Reappraising Expropriations

A Clarification on Colonial Rationales Linked to the Collections Arising from the Attack on Benin City in 1897

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The attack on Benin City by British forces in 1897 has evolved into a symbol in the twenty-first century of the contested legacy of taking in military colonial conflicts. This revolves around questions of legitimacy of retention and, in a more focused manner, on the question of military looting. A number of scholars have written about the looting activities of British and other European forces concerning Yuanmingyuan (Tythacott 2018), Tibet (Carrington 2003; Harris 2012), and Benin City (Bodenstein 2018, 2020/1, 2022; Eyo 1997; Hicks 2020; Igbare 1970, 2007; Lundén 2016; Plankensteiner 2007; Ratté 1972; Shyllon 2019) to mention but a few. Some historians have provided an overview of the system that British land and naval forces operated to expropriate, and manage the expropriation of, artworks during colonial conflicts in the nineteenth century and prior (Finn 2018; Hevia 1994; Hill 1999; Spiers 2020). As noted in other publications (Lidchi and Allan 2020b; Lidchi and Hartwell 2022), colonial military conventions and codes that historically governed the taking of objects changed over the centuries, and this renders them somewhat opaque regarding what was being allowed and disallowed and how this was implemented. These governance structures, understood and applied by British army and naval forces, as well as such entities as the presidency armies of the East India Company, were obviously part of the “extractive statecraft” (Finn 2018: 17) of British governments that deployed a range of economic and military strategies to constrain and, in many cases, humiliate those who resisted while expanding the boundaries of trade and empire.

Looting (or plundering) in the context of a military campaign is inextricably connected in the contemporary imagination with disordered and frenzied fits of stealing. It therefore seems counterintuitive that the prize system—the British military codes used to govern the taking of booty—sought to regulate plunder (or looting) and in so doing maintain military discipline. Prize was the method by which captured property was gathered for expected sale so that the proceeds (as money) could be realized and distributed. The prize system of the British Army was a development of the earlier naval system present from the sixteenth century (for a history of the maritime system, see Hill 1999), which allowed for the capture of shipping and commerce from imperial rivals and later was rationalized as important to slave-trade suppression (see Foy 2010; Padraic 2014). Prize conferred financial benefits onto those who participated in colonial wars in the capture of cities or fortresses (or enemy shipping) and was considered an incentive in the recruitment and retention of forces. Seventeenth- and eighteenth-century India appears to have been the place where the prize system brought soldiers (especially officers) the greatest rewards,
even if it was, in contrast to the naval system, “ramshackle, partisan, Byzantine and tortuously slow.” This was in part because the army prize system required formal sanction of the British sovereign who ultimately had authority (Finn 2018: 17). Raffi Gregorian (1990: 64) notes that in the nineteenth century, even though the prize system was not bringing the profits of earlier centuries, the 1864 poster by the 13th Foot (Prince Albert’s Own) Light Infantry was still luring recruits with references to the pecuniary possibilities of colonial service. The recruitment poster promised honors, promotions, rewards, and “immense sums of prize money.”

Even though the system for distribution was sanctioned by the Treasury, the War Office, and the Admiralty (through the Vice Admiralty “prize” courts) and based in statute law and understandings of the standards of military behavior required to maintain discipline, the proper conduct for dealing with objects taken in war was not explicitly stipulated as part of army regulations. It fell to Sir Garnet (later Field Marshal Viscount) Wolseley, commander in chief of the British Army (1895–1901) to state conventions governing the appropriation of enemy property and codify what was deemed legitimate practice in the fourth edition of the Soldier’s Pocket-book for Field Service issued to all soldiers (first published in 1869) (see Spiers 2020). This was the very reading material recommended by Admiral Harold H. Rawson for those officers recruited at speed for the attack on Benin City in 1897 (Home 1982: 69). Prize belonged to the Crown and was not to be distributed without the sovereign's sanctions: “The grant and distribution of booty taken depends as it has always done on Her Majesty’s will and pleasure” (Wolseley 1883: 165). It appears, however, that by the nineteenth century, military officers on the ground were able, and content, to assume this role on behalf of the British sovereign on those occasions where the cash value of the property taken was not considered sufficiently significant. The formal allocation of prize, and thus prize money, was undertaken once prize agents were appointed who, in turn, reported to a prize committee. Prize agents were effectively valuers and auctioneers, selected by the military officers from among themselves. They were given responsibility for deciding when and where an auction would take place. They also determined how much would be sold, identifying and administering the shares of money to be paid to troops. This money was allocated by rank, with diminishing portions running downward from senior officers to private soldiers. The prize system functioned alongside the general ban on unsanctioned individual acts of taking (and keeping) during capture or campaign, since abandoning a post, or breaking a march, to plunder was potentially a court-martial offence. Therefore, although “loot” is used regularly for objects gained through the prize system, “booty” might be the better term, and is indeed deployed in reports at the time of the sacking of Benin City (Dalton 1897). In this manner, “to loot” (verb) was deployed differently from “the loot” (noun) applied, for example, to assemblages of objects photographed by soldiers (see Phillips 2021: 86) so as to have a different inflexion. This is obviously a colonial construction, but it bears examining, because booty was considered distinct from plunder, as to plunder or to loot was often understood as the taking without military sanction or discipline.

For the 1897 attack on Benin City, clarifying how the British military understood the expropriations of the Royal Court artworks may add to our understanding of colonial processes and thus ways in which the artworks were eventually disseminated around the world (thus bringing some qualification to the significant research of Bodenstein 2020/1, 2022; Lundén 2016; ratté 1972). Several authors have invoked the prize system as the mechanism by which the artworks arrived in European and other collections. There is some confusion as to how prize worked in this particular instance, given the combined involvement of sailors, marines, and soldiers, including those additional officers on longer-term secondment or short-term special service to the Niger Coast Protectorate Forces (NCPF). Special service officers were recruited from British regiments to command battalions or semi-battalions of African troops for this action (HMSO
1897: 50). These were volunteers looking for active service command experience. They were not members of the army special forces (as some have implied), namely specialized combat troops, since these did not exist at this time.

The 1897 attack on Benin City was a land assault launched from the coast into the interior under the “supreme direction” of Rear Admiral Harold H. Rawson, a naval officer and commander in chief at the Cape of Good Hope and West Coast of Africa Section. It was a joint enterprise with the constabulary forces of the British NCPF under Ralph Moor, Her Majesty’s Commissioner and Consul-General, with Brevet Lieutenant-Colonel Bruce Hamilton of the East Yorkshire Regiment taking temporary military command of the NCPF (HMSO 1897: 4, 7, 13). Given that the action involved combined forces, led by naval and marine involvement, it might be reasonable to assume that naval prize law would take effect. The Admiralty had, after all, declared a preparedness to assume command of this hastily put together force deploying naval vessels from the Niger Coast, the Mediterranean (Malta) with a hospital and depot vessel commandeered from England. However, custom and military law determined that the army prize system take precedence for a joint expedition on land, even if the Royal Navy were involved. So, in this instance, naval prize law was out of scope, although a naval officer could be expected to be appointed as one of the prize agents. Indeed, such was the desire to avoid jurisdictional confusion between the British Army and the Royal Navy that Wolseley’s regulations recommended, from his army perspective, that if captured enemy property had to be conveyed to the UK for auction, then the army should hire transport or use ordinary steamers. Her Majesty’s (Royal Navy) vessels were to be avoided in order to prevent any future claim being made by the captain of the vessel to army booty (Wolseley 1883: 165).

Ralph Moor’s (1898) account that on arrival in Benin City, “looting was strictly prohibited on the afternoon of the capture,” that all of value was gathered together, and that sentries were posted to prevent looting, formally complied to the practice of the prize system. However, his report also makes clear the prize system was not formally invoked at any stage. As is well known, the attack on Benin City was undertaken by a smaller number of forces than originally planned in part due to the logistical complexities linked to water and food supply and the concern for loss of life of British troops due to malaria. The time consideration may be at the root of ignoring the conventional approach to the apportioning of artworks assembled, the commanding officers neither convening a prize committee nor appointing prize agents. However, the anomaly that is the apportionment of artworks in the aftermath of the attack suggests a twofold explanation.

The first lies with administrative jurisdiction within and between different arms of the British government of the time. Not a fully-fledged Crown colony, the Niger Coast Protectorate was administered by the Foreign Office, not the Colonial Office. It was the Foreign Secretary who authorized the expedition. The forces that were assembled for the expedition, supplemented by carriers and scouts brought from Sierra Leone, comprised Rawson’s Royal Navy seamen (sailors/bluejackets) and Royal Marines, in addition to the more manifold military forces of the NCPF. The NCPF in official accounts are referred to as “Hausas” or “Houssas” troops usually assumed to be Muslim Hausa soldiers, though many were Yoruba (see Abaka 2009; Mack 2020; Stapleton 2021). The NCPF was maintained by the Protectorate, not the British Army, and thus came under the jurisdiction of the Foreign Office, not the War Office. At Foreign Office request, a small group of army officers (special service officers) had been dispatched by the War Office to supplement the expedition, including Hamilton, who took command of the Protectorate troops. Unlike the Colonial Office, or the government of India for that matter, the Foreign Office appears to have been unfamiliar and uncomfortable with the procedures for dealing with the War Office or the Treasury on matters of military prize money. The implications of these administrative niceties emerged after the expedition’s objectives were notionally secured, and in aftermath with the sale
of Benin Royal Court artworks, in the official papers and correspondence that was subsequently generated (researched by Ratté 1972). This includes correspondence that shows the Foreign Office's seeming confusion as to what to do with the various artworks either sent as war trophies to the Queen or expedited in boxes by Moor to the Foreign Office and the Crown Agents for the Colonies. The Crown Agents for the Colonies had responsibilities for financial transactions regarding colonial territories but were not formally part of the civil service or the Treasury.

The separation between Admiralty and Foreign Office is exemplified in the numerous reports of the expedition submitted by each officer in command—Moor, Rawson, and Hamilton—and in the commendations of those who served, standard practice in any campaign. Those seconded from the army were recommended by Hamilton to Rawson as worthy of regimental recognition. Rawson conveyed commendations for sailors and marines to the Admiralty, and those in service to the Protectorate were mentioned by Moor to the Foreign Office for advancement within the Niger Coast Protectorate. Lieutenant John Daniels, the only African officer who served during the attack (later of the Southern Nigerian Regiment, and recipient of a Distinguished Service Medal), who is twice photographed in the album held by the National Army Museum (NAM) donated in the name of Lieutenant Norman Burrows (see Hicks 2020: 209, 230; Phillips 2021: 88, 93), received repeated commendations. Daniels was mentioned for promotion but recommended for a special “pecuniary reward” of £15 in light of his service (which included detachment to secure Benin City after sailors and marines departed) (HMSO 1897: 20). Daniels, as with officers mentioned later (Ringer, Leonard, and Burrows), featured in multiple dispatches as reports were conveyed up the chain of command (33) and from the Admiralty to the Foreign Office (59).

The second element lies in an assessment made on the spot. In his account of 9 June 1898, Moor noted that he and Rawson took charge of everything “found” that could be considered “property,” a decision clearly recorded in photographs known and published that show members of the British forces sitting smoking among quantities of artworks assembled as booty (Coote and Edwards 1997). There is no evidence at this point that either Rawson or Moor considered invoking the prize system, which would have been custom, even though both the Cape Station and the earlier West African Station (incorporated into the Cape Section in the 1870s) would have been familiar with the workings of the prize system, as were the Vice Admiralty courts in Freetown, Sierra Leone, Cape Town, and Saint Helena. Rawson reportedly thought the artworks of possible interest to the British Museum, something that was confirmed only after the fact by Charles Hercules Read (1897) as he noted to Sir Edward Maude Thompson (Principal Librarian and thus Director of the British Museum) that it was urgent to communicate to “officers and soldiers” that the “national museum is anxious to acquire the native ‘curiosities’ that so often fall into their hands.” Instead, Rawson and Moor were content to identify categories of persons entitled to take some of the artworks assembled. Noting that looting was forbidden and sentries were placed to protect the artworks, Moor further recorded that in consultation with Rawson, they agreed that “reasonable trophies” were to be allocated to all “officers and others”—naval and Protectorate—who had engaged in the “operations.” Moor further directed that a portion of the plaques should be sent to the Foreign Office on the same principle as the “giving of trophies” to the officers engaged, namely as a token, or memorial, of victory. Moor (1898) then identified a further category of person who was eligible to receive artworks: “others who though not actively engaged rendered indirect assistance.” This category appears to refer to a wider group of beneficiaries both British and, possibly, African. Furthermore, Moor’s note shows how artworks conceived of as important trophies were accorded through the two branches of the armed forces to the British government and the Royal Family. Moor identified “trophies” for the Queen conveyed through Lord Salisbury (Robert Gasgoyne-Cecil), Head of the Foreign Office and, at the time, Prime Minister and conveyed bronze artworks to the Foreign Office. Rawson
identified “trophies” for the Prince of Wales and for the First Lord of the Admiralty (Moor 1898). Barnaby Phillips (2021: 89–90), citing written accounts, provides evidence that the number of artworks allowed for each British serviceman seems to be denotative of military and naval rank. Selecting and extracting exceptional war trophies for the sovereign, and officers commanding, was established practice in the prize system, but dividing up booty on the spot without prize agents was not. Moor, and even Rawson, were theoretically overriding the Crown prerogative over booty, and it is an open question whether regular army officers also present were equally ignorant of the need.

There is a well-known discrepancy in numbers of bronze plaques identified by Rawson (ca. 1,000) and those sent by Moor (ca. 300) that arrived in London in separate consignments (Bodenstein 2020/1; Ratté 1972: 80). Moor argued the hundreds of bronze plaques that had been found stored in the Oba’s compound were unlikely to be of great financial value, possibly absolving himself of the need to enact the prize system and encouraging their sale. Moor (1898) notes that “property of value” was disposed of locally, in accordance with opportunity, reporting a sum of either £1200 or £1500 credited to the Niger Coast Protectorate. Moor’s assertion that “looting was strictly prohibited,” even if true according to his own limited definition, obviously did not disallow that the artworks were pooled and shared out in unrecorded quantities as booty, evidenced in both sales of work from Moor himself and the photographs belonging to the album of Lieutenant Norman Burrows (some of which are published here). Nor did it disallow that those who remained in Benin City, after the departure of the naval forces, continued to extract and sell objects in more local markets, given that Itsekiri chiefs and European traders are recorded as visiting Benin City on 27 February 1897 (HMSO 1897: 53), and by mid-March 1897 it was understood that £800 worth of items had been sold to traders in situ.

Robert Home (1982: 51) argued that the cost to British public funds of the attack on Benin City in February 1897 was a fraction of the expense incurred by the Third-Anglo Asante campaign to which it was frequently compared. The cost is recorded in The Naval Appropriation Accounts up to 31 March 1897 as £60,927 (HMSO 1898: 120), where it is described as a “very large extra expenditure” for financial year 1897 (187). This was half of that agreed for expenditure on the Fourth Anglo-Asante War that was of similar duration from 1895 to 1896 (Hansard 1896). The Naval Appropriation Accounts state that the Treasury would request a final account from the Admiralty with the view that the amount should be recovered as a whole or in part from the Niger Coast Protectorate or Royal Niger Company (a mercantile company that worked to establish British colonial interests in the lower Niger), whichever might be most expedient. This explains why proceeds from the sale of items in the Niger Coast Protectorate were credited to the Protectorate, thus offsetting the Admiralty’s expenses through the Treasury.

When all the consignments of bronze plaques were received by the Foreign Office in 1897, the question was what should be done. The quantity of bronze artworks available for sale in London caused concern in the Foreign Office as to the possible decline in value if offered at auction all at once. Moreover, as Mary Lou Ratté has noted, the Foreign Office had a jurisdictional quandary (1972: 79). Should the Foreign Office seek Treasury permission for the sale at auction when the Foreign Office technically could stand in for the Treasury on matters of Protectorate finances? The Foreign Office wanted to retain possession of Benin artworks for sale, insisting that they were returned from the Crown Agents to the Foreign Office (76). Sale by the Foreign Office would mean that any funds raised could be credited to the Niger Coast Protectorate to offset demands from the Treasury, given that the agreement was for at least partial cost recovery. There was little enthusiasm for a proposal to seek sanction from the Treasury for sale as the Foreign Office did not wish to encourage the Treasury to consider this “official booty” theirs and claim the entire value as their own, since they were not paying for the cost of the “expedition” (78). At issue was
the assumption that the Niger Coast Protectorate should aim at financial self-sufficiency, and to allow the Treasury dominion over the booty might set an unfortunate precedent eroding the distinction between “Imperial expenses” and “Protectorate revenue” (77). As these elements were being discussed, the artworks moved between the Crown Agents, who were concerned with valuing them and receiving consignments; the Foreign Office, who were keen to assert possession; and the British Museum, who wished to both display and obtain the artworks, while the Foreign Office sought advice on the legality of Moor’s actions in situ. It was when Moor arrived in person at the Foreign Office to distribute trophies as gifts to his fellow officials in the African Section of the Foreign Office that the civil servants began to question the propriety of what had taken place. Questions were asked as to why Moor thought he had the “right to property and presentation” and whether such actions would stand scrutiny in front of the Auditor General to the Houses of Parliament (85).

An in-house lawyer, a Mr. Clarke, was deployed to conduct a brief retrospective investigation as to the existing government regulations and proper course of action, and his conclusions are informative. On examination of an 1864 civil service file on the subject, he found that the “principle of prize and booty has been recognized for years,” that naval prize law did not apply, and that army prize regulations “seem to contemplate only operations on a large scale,” which in comparative military terms, the attack on Benin City was not. Legal advice especially relied on a letter in the 1864 file from the Secretary of the Royal Hospital at Chelsea, which noted that “Sometimes after the capture of small quantities of booty the General Officer commanding takes it on himself to distribute it on the spot, a practice which is irregular but not inconvenient” (memo by Clarke of May 1898, quoted in Ratté 1972: 86–87). Moor (1898) was required to write an internal report of his actions in distributing the booty, and the substance of this two-page 1898 account has been discussed above. The report was countersigned and endorsed as “satisfactory” and “quite sufficient” by Lord Salisbury, namely a suitable explanation for insurance against any unfavorable Parliamentary scrutiny, or future formal audit. So, the matter was considered closed.

Given the number of Benin artworks currently known to exist in collections around the world, and the intimacy of their relationship with the military attack on Benin City, it is initially intriguing as to why the collections held by the more than 130 regimental and naval museums in the UK rarely include artworks from Benin City. Following the discussions above, a few explanations suggest themselves. First, though the artworks circulated as a consequence of military activity, the 1897 attack on Benin City does not appear to be an action that was firmly located in British Army memory, unlike other larger-scale and more sustained colonial “expeditionary” conflicts, possibly due to the leadership of the navy or the relatively small number of personnel who were present either on special service or secondment. The second reason, as noted by Felicity Bodenstein (2018), is that those artworks collected by the serving military soon started to escalate in value, making sale to national institutions and dealers possibly much more attractive than a donation to a regimental museum.

Notable in regard to collections held by military institutions is the photographic collection linked to Major Norman Burrows held by the National Army Museum in London (gifted in the 1960s). Burrows’s photographs feature some of the officers named in this article and have been repeatedly reproduced in publications about the 1897 attack. Burrows in 1897 was a lieutenant on secondment from the North Lancashire Regiment. He served five years (1895–1899) in the Niger Coast Protectorate as District Commissioner, taking part in actions in 1897 and 1899, before moving to South Africa and serving in the South African War (Boer War). The Burrows collection includes a large photographic album (NAM, 1966-12-43), which features photographs from Burrows’s colonial military service ranging from India to West Africa to South Africa, including 66 photographs linked to the military campaigns of 1897 and 1899 in present-day
Nigeria, in multiple formats and some duplicate prints (some reproduced by Home 1982, Igbafe 2007: fig. 6). Duplicates of several the prints in this album are found in the Walker album reproduced in Phillips (2021) and the Granville album reproduced in Jeremy Coote and Elizabeth Edwards (1997), though each album has a different set of captions. There is a further “album” (NAM, 1966-12-45) made up of 23 mounted prints on six pages seemingly held together at one time in an album but now loose cards on which prints are mounted (which include those reproduced by Lundén 2016: figs. 13,14,18,19 and Hicks 2020: 167, 209, 230). Included in this article are two of the four images from this set (NAM, 1966-12-45-4, 10, 11, 21) presumably taken or commissioned by Burrows, as they show the Benin Court artworks he brought back and intended to sell at Mellor Hall, Manchester, in 1898. Two of the four photographs (NAM, 1966-12-45-11 and 21) are captioned “Benin Curios” (reproduced without caption by Home 1982; Lundén 2016: 188, fig. 18). One is a portrait of the collector among his collection (Figure 1, NAM. 1966-12-45-11).

Figure 1. Lieutenant (later Major) Norman Burrows shown with carved ivory altar tusks, and a bronze figure now in the Pitt Rivers Museum. The photograph is captioned in pencil and ink “Benin Curios.” Photograph courtesy of and reprinted with permission from the National Army Museum (NAM. 1966-12-45-11).
Given the timing of the portrait, it is hard not to read a commercial intention into Burrows's pose, since it echoes that of W. D. Webster, on approximately the same date, in terms of composition and country attire (also noted by Lundén 2016: 188–189), though Burrows's stance is to the side, not facing the camera as with Webster. Burrows it seems enjoyed posing; other photographs in both albums clearly demonstrate Burrows enjoyed single portrait photographs in which he inhabited different (colonial) identities.

Looking closely at the pieces photographed, it appears that there are 43 pieces in total (Figure 2, NAM. 1966-12-45-4). It is known that 10 pieces were sold from the Burrows collection to General Pitt Rivers (Hicks 2020: app. 3, states nine), entering the Pitt Rivers collection in early May 1898; several are shown in Figure 1 and Figure 2. The large bronze disk featured in the photographs is currently to be found in the Yale University Art Gallery (2006.51.81). Further items were later sold at Stevens auction house in London after Burrows's death in 1923—something that is also common to Benin artworks that remained in private hands until the early to
mid-twentieth century. The short article on “Sales at Auction” (1923) referred to a selection of valuable pieces naming those dealers who purchased them, including the remaining bronze plaque (Spink), a bronze commemorative head (W. D. Webster), and a carved ivory altar tusk purchased by Puddefoot (Puddefoot, Bowers & Simonett Ltd.), an ivory and tortoiseshell dealer in Kennington Lane, London.

Regarding Benin Court artworks, only one carved ivory altar tusk has been identified in a regimental museum. This is to be found in the Duke of Lancaster’s Light Infantry Museum (no. 508) and is registered in the name of Major Henry L. Gallwey. However, it is also recorded as having been presented to the officers’ mess/regimental depot by a triumvirate of serving officers with their ranks at the time: Major Henry L. Galney (presumed to be Gallwey/Galway), Major A. G. Leonard (who led one of the carrier columns), and Captain C. H. N. Ringer (an officer who continued on detachment after the attack). Another carved ivory altar tusk has been identified in the Royal Marines Museum (RMM TA 21) but has hitherto been inaccessible.

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