clerk was already taking up cudgels on behalf of Indian states and societies against pressures from Britain as the paramount power. This is clear during his later service relating to the affairs of the Punjab. To the north of the River Sutlej lay the Lahore Kingdom of the Sikhs, which had been established by Ranjit Singh who died in 1839. The Sikhs had continuing ambitions south of the river where the Cis-Sutlej states were under British protection. The British Agent on the North-West Frontier was stationed at Lahore city. The Cis-Sutlej states had their British Political Agent at Ludhiana, where Clerk held office from 1840. A Major G. Broadfoot was appointed British Agent at Lahore in 1844 and proceeded to act as if the Cis-Sutlej territories were entirely under his control. He also seems to have set up a formal claim to such control.[23] Clerk was unenthusiastic about these pretensions (as he would have described them). When invited to submit his views on the subject to the Home Government of India (the Board of Control), his Memorandum on the Cis-Sutlej States caused considerable concern by directly opposing the forward policy of the Government of India and supporting the right of the Sikh Government to its possessions in the Cis-Sutlej Territory.[24]

18. Williams, *The India Office 1858-1869,* p. 109 and ch. X, *passim.* The index under "Clerk" should also be consulted.
19. Sir Richard Temple, *Men and events of my time in India,* (london, 1882), p. 226, acknowledged that "No man living possessed so great a knowledge as he of the Nativeprinces, chiefs and upper classes generally."
20. *An historical interpretation of the correspondence of Sir George Russel [sic] Clerk, Political Agent, Ambala and Ludhiana, 1831-43,* (Delhi, Preface 1952), p. viii.
21. The evidence for Clerk's view of the cohesiveness of Sikh society as early as 1839 is scattered throughout the records. See, for instance, Parshtoam Mehra, *North-Western Frontier and British India 1839-42* (Chandigarh, vol. 1, 1978), p. 246 ("a far more ostentatiously religious people than originally they were") and p. 407 ("the National feeling"). (*Newsletters* of Lord Auckland, quoting Clerk.)
22. See below.
23. Sir George Campbell, *Memoirs of my Indian career* (Edited by Sir Charles E. Bernard), (London and New York, 1893), Vol. 1, pp. 75-76; Bikrama Jit hasrat, *Anglo-Sikh relations 1799-1849: a reappraisal of the rise and fall of the Sikhs* (V.V. Research Institute Press, Hoshiarpur, 1968), p. 259.
24. Hasrat, *Anglo-Sikh relations 1799-1849,* pp. 260-261.

Afterwards, as provisional member of the Governor-General's Supreme council, and later as Governor of Bombay, Clerk strongly opposed the annexation of Satara in 1846 and the Punjab in 1849 which heralded a string of annexations by Lord Dalhousie.[25] Subsequently he continued to advocate non-intervention, non-annexation and restoration of Indian states to their rulers where possible.[26] As member of the Council of India in the 1860s, drawing from his experience in the Bombay Presidency, his views never altered - as his reaction to the affairs of Kathiawar bear witness. There is no doubt that he influenced Lord Cranborne, the Secretary of State for India, 1866-67, in the writing of a despatch which vigorously denounced British political agents for what amounted to an attack on the independence of the chiefs in that area.[27]

Thus, throughout his Indian career, Clerk sought not only to curb British territorial expansion on the subcontinent, as occasion demanded, but also to instill reasonableness into the spirit of British rule in the conquered or ceded territories, and in British relations with Indian states.[28] While acknowledging the benefits of paramountcy, he deplored its excesses. With vigour rooted in deep conviction he denounced gratuitous extension of British authority in India, lacking as it was in the spirit of consiliation and resulting in either annexation or increased interference in the affairs of Indian states. Clerk was consistent in his views on the role of the British in India. He deemed that fairplay and adherence to treaties were an essential foundation for paramountcy and that lack thereof was deleterious to the stability of British rule.[29]

Clerk's principles of administration which matured in the 1860s, and which were reasonably well developed by 1853-54, therefore owe much of their origins to his experience in the Cis-Sutlej states and the Punjab. There is no doubt that India exercised a pervasive and continuing influence on its administrators. This is particularly noticeable in the way in which the members of the Council of India (established in 1858), who had served in India, could not shake themselves free of their regional past, and allowed - even encouraged - it to influence their thoughts on policy towards the subcontinent in later years.[30] Clerk was no exception. His despatches to Newcastle in 1853-54 already contain homilies on the way in which the extension of the frontiers of Empire took place almost needlessly. He impressed upon the Home Government "the expediency of restraining the ardour which has sought for extension of British dominion in South Africa." That ardour came from

25. Sir William Lee-Warner, *The life of the Marquis of Dalhousie, K.T.* (2 vols.), (London, 1904), vol. 11, p. 161. Clerk, Governor of Bombay in 1848, used adjectives such as "capricious" and "ambiguous" to described Britisch policy as Dalhousie was gearing up.
26. See Williams, *The India Office 1858-1869,* p. 109, with special reference to his failed attempt to have Dhar restored to its ruler after the Mutiny of 1857.
27. *Ibid.,* pp. 250-262 for details of this revealing aspect of British policy.
28. In brief, ceded or conquered territory in India fell directly under British administration, with its formal hierarchy of officials, and in all its various forms. Indian states (also, formerly, referred to as "Native" states) were territories in a subordinate treaty relationship with Great Britain, hence under "indirect rule." In such situations a British resident or diplomatic agent was the long arm of the paramount power within the Indian state. (William Lee-Warner, *The protected Princes of India* (London, 1894) is an indispensable source of information on the Indian state and its relationship with the British.)
29. Temple, *Men and events,* p. 226.
30. See Williams, *The India Office 1858-1869,* Conclusion, pp. 453-581, *passim,* Where this theory is advanced in detail, and p. 481: "All men are victims of their past; but at certain times some are more shackled by it that others." The subject is also discussed in my two articles: `The Council of India and the Relationship between the Home and Supreme Governments, 1858-187), *The English Historical Review,* XXXI, (CCCXVIII), January 1966, p. 61ff, and The formation of policy in the India Office, (1858-1869): a study in the tyranny of the past' *Journal of Indian History: Golden Jubilee Volume* (edited by T.K. Ravindran) (Department of History, University of Kerala, 1973), *passim.*

self-interested adventurers (land speculators in the case of Transorangia).[31] And extension of frontiers because of humanitarian considerations, Clerk pointed out ironically, resulted in

> the mere occupation of wastes almost uninhabitable, attended with constant inconvenience and expense to the state, arising from nothing less than the extinction of the rights of those natives, to protect whom was the motive or the pretext of the extension of authority.[32]

The spirit and flavour of these observations find their counterpart in Clerk's minutes of the 1860s, as a member of the Council of India, when further experience in India had confirmed his early impressions that the unacceptable and self-serving ambitions of political agents and residents were one of the main causes for the gratuitous extension of Empire. They were observations which were not meant for South Africa alone, but for the Empire at large, and in the sixties they blossomed into his full-scale successful crusade, as a member of the Council of India, against the intention of the British Government to annex Mysore in spite of the guarantees of the Queen's Proclamation after the Mutiny that Indian (Native) states were now sacrosanct.[33]

This stand by Clerk was based on three high principles: the need to respect treaty rights; the recognition of the intrinsic worth of Indian polity; and simply an opposition to more annexation.[34] The decision not to annex Mysore (1867) was a watershed in the history of British administration in India. It was as important as the abandonment of the Orange River Sovereignty for the history of South Africa, which Clerk approved of because of equally firm principles and perceptions. As I have said elsewhere: "Few British administrators during the 19th Century could lay claim to having participated in such remarkable decisions in two continents."[35]

It was not South Africa which shaped Clerk's principles and perceptions: it merely re-enforced them. And even if he did not acknowledge the influence of his Indian past in the work relating to the Orange River Sovereignty,[36] it is difficult to see how it could have escaped its imprint.

And for those who are given to speculate on the role of coincidence in the study of history, there is, at the time of Clerk's activities, a tantalizing similarity between some of the geographical features of the Punjab, with the Lahore Kingdom of Ranjit Singh in 1839 and the Cis-Sutlej states under British Protection, on the one hand,

31. Report by Clerk, 25-8-1853, Bloemfontein, *Further correspondence relative to the state of the Orange River Territory, Parlaimentary Papers, XLIII,* p. 50.
32. Report from Clerk, 14.1.1854, *ibid.,R 73.*
33. Donovan Williams, The adoption despatch of 16 April 1867: its origins and significance', in Donovan Williams and E. Daniel Potts, *Essays in Indian History in honour of Cuthbert Collin Davies* (Asia Publishing House, Bombay, London, 1973), pp. 222-243, *passim.*
34. Or, in the words of a sympathetic member of the Council of India, Sir John Pollard Willoughby: "the extension of the red wave over the map of India." *Ibid.,* p. 232.)
35. *Ibid.,* p. 243.
36. In the records which I have consulted there are only two references by Clerk to India by name. The first relates to missionaries, whom he considered to have done as badly with regard to conversions in India as in South Africa, but whose attitudes in India gained them more respect than in South Africa. (Clerk to Lord Jocelyn, 13-7-1953 (copy), Newcastle papers). The second reference occurs in a letter in which Clerk explains to Newcastle that refusing the Governorship of the Cape Colony has little to do with alleged attractions of India, "where inconvenience from climate is continual, and the strongest constitution is soon enfeebled and impaired." (Clerk to Newcastle, 6-11-1853, *ibid.*).
37. The Punjab was called The Land of the Five Rivers - the Indus, Jhelum, Chenab, Ravi and Sutlej (or six if one includes the Beas). The Orange River Sovereignty had at least six, including the Vaal, Rhenoster, Vet, Modder and Orange. In both cases the rivers have a fan-like configuration spreading towards the North-East.

and Orange River Sovereignty and the Cape Colony in 1853-54, on the other.[37] Both were frontier areas, one way or another.[38]

Before elaborating on the importance of Clerk's views regarding the extension of Empire, and states and societies under British rule, as they influenced his thinking on the abandonment of the Sovereignty, it is necessary to draw attention to three things which seem to have escaped the attention of historians writing on the subject of the abandonment, as a corrective to certain harsh judgements on Clerk's personality during that time.

The first is the high regard which Sir George Cathcart had for Clerk, not only as a person but also because of his first-rate handling of affairs. Even before they met for the first time, Cathcart wrote to Clerk:

> I am happy to say that by my last accounts from the Sovereignty every thing remains in the most favourable state for *manipulation* in skillful hands which could be desired (according to possibilities) and I have no doubt that in yours they will be moulded into the most advantageous shape of which they are capable.[39]

In November 1853 Cathcart complimented Clerk on the fact that

> you seem however to have grasped the whole subject at once and to be conducting the business in a quiet & statesmanlike manner which appears to me to be admirable and certain to obtain the most equitable & satisfactory adjustment of which the thing is capable.[40]

On 24 January 1854 Clerk's latest report was deemed "very interesting and satisfactory" and his view of the Basuto boundary question "excellent."[41]

The second is the importance of the meeting between Cathcart and Clerk in Grahamstown on 18 July 1853 when Clerk was on his way to the Sovereignty. Before this meeting Cathcart explained to Newcastle that it was his intention to put Clerk in possession of "all the information and documents" that might be of use to the Special Commissioner.[42] Clerk kept a record of the meeting in a unique memorandum which he wrote in indifferent Persian, probably for reasons of security.[43] It is not the purpose of this article to embark on a detailed analysis of the significance of this meeting as reflected in Clerk's memorandum. But in the absence of mention of it in the document, Cathcart's prejudiced view of the Transorangia Boers did not seem to have made an impression on Clerk who, in spite of earlier describing the Eastern Province Boers as "dirty," nevertheless regarded them as belonging to a distinct society, possessing its own character.[44]

38. See my remarks on frontiers in the foreword to Bikrama Jit Hasrat, *History of Nepal, as told by its own and contemporary chroniclers* (Hoshiarpur, 1970), p.v.
39. Cathcart to Clerk, Grahamstown, 29-5-1853, Clerk Papers.
40. Cathcart to Clerk, 28-11-1853, *ibid.*
41. Cathcart to Clerk, Grahamstown, 24-1-1854 (Cathcart wrote 1853 in error), *ibid.*
42. Cathcart to Newcastle, 16-6-1853, Newcastle papers.
43. Memorandum in Persian by Clerk, probably written in Grahamstown, 18-7-1853, Clerk Papers. This hitherto unexplored addition to the source material for the abandonment of the Orange River Sovereignty was translated into English for me by Dr. Vladimir Zwalf, of The British Library. He informed me that the Persian was relatively poor, and the translation is therefore of a fragmentary nature. Notwithstanding, the document has its value and I would be happy to supply interested researchers with a copy of the translation.
44. Cathcart to Newcastle, Private, 6-6-1853, Newcastle Papers. Cathcart described the Boers as "ignorant and obtuse" and "phlegmatic to the full extent of their common national attribute." At least he had in common with Clerk a perception of "national" characteristics, albeit derogatory. Midgley's strong statement of Cathcart's wide influence on Clerk at the meeting in Grahamstown (Midgley, pp. 507-578) should thus probably be tempered. For Clerk's earlier observation on the Boers see below, footnote 52.

The third aspect of Clerk's activity which has beeen ignored by historians is the injury which Clerk sustained after leaving Grahamstown. The role of illness or injury in history should never be underestimated, even if their influence cannot be accurately assessed. Both can blur judgement if severe. And Clerk's injury was serious enough to make him cancel a proposed visit to Delagoa Bay.[45] On 11 October, 1853, Cathcart wrote to Clerk, saying that he was sorry to find that he was still "inconvenienced so seriously" by his accident.[46] Three days later he wrote to the Secretary of State:

> I regret much that Sir George is suffereing much from the consequences of an accident by the fall of his horse when on the way to the Sovereignty - a tumour somewhere between the knee and the ancle has been the result and altho' he does not like it to be noticed - it occasions much pain and inconvenience - having to be dressed by a surgeon twice a day & I must not conceal from your Grace in Confidence - that in some of his letters, he expresses himself confidently to me a degree of anxiety about it which makes me feel very uneasy at times both as to his suffering & the great and serious inconvenience his being invalided at this moment would occasion to the public service...[47]

The evidence, however, points towards the fact that Clerk was resilient and that his judgement did not suffer. On the other hand, the injury itself is probably the explanation for the Fact that after arrival in Bloemfontein on 8 August 1853 he remained there for two weeks. Midgley states that during that time he sounded out "some of the few Dutch settlers" and on the basis of this concluded that "a large majority ... if left to the exercise of their own judgements, will rejoice in the prospect of being allowed to govern themselves." Midgley implies that Clerk should not have decided thus within a limited context. Equally, "His remarks upon native policy included the same criticisms of Sir H. Smith and Mojor Warden as had appeared in the notes forwarded at Cathcart's request by Henry Green just before he became British Resident."[48]

Any assessment of Clerk's actions must be shaped within the context of someone who was virtually laid up by an unfortunate and painful accident and who was impatient to get on with the business at hand. John Galbraith describes Clerk as "frigid", a quality which, he implies, accentuated the hostility towards the special commissioner on the part of those who were opposed to abandonment.[49] But this assessment of Clerk's personality runs contrary to the statements of both contemporaries in India and some later historians of British India. Perusal of the private papers reveals that the serious injury to Clerk's leg was a good reason for gritting his teeth. I find nothing in the records to suggest that Clerk in India, London or South Africa was frigid by nature. Detached, certainly. But then detachment is the hallmark of first-rate administrators; it is what lies beneath that detachment which is important. And, to boot, if he did make judgments on less than satisfactory evidence, as Midgley suggests, they were based on certain deeply rooted perceptions and principles, to which we will now return.

One should not underestimate Clerk's very poor view of British attitudes towards subject peoples. The extent to which Clerk sympathized with such societies is demonstrated in a memorandum which he wrote, entitled: "Natal. De La Goa."[50]

45. Clerk to Newcastle, 1-10-1853, Newcastle Papers.
46. Cathcart to Clerk, 11-10-1853, Clerk Papers.
47. Cathcart to Newcastle, 15-10-1853, Private, Newcastle Papers.
48. Midgley, *op. cit.*,p. 511.
49. Galbraith, *Reluctant Empire,* p. 269.
50. This is an undated memorandum in the Clerk Papers. For an example of Clerk's lack of respect for the British approach on certain aspects of the Sovereignty question see Clerk to Cathcart, 11-10-1853, Cathcart Papers.

> The arrogance which sometimes combines with better qualities in our [British] character, is so restrained at home where it's [sic] obnoxious exhibition provokes the interference of a policeman or a knock-down from an opponent, that it is apt to be exclusively indulged in abroad. This has been at the root of all the difficulties in the Cape Colony. Within it, Boers are the pith of the people. Governing that Boer community in an exclusively English fashion, English in its superciliousness, English in its abuse of patronage, we disclaimed to cherish their municipal institutions or to care to be just to them in any essential matter. By such neglect or contempt we engendered hatred of us in a race, in whose character naturally there is more in common and in sympathy with ours than we find in any other people.

This tantalizing statement is reminiscent of Clerk's views on British policy towards the Rajputs - a "proud and loyal race" After their defeat by the British there was evidence of a loss of purpose on the part of the chiefs. Clerk laid this at the door of the British and their gratuitous interference in the internal affairs of the conquered - something which destroyed initiative.[51] Unlike the Boers, the Rajputs had nowhere to flee to.

Clerk was not sentimental about people of places. His journey from Cape Town to Grahamstown took him through "the Southern Districts" to the Eastern Frontier. He was unimpressed.

> [T]he Country is arid and unattractive, its creatures hideous, horses dull, trees stunted, wine bad, water brackish, butter rancid, Hottentos drunk, Dutch dirty, and generally all the geese are swans. But the flowers are beautiful, and the climate heavenly.[52]

Notwithstanding, this lack of enthusiasm did not prevent him from recognizing the Boers as a whole, and those of the Orange Sovereignty in particular, as an identifiable people worhy of the recognition which he had accorded to others in India, and therefore entitled, in his view, to certain indisputable rights. There is nothing in the private correspondence of Clerk, prior to his arrival in the Sovereignty, to indicate that he distinguished between the Boers who preferred to see the British stay and those who did not. Surely this is reminiscent of his recognition of the cultural and political cohesiveness of the Sikh kingdom, which, like the Boers, also had its factions and internecine squabbles. In 1841 he recognized "the National feeling" in the Punjab;[53] in 1853 he noted the "national prepositions" of the "majority" of the Boers in the Orange River Sovereignty.[54] And both the Sikhs and the Boers were not confined to nuclear ("national") areas. The Sikhs had spilled over into the Cis-Sutlej states which were under British rule, while the Transorangia Boers were part of the Boer community in the Cape Colony, under British rule.[55]

Midgley's doubts about Clerk's ability to assess Boer feeling from the isolation of Bloemfontein within a short time have already been commented on within the context of his injury. But there is another blind spot in Midgleys assessment: a lack of appreciation of Clerk's sensitivity to the integrity and cohesiveness of Indian, and

51. Memo. by Clerk, Wood to Governor-General of India in Council, 15 Aug. (52) 1864, L/P&S/6/366/84, India Office Records quoted in Williams, *The India Office 1858-1869,* p. 248.
52. Clerk to Lord Jocelyn, 13-7-1853, Newcastle Papers. Clerk was a connoisseur of horses of which he kept large numbers constantly at the ready in the stables at Umbala. This enabled him to reach the source of trouble quickly. He was famous for the alacrity with which he would put in an appearance, and much of his success as an administrator was due to this. (See footnote 15 above.)
53. Mehra, *The North-Western Frontier and British India 1839-42,* p. 407. Also see, footnote 21.
54. Clerk to Newcastle, 8-10-1853 (copy), Cathcart Papers.
55. Refer to the accompanying maps and also footnote 37.

of other colonial societies, and which, together with his strong reservations about the tone of British administration in India, had made him a maverick. Before his arrival in South Africa, India had convinced him that anti-British local or group sentiment, and the cohesiveness arising therefrom, which had often crystallized under the heavy-handedness of British rule, was a tangible factor which had to be recognized if that rule were to be effective as well as fair and sensitive. As has been pointed out earlier, by the time he had reached Bloemfontein, Clerk regarded the Boers as a oppressed and underprivileged group, as he had done with similar groups in societies in India. If he attributed the sentiments of the "few Dutch settlers" to the many which he had not yet met, it was thus a natural assumption based on his perceptions of Boer society in South Africa and its reaction to British government which stemmed from the causes of the Great Trek, and which drew strength from similar situations in India. In spirited fashion he reported to Newcastle that

> in reviewing the former policy of the British Government, one cannot escape from the painful conviction, with reference to the interests and the feelings of the Dutch inhabitants of the Cape Colony, that the measures which, with few exceptions, it pursued towards them, and the neglect and disdain with which it habitually regarded them, have engendered a spirit which leaves them, with few exceptions, by no means desirous of remaining anywhere under British dominion...[56]

Clerk may have misjudged the situation in the Orange River Sovereignty, but in the circumstances ranging from limited mobility to a demanding past this is understandable. Thus his interpretation of the situation in the Orange River Sovereignty cannot be construed as a manufactured excuse for hastening the demise of the Sovereignty, as Midgley implies.

The abandonment of the Orange River Sovereignty involved legal and constitutional considerations which need to be understood in order to enjoy a full appreciation of Clerk's work. Here one is fortunate in having a book by John Benyon which explores these matters in detail.[57] Sir Harry Smith's venture across the Orange River had resulted in "a constitutional hybrid: half-colony, half-protectorate,"[58] where, according to the Secretary of State for War and the Colonies, the government was considered "as solely resting on the approval and sanction given on the part of the Crown to the regulations made by Sir H. Smith in his capacity as High Commissioner." The Bloemfontein Convention of 1854 "marked the abandonment of the Sovereignty and the inauguration of the 'Orange Free State.'"[59] When it came to retrocession, "[t]he peculiarity of the case" seemed to require both an Order in Council (without Parliament) and an Act of Parliament.[60] But in 1852, when the Duke of Newcastle became Secretary of State, it was discovered that Lord Grey's original Letters Patent erecting the Sovereignty into a separate government had never been promulgated. Hence, according to the Law Officers of the Crown, the withdrawal could be accomplished by proclamations and Letters Patent cancelling the 1851 constitution. Thus, in April 1854, the Sovereignty was got rid of without an Act of Parliament. Benyon then raises the question: "*to whom* was sovereignty transferred, and *what* was the *legal* status of the recipients?"

56. Report from Clerk, 25-8-1853, Bleomfontein, *Further correspondence relative to the state of the Orange River Territory, P.P., XLIII,* p. 24.
57. *Proconsul and paramountcy in South Africa: The Hich Commission, British supremacy and the sub-continent 1806-1910* (Pietermaritzburg: University of Natal Press, 1980), ch. 3, *passim.*
58. *Ibid.,* p. 36.
59. *Ibid.*
60. *Ibid.,* p. 41.

Benyon thus adduces that while the Bloemfontein Convention transferred the government of the 'white'areas to the Boer delegates who had assembled in Bloemfontein, they still possessed the *status* of British subjects; "so the end of sovereignty did *not* end their allegiance."[61]

Benyon then raises the intersting question as to why Clerk did not use his Special Commission to end Boer allegiance. In his view, the form of the 'Special Commission' and its relationship with Cathcart's powers as High Commissioner to all intents and purposes resulted in a situation in which Clerk possessed co-ordinate status with Cathcart. Accordingly, "for the Special Commissioner to have acted on High Commission precedents and taken the initiative on the question of allegiance might therefore have seemed reasonable."[62] Benyon continues:

> What deterred Clerk was the bridle that the metropolis had recently put upon the action of its South African commissioners. The Secreatry of State had bluntly instructed him that he would wield merely the *diplomatic* status of the High Commission in a *limited* locality: ["]...these instruments do not convey any direct legal authority. They constitute you the recognized agent of the Government for certain specific purposes, but do not profess to invest you with local powers of government."[63]

He concludes that:

> The Colonial Office had intuitively chosen the kind of relationship that would give the best leverage for asserting Britain's new, *informal* paramountcy in the interior. Henceforth the Orange Free State was generally obliged to conduct its external business with the Home government through the High Commissioner - who in reality was the Governor of the Cape [who reported to the Colonial Office].[64]

Shades of indirect rule in India? Clearly there were anomalies, since from the start the Secretary of State was intent on getting rid of the Orange River Sovereignty lock, stock and barrel. There were, after all, no hidden motives on the part of Lord John Russell, Secretary of State for the Colonies in 1855, who stated that he had "no objection to the bill" for ending Boer allegiance to the Crown.[65] Benyon has identified these anomalies in detail, both before and after Clerk's convention.[66] He draws attention to the Colonial Office misgivings about the implications of the Foreign Office appointing a Consular-General on the Orange River. "It would mean acknowledging the status of the Orange Free State as an independent country - which Clerk's anomalous convention, partly by accident, partly by design, had avoided doing."[67]

The notion that the abandonment of the Sovereignty was legally something less than it ought to have been, and that Clerk had a hand in it, has already travelled well in the historiography of the period. In his careful analysis of the Orange River Sovereignty, Timothey Keegan observes that: "Sir George Clerk was dispatched as a Special Commissioner to effect the disannexation...His central task was to forge a successor state that could be relied upon to carry out the imperial task without threatening a continual drain on the imperial exchequer."[68] He gives no reference for

61. *Ibid.*, p. 42.
62. *Ibid.*, pp. 42-43.
63. *Ibid.*, p. 43. c.o. 48/338: Draft Instructions to Clerk, 9-4-1853 (and other references)
64. *Ibid.*, p. 47.
65. *Ibid.*, p. 45.
66. *Ibid.*, pp. 43-48.
67. *Ibid.*, p. 47.
68. Keegan, 'The Making of the Orange Free State', p. 41.

this statement, apparantly basing on his admirable and extensive analysis of the affairs of Transorangia after it annexation in 1846, to wit:

> [The] annexation of Transorangia created the conditions for the securing of British interests without a continual accumulation of military commitments and territorial encumbrances. In this perspective, the temporary extension of formal sovereignty was a necessary step in the creation of a state system through which British interests in the region would be secured (although this was not realized at the time). A new collaborating class with the necessary institutional muscle and economic resources emerged out of the Boer diaspora, much more suited to imperial purposes in the subcontinent than the indigenous authorities on whom the British had previously pinned their trust.[69]

Both Keegan and Benyon have arrived at the correct conclusion that Birtish interests in South Africa were well served by the kind of legal and other arrangements which Sir George Clerk bequeathed. The reasons for, and assumptions upon which their conclusions and statements are based, are sound but limited. Both have failed to assess the influence of British India on the affairs of South Africa, whether by way of Clerk's experience and deeply held principles of governance, or by way of the pervasive and subtle influence of the British concept of indirect rule with which Clerk was entirely familiar, and which he preferred to direct British rule.[70]

It seems appropriate to conclude this article with a footnote to Sir George Russell Clerk's high principles which were nourished and matured in India. In 1876, when Clerk retired as a member of the Council of India on which he had served with distinction for a decade, *The Friend* newspaper in Bloemfontein, in complimenting him on his career, revealed how widely he was known for his integrity. The tribute commented on the cry of the India Office for new blood, but went on to say that

> the new blood of the political service is tainted with rank Dalhousieism; and it is hard in these days to find a man following steadfastly in the footsteps of Sir John Low, Sir George Clerk, and Sir Henry Lawrence - a man who thinks otherwise of the native princes and chiefs of India, than that suffering in the badge of their tribe!'"[71]

At that time, it seems, India was closer to South Africa in the view of some than current historians are aware of.

69. *Ibid.,* pp. 39-40. Keegan thus virtually disposes of the traditional view that it was Britain's abondonment of humanitarian responsibilities that constituted the watershed in South Africa history, "as suggested by the earlier liberal orthodoxy; the purposes of imperial policy had not change radically. Rather, the watershed lay in the means at the disposal of the British," i.e., the conditions and the collaborators (p. 39). Keegan's thoughtful analysis on pp. 38-39 deserves a wider context of empire to make a full impact.
70. The latter obviously lies beyond the confines of this article.
71. *The Friend of the Free State and Bloemfontein Gazette,* 23-3-1876.
Interestingly enough, I was anaware of this editorial in *The Friend* when during the years 1959 to 1962 I created the name "The Dalhousie Tradition" which I summarized as follows: "The Dalhousie tradition emphasized intervention, annexation and expediency. It was the result of conquest and paramountcy and was active throughout the Nineteenth Century, in spite of the Queen's Proclamation [1-11-1858]." (See my Oxford D. Phil. Thesis, *The formation of policy in the India Office 1858-66, with special reference to the Political, Judicial, Revenue, Public and Public Works Departments* (1962), Abstract and ch. v, *passim.* See also *The India Office 1858-1869,* pp. 210-211.) Sir John Low and Clerk were much admired by Sir John Kaye (high praise indeed!) as "honest men" (administrators), together with Sir Henry Lawrence, one of the archetypes of the formation of Indian policy who was highly respected by Clerk and Kaye for good faith and impeccable morality in dealings with Indian states (*Ibid.,* pp. 88, 462).