

settled for and exported between the 1st of July and the end of September. By that date the American Consul had stopped the payment of about \$70,000 in duties, a third of which were due from Jardine's agents as shippers in the Kingfisher. The British Consul on his part held notes for Tls. 20,000, yet cargo boats continued to carry tea down to the anchorage and the Chinese Authorities, imminent as a stoppage of trade might be, still gave no sign of it, nor, for that matter, of the punishment of Mr. Cunningham's murderer.

The stalemate was ended when Consul Jones received a hint that the Viceroy might accord him an interview. This was granted on his application and took place on October 11, 1856. After protracted discussion a double agreement was reached: that the Viceroy would issue a proclamation to the effect that the murderer would be punished, and that the Consul would notify a return to duty payments in the regular manner. Consul Jones did his part immediately and Consul Medhurst followed suit, with a notification on October 13. British merchants, owing some Tls. 23,411, were however required to pay up forthwith, - Medhurst hoped within 30 days, whereas the American duties already due, amounting to \$75,268.17, were left unpaid pending the Viceroy's appeal to Dr. Parker that the American duties might be paid up before the actual punishment of the murderer.

Although the Viceroy reported to Dr. Parker that one Tung Hwa Kieun had "on examination confessed that he had wounded Howard Cunningham" and would be duly tried, his appeal to Parker was fruitless; meanwhile, according to his half of the agreement, the Viceroy issued a local proclamation about October 15, declaring that the culprit who had killed an American would be punished. In December he encompassed the removal of the Prefect, who appears to have shared much in the real responsibility and most of the blame for what had happened.

In the end strenuous correspondence between Bowring Parker and their Consuls succeeded in clearing up the diplomatic situation. It developed that Consul Jones had accepted the bond on the Kingfisher under the impression that he was acceding to Consul Medhurst's request, as a favor of some moment; while the latter gentleman had remained unaware of the courtesy until long afterward (November 15). The Foreign Office⁴⁴ and all concerned agreeing that the bond was legally invalid, payment of the sums named in it was achieved through the concerted pressure of the various authorities. The errors were acknowledged even, and Col. Jones confided to his superior that "American interests in China, as everywhere else, will have a much better chance of success by relying solely upon the efforts of our own representatives and the energy of our own citizens. 'Peace with all, entangling alliances with none' is a good maxim"⁴⁵.

The duties were paid up by degrees, - those of British and American shippers in British vessels were paid through Consul Medhurst by November 15, 1856; those of Jardine and Dent in American ships through the American Consul by January 7, 1857; and a final sum of Tls. 5,000, detained by Consul Jones until redress was completed for Mr. Cunningham,⁴⁶ by May 11, 1857.

44. Clarendon's 248, Dec. 10, 1856, F.O. 17/243.

45. Jones to Parker, Nov. 15, Ex. c. 2 in Parker's 32, China 13.

46. Consul Medhurst's course in the duty question at Foochow was vigorously and completely condemned by Lord Clarendon, with the agreement of the Law Officers of the Crown. Clarendon's 248, Dec. 10, 1856, F.O. 17/243.

3. Bowring's efforts to extend the
Inspectorate system.

The events set forth in the preceding section served as incentive to Sir John Bowring's persistent but vain attempt to carry out the orders of the Foreign Office and silence the clamor of merchants by inserting a foreign collector into the Chinese customs administration of Foochow. The substance of the foreign traders' complaints was that the duties on tea were levied more strictly at Shanghai than at Foochow. Consequently the problem put before the British and American administrators was how to secure equal treatment from the two Custom Houses. Under orders of the Foreign Office, Sir John Bowring tried in 1855-6 to reform Foochow after the model of Shanghai. When his efforts failed, the British Government was left with the alternative of reducing Shanghai to the level of Foochow by abolishing the Foreign Inspectorate altogether.

Since the protests of aggrieved merchants did not begin to overwhelm the Foreign Office until the end of 1855, Bowring had opportunity, with the reforming zeal that had already made him godfather to the institution, to seek converts among the Chinese high authorities at the other ports. His task was, in the last analysis, to convince the Chinese Customs authorities who profited by the evasion of duties at the other ports, and who loathed foreigners in the spirit of their time, that they should cooperate with British Commercial imperialism by delivering their profitable customs establishments into the hands of unapproachably conscientious British consular officers. From the first it was a forlorn hope. Those who profited by the corruption of a Chinese custom houses would oppose its reform no matter who advocated it; anything that the British plenipotentiary might suggest would be opposed no matter what it was be suggested. The

question of custom house reform could not be taken up first with the minor local authorities, because they could only refer it to the provincial authorities; yet it could not be raised with the latter until a favorable opportunity presented itself. Bowring was forced to await, or to create, a propitious moment.

Efforts at Foochow 1855. As a first attempt the Plenipotentiary spent Christmas 1854 in Canton, where he hoped that financial straits due to the rebellion might mollify Commissioner Yeh's non-cooperative spirit and allow the British and American Consuls to cooperate in a reform of the Canton Custom House on the Shanghai lines. His hopes died still-born. Canton was, of all the ports, the least amenable to change because it was the oldest, and the Commissioner, of all officials, the least inclined to indulge in a cooperation which he in particular was detailed to prevent.⁴⁷ This led Bowring eventually to adopt the policy "on all occasions to seek cooperation from Mandarins whom we can approach, instead of those to whom we have no access."⁴⁸

Sir John's next attempt, therefore, was directed toward the Viceroy of Fukien and Chekiang, Wang I-te, under whose jurisdiction were the three remaining treaty ports, - Amoy, Foochow, Ningpo. Opportunity offered when Bowring had occasion to notify the Viceroy that W. H. Medhurst had been appointed Consul for Foochow. When Wang I-te acknowledged this formality on 5 April 1855, Sir John replied on May 14 that since Consul Medhurst was to act in concert with the local Chinese officers and since customs irregularities were a great source of misunderstanding, he hoped that

47. Bowring's 237 and 247, Dec. 25 and 31, 1854, in F.O. 17/218 and 309 respectively.

48. Bowring's 79, March 11, 1856, F.O. 17/245

adequate means would be devised for the collection of duties, "and I beg to call attention to the great augmentation of the Custom House receipts at Shanghai," where new regulations have been instituted "which I desire should be established at Foochow."⁴⁹

This direct approach, from Minister to Viceroy, bore no immediate fruit, Inspector Lay, on the other hand, had already got results by making plain to the Kiangsu authorities the price they might have to pay for maintaining the only reformed customs administration in the treaty ports. A memorial of Iliang and Chierhangahy had put before the Throne in April 1856 arguments which were transmitted through the Taotai at Shanghai, but which were confessed to have originated with Lay himself. Lay's argument began by referring to the extensive evasion of duties at Foochow, where on one occasion a tea clipper had paid only Tls. 1700 instead of the Tls. 25,000 due by treaty, and where the rate of duty levied on tea had been considerably lower than that at Shanghai. He next referred to the complete lack of either tariff or examination of goods at Ningpo, where rice was exported without hindrance. The result of this was that the merchants at Shanghai were intractable and, seeing a profit, thought of removing. For several months past, merchants vessels entering the port of Shanghai had all left port empty and gone to Ningpo to load rice. It had been agreed (by whom, not stated) to ask for an examination of the accounts of tea loaded at Shanghai in the preceding year, in order that five mace a picul might be refunded, and thereafter deduct a like amount from the tea duty; or else for three months to allow temporarily an imitation of the Foochow customs tea duty, which would be five mace less, in

49. Bowring to Wang, May 14, in Bowring's no. 156, May 15, 1855
F.O. 17/230

order to repay the preceding year's losses, manifest justice, and prevent trouble.

The memorial then continued by stating that although the acting Taotai had expressed his disapproval in strong terms, nevertheless in the first and second months of the present year the barbarian duties collected had already shown a decrease.⁵⁰ But it was not made plain whether this decrease had occurred as a natural consequence of the merchant's dissatisfaction and withdrawal from Shanghai, or as a result of Lay's carrying out the conciliatory policy just referred to. In any case, Lay's point was reiterated by the provincial authorities. They observed succinctly that the barbarian nature was tricky and deceitful, prone to jump on one's faults and take excuses for coercing one; yet there must be some reason for what they said: if evasion of duties were possible at Foochow and Ningpo and not at Shanghai, the barbarian merchants would go to the former ports rather than the last, in which case there would be a decrease of duties at Shanghai but not much gain at the other ports. Consequently the Kiangsu authorities asked that the Tartar General of Fukien, the Viceroy of Fukien and Chekiang, and the Governor of Chekiang be instructed by Imperial decree to investigate strictly into the evasion of duties and compel conformity to the tariff and the uniform levy of duties, - also to investigate the sale of rice to foreign vessels, - so that there would be no disparity in the administration of the customs at all the five ports, and the barbarian duties would not daily decrease.⁵¹

So well was this argument for uniform administration set forth, that the Emperor in reply repeated its leading

50. I W S M - H F XIII 5 b, rec'd. April 24, 1856.

51. ibid.

ideas and ordered the Fukien and Chekiang officials to make a strict and secret examination of the evils complained of.⁵² While no mention was made of extending the principle of customs administration under Foreign Inspectors, the incident illustrated the way in which Lay, interested in the extension of his power, and the provincial authorities of Kiangsu, interested in the preservation of the Shanghai revenue, could find a common ground of action.

Later, in May 1856, the Chinese authorities provoked violent resistance from the native tea men at Foochow by attempting to levy an inland duty of 6 mace per picul, and 12-15,000 chests of tea came down to the port duty unpaid. The British Consul pressed hopefully for the introduction of a system of foreign customs inspection to obviate further trouble, while the Plenipotentiary made up his mind that Raymond Gingell, Interpreter of the British Consulate at Foochow, should be the British Inspector although "only provisionally lent" to the Customs.⁵³

These hopes which had grown in vacuo were suddenly wilted when Consul Medhurst at the beginning of July, 1855, had an interview with the Prefect of Foochow expressly for the discussion of possible customs reform. "Mr. Gingell was designedly present" and the Consul used his most forcible arguments, only to uncover obstacles greater than had been dreamed of. The Prefect explained that the head of the customs administration in Fukien was the Tartar-General, while commissioner Yeh at Canton was the only channel for diplomatic negotiations. First there must be concurrence

52. *ibid.* 7a, edict, same date.

53. Gingell had been Bowring's choice to succeed Wade at Shanghai in 1855. Bowring's 156, May 15, F.O. 17/230; 192, May 26, F.O. 17/231; 199, June 6, 1855, F.O. 17/309.

among the Viceroy, Governor, and Tartar-General. Then the approval of Yeh Ming-eh'en must be obtained, or else that of the Emperor directly. It was extremely unlikely that the Shanghai Inspectorate had been reported to the throne, much less approved by it, and whoever proposed a like innovation in Fukien must risk the undoing of colleagues responsible for the customs administration of Kiangsu, as well as of himself. Finally, no reports had been received from Canton or Shanghai to indicate that the Imperial Commissioner favored an extension of the inspectorate system, or even that it existed. Consequently "the Viceroy is determined not to establish Foreign Inspectorships except with the Emperor's distinct consent and this he does not intend to apply for until he can assure himself that the Shanghai Authorities have the same high warranty."⁵⁴

Consul Medhurst on his part had not yet received a Chinese copy of the Minutes of June 29, 1854, and did not know even the Chinese title of the Inspectors at Shanghai. All too clearly he saw the difference between Shanghai, a subordinate district city where the civil and customs administration were vested in one official, overwhelmed by rebellion and the presence of foreign arms, - and Foochow the capital of Fukien. He was not surprised to hear from the Prefect on July 12 that the Tartar-General, when seen as promised, had replied that he could act only after mature⁵⁵ deliberation with the Viceroy and Governor.

This news moved Bowring to address the Viceroy again (July 16). Wang I-te replied (August 15) that he and Liu, Governor of Fukien, had referred the question to Yeh Ming-eh'en and to the Governor of Kiangsu, but so far not even

54. Medhurst's 73, in Bowring's 263, Aug. 3, 1855, F.O. 17/310.

55. ibid.

a copy of the Shanghai regulations had been received. This reply came back in the middle of September and made it clear that the provincial authorities were not hastening to cooperate. ⁵⁶ In the meantime, however, contrary to the belief or at least to the statements of the Foochow Prefect, the existence of the Shanghai Inspectorate had actually been reported to the Throne in official terms: the authorities of Fukien had considered Bowring's suggestion and advised against it. In a memorial received on June 29, the Tartar General Yu Feng (有鳳) and the Viceroy Wang I-te had reported that they had several times received communications from Bowring, who stated that Inspectors of Customs had been established at Shanghai to examine customs affairs and collect duties, with great benefit, and requested that similar arrangements might be made at the Foochow Customs. ⁵⁷ The Fukien authorities considered that, while this arrangement had been inaugurated at Shanghai, still customs affairs at Foochow had theretofore reverted to the Tartar General's yamen and special officers had been appointed to manage them. How was it possible to comply with the request and add to the establishment? Later, however, because of repeated requests from Bowring they had felt obliged to refer the question of installing a Foreign Inspector to the Canton Viceroy, for him to take up with Bowring. Up to the present they had not received a reply from Canton. Their chief objections to Bowring's proposal, aside from the general one that the barbarian nature was unfathomable and could hardly be kept from conceiving evil ambitions, was that the Foreign Inspector would not be under their control nor answerable to them for misdeeds, nor would his foreign subordinates be amenable to investigation. The barbarian had brought up the evasion of duties at Foochow in

56. Bowring's 302, Sept. 13, 1855, F.O. 17/310.

57. I W S M - H F XIII 10a, rec'd June 29, 1856.

order to coerce them because they had thwarted him. Finally, they did not know how the Shanghai Inspectorate had been organized and so could not lightly order it duplicated at Foochow.⁵⁸

In reply the Emperor had ordered them to wait for Viceroy Yeh's reply and report again; at the moment it was decidedly difficult to sanction the proposal's being carried into effect.⁵⁹ Yeh Ming-ch'en, as was his wont, appears to have taken his time before replying.

Efforts at Ningpo 1855. Failure even more complete attended efforts at Ningpo. Under Bowring's instructions of May 19, 1855, Vice-Consul Winchester had called upon the Taotai on June 4 and left with him a paraphrase in Chinese of the arguments outlined in Bowring's despatch. The English version "of this Memorandum for Mr. Twan Taoutae of Ningpo" was a persuasive document, rehearsing the troubles which had occurred at Shanghai and their resolution by the appointment of three foreign gentlemen, who "have been solely responsible to the local authorities. Neither the foreign Consuls nor Ministers have in any way interfered to prevent or impede the severe execution of the Tariff Laws." As a result of the Inspectors speaking both languages and the native and foreign staffs watching each other carefully, the collection had been doubled. But Shanghai merchants complained of laxity at Ningpo, where it was therefore desirable to establish a similar system. The port being so much smaller, one foreign inspector at the Shanghai salary (\$6000) assisted by a lugger under command of a foreigner would be sufficient.⁶⁰

This memorandum evoked from the Taotai an alternative suggestion, that the Chinese Custom House and the

58. ibid.

59. ibid. 11a

60. Winchester's 55, in Bowring's 247, July 13, 1855, F.O. 17/310.

British Consulate each maintain a lugger commanded by a foreigner; but Winchester sidestepped it and obtained a promise that the British proposal would be sent up to the high authorities ⁶¹ With indomitable optimism Sir John Bowring thereupon cast his eye upon J.A.T. Meadows, late interpreter at Ningpo, as his choice for Inspector. ⁶²

But Tuan Tactai's reply of September 19 stated that the collection at Ningpo made it "necessary to wait till the receipts at the Custom House have increased and the superintendence of the collection become difficult to manage. Later this subject can therefore be again taken into consideration". This of course was a refusal. As Winchester explained, "it appears that a council was held at Hangchow at which the Foo-tai, Fan-tai [i.e. Governor and Treasurer], and Tacutai were the influential officers. It is given out that they took their decision on grounds special to the port, the Governor-General [i.e. Viceroy] at Foochow having accorded to them full liberty of action." ⁶³

This polite refusal at Ningpo, added to the delay at Foochow, left Bowring's hopes no closer to realization, and somewhat less bright, at the end of 1855 than they had been at the beginning.

In writing to the Governor of Kiangsu, Chierhangah, in December 1855, to convey Lord Clarendon's approval of the appointment of H.N. Lay as Inspector at Shanghai, Sir John again seized the opportunity to stimulate the Chinese official. The Foreign Secretary, he wrote, would gladly see the system extended to all the ports; the Inspectors must be regarded as purely Chinese officials, for whose acts the British Government

61. *ibid.*

62. Bowring's 220, June 26, 1855, F.O. 17/231. At the Foreign Office Hammond explained that J.A.T. Meadows was "formerly v-consul (acting) and interpreter, but suspended for beating a Chinese. The case is before the Queen's Advocate. He is brother of the interpreter at Shanghai." To which Clarendon replied, "I see no objection". (*ibid.*)

63. Winchester's 98, Sept. 21, 1855, in Bowring's 327, Oct. 12, 1855, F.O. 17/310.

could not be held responsible, and so on. Finally, since the Viceroy of Fukien and Chekiang had, so he said, written to Chierhangah, Bowring would "feel greatly obliged by your informing him at your earliest convenience of the nature and advantages of the system" at Shanghai.⁶⁴

Commissioner Yeh - 1856. It was Commissioner Yeh who gave Bowring's reform movement its death blow. In November 1855 Bowring had written to Yeh explaining the principle by which A. M.'s officers were allowed to become Inspectors of Chinese Customs, and urging the extension of the Inspectorate system to Foochow.⁶⁵ But the latter made no reply and the Plenipo. turned to the high officials in other provinces, only in the end to be brought back to the tenacious Canton Viceroy. After the efforts noted above, put forth at Canton, Foochow, and Ningpo between the end of 1854 and the beginning of 1856, the British Superintendent of Trade wrote once again to Viceroy Wang I-te.⁶⁶ In March 1856, a month later, he received an answer to the effect that the Viceroy and the Governor and Tartar-General of Fukien had together again addressed Commissioner Yeh, enclosing the Shanghai Customs House regulations which had finally arrived from Kiangnan; but that they had as yet received no reply. Forthwith Bowring sent copy of this letter to Yeh Ming-ah'en (April 17), pointing out once again the great increase in collections achieved at Shanghai. Consul Winchester at Canton also called the Hoppe's attention to this virtue of the Inspectorate (25 April) and offered to supply further details if given an opportunity.⁶⁷

Such opportunity was not forthcoming from the Hoppe, and Yeh did not reply until June 30, 1856. His communication

64. Bowring to Keih (Chierhangah), Dec. 18, 1855, in Bowring's 409, Dec. 18, 1855, F.O. 17/310.
65. Clarendon's 70, March 7, 1856, F.O. 17/310. in approval of Bowring's despatch of Nov. 18, 1855.
66. Approved in Clarendon's 120, June 7, 1856
67. Enclosures in Bowring's 180, June 7, 1856

of that date stated that the Viceroy and his two associates in Fukien had recently reported, and he himself agreed, that

"the Inspectorial system at Shanghai was . . . a provisional measure consequent on the loss of Shanghai and resorted to in the temporary absence of other means of supervision . . . The duties collected from 1854⁶⁸ to 1855 do not amount to more than 1,800,000 dollars. . . . As to smuggling, it only remains for Your Excellency's Government to send to the different Ports Consuls of purity and integrity, who will be strict in surveillance, and so exercise authority over their mercantile communities that these will honestly pay the entire duties due, and the honest merchants interests will then be perfectly protected against any damage at the hands of the dishonest, and there will be no smuggling at any of the ports.

"I must therefore consider it unnecessary to discuss the establishment of Inspectorships at Fuchow, Canton, and the other ports on the same terms as at Shanghai."⁶⁹

Bowring receives no support. This answer was really discouraging, and settled the question as far as the Foreign Office was concerned.

Simultaneously the American Commissioner, who had promised to help the cause after imbibing the inspiring ideas of Bowring and Murphy in January 1856, had changed his mind, for reasons private and public, and would offer no support at Foochow. In July 1856 he had found the American community there "unanimously opposed to the introduction of Foreign

68. Note, appended to the translation by Wade, "This sum was the collection from 12 July 1854 up to 1 July '55 only".

69. Yeh to Bowring, June 30, in Bowring's 203, July 3, 1856, translation by T. Wade, Chinese version not found.

70

Inspectors", while Viceroy Wang I-te in an interview at his palace summed up the difficulties by stating that "the matter did not come within his province, - that his own opinion was, that it is unnecessary. To do so it will be necessary to memorialize the Emperor and to assign some good reason for it. At Shanghai the case was different, the city was in the hands of the Rebels, and they were unable to collect the duties, but not so at Foochow." ⁷¹ As an equivocal commentary on this statement, Tactai Lan at Shanghai gave Parker an opposite but equally discouraging picture. The Tactai believed "that the Inspectors, hitherto, had conducted very well, but the introduction of them at the other ports was a question he could not answer, as it rested with the Commissioners of Customs residing at the different ports to consider and judge ⁷² for themselves whether expedient to have them or not."

In this way the Chinese Authorities continued to evade responsibility and foreign merchants and officials evinced their opposition. Yet the British Plenipotentiary adhered to his ideal so tenaciously and forewaw success at Foochow with such determination that even Thomas Wade felt obliged to desert the standard and acknowledge realities. In fact Wade's opinions became so diametrically opposed to those of his superior that he finally wrote them out for the edification of Government.

As the tea trade and the system for taxing it developed at Foochow, Sir John had seen in each new situation an impending crisis which would reproduce the highly fortuitious coincidence of circumstances which had given birth to the Shanghai Inspectorate two years before. In June 1856

70. Parker's no. 17, July 11, 1856, China 12.
 71. Minutes of Interview, Exhibit C. in Parker's 18, China 12.
 72. Minutes of meeting, Exhibit 3 c in Parker's 21, China 12.

he reported that the Foochow Authorities despaired of collecting customs duties unaided, that friction between the merchants and the Limpo station would soon provoke violence and necessitate regulation. ⁷³ In the death of Mr. Cunningham and the stoppage of duties to which it led in September 1856, the superintendent's imagination saw a further step in the fated progress toward foreign inspection. When he got news of these events, his first impulse was to call the naval authorities, take Mr. Wade, board a gunboat, hasten to Foochow, and bring peace to friend and foe alike by installing the Chinese Secretary in his erstwhile position of Foreign Inspector of Imperial Maritime Customs. The only thing that prevented him from embarking on this expedition, aside from the lack of a gunboat, was the defection of Mr. Wade.

Thomas Wade had already formed his own conclusions as to the practicability of extending the Inspectorate. In a memorandum written four months before, he had succinctly pointed out that the British Government in 1854-5 (by decisions recorded above) had remove the British Inspector from the control of the British Authorities; for while Clarendon would "gladly see the Inspector system extended", he nevertheless declared that the duties and collectors of the Chinese Government "should be exempted from any avowed interference on the part of foreign nations." But how, asked Wade, are the Chinese officials "to be brought to adopt a measure which, without extreme pressure, they are far too dishonest and self-seeking to adopt", - unless by the interference of foreign powers? Even if such interference were allowable, he continued, what excuse could be found for it at Foochow, where the crisis if any was "of a precisely opposite nature to that which begot the Inspectorial system

73. Bowring's 180, June 7, 1856, F.O. 17/247.

at Shanghai"? At Foochow in the first half of 1856 no discrimination, though much laxity, was shown by the Customs, and the merchants complaint was chiefly against the officiousness of the Limpo station, not its partiality.⁷⁴

When the Cunningham case inspired Bowring to propose an expedition to Foochow in September, 1856, Wade repeated, more fully and more vigorously, his analysis of the situation. After Her Majesty's Government cut the Inspectorate adrift in 1855, it had been preserved, in Wade's opinion, only by "the character and abilities of Mr. Lay" and his influence with the Chinese authorities, and by "the fact that no change of importance among the officials so influenced" had occurred. Lay had been "vigorously intrigued against", as was to be expected. The Inspectorate could never be firmly established "unless the foreign authority, as at first, y soit pour quelque chose, and unless he, be he Minister or Consul, be debarred by the express instructions of his Government, from deserting, or himself attacking the system." So much for Consul Robertson.

No cooperation should be expected from China.

"It must not be supposed for one moment that even at Shanghai the Chinese authorities have any abstract love for a measure by which they are personally immense losers, not to mention the annoyance of administering an important and lucrative office in a grasp which they cannot elude.

"The great enemy to an honest collection is the Chinese Government itself, - that is to say its representative the collector, who is largely interested in a systematic evasion of the Emperor's duties."

74. Wade, Memo. on the Inspectorships, May 19, 1856, in Bowring's 171, 1856, F.O. 17/247.

As to the crisis at Foochow, it was quite unlike that formerly at Shanghai. At Foochow an American was killed. The American Commissioner arrived and departed, leaving instructions. The American Consul exceeded these instructions and suspended duty payments to exact redress. The British Consul followed suit in self defense.

"The Chinese authority has in no way, as at Shanghai, compromised itself - nothing has as yet occurred to induce it to shelter itself under the wing of barbarian alliances A matter wholly foreign to the duty question has been thrust upon it, and this just at a time when unwanted efforts were being made by the Customs to secure a more regular payment of duties."

The ex-Inspector's summary of the case was truly definitive: the Chinese had no slightest incentive at any time, in the present case "no evidence that the payment of duties is interrupted by any obstacle which the Inspectional system will remove." The American Commissioner was averse to the system and would not cooperate to introduce it. The British Government would not support it if it were introduced. "I can see nothing in any present attempts at Fuhchow but failure with all its disagreeable consequences."⁷⁵

Sir John Bowring did not go to Foochow, nor did he send home Wade's observations on the project until that official asked him to, three months later. By the time they reached England the fate of the Inspectorate had, to all appearances, been settled already.

75. Wade to Bowring, Sept. 30, 1856, in Bowring's 14, Jan. 12, 1856, F.O. 17/263.

4. The Foreign Office decides to abolish the Inspectorate at Shanghai.

The appeal of Dent and Co. Of all the merchants in Shanghai who voiced opposition to Lay's administration, the local representative of Dent & Co., T. C. Beale, had been the most implacable and persistent. In like manner Dent & Co. led the opposition in England. Their complaints, and the reiterated nagging of certain smaller firms, periodically raised the question of the expediency of customs administration at Shanghai by foreigners, and eventually necessitated action on the part of the Palmerston government.

After the victory of Messrs. Wade and Lay in 1855, T. C. Beale, through Wilkinson Dent, the London head of Dent & Co., presented his case to Clarendon in November 1855 at some length. He asked him to demand from the Chinese Government sums sufficient to cover, in the case of the Wynaud, the value at Canton of the rice confiscated from her, and in that of the Paoushun both the fines levied upon the vessel and demurrage due because of her detention.

76

On February 1, 1856, Wilkinson Dent's memorial having been examined by the Law Officers, he was told that judging by the evidence so far presented there was no ground of complaint in the Wynaud case, but that in the Paoushun case sir John Bowring had been instructed to apply to the Chinese Authorities for a refund of the \$1000 paid in fines. At the same time Bowring was sent his instructions, - to report further on the Chinese law and practice regarding the export of rice, for the further information of the Law Officers in judging the Wynaud case, and to apply for

77

78

76. W. Dent to Clarendon, Nov. 22, 1855, F.O. 17/241.
77. F.O. to Dent, Feb. 1, 1856, F.O. 17/256.
78. Clarendon's 43, Feb. 1, 1856, F.O. 17/242.

the return of the fines on the Paoushun, since they were in excess of the Consul's decision and since there had been no intention to break the law. They were deemed "harsh and unjustifiable".
79

In the correspondence that slowly ensued between London and China, Consul Robertson heartily confirmed and approved Wilkinson Dent's statements and transmitted a claim from Dent Beale & Co. against the Chinese Superintendent of Customs for \$8294.94 as principal and interest upon the \$4500 originally claimed for demurrage, - little enough for the aspersions cast upon them in a case "carried on, we fully believe, from personal hostile spirit to ourselves".
81

In due time, as instructed by the Foreign Office and his superior at Hongkong, Consul Robertson on April 10, 1856, demanded of the Tactai a refund of the \$1000, levied as fines on the steamer Paoushun. A fortnight later, after ample time for consultation with Lay and even, it may be guessed, for Lay to write to Hongkong and be answered, Lan Tactai presented an argument in reply; and on April 30, at the last minute before the departure of the mail, he flatly refused to make any refund. He did not concur that the "Chinese Custom House is bound by the decisions of the Consular Court"; and he pointed out very ably the conflicting aspects of Robertson's judicial decision in the case.
82

Simultaneously Bowring sent home a careful Memorandum by Wade and also the report of the Inspectors of Customs, which he had not previously sent because the paoushun's guilt had seemed all too obvious.
83

79. Clarendon's 44, Feb. 1, 1856 ibid.
80. Robertson's 73, in Bowring's 156, May 6, 1856, F.O. 17/247
81. Dent Beale & Co. to Robertson (?), April 11, in Robertson's 80, April 29, in Bowring's 158, May 6, 1856, F.O. 17/247.
82. Lan Tactai to Robertson, April 29 and 30, in ibid.
83. Bowring's 160, May 7, 1856, F.O. 17/247.

By July 1856 Wilkinson Dent, having grown impatient, asked to be informed of Bowring's further reports on the Wynaud, and after some hesitation he was sent copy of a despatch from Robertson regarding the law and practice of the Chinese prohibition of the export of rice and asked for his comment upon it. Mr. Dent commented with a vengeance under date of October 8, 1856, laying numerous evils and difficulties at the door of the Foreign Inspectors and enclosing copy of the memorials of the firms supporting the Inspectorate and the petition of the aggrieved Chinese against Lay's retention of the steamer Confucius. As for the Inspectors, "The Chinese are extremely averse to them," he wrote, "and would without doubt have dismissed them all, but they are afraid of some disturbance with the English and other governments who they fully believe insist upon their being retained."⁸⁴

As the issues grew more clear, largely in the light of Wade's explanatory memoranda, the case of the merchants suffered, and by December 1856 the Foreign Office felt obliged to inform Dent that in the Wynaud affair his claims could not be supported, while further information received by the Law Officers concerning the Paoushun had "materially shaken the opinion which they formerly entertained that there was no intention" on the part of Dent Beale & Co. to break the Custom~~House~~ regulations. Consequently Bowring would press no further for the remission of duties.⁸⁵ Four months' later this decision was reiterated, in spite of voluminous arguments from Dent; and the case was closed within two years of its inception.⁸⁶ But its lingering demise had served to remind the powerful faction headed by Dent & Co. of their grievances against the Inspectorate, and had given the Foreign Office a distinct impression that Customs inspection by British

84. W. Dent to Clarendon, London, July 24 and 29, October 8, November 7, 1856; F.O. to Dent, July 26, August 1, 1856, F.O. 17/257, 259.
 85. F.O. to Dent, Dec. 8, 1856, F.O. 17/259.
 86. W. Dent to Clarendon, March 11, 1857; F.O. in reply, April 9, 1857, F.O. 17/280

subjects meant trouble and annoyance.

Sillar Bros. lose their case but raise an issue. There was one lethal charge which Dent & Co. could not make: their participation in the trade both of Shanghai and of Foochow prevented them from asserting that the Foreign Inspectors at the one place hampered them in competition with the other. This was the fundamental issue on which the fate of the Shanghai experiment rested, however, and it was raised soon after the beginning of 1855 by no less a person than the Prime Minister himself. At question time in the House of Commons on February 19, 1855, Lord Palmerston replied to a query from Mr. Liddell, the M.P. for Liverpool. He confessed that "a state of things has lately arisen at Shanghai, from which, although nothing more than what is due is taken in the shape of duties, and that from all alike, the merchants of Shanghai are placed in a disadvantageous position as compared with the merchants at other posts where a laxer system prevails. Sir John Bowring's attention has been called to this state of things, and he has been directed to endeavour to remedy it by urging the adoption at other ports of the Shanghai system, under which the duties are collected on behalf of the Chinese Government by a Committee of three Foreigners".

Lord Palmerston's concise statement of the case had immediate repercussions.

Messrs. Sillar Bros. of Liverpool, were, of all the complainants against the Shanghai Customs, the most vociferous and least weighty. They had already made frequent outcry against the Provisional System. Palmerston's state-

87. In Sillars to Palmerston, Feb. 21, 1855, F.O. 17/309.

ment of February 19, 1855, encouraged them two days later to write to him directly. "They appeal at once to the fountain head. They ask no favour, but simple and speedy justice." In brief they pointed out that Bowring "has a son but lately admitted as partner" in Jardines, that J. M. & Co. "is all powerful at the new port of Foochow. . . . Messrs. Sillars have invested all their capital at Shanghai, they see their trade passing rapidly to Foochow." Quite aside therefore from the questionable policy of collecting revenue for that "most perfidious, cruel, & bloodthirsty", Imperial Chinese Government, they wished the Prime Minister to "command not urge" Sir John Bowring to stop a system which would bring "inevitable and swift ruin to themselves and all whose interests are bound up in the once prosperous trade of Shanghai." 88

This dramatic broadside precipitated a correspondence between Clarendon and Bowring which kept the Inspectorate in the limelight. As a result of Sillar Bros.' accusations, Clarendon reiterated to Bowring that "the system must be the same at all the Five Ports. . . . It is evident that the system . . . at Shanghai must drive away trade . . . and Shanghai must consequently be ruined. . . . furnish Her Majesty's Government with a proper answer to the British Merchants. . . . likewise report. . . respecting your son having recently entered into partnership with a Commercial House at Foochow." 89 In reply Bowring forwarded Alcock's testimony that the trade of Shanghai had materially increased since July 1854 while that of Foochow had benefited at the expense of Canton rather than of the northern ports. 90 For his part the Superintendent replied, "Every day I receive

88. ibid.

89. Clarendon's 53, Feb. 28, 1855, F.O. 17/224.

90. Alcock's 42 in Bowring's 179, May 19, 1855, F.O. 17/309.

testimonial from respectable houses of the satisfaction with which they see the working of the new system, the protection it has given them against the competition of the unscrupulous, and the facility and regularity with which their business is now transacted." As to his son, it was correct that he was now a partner and had been in J.M. & Co. for 12 years past. Sillars were a firm of four (actually 6) years standing and heavily in debt, while Jardines had been at Foochow since 1843.⁹¹ A few weeks later the Superintendent could report further that the tea shipment to Great Britain in 1854-5 had exceeded that of 1853-4 by 20 million pounds,⁹² and the complainants were so informed.⁹³

Statistics, rejoined Sillars, were deceptive. From nothing in 1852-3 the tea export at Foochow had jumped to 18,222,000 pounds in 1854-5. The result was that second rate vessels were getting 27-10/ a ton at Foochow and the favored firms there profited enormously while trade at Shanghai was at a standstill; the Inspectorate had taxed 6,700,000 lbs. of tea at Shanghai but let 11,500,000 go and "whilst we are thus struggling for the bare existence of our commerce, Her Majesty's Chief Superintendent of Trade appears to be busy on nothing but his last poem on 'The Mystery of Man'".⁹⁴

Consul Robertson did indeed report on September 1, 1855, that "Teas and produce arrive but slowly, and there is a large amount of Tonnage in the port, waiting for freight; several vessels have gone on demurrage. I cannot learn the cause of the detention of produce; no one appears to know the reason, but all anticipate a speedy reaction; from the Chinese, however, I hear the crops will prove short, but the ignorance

91. Bowring's 187, May 25, 1855, F.O. 17/309.

92. Bowring's 228, July 6, 1855, ibid.

93. Hammond to Sillars, Sept. 12, 1855, F.O. 17/310.

94. Sillar Bros. to Clarendon, Sept. 15; same to Palmerston, Dec. 14, 1855, F.O. 17/241.

of Europeans with respect to the interior is complete."⁹⁵

Among the vessels delayed at this time was one belonging to the Brothers Sillar. For many weeks the Spray of the Ocean had waited in vain for a cargo at Shanghai, and so exasperated did Messrs. Sillar become against the privileged competition of young Bowring's firm at Foochow that when their vessel at length left the port they asked the British Consul to allow them to pay the Spray of the Ocean's duties to him instead of to the Shanghai Customs, "so that Her Majesty's Government may decide what is the just proportion due from us to the Imperial Treasury."⁹⁶ This offer meeting refusal, the

firm gave notice that "until such time as something definite is arranged regarding the establishment of a Custom House under Foreign Inspection at the other ports, all our duties are paid under protest."⁹⁷ They were as good as their word. By the time the complaint came up for Lord Elgin's decision in 1858, - "entirely preposterous," he termed it, - Sillars had paid duties under protest to the extent of £32,464, and claimed for demurrage, depreciation, and loss from being undersold another £30,000.⁹⁸

Lord Clarendon of course would not "have anything to do with receiving duties for the Chinese Government",⁹⁹ and in a note of December 18, 1855, he admitted that "This claim is absurd; but the system of levying duties rigorously at Shanghai alone cannot be continued. . . . Bowring says that all the respectable houses at Shanghai are in favour of

95. Robertson's 54, in Bowring's 299, Sept. 13, 1855

On March 24, 1855, the N.C.H. had reported that the tonnage then in port, 22,000 (12,000 British and 8,000 American) was the largest ever recorded.

96. Sillars to Robertson, Sept. 8, 1855, in Bowring's 364, Nov. 13, 1855, F.O. 17/310.

97. Sillars to Robertson, Oct. 25, 1855, in ibid. This correspondence also published in N.C.H., Sept. 15, 1855.

98. Sillars to Malmesbury, July 7, 1858; Elgin's 10, Jan. 19, 1859, F.O. 17/310.

99. Clarendon's 18, Jan 7, 1856, F.O. 17/242.

the system and I should like to know if such is the fact. Have you any means of consulting Dent & Co. or any other firms?" ^{Have 100}

On January 2, 1856, instructions of an ominous bluntness were addressed to Bowring. The Foreign Secretary would not dwell upon "the expression 'fraudulent interests' which you constantly employ" (marginal note: "I really think that this sort of language on Bowring's part should be noticed. Every person who differs from him is subject to his vituperation."). But the refusal of the Chinese authorities elsewhere to adopt foreign customs inspection

"serves to raise a doubt as to the system itself being sanctioned by the Imperial government. For if it was so sanctioned, it is inconceivable that the authorities should hesitate to enforce it at the other ports; but if it was not so, then the continuance of the system at Shanghai will depend on the convenience of the local authorities. the unequal system now existing cannot be indefinitely submitted to. Her Majesty's Government, by consenting to the arrangement established at Shanghai, have made themselves as it were parties to the imposition of differential duties If the Chinese authorities will not [extend the system], they must be prepared for the withdrawal of the assent of the British Government to the employment of a British Subject in the collection of the Chinese Customs Revenue, and if that measure does not suffice to overturn the system now existing at Shanghai, . . . for the adoption . . . of some other course for placing all Her Majesty's Subjects in China on a more equal footing. . . as regards the payment of duties."

100. Note by Clarendon, dated Dec. 18, 1855, ibid.

101. Clarendon's 9, Jan. 2, 1856, F.O. 17/242.

Hammond could never approve of the Plenipotentiary's restless urge for reform and progress. "Bowring would do much better," he noted, "if instead of running first to Siam, then to Japan and Corea and Heaven knows where

Complaints of the East India and China Association, Liverpool.

In the year 1856, the Foreign Office continued to act as the patron of the China Trade. Every remediable difficulty which could beset the fortunes of English merchants in the Treaty Ports was sure to be reported sooner or later to the Foreign Secretary, if not through the consular machinery then through the retired heads of firms in England and the trade associations or members of Parliament who represented their interests. These interests were centred not in the welfare of China or of foreign institutions in China, but in the individual profits of individual firms, which together constituted the welfare of the China Trade; and the interest of the Foreign Office was fundamentally the same.

Among the merchants as a whole, Palmerston's statement of February 19, 1855, had quieted the first wave of concern over differential duties in China. After the Wynaud and Paoushun cases, however, further fears arose, and the merchants became more insistent in their demands upon the Government. The lead was taken by the East India and China Association of Liverpool.

The reason why the Liverpool Association lodged such decided complaints, while its sister organization in London kept a comparative silence, may perhaps be found in the fact that the British teas exported from Foochow in 1854-5 had been carried almost entirely to London. Out of 18 and one half million pounds of tea sent to English ports in the

101. (cont'd) else, he would stay quietly in China and watch over and develop our trade there." (Note headed "Mr. Gregson, May 2/55", F.O. 17/257.) He still could see no necessary connection between customs reform and the development of British trade.

First three quarters of the year, almost 14 million entered London, less than 1 and one half entering Liverpool.¹⁰²

At all events, on September 21, 1855, this Association wrote to Clarendon to ask what steps Bowring had taken to extend the system of foreign inspection, and were told that Bowring was taking steps to introduce it at Ningpo and Foochow. In October they asked if Canton was to be included in the extension, and were told that apparently it was not, but that Bowring would be asked to report on the question. This was done. But in November the Association wrote again to say that no progress was reported from China and that they had resolved as a body that great injustice was being done thereby to British merchants. This also was sent to Bowring to report upon, "as it is not just that Shanghai should be on a different footing."¹⁰³

In answer to the Liverpool Association's query concerning foreign inspection at Canton, Bowring replied, and the Association was informed in March 1856, that the ancient ways of Canton, where foreigners had no access to the Customs, were by that very fact not amenable to reform through the introduction of foreigners into the Custom House.¹⁰⁴

Shifting their ground, the Association thereupon presented a complaint concerning the vessel Arracan, shippers by which at Shanghai had been obliged to pay \$4900 extra on account of duties collected inland in alleged contravention

102. Table in N.C.H., April 28, 1855; the export from Foochow for all four quarters of 1854-5 was 26 million pounds. F.O. 17/256.

103. East India and China Association, Liverpool, to F.O. Sept. 21, 1855; Hammond in reply, Sept. 29, 1855, F.O. 17/310. E.I. & C.A., Liverpool, to F.O., Oct. 17; Wodehouse in reply, Oct. 31, 1855, ibid.; Clarendon's 220, Oct. 31, 1855, F.O. 17/225; E.I. & C.A.; Liverpool, to F.O., Nov. 22; Wodehouse in reply, Nov. 23; Clarendon's 226 to Bowring, Nov. 24, 1855. ibid. and F.O. 17/310.

104. Hammond to Turner, March 13, 1856, ibid.

of treaties and solely because of the functioning of the Inspectorate, for "the Chinese officials, being thereby debarred from peculating the Imperial Duties, consequently resort to these means of making up their loss." The Foreign Office replied that with internal duties they could not well interfere, and that Bowring reported continued efforts and hopes of success.¹⁰⁵

Finally a letter of May 16 from the Liverpool Association put the question squarely before the Government. It was stronger in tone than any before it:- the association did not desire foreign inspection necessarily but merely a uniform system; the Inspectorate had injured Shanghai and obscured consular authority; it would be preferable to return to a system whereby goods were delivered to shippers free on board ship, duty paid by the Chinese seller.¹⁰⁶

The Board of Trade takes a vote. This vigorous demand moved the Foreign Office to seek guidance once again from the Board of Trade.

1856

In March and April the Foreign Office had already sent much of the correspondence regarding the Shanghai customs to the Board. On May 3 the latter body had returned a generally favorable opinion in support of the new system. By it the interests of Shanghai "must be promoted in no inconsiderable degree . . . by raising the character of our merchants," and by assuring the Chinese authorities of a large collection of duties. "The experiment now in progress at Shanghai is deserving of the encouragement and support of Her Majesty's Government". But before deciding finally, the Board wished further statistics of the trade of Shanghai,

105. Turner to Clarendon, March 31, 1856, F.O. 17/256; F.O. to Turner, April 8, 1856, ibid.

106. B.I. & C.A., Liverpool, to F.O., May 16, 1856, ibid.

which did not appear to have been harmed by Foodhow, and further reports of Sir John Bowring's efforts to effect the extension of the system, which was very important. In their final decision, moreover, "an important consideration will be its bearing on the Opium Trade as referred to in Mr. Robertson's despatch of 2nd September 1855."¹⁰⁷

This opinion handed down at the beginning of May, 1856, favorable as it had been, had decided nothing. On May 22 all of the Foreign Office's correspondence with the Liverpool Association was sent to the Board with the remarks that "the countenance given to the system of Inspectorship. . . is very nearly equivalent to direct interference on the part of the British Government in the collection of the Chinese Revenue, . . . and a very strong feeling against the Shanghai system exists in some portion at least of the mercantile community." Please obtain "an unbiased opinion from the different firms engaged in the China Trade", in order that H.M.G. might decide whether "to continue to countenance the system at Shanghai, even though it may not be extended, . . . or to announce to the Chinese Government that if the system is not made uniform it must be abandoned at Shanghai, or whether supposing the opinion of the merchants to be unfavorable, the system should not at once be put an end to at Shanghai."¹⁰⁸

107. Tennent to Hammond, May 3, 1856, ibid. Further correspondence relating to the opium trade was sent to the Board of Trade on May 27 (F.O. to B.off., May 27, 1856, ibid.) Bowring had already been instructed to report on the subject (Clareton's 109, May 7, 1856, F.O. 17/242).

108% F.O. to B.off., May 22, 1856, F.O. 17/256.

The Board of Trade thereupon on July 16, 1856, addressed a circular to "the principal commercial bodies and private firms" in the United Kingdom interested in the China Trade. The circular stated that the Inspectorate, as established in 1854 to stop anarchy at Shanghai, appeared to have fulfilled its object. But there were two general objections to it: 1) that the export duties should not be collected from the British merchants at all, but from the Chinese seller, from whom exports would be bought duty paid; 2) that even if desirable per se, the system was undesirable if confined to Shanghai only, and would ruin the trade of the port. According to latest reports, observed the Circular, the export of tea at Shanghai in 1855 showed an increase of 28 million lbs. over 1854, and the exports of silk, an increase of 15 million bales. The questions to be answered were:

- 1) Was the Inspectorship system good or bad for Shanghai and the China Trade in general?
- 2) For what reasons? If bad, was the system itself or its confinement to Shanghai at fault?
- 3) Had the Inspectorate caused any practical injury to the trade of Shanghai? If so, what and how much?
- 4) What changes should be made if any to avoid inequality between the ports? Should the former system be returned to?

Answers to this circular were slow in coming, and when the Foreign Office learned in September of Bowring's final failure to extend the Inspectorate the Board of Trade was asked if it would not be best for that reason to tell

109. Circular of July 16, in B. of T. to Hammond, Dec. 2, 1856, F. O. 17/247; noted also in N.C.H., Oct. 13 and 25, 1856.

Bowring "to take measures at the time and in the manner he may think advisable for doing away with the Inspectorship system at Shanghai." But the Board answered that replies to their circular were incomplete and those so far at hand showed "a great conflict of opinion." Bowring's reports on Foochow and the state of the Shanghai mind were sent them in November, and the queries of the Liverpool Association shunted off in their direction also, while the Foreign Office continued to await their report.

The conclusions of the Board of Trade were finally intimated to Clarendon on November 22, but the full report came under date of December 2, 1856. As tabulated by the Board of Trade, there were 4 firms, among them Matheson & Co. (London agents of J.M. and Co.), who approved wholeheartedly of the Shanghai Inspectorate. There were 10 who approved conditionally, or with certain qualifications. There were on the other hand 1 firm and two mercantile bodies, (the London East India & China Association and the Liverpool Chamber of Commerce), who expressed conditional disapproval and five firms and two more bodies, (the Liverpool Association and the Glasgow Chamber of Commerce,) who expressed wholehearted disapproval. Thus the weight of the commercial associations tipped the scales against the Inspectors.

On the whole, wrote the Board, three views seemed to be generally held: 1.) that an Inspectorate continued at Shanghai but not extended, particularly to Foochow, would injure Shanghai and was undesirable. 2.) that a return

110. F.O. to B.of T., Sept. 8; B.of T. to F.O., Sept. 23, 1856; F.O. 17/257; F.O. to B. of T., Nov. 1, 6, and 22, 1856, F.O. 17/259; Turner to F.O., Nov. 19, Dec. 6; and F.O. to Turner, Nov. 22, 1856, ibid.

to the system formerly at Shanghai was highly undesirable.
 3.) that the introduction at Shanghai of the system at Canton,
 - "where the Chinese Authorities levy their duties from the
 native dealers, thus leaving the Merchants to make their own
 terms with the Dealers," - was generally desired.

In forming a conclusion on the basis of these reports, continued the Board, Clarendon should remember two facts of recent date: that Bowring's efforts to establish an Inspectorate at Foochow and other ports had failed, and that the Chinese authorities at Foochow appeared to have established "an equal and efficient method of collecting their own duties at that port." From this it followed that Canton, Foochow, and Shanghai each had customs establishments which functioned to "equalize the conditions of Trade at these three important places." But much as a return to the former system at Shanghai was undesirable, still My Lords preferred that the equalization of the conditions of trade at Shanghai should "be brought about by other means than the maintenance of the Board of Foreign Inspectors. . . . The foreign Inspectorship system was established at a time when the port of Shanghai was in a completely abnormal state, and . . . cannot be regarded as one which it would be desirable to extend and maintain as a permanent part of the Chinese Customs Administration." Consequently Bowring should try to induce the Chinese Authorities to set up at Shanghai a system like that of either Foochow or, preferably,
 111
 Canton.

On receipt of this report, which agreed so closely with the opinion which had been crystallizing at the Foreign Office for almost a year, Clarendon drafted a despatch which might well have made history, - or rather, prevented it. In

enclosing to Bowring the opinions of the merchants and the Board of Trade, Clarendon gave him latitude for his own discretion: "It is not intended to tie you down to an immediate abrogation of the system on the receipt of this despatch, or to preclude you from making one effort more . . . to induce the Chinese Government to enforce at all the ports a system . . . similar to that now at Shanghai. . . . At all events, however, the system now in force at Shanghai cannot be persevered in permanently unless adopted at the other ports. . . . Her Majesty's Government cannot consent to its indefinite existence, and therefore they would wish that in concert with your French and American colleagues you should endeavor to induce the Local Authorities, at the same time that you announce to them that the Inspector System can no longer be maintained, to adopt instead of it the Canton system or some other . . . of equivalent advantage to all parties, the only other principle to be kept steadily in view being that no foreign intervention beyond what is strictly in accordance with Treaty is to be resorted to in order to secure for the Chinese Government the payment of duties on foreign trade." The American merchants appeared also to be opposed to the system if continued at Shanghai alone; as for Dr. Parker, it seemed that "the bias of his mind is in accordance with the sentiments of his countrymen"; while the Chinese officials at Shanghai, having "agreed to the establishment of the Inspector system without . . . obtaining the previous sanction of the Supreme Government, if indeed they ever have obtained it," could doubtless be induced to allow its abolition. At least "if the Imperial Treasury suffers by the change, those authorities alone will be responsible who refused to extend . . . a system which, as far as the interests of the Chinese Treasury were concerned, had

proved beneficial at Shanghai." ¹¹²

On December 7 Lord Stanley of Aldersley, Pres. of the Board of Trade, approved this draft, suggesting that its tenor should be conveyed to the French and American Governments. "I will mention the matter to Mr. Dallas," noted Clarendon the next day, "but see no occasion for a formal communication to United States Government; the despatch may go forward to Cowley [in Paris] immediately." ¹¹³ The despatch was thereupon sent to Bowring on December 9.

Two weeks later another followed, to the effect that de Bourboulon would receive similar instructions from ¹¹⁴ the French Government, and at the same time the Liverpool East India and China Association was told that Bowring had been instructed if further efforts to extend the Inspectorship seemed useless or were made to no purpose, to concert with his French and American Colleagues "as to the best means of putting an end to the system of Foreign Inspectorship established at Shanghai." Copy of this letter appeared at Shanghai in the Herald for March 14, 1857, and ¹¹⁵ proclaimed the merchants' victory.

112. Clarendon's 234, Dec. 9, 1856, F.O. 17/243.
113. Stanley to Clarendon, Dec. 7, 1856, F.O. 17/259.
114. Clarendon's 252, Dec. 24, 1856, F.O. 17/243.
115. F.O. to Turner, Dec. 22, 1856, F.O. 17/259; N.C.H. Mar. 14, 1856.

5. The Inspectorate survives.

The decision made in Whitehall at the beginning of December 1856 was the logical conclusion of a long series of complaints from merchants and of warnings from the Foreign Office. Under ordinary circumstances Sir John Bowring might very probably have been obliged, in spite of the modicum of discretion allowed him, to give effect to the obvious intent of Clarendon's instructions and with his French and American colleagues force the Foreign Inspectors at Shanghai to resign from their positions. Fortunately for the Inspectors, the circumstances were not ordinary. On October 8th, 1856, Commissioner Yeh's officers had hauled down the British flag on the lorcha Arrow at Canton. Sir John Bowring and Consul Parkes had demanded an apology, and on December 10, 1856, Lord Clarendon had authorized them, in the same mail by which his instructions regarding the Inspectorate had been sent, to take reprisals, if necessary, in order to obtain redress for the incident. In this way the decision to abolish the Shanghai experiment was made in England just before the Arrow incident developed into war, but the despatch conveying it reached China, at the beginning of February 1857, after a war had obviously begun.

On February 4 Bowring replied to Clarendon by expressing his belief that "at no distant period great changes will take place . . . the practical dislocation of the existing machinery [of customs administration] will have to be provided for." He still hoped in some way to introduce foreign inspection at Foochow. But meanwhile he had made it clear to Lay that he must "prepare himself for the contemplated changes." On his part, that

116. Bowring's 63, Feb. 4, 1857, F.O. 17/264.

gentleman had stated that he "would not consent to continue as Inspector of Chinese Customs without the approval of ¹¹⁷ or unrecognized by Her Majesty's Government." Later, after further perusal of Clarendon's instructions, Bowring expressed himself as "satisfied with the position in which the question has been left by your Lordship." He would "endeavor to act ¹¹⁸ for the best."

This he did by preserving the Inspectorate. Having returned a compliant answer, which was yet not an answer, the superintendent of Trade set to work to save the Inspectors from the doom pronounced against them. First of all he corrected with Lay's help the errors in the merchants' accusations. Then he got the American Commissioner and the Minister of France to agree with him that the times were unpropitious for change; and at the same time brought forth a new argument, that the collection of duties at Shanghai by foreigners might facilitate the recovery of any sums demanded from the Chinese Government as an indemnity. Among the more absorbing exigencies of war these tactics were successful, and the Foreign Office made no effort to enforce its judgment of December 9, 1856.

In correcting the exaggerations and untruths included among the merchants' replies to the Board of Trade, Sir Jehn took advantage of the presence in Hongkong of Heratie Nelson Lay. For the past two years he had kept in regular and personal touch with Lay, believing that "there is no foreigner in China who has equal opportunities for ascertaining the feelings of the High Mandarins, and ¹¹⁹ probably none who possesses so much of their confidence."

117. Lay to Bowring, Feb. 5, 1857, in Bowring's 65, Feb. 6, 1857, ibid.

118. Bowring's 95, Feb. 27, 1857, ibid.

119. Bowring's 91, March 13, 1856, F.O. 17/246.

. . . . "Mr. Lay has better means of information than any of our functionaries", wrote the Superintendent in January 1857, quoting him extensively; ¹²⁰ and in February, having had "an opportunity of much personal conversation" with the Inspector, he did not hesitate to show him the voluminous charges against his institution enclosed in Clarendon's despatch. The result was a letter, H.N. Lay to Sir John Bowring, dated February 5th, which took up and disposed of the major criticisms which had been hurled at the Shanghai Customs.

121

The decline in the tea trade at Shanghai, contended Mr. Lay in this letter, was due not to the existence of the Inspectorate, but to a number of contemporary circumstances: the local disorder caused by the Triads at Shanghai and the Taipings inland; an excessive amount of speculation by foreign firms in 1854-5, coupled with the scarcity and overvaluation of the Carolus dollar; and coincident with this, the removal of the Imperial interdict against foreign trade at Foochow and the imposition of heavy internal duties, especially at Hangchow, for the purpose of raising military funds. As regards the system of purchasing teas and silks from the Chinese dealer duty paid, which was advocated by the merchants in England, this "Canton system" was already in use at Shanghai, since the Custom House in most cases accepted from the foreign merchant not duties but the receipts for duties which the Chinese sellers of export goods had already paid to a receiving office separate from the custom House.

Finally, after a few succinct remarks on the

120. Bowring's 15, Jan. 12, 1857, F.O. 17/263

121. Cf. Table, Morse, Conflict, p. 366

tea exported at Shanghai	1853	---	69,400,000 lbs.
	1854		50,300,000
	1855		80,200,000
	1856		59,300,000.

dishonest practices in which he had caught several of the complaining firms red-handed, Lay took up the insinuation that the Inspectorate had jeopardized the opium trade. "I may remark that the opium trade has been carried on precisely on the same footing as in former times, within the limits of the port; and the fact that the value of opium imported, for the year ended June, 1856, amounted to Twelve million Dollars, proves, I think, that the trade has continued to enjoy at least as great facilities as before."¹²² The modesty of this particular defence of the Inspectorate was indicated by Bowring's declaration that he "could prove beyond the means of contradiction that it has placed the opium trade especially in an exceptional and protected condition which could have little been hoped for."¹²³

Having made this defense, the British Plenipotentiary then sought support among his colleagues. Toward the end of February, after M. de Bourboulon had received instructions from his government similar to those sent to Bowring, the latter "had much conversation" with him when he passed through Hongkong and found that he also feared that the abandonment of the foreign inspector system at Shanghai would create difficulties and "be pernicious to our general policy in China by producing an unfriendly feeling towards us among the Mandarins at Shanghai" where such large revenues were being collected. (The Foreign Office underlined this statement in surprise).¹²⁴

By the end of March Sir John could produce a letter from M. de Bourboulon stating in so many words that "les circonstances actuelles ne me paraissent pas tres favorables pour prendre en main le reglement immediat de

122. Lay to Bowring, Hongkong, Feb. 5, in Bowring's 65, Feb. 6, 1857, F.O. 17/264.

123. Bowring's 63, Feb. 4, 1857, ibid.

124. Bowring's 95, Feb. 27, 1857, ibid.

125
 cette affaire." He then wrote to Dr. Peter Parker, the
 "bias of whose mind" had only recently expressed itself as
 opposed to the Inspectorate; and on March 25, after M. de
 Bourboulon had lent his assistance by advising Dr. Parker,
 Bowring was rewarded by this statement from the American
 Commissioner, - "I fully concur with your Excellencies in the
 expediency of allowing this to remain in abeyance." To
 complete the array of testimonials, Sir John reported a talk
 with Alexander Perceval, "representative of one of the
 largest, if not the largest, houses at Shanghai" (namely,
 Jardine, Matheson & Co.), who opined that any change in the
 Customs administration would be disastrous to the commerce
 of the port.
 126
 127

This body of unanimous opinion supported the
 British Plenipotentiary in the belief that

"the present moment would be inopportune for the over-
 throw of the Inspectorate. Whether anterior to the
 negotiation of new Treaties a fit opportunity will be
 offered for re-discussing the question must of
 course depend on the progress of events."
 128

In these words Bowring indicated the course that was
 eventually to be followed regarding the Inspectorate.
 Once the Arrow incident had produced war, the British
 Government realized that the system at Shanghai, if it
 were allowed to continue temporarily, might later be
 extended by the force majeure of the new treaty.

At this time Sir John Bowring also foreshadowed
 another item of British policy regarding the Chinese

125. Bourboulon to Bowring, Macao, March 17, 1857, in
 Bowring's 132, March 19, 1857, F.O. 17/266.

126. Parker to Bowring, Macao, March 24, in Bowring's 145,
 March 25, 1857, F.O. 17/266.

127. Bowring's 132, March 19, 1857, ibid.

128. Bowring's 145, ibid.

Customs administration, namely, to make its collections the security for the indemnity which would surely be exacted at the end of the war. He raised the question in a despatch of February 26, 1857, which summed up the stand he was taking:

"I should be unwilling at the present moment to be instrumental in creating additional difficulties by the destruction of a hold we now possess upon the revenues of China, which may not only assist negotiations but give substantial security for the payment of our claims."¹²⁹

When this despatch reached London at the end of April, Clarendon failed to see the point: "Sir John Bowring should explain how it gives us a hold", he noted. Accordingly by the first mail in May Bowring was asked "in what manner the Inspectorship system . . . gives us . . . a hold upon the revenues of China."¹³⁰

He explained in July:

"the Treaty Powers having furnished the machinery by which the large amount of Duties is now collected at Shanghai amounting probably to more than a million Sterling per annum, - it appeared to me that, on the question of pecuniary compensation, we might (with the cognizance and consent of the Imperial Authorities) obtain a security which no other arrangement could have provided, - and that if difficulties were made by the Chinese Government in the immediate payment of indemnity, the Shanghai duties being collected as they are by the instrumentality of foreign inspectors, would afford a tangible and satisfactory guarantee."¹³¹

129. Bowring's 92, Feb. 26, 1857, F.O. 17/264.

130. Clarendon's 114, May 7, 1857, F.O. 17/261.

131. Bowring's despatch continued from the above point as follows: "We have already seen considerable appropriations of the Inspectors to various public works and measures for improving navigation, - and if only the difference

The real substance of this proposal from Hongkong appears to have lain in the significant clause, "if difficulties were made by the Chinese Government in the immediate payment of indemnity". This was the practical supposition of a realist face to face with China. It was extra-treaty, the proposal of a diplomat whose diplomacy had been exhausted, of an activist seeking the means to an end, not of a plenipotentiary setting his course by the stipulations of a treaty. Clarendon was not prepared to accede to it. He reiterated in September, as he had done several times before, that the Inspectors of Customs were servants of the Chinese Government, and the British Government had "no more right to interfere with the revenues collected by them at Shanghai than with the revenues of other ports in China where the system does not exist." In the end, however, realism was to dictate the British policy and thereby ensure the extension of the Inspectorate instead of its abolition.

131. (cont'd.) between the sums collected now, and the amount which would or could be collected without the aid of the inspectors, were appropriated as a security for the payment of our claims, it would enable the Chinese, in my judgment, to liquidate those claims without loss to themselves. It is clear we have no means to appropriating Chinese revenues except by consent or by coercion. Consent is a possible contingency as the revenues are considered by the Chinese as a contribution paid by foreigners for the privileges of Trade, which they might for the sake of peace temporarily transfer to foreign Governments, - coercion, should negotiations fail, might place at our disposal the Custom House revenues of Shanghai, as there is little probability of the sellers of Chinese produce hesitating about bringing it to the marts of demand. It must be remembered too that the whole of these Shanghai revenues have been created by Treaties, - and were nonexistent before those Treaties, - and if the Cantonese should be unable to pay the penalty of Cantonese bad faith, I doubt not means might be found (without disturbing trade) of obtaining security through Shanghai. --". Bowring's 326, July 11, 1857 F.O. 17/271.

132. Clarendon's 203, Sept. 23, 1857, F.O. 17/262.

Ch. XIII The Legalization of
the Opium Trade.

It is a truism to say that the trade which the Foreign Inspectorate was eventually to supervise was in large part growing up at the same time that the Inspectorate itself was taking shape. In the case of the opium trade in particular, an important development went on simultaneously with the efforts recounted above to extend the foreign customs administration, namely, the gradual legalization of the trade. The evidence for this pre-treaty legalization is to be found largely in the British records which remain as yet almost untapped in the Public Record Office. For the Chinese side, little mention is made of opium after 1842 in the I Wu Shih Mo (夷務始末). The material upon which the following account is based comes largely from the unpublished archives of the Privy Council (shun chi ch'u 軍機處).

1. Chinese Enforcement of
the Opium Prohibition.

From this material it would appear that after the conclusion of the first war with England, which in Chinese eyes had been caused chiefly by the opium question, the prosecution of offenders against the opium prohibition was continued but with gradually decreasing vigor.

Under date of July 7, 1841, the high officials in charge of the Board of Punishments, Wang Ting (王鼎) and Saishangah (賽尚阿), received the personally delivered command of the Emperor Tao Kuang to keep a separate list of offenders arraigned at the autumn and Imperial assizes for smoking opium and to present it for the Emperor's consideration. On July 28, 1842, the high officials Li Chen-hu (李振祐) and Pe Chun (柏葭) also received a personal command to present

a separate list of all such offenders arraigned in the Empire outside the capital, and thereafter to do so every year before the time of the annual assizes.¹ Ahlechingah (阿勒清阿), President of the Board of Punishments, received a command² similar to that first above on October 7, 1842.

In accordance with these commands a detailed return of cases connected with opium was made in at least the four years 1843, 1846, 1848, and 1849, and presumably also in the other years of the period after 1841. An analysis of these returns gives some indication of the activity of the Imperial Government officers. Unfortunately the judgments delivered by the Emperor in each case are not recorded. Although the legal penalty in most cases was death by strangulation, extenuating circumstances could often be alleged, and there are indications that the death penalty was frequently commuted to one of banishment.

In 1843, 24 offenders against the opium laws were reported as held for either the provincial or the Imperial assizes.³ Of these there were 6 cases, one of a woman, brought up because of smoking in Hukuang (Hupeh and Hunan), 2 each in Kiangsi and Yunnan, and 1 each in Kuangtung, Szechuan, and Anhui. There were 8 other cases, one of a woman, held for the Imperial assize at Peking. Of the above, all but two, who had been arrested for selling opium, stated by way of extenuation that they had taken to smoking in order to cure an illness.⁴ In addition there were reported during the year the cases of an official seized for smoking in Chihli, of a smuggler caught at

1. W S M - T K. Tsing Hua Supp. 1599, rec'd. Sept. 7, 1843. Saishangah later fought the Rebels as High Commissioner in 1851, was degraded in 1852. (刑部奏 遵將吸烟官犯先期具奏由 附單一紙 Titles of Chinese documents reproduced for reference).
2. ibid. 1903, rec'd. Oct. 27, 1846. (刑部奏 審擬王俊等吸食鴉片案由).
3. ibid. 1599, see note 1 above.
4. ibid. 1601, rec'd. Sept. 7, 1843. (刑部奏 遵將吸烟常犯先期具奏由)

5
Shanhaikuan, and of another smuggler seized in the capital by
Saishangah () who was at that time in charge of the
Ch'ung wen Men (崇文門) or Hatanen octroi. 6

In 1846 only 2 men were reported as held for the
provincial autumn assizes and 7 for the Imperial assize. 7
During the year there were also reports of two opium cases in
Peking, one of smoking and one of selling. 8

Of 6 cases concerning commoners reported in 1848, 5
were in the Metropolitan Prefecture (shun T'ien fu 順天府). 9
There were two cases of officials; 10 and one of an Imperial
clansman, reported by the Imperial Clan Court. The clansman
also had smoked in order to cure an illness. 11

Before the Imperial Assize of 1849 there were 7 cases, 12
one of an official, involving ten offenders. No report
appears to have been received from the provinces.

The Emperor Hsien Feng on his accession in 1850
preserved the policy of his predecessor by issuing in August
of that year "a Draconian edict" prohibiting the use of opium,
allowing smokers five months in which to reform, and increasing
the penalty from strangulation to decapitation. 13
Nevertheless the reports of cases preserved in the records become steadily
fewer.

5. ibid. 1642, rec'd. Jan. 25, 1844.

(富勒敦奏奉 擊獲夾帶烟土八犯由)

6. ibid. 1569, rec'd. April 18, 1843. (賽尚阿等奏 擊獲烟犯張大由)

7. ibid. 1894, rec'd. Sept. 18, 1846. (刑部奏 烟犯先期請旨由)

8. See note 2 above.

9. ibid. 2062, rec'd. Aug. 31, 1848. (刑部奏 吸烟常犯張詳等請旨由)

10. ibid. 2065, same date (刑部奏 吸烟官犯牛壽等請旨由)

11. ibid. 2068, same date (宗人府等衙門奏 吸烟官犯雙福請旨由)

12. ibid. 2108, rec'd. Sept. 19, 1849. (刑部奏 吸食鴉片常犯李玉
等朝審案由)

13. ibid. 2105, same date (刑部奏 吸食鴉片官犯方開甲朝審案由)

14. A translation of the proclamation of the Nanking Viceroy to
this effect appears in N.C.H., Sept. 7, 1850. Full summary
of this translation given in Morse, Conflict, p. 549.
Peter Parker described the Emperor's antiopium edict as
simply "a recapitulation of the old laws of the land regard-
ing its use, and requiring conformity thereto." (no. 14 to
Webster, April 21, 1851, China 6).

In 1851 a Giore (chueh lo 覺羅), or collateral relative¹⁵ of the Imperial house, was arrested for smoking in Fengtien; and in that year and province also appeared one of the first cases mentioned during this period concerning the domestic production of opium. In Fengtien at Lu Yang i (閻陽馬軍) local officers seized a Shansi man, Tu Chi-yao (杜繼耀), who had planted five colors of poppy in some 700 beds, collected the juice, boiled up crude opium, and sold it. The Fengtien authorities remark that the opium poison is spreading and that although in that province there are few smokers as yet, the arrests are nevertheless frequent. They fear that the habit will sweep the country if not severely dealt with. To which the Vermillion Pencil replies, "Examine strictly, judge, and report."¹⁶

For the year 1852 there is no report, but in 1853 two¹⁷ Censors announce the seizure of three men hiding opium in Peking. In 1854 a riot over opium occurs in a Manchu garrison in the Metropolitan Prefecture.¹⁸ After this date the archives appear to be silent.

From this fragmentary survey the tentative conclusion may be drawn that the opium prohibition was enforced more actively in the north, particularly in the capital itself, and until a later date; while in the southern provinces, where we know that the importation of opium rapidly mounted, and where cultivation¹⁹ was already beginning, repressive measures became increasingly fewer. The Taiping Rebellion and attendant disorders no doubt contributed very largely to this result. At any rate, as opium spread, it silenced its opposition.

15. I W S M - H F. Tsing Hua Supp. 37, rec'd. Sept. 16, 1851.

(奕興等奏請將吸食鴉片之覺羅學士連同等處部審辦由)

16. ibid. 38, rec'd. Sept. 25, 1851 (奕興等奏審辦種罌粟花人犯由)

17. ibid. 109, rec'd. June 9, 1851 (恩賢等奏拏獲收藏鴉片囤積小錢人犯景七海請交部由)

18. ibid. 152, rec'd. April 3, 1854 (載齡奏兵民爭毆訊出吸食鴉片請飭下部審擬由)

19. T.F. Wade, A note on the Condition and Government of the Chinese Empire in 1849, in M.C.H. Aug. 17, 1850, states it as his belief that at that time the poppy was cultivated in nine provinces, all south of the Yangtze. See also memorial of T'ang Yun-sung below.

2. The Proposals for Imperial Taxation
of the Opium Trade.

As the seizure of offenders declined, banditry cloaked by opium, and proposals for taxation, both increased. These tendencies can be traced in the reports and memorials laid before the throne by the Censors, and in the replies made to their proposals and criticisms by the Viceroy and Governors in the provinces. Real motives and actual facts were hardly the pièces de resistance of communications laid before the throne, but in most cases the biting accusations of the Censors ring true and check with foreign descriptions, while the injured innocence and insistent faithfulness of the administrative officials seem to indicate more than anything else the extreme and unenviable difficulty of their position.

The way in which the responsible authorities met their difficulties may be illustrated in passing. It appears that early in 1845 a Censor reported to the Emperor that in the region of Shanghai and Soochow there were bandit gangs selling opium, transporting it in junks heavily armed, and by their numbers and ferocity frightening off the local soldiery and yamen runners detailed to seize them. On June 13 the Privy Council accordingly received an Imperial command to order the Nanking Viceroy, Pi Ch'ang (璧昌), and the Acting Governor of Kiangsu and Provincial Treasurer of Kiangnan, Ch'en Chi-ch'ang (陳璣昌), to ascertain without fail if the Censor's accusations were true, and if so to have the local authorities collect adequate forces and seize the evildoers.

The Viceroy and Governor replied on August 13, 1845, that the Censor's report was absolutely untrue. They explained that in 1839 the Acting Viceroy, Ch'en Luan-tseng (陳鑾曾), had instructed his Provincial Commissioners and Taotais (同道) to consider customs regulations for merchant shipping at Wusung, which had then been drawn up, and eventually approved

by the Peking authorities. Since the opening of Shanghai to foreign trade in 1843, barbarian duties had been collected; and the former Viceroy Kiying (耆英) in the reconstruction period had memorialized to remove the Grain-Superintending Sub-Prefect at Soochow to Shanghai, to act as the Maritime Sub-Prefect for the Sung Kiang prefecture (松江府海防同知). In conjunction with the Wusung Garrison Commander (吳淞營參將), this official had been most assiduous in watching over commercial matters, including opium. Only one opium case had arisen. In the second month of 1845 the Shanghai District Magistrate, Lan Wei-wen (藍蔚雯), had heard of a man fitting out boats for piratical purposes, and had him arrested. Really, said the Viceroy and Governor, in such a populous commercial corridor as the Soochow and Shanghai area, and among so many wary officials, how could opium smugglers go unperceived? Investigation of each district had failed to disclose any such smugglers; the Maritime Sub-Prefect took written responsibility for it.

The first post-war proposal to tax opium appears to have been that of the Hukuang Censor (湖廣道監察御史), T'ang Yun-sung (湯雲松), presented to the throne on January 16, 1851, hardly six months after Hsien Feng's reiteration of the anti-opium edict and at the time when the increased penalties under it were due to take effect.

The censor proposed that the penalties applicable to cases then on record should be lightened, and a tax collected to help the government finances. He mentioned the evils caused by the opium trade: the drain upon the people's substance in buying and consuming it; the demoralization of the officials, who indulged in it without hindrance; the way in which the innocent were accused of smoking, for purposes of extortion, and

20. I W S M - T E Tsing Hua Supp. 1780, rec'd. Aug. 27, 1845.
Lan Wei-wen was acting Taotai at Shanghai in 1855-7.

(壁昌等奏 蘇松一帶並無夥販鴉片由)

bandits everywhere masqueraded as officials searching for opium. This last had been perpetrated the year before at Chia Hsing (嘉興) in Chekiang and in Shantung at Yenchowfu (兗州), as memorialists had reported. Moreover, for some time the poppy had been grown extensively in Yunnan, Kueichow, and Szechuan, and in Chekiang at Wenchow and T'aichow (浙江漁畝各郡). Recently it had been reported also at Hsun Te Fu (順德) in Chihli and P'ing Liang (平涼) in Kansu. Yet in every case the local officers reported falsely and would not prosecute. Finally, opium was smuggled from foreign ships into Kwangtung and Fukien, and at Shanghai and Tientsin.

The Censor's proposals were less definite than his assertions of fact, and after attacking the futile stringency of the laws, he confined himself to asking whether the guilty local and even high provincial authorities could be reformed or removed, and whether the first step in abolishing the opium evil altogether might not be its taxation, for purposes of regulation and not for profit.

No action was recorded on this memorial and the question slept for almost two years.

On December 15, 1852, however, Yu Ch'eng (裕誠) and other high officials of the Grand Secretariat and Privy Council received the Emperor's command to deliberate upon the memorial of the Censor Chang Wei (張煒); and on December 29 they received a similar command regarding the memorial of the Supervising Censor Wu T'ing-p'u (吳廷浦). For ten days the Grand secretaries and Privy Councillors, and the Nine Chiefs of independent bureaus (九卿), comprising all the high officials of any rank in Peking, held their deliberations, and luckily, in deciding upon the memorials of the two Censors, they quoted from them at some length.

Chang Wei had contended that the existing law was so severe as to be ineffectual and that it would be better to

21. *ibid.* 2184, rec'd. Jan. 16, 1850. (汪雲松奏請嚴通烟禁酌收烟稅).
禁酌收烟稅).

lighten the penalties and actually enforce them. Similarly he argued that prohibiting opium publicly and at the same time privately taxing it was not as good a system as the open collection of an official tax. Wu T'ing-p'u had repeated this argument: at every port and inland taxing station the local officials now levied an unofficial opium duty by arrangement with the merchants; the Emperor taxed the land and all commercial articles imported or exported, and it was unseemly that opium alone should be left for secret and private taxation; a tax of one tenth of the value would help the revenue considerably.

In a lengthy reply to these proposals, the ministers noted that under Tao Kuang opium had been made permanently contraband. Under specially framed regulations it was possible to mitigate the law's severity. They were administered justly and should not be lightened suddenly. As for revenue, the laws had been carefully worked out and could not well be added to. If the yamen people at the customs stations now collected an unofficial tax, the addition of an official duty would merely increase the trouble to be expected from them, would constitute in fact a duty in name only and without benefit to the government.

While thus opposing the Censor's two proposals, the high officials could not deny the truth of some of their statements. Both had asserted that opium had become a cloak for disorder, in that brigands robbed and extorted under the excuse of searching for it and absconded under the pretext of reporting about it; and the officials in Peking admitted that such evils could hardly be avoided. But as the remedy for them they urged, not legalization, but strict suppression.

Shortly after this the Taiping Rebels occupied

22. ibid. #60, rec'd. Dec. 15, 1854 (大學士軍機大臣會同跪奏)
 Partial translations are given regarding the memorial of Chang Wei in N.C.H., Feb. 5, 1853, and that of Wu T'ing-p'u in Blue Book: Papers relating to Opium, p.34; both noted in Morse, Conflict, p. 549.

Nanking (March 1853) and overran some of the richest provinces of China. With its revenue thus decimated and its survival in doubt, the Imperial Government was roused to adopt the most strenuous fiscal measures. These included the sale of offices and titles, compulsory loans to the government, the rapid development of likin taxes. In this extremity it was natural that the taxation of opium should also be proposed again.

This was done in no uncertain terms on August 15, 1855, when the Provincial Treasurer of Honan, Ying Ch'i (英際), memorialised the throne urging that the anti-opium edict be rescinded and duty levied. He was concerned first of all over the rise in the value of silver: at the beginning of the reign of Tao Kuang a tael of fine sycee (紋銀) had exchanged for 1100 to 1200 small cash (老錢), but of late years had exchanged for 2500 to 2600 and on up to 3000 small cash. This had been caused partly by the fact that not under 10 to 20 million taels annually left the country to pay for the importation of opium. In addition to this, the opium trade was going hand in hand with the disorders and piracy along the coasts, and both evils would increase as time went on.

As a remedy, Ying Ch'i proposed that a uniform tax should be levied on imported opium, and domestic production be allowed. If foreign opium were dearer and native less, silver would stay in the country and its value decline. Native opium would be of poorer (milder) quality and so less harmful; it could be produced early in the season and rice planted afterwards. In order to effect this, an Imperial edict should be promulgated revoking the opium prohibition, which was a dead

23. N.C.H. Sept. 10, 1853, gives translation of a proclamation by the Mayor of Shanghai announcing regulations adopted at Peking to govern the subscription of funds and buying of titles. Those taking contributions to the subscription office "will have their age, appearance, habitation, pedigree, and amount of subscription, together with the office they desire, all inscribed, that they may be forwarded in due order". Lots will be drawn to distribute the offices. Subscriptions of over 10,000 taels will be reported in a separate memorial, etc.

letter and had survived only because of the Government's fear of losing face. Such an edict should forbid only smoking in secret and smoking by officials, and its terms should be drawn up by Imperial princes and high ministers, in consultation with the Boards.²⁴

The fate of this proposal does not appear; but there was published in the Peking Gazette, of "29th and 30th January" 1856, and translated by the British Consulate at Shanghai, the report of "Wangking and others. . . . in obedience to the commands of the Emperor to deliberate upon the propositions made to the Throne by Censor Woo-poo-Keang in reference to the means of providing for the war expenditure." The Censor had said that "the number of opium smokers has considerably increased, and in the same proportion so has the number of Opium Growers, and he proposed that a tariff of Duties may be published for the Opium and heavy Duties levied upon it." To which the ministers in Peking had replied, "We are of opinion that if the proposition of the Censor to fix a tariff of duties for Opium be adopted, the Empire would hasten with rapid strides into habits of dissoluteness and indolence, and we are decidedly opposed to that proposition being carried into effect."²⁵

Judging from these memorials, which may or may not indicate accurately the extent of the agitation for the taxing of opium, it would appear that the levy of official duties was urged with increasing vigor from the end of 1850 on, but that at least as late as the beginning of 1856 no official action to that end had been taken by the Imperial Government in Peking.

The question of legalization, which appears to have lain dormant since the first war with England, was revived

24. I W S M - H F Tsing Hua Supp. 220, rec'd. Aug. 15, 1855.

(英蔡奏請收鴉片烟)

25. Extract from Peking Gazette of 29 and 30 January, 1856, enclosed in Bowring's 89, March 13, 1856, F/O. 17/246.

coincidentally with the outbreak of the Taiping Rebellion, and the vigor and outspokenness of the proposals seem in a general way to have increased proportionately with the Imperial Government's financial difficulties. The chief argument advanced was that opium should be taxed to provide revenue for military expenditure. A second argument was that the prohibitory laws were too severe to be effective; and it should be noted that this question of a mitigation of the penalties arose at the time when Hsien Feng's increase in them was due to take effect. The economic argument which had played so large a part in the discussions of legalization before the war, that the opium trade was draining silver out of the country, was insisted upon only once, in spite of the subjoined assertion that the value of the tael had appreciated tremendously in the intervening period.

The frame of mind of the memorialists, who saw the spreading lawlessness which nourished, and was nourished by, opium, and which was kept beyond control partly by the proud and futile stringency of the Emperor's edict of prohibition, can easily be imagined. The logic of deriving whatever profit is possible from an ineluctable evil is also obvious. On the other hand, the tenacious stand of the Peking Government calls for an admiration which is lessened only by the thought that we do not yet know the extent to which the contraband opium trade had become a vested interest capable of extending its own existence, nor the extent to which the Manchu Dynasty feared that rescinding the opium edict would go too far, in the eyes of the people, toward invalidating the Mandate of Heaven. In any case, the decision as to whether or not opium should be taxed, and by what measures, lay not with Peking but with the provinces.

3. The Taxation Effected by the
Provincial Authorities.

Between August 1855 and April 1858 the Chinese authorities at the four northern treaty-ports took measures with a view to levying a duty upon imported opium. The entire story is not yet known and may always be beyond our reach because of the destruction of the local records in the southern provinces. But from the reports of the British Consuls at Shanghai, Ningpo, Foochow, and Amoy, and from the despatches of the local Chinese authorities which they enclose in translation, we are able to follow the story in a number of scenes, like spectators at a play, and catch glimpses from time to time of the measures taken by the Chinese officials. A previous chapter has recounted the efforts made to tax the trade at Shanghai in 1855. The next development thereafter was nearby, at Ningpo, in June 1856.

Ningpo 1856. As the British Consul phrased it, by the summer of 1856 "the Consular Port of Ningpo was . . rapidly assuming the aspect of Swatow on the Coast, a place without Consul or Regulation . . . Masters and Consignees of vessels termed it a hardship, 'a bore,' to come all the way with their papers to H. M.'s Consulate to report or clear their vessels, and not infrequently Chinese coolie servants were the messengers charged with passing the vessels through the Consulate . . . Vessels, the steamer "Pluto" and others, for instance, were in the habit of entering and going out of port," discharging and loading, without notice of the Consulate and probably less
26
of the Custom House.

In addition to the trade in opium, foreign vessels were bringing in saltpetre and sulphur, which might find their way in no long time into the gingalls and muskets of the rebels,

26. Sinclair's 82, Aug. 14, in Bowring's 291, Sept. 15, 1856,
P. O. 17/250

and which were forbidden to be imported, both by repeated
 Consular notifications, and by Chinese law.²⁷

As a counterpart to this illegality, foreign vessels were exporting rice, for profitable sale in more disordered districts on the coast or up the Yangtze. The paper published by that well-informed sinologue, Dr. D. J. Macgowan, at Ningpo, reported that in the period of four months between April 20 and August 12, 1855 there had been exported from Ningpo in English vessels 189,000 piculs of rice (over 25 million lbs.) valued at \$283,000 (at that rate of exchange equal to almost 292,000); in 3 American vessels 48,466 piculs valued at \$72,500; and in 10 Hamburg, Dutch, Danish, and Swedish vessels a total of 42,925 piculs at \$63,000; even though the export of rice had long been forbidden by Chinese law.²⁸²⁹

More stimulating than these illegalities, perhaps, was the fact asserted by the British Consul, that

"the Custom house derives no benefit, direct or indirect, private or public, from the large importation of drug into this Port, whilst the presence of an opium receiving ship in the harbour and the smuggling of the drug into this place both in Foreign Vessels and in Boats gives the authorities reason to suspect that a large quantity of other commodities is smuggled into the Godowns at the same time as the opium;..."³⁰

Irregularities such as these could not pass unnoticed

-
27. eg. Notification by the three treaty-power consuls, Mar. 13, 1856, (N.C.H. March 15, 1856). Law given in G. Boulais, Manuel du Code Chinois, (Imprimerie de la Mission Catholique Shanghai, 1924) p. 431, sec. 940, translated from the Ta Ch'ing lü li (大清律例)
28. N.C.H. Sept. 15, 1856
29. cf. G. Boulais, Manuel du Code Chinois, p. 447, sec. 980 and note.
30. Sinclair's 82 as above, note 26.

even on the China coast in 1856. The season was hardly under way when Tuan, (段光清) Taotai of the Ningpo-Shaohsing-Taichow circuit, informed the British and American Consulates that orders had come from the Governor General of Fukien and Chekiang, who had received a despatch from the Governor of Kiangsu, who had learned that foreign merchant vessels were exporting rice from Ningpo at pleasure. "Mr. Lay (李泰國), Custom House inspector at Shanghai," said the despatch, "petitioned the governor of Kiangsoo" to look into the matter, and the Taotai had accordingly enjoined the Prefect and District Magistrate rigorously to enforce the law against the exportation.³¹

Would the British Consul kindly assist?

At this time the British Consulate at Ningpo was in charge of a 21 year old assistant, Mr. Robert Hart, who had arrived at Hongkong as a Supernumerary Interpreter on August 28, 1854, and come north to study Chinese a few weeks later. To help him with translation and mature advice,-- in this port where the Portuguese and Cantonese pirates took turns in convoying the local trade, for a consideration, and in butchering each other with much gusto in the line of their duty,-- young Hart had the help of Interpreter J.A.T. Meadows, a brother of Thomas Taylor Meadows, who had recently been demoted for a sanguinary affray with a Portuguese. The Consulate was short-staffed and overworked; and in answer to the Taotai's communication no action was taken until the arrival at the end of July, 1856, of Vice-Consul Sinclair.

Sinclair had hardly taken charge when he received from the Taotai a despatch reiterating the complaint of the Superintendent of Customs of Kiangnan, who had represented to the Governor of Kiangsu that the Custom House tariff and

31. ibid. and N.C.H. June 21, 1856.

laws against exporting rice at Foochow and Ningpo were a dead letter. The Governor of Kiangsu had duly passed this on to Commissioner Yeh, who had submitted it to the Throne, and received orders to demand an explanation of the Taotai at Ningpo.³² Tuan Taotai, having accordingly received a despatch from the governor of Chekiang in May, 1856, had already addressed the British Consulate.

This reiteration of his complaint now gave the Taotai occasion to break a long standing precedent.

"There is opium," continued the Taotai to Consul Sinclair, "an article which the laws (of China) forbid entering the port. It has, however, come to my knowledge that the various merchants here bring opium vessels privately into the Ningpo River, and that they unlawfully land the opium and sell it, which is in direct opposition to the legal prohibitions...."

"It is hard, besides, to guard against there being other goods, which are dutyable, smuggled in at the same time.... Saltpetre and sulphur.... are being constantly brought for sale to Ningpo.... The Merchants clandestinely store them in their godowns and, ... gradually sell them off to the natives." To prevent this, the Taotai must enforce the regulations, and asked the Consul to notify British merchants accordingly.³³

In response, Sinclair notified the British Community on Aug. 8, that the Regulations of Trade would henceforth be enforced by the Consulate. Having given the Community four days to prepare for possible seriousness in the Taotai's intentions, as he phrased it, he then (12th Aug.) replied to

32. This was evidently a reverberation from the correspondence noted in the preceding chapter, note 50 (from I W S M - H F XIII 56).

33. Tuan Taotai to Sinclair, July 31, 1856, translation Chas. A. Sinclair, in Sinclair's 82 in Bowring's 291, F.O. 17/250

518

the Tactai that any measures taken must apply to merchants of all nations without discrimination.

This was the correct procedure, dictated by precedents of thirteen years standing. But "the introduction of the subject of opium," as the Consul reported to his superior, was "rather a novel topic in a Chinese official communication to a Consular officer, so studiously do Chinese mandarins generally shun any approach to a discussion on that question." More novel still was the rumor which reached the Consul's ears that "for a slight consideration and on the payment of a fee upon every chest of opium imported by Foreigners, the Custom House would be willing to admit the drug like any other marketable merchandize and would make no further demur about it."

Of course the Consul would limit himself, if the Custom House made any arrangement with the foreign merchants, to passing the evidence on to his superiors, "in case such evidence might be required at a future day in any proposition which Her Majesty's Government may deem it proper to urge on the attention of the Chinese Government for a legalization of the Opium trade."

To this Bowring replied on Sept. 15, 1856,--just three weeks before Commissioner Yeh's officers pulled down the British Flag on the lorcha Arrow at Canton (Oct. 8, 1856).

Sir John wrote:--

"I cannot interfere with the Opium question. The Chinese must be left to take such measures as they may deem meet. I should be heartily glad to see the importation of opium legalized but in the existing State of matters I do not feel authorized to take any official action. But you will convey to those concerned the strongest remonstrances against the opium stations being made instrumental to the smuggling of other commodities

and state that Her Majesty's Authorities would witness with extreme displeasure the employment of Opium Ships and Opium stations for the protection of a contraband trade in other articles."³⁴

The above correspondence exemplifies the position long held by the British authorities on the opium question: 1st that the Consuls should at all costs avoid "mixing up the British Authority with opium transactions," which would irrevocably oppose the interests of that greatest recognized source of law and order, the Consuls, and that greatest unrecognized source of profit, the trade, to their mutual embarrassment; and 2nd that the Consuls should also endeavor to prevent the opium stations outside the ports from becoming "depots for general smuggling", which might cause the one illegality, opium, to suffer from measures directed against that other illegality, the smuggling of tea, silk, rice, or munitions.

Shanghai, 1856-7. As might be expected, developments at the neighboring ports of Shanghai and Ningpo were closely related. A few months after the raising of the question at Ningpo, it was reported in the other port that the "long pending negotiations between the Chinese authorities and the opium dealers, respecting the duty on the drug, has resulted in an agreement that it shall be admitted into this port [presumably as property of the Chinese dealers] at \$20 a chest, -- equal at the present price of dollars to 20 taels of sycee."³⁵ Shortly afterwards it was announced that the collection would begin on Nov. 4. Probably a Mandarin "will stop at the Woosung Custom House," and six or eight boats will anchor around the Receiving ships, "to whom the duties will be paid in the

34. Bowring's 291, Sept. 15, 1856, and enclosures. F.O. 17/250.

35. N.C.H. Oct. 25, 1856, quoted also in Morse, Conflict, p.541.

Broker's drafts on their Hong, for the amount each may have to pay daily."³⁶

Unfortunately at this point the opium question sinks again into the obscurity which always surrounds it, overshadowed by events at Canton, where the incident of the lorcha Arrow on October 8, 1856, ignited a long smouldering fire. Admiral Seymour forthwith fought his way up to Canton and shelled Commissioner Yeh with one gun at ten-minute intervals; the Chinese burned the foreign factories, and Canton and Hongkong awaited the arrival of the foreign envoys and troops that were to rectify the situation. But at the more northerly ports no alarm of war was sounded and trade went on as usual.³⁷

So also, apparently, did the negotiations with the Chinese opium brokers, for in March 1857 the Herald published the tidings that "an Imperial duty upon opium has at length been imposed at this port. Small boats, with official flags flying have been stationed near the opium ships at Woosung that the deliveries of drug may be duly reported, and the imposition collected of the several dealers at Shanghai after its arrival up."³⁸

The duty now levied, however, was 12 taels instead of 20, which on a delivery of 33,500 chests (the delivery in 1856) would produce c.Tls. 400,000. Tls. 10 per chest, or c.Tls. 335,000, "goes to the Imperial service," stated the Herald; "the balance of 67,000 taels being allowed" for expenses of collection. The paper further asserted, in some detail, that the Emperor had ordered the collection to be as far as possible a local proceeding, not officially admitted.

36. N.C.H. Nov. 1, 1856.
37. In December 1856 the British Consul and the officers of HMS Pique were guests of the Shanghai Taotai at his yamen in the city, and returned the courtesy by manning the yards and firing a three gun salute when the Taotai lunched on the Pique. (N.C.H. Dec. 13 and 20, 1856).
38. N.C.H. March 21, 1857.

But "it seems simply absurd to treat the trade as illegal any longer. It is openly carried on in the streets of the Chinese cities, [opium is] landed without a question at all their ports, and now pays a duty to the Imperial Treasury."³⁹

The Editor's closing statement seems extremely doubtful, and must remain so until the Chinese documents can be made to shed further light on the subject. Certainly the Chinese authorities did not rush to accept responsibility for the tax, nor the British to become associated with it.

The British Consul at Shanghai had known of the 12 taels levy for some time. "There is an office established near the Catholic Cathedral under the supervision of two petty officers, one from the Taotai's and the other from the Chih Hsien's office, who superintend the collection. It would be difficult however to fix the authorities with the cognizance of the impost;" and consequently the Consul had not recognized the tax officially.⁴⁰

When he questioned the Taotai, the latter "denied that any Imperial officers were concerned" in the Shanghai taxing scheme, and asserted that "it was the act of the Canton Guilds to raise funds to pay their countrymen contributed as Militia to the army before Chinkiangfoe...as the Imperial Government did not pay them...Opium was a forbidden article since the time of the Emperor Chien-lung, and therefore no Imperial officer could sanction its being taxed or prevent its being taxed by those who trafficked in it [sic] ..."⁴¹

This contention was supported by H. N. Lay. When Wade, who was now Chinese Secretary at Hongkong, wrote to ask

39. ibid. Robertson to Bowring, April 28, 1857, confirmed the duty as Tls. 12 per chest.

40. Robertson's 53, April 17, in Bowring's 298, April 25, 1857, F.O. 17/310.

41. Robertson's 61, April 28, in Bowring's 230 & May 8, 1857, F.O. 17/268

him the real nature of the new opium tax, he replied,

"The impression that a duty has been imposed by authority upon opium is, I think, erroneous. Lan (Taetai), at least denies it, and explained, when I spoke to him on the subject, that the Government, being in want of money to pay the troops, had called upon all the Trading Guilds, and among these the opium guilds, to contribute each in proportion to the magnitude of its business. That this contribution should fall equally on all was naturally the interest of every member, and to ensure this the opium guild stationed boats at Woosung to keep a tally of the opium received on board the receiving ships, and to take note of the purchases. This step gave rise to the report that a duty had been placed upon opium, whereas it is rather a contribution called for from dealers in opium, as a class of Traders, and without reference to the article constituting their Trade."⁴²

The British officials, on the other hand, brushed aside these extenuations. "I believe the system is regularly organized under [the Taetai's] supervision," wrote the Consul at Shanghai. "I know the plan was some time since submitted to the Governor at Foochow and by him referred to Peking, but an unfavorable answer was returned."⁴³

"This appears to me," said Mr. Wade, "to establish the recognition of the trader in opium as a legitimate contributor to revenue, and consequently as a person exempt from the penalties imposed by law on the participation in an unlawful traffic. The local Authorities doubtless consider that the modus will enable them to answer inconvenient questions,

42. Wade's 13, May 8, in Bowring's 230 as above. Lan Taetai had succeeded Chao Te-che (趙德輓) in 1855.

43. Robertson's 61, in Bowring's 230, F.O. 17/268.

should they ever be accused of sanctioning a trade the interdiction against which has not been repealed and has indeed been proved by prosecutions of comparatively recent date to be still in force."⁴⁴

In this way an anomalous tradition was perpetuated. The Tactai wanted to tax the trade, and the Consul to legalise it. But, officially, the former kept his hands off and the latter closed his eyes.

Ningpo, 1857. The scene shifts back to Ningpo, where in February 1857 a confidential agent of the Tactai had presented himself, and the latter's card, to Thomas Taylor Meadows, now H.B.M.'s Vice-Consul in charge, with the message that the Chinese "authorities wished to levy an impost on imported opium and desired to know [his] opinion on the subject." The Consul had replied that he could consult his superior only after an official communication from, or interview with, the Tactai,⁴⁵ and the matter had been dropped.

On April 6, however, Tuan Tactai called at the Consulate accompanied by a Cantonese who had formerly acted locally as District Magistrate and "appeared now as special deputy of the Governor of Chekiang."

"When the Treaty of Nanking was concluded," said Mr. Meadows to the Tactai, "Her Majesty's Government would have been glad to see opium pay an Imperial Custom's duty, and at later periods would willingly have consented to the imposition of such a duty; but...I by no means [feel] certain that our Government would view with satisfaction attempts to levy any merely provincial impost which, though intended to relieve the present extreme pressure on the Imperial finances might here-

44. Wade's 13, ibid.

45. Meadows' 47, April 11, in Bowring's 208, F.O. 17/310.

after be ignored as illicit by the Imperial Government."

"It [is] impossible for the son of the Emperor Taekuang to sanction the trade in opium as such," replied Tuan Taotai; "but...the present measure [will] amount practically to a permanent legalization of the opium trade."

The plan he then proposed was to keep a list of the Chinese opium brokers who bought opium from the foreign merchants, to ascertain regularly the number of chests so bought, and to levy an invariable tax of \$12 on each chest irrespective of the market price per chest. "The Emperor's sanction to the levying of an impost on a hitherto untaxed import is to be applied for, but the name of opium is to be avoided...the system which is being instituted at Shanghai is the same as that proposed here."⁴⁶

Some such system appears to have been put into operation, for as evidence of the success of the scheme at Shanghai, the Herald stated that the merchant Takee of that place was sent by the Chinese authorities with the honorary rank of Taotai to install it at Ningpo. In spite of considerable opposition, "the Fokien men being more influential and turbulent," success, of a sort, was soon reported at Ningpo; for the merchant Takee sold licences to the native guilds at \$10,000 apiece.⁴⁷

Foochow, 1857. The next steps were taken in May and June of 1857 at Foochow, where the tea trade was just entering upon its lusty heyday and the waters of the Min below Pagoda anchorage were already crowded with the canvas of the fastest ships afloat.

On May 3 Yeh, Prefect of Foochow and local Superintendent of Customs, addressed the British Vice-Consul in charge, stating that at a personal interview with the

46. ibid.

47. H.C.H. April 18, May 16, 1857; also noted in Morse, Conflict, p. 551.

Governor-General and Lieutenant-Governor on the previous day, he had been informed of the systems adopted at Shanghai and Ningpo for taxing a certain description of foreign drug. At those ports the impost was paid by the Chinese merchant and no one else. Since military expenditure had greatly increased, any delay in adopting the same system at Foochow would be "peculiarly inadmissible."

"Now the foreign drug is brought to the port in foreign vessels, and is in the first place stored in foreign warehouses. When distributed from these to the various Chinese merchants, it passes into so many hands and is divided into such small and irregular quantities that inspection would at that time be attended with great difficulty. We therefore prefer that the number of chests be reported and inspected at Limpo as the drug is on its way from the foreign vessel to Foochow, and that the foreign merchants' Comprador be instructed, on selling out the drug to any Chinese dealer, to charge the amount of the impost including it in the selling price, and to make report of every sale whereupon the proper officers can go to the foreign hong and receive the amount accordingly. We shall thus get a hold upon the traffic at a central and convenient point before it passes into that divided and dispersed state in which it eludes cognizance."

The Prefect requested cooperation, but Vice-Consul Hale, who was not a man to establish precedents, remained "intentionally...silent" and awaited Sir John Bowring's

48. Yeh Yung-yuan (葉永元), see chueh chih ch'uan lan (爵秩全覽) (winter ed. 1856) I 25 a. The Governor-General is the Viceroy, at that time Wang I Te (——), and the Lieutenant-Governor is the Provincial Treasurer, head of the provincial civil service and exchequer.
49. Yeh to Hale, May 3, 1857, translation W. Gregory, in Bowring's 248 of May 19, 1857, F. O. 17/269. Limpo: presumably Lien-p'u (廉浦)

instructions.

The latter replied, "I have every reason to believe that Her Majesty's Government would be gratified by the legalization of the import of opium at a moderate fixed duty." Forthwith he sent the relative correspondence to the Governor-General of India as well as to the Foreign Office. In London Lord Clarendon scrawled on the despatch, "The Emperor's consent is not yet obtained," and awaited further details.
50

These were not long in forthcoming. In communications of June 4, 1857, the local Chinese authorities, (i.e. the Treasurer, the Judge, the Rice Commissioner, and the Salt Commissioner conjointly; and also Yeh, Prefect,) stated distinctly that the Committee on Military Affairs had proposed to the High Authorities that a tax be levied on the import of foreign drug "to meet the wants of the Fuhkeen army during the continuance of military operations, and that the measure having been laid by them before the throne, had received the Imperial sanction."

The tax was to be paid in the first instance by the Chinese dealers, but was to be passed on to the Chinese consumer in the form of a higher market price. Thus neither the foreign nor the Chinese dealer would suffer.

The machinery was to consist, first, of a revenue station at Limpee. This would be placed above Pagoda Anchorage and the opium receiving ships at the mouth of the Min River, but about 7 miles below the great bridge at Nantai, where was the foreign trading settlement opposite the walled city of Foochow. At Limpee a Sub-Prefect and a District Magistrate, possessed of appropriate seals, were to act as Inspectors of Foreign Drug together with a body of

50. Bawring's 248, ibid.

police. All vessels must stop for investigation. They were to ascertain the number of boxes (if the drug be Patna, or Benares) or the weight (if it be Malwa), and to what hong at Nantai the drug was assigned. These details would be written on a pass, under which the drug might be taken on up the river.

In Nantai another Sub Prefect and another District Magistrate, appointed by the Governor General and with seals, were to manage a General Office at Chungchow, with an establishment of 6 clerks, 8 constables, and 2 boats, each with a crew of 7 hands; and on the arrival of the drug, to check the cargo against the pass, and levy the tax accordingly. The tax was to be, for Patna and Benares, \$1 per ball on a chest of 40 balls, and for Malwa, \$4 per 10 cattles on chests of 50 or 100 cattles, always plus 20% for cost of collection. Provisions were also made for payment at the Poochow rate of 7 mace 2 candereens to the dollar within a limit of ten days, for readjustment of the tax if the chests changed in size, for confiscation of smuggled drug, and a monthly check on the stocks in Chinese dealers' godowns.

Finally, to prevent quarrels arising between shipmasters, sailors, and police at Limpee, "from the fact that foreigners often take passage in the opium boats (from Pagoda Anchorage to Nantai) and native dealers ship drug in steamers and foreign vessels," the Chinese authorities urged that H.B.M. Consul "select one of his subordinates, a competent official, to act in concert with the Chinese officers at Nantai and Limpee" and so nip trouble in the bud.

51. Hale's 49, June 12, 1857 in Bowring's 340, Aug. 4, 1857, F/O. 17/271. Translation and abstract of Chinese enclosures, J. Mongan, Student Interpreter. Two of these documents partially translated also in N.C.H. June 27, 1857. The "Committee on Military Affairs" referred to above is no doubt the (軍需總局), a term applied to the administrative board formed by the four high officials (司道) immediately below the Governor

The regulations thus submitted to the British Consulate on June 4 were due to take effect on June 7. On June 12 and 13 they were as yet unenforced, but the intention they expressed appeared none the less serious.

The British Consul and his superior at Hongkong found two objections: the tax was so high, \$48 a chest, or in Taels at the rate quoted for payment about three times the Ningpo and Shanghai rates, that they feared it would merely drive the opium trade into devious channels beyond the reach of regulation. A tax of 5% ad valorem would be better, say \$25 a chest.

In addition it was somewhat irritating for Sir John Bowring, after two and a half years of fruitless effort to extend to the other treaty ports the system of Foreign Customs Inspection of which he had been a father at Shanghai, to receive a petition from Foochow asking British assistance semi-officially in the regulation of a trade contraband by treaty, when in the same port, as he knew, not one half the duties legally due to the Imperial Treasury actually reached it. He could only reply recommending a Foreign Inspectorate on the Shanghai model, but forbidding the appointment of a British Consular officer to have special surveillance over the opium trade.

Meanwhile in Nantai the foreigners were roused to demand their rights of free trade and the Chinese endeavored to enforce collection on the model outlined above by making the shroff of each Chinese hong responsible for a tax of

51.(cont'd.) "when its organization first came into general use..... during the Taiping Rebellion". (W. F. Mayers, The Chinese Government, Shanghai, 1878, p. 34.)

52. N.C.H. June 27, 1857.

53. Bowring's 313, July 7, 1857, P.O. 17/271.

\$48 per chest, -- with what immediate success is not recorded.

The steps outlined above, taken at Shanghai, Ningpo, and Foochow in the first half of 1857, appear to have followed concerted action on the part of the high provincial officials. In the case of Ningpo and Foochow we have the written statement of the Chinese Superintendent of Customs at the port that he is acting under instructions from his superiors. The systems of levy used at Shanghai and Ningpo appear to be practically the same, the rate at both places being given as Tls. 12 per chest or about 3% of the market value. The rate actually paid at Foochow is less certain.

For what it is worth, we may quote the opinion of Thomas Taylor Meadows, whose writings correctly epitomized so many aspects of the period. "As regards the provincial Governments," he wrote in April 1857, "the Opium trade has been obtaining a prescriptive legalization ever since the conclusion of the Treaty of Peace (1842). It was but another step for it to pay that and perhaps somewhat more into the Imperial Treasury which it has hitherto paid to the Provincial Authorities. . . Her Majesty's Government has but to let things take their own course, and then the much desired legalization of the Opium trade will quietly take effect; not as a been solicited by us, but as a favor accorded by the Imperial Authorities. Only the matter will for some time be kept a secret, carefully guarded from the Imperial Court and the general public."

55

54. Hale to Bowring, June 12, in Bowring's 340, Aug 4, 1857, F.O. 17/271

55. Meadows' 47, April 11, 1857, in Bowring's 208, April 25, 1857, F.O. 17/310. Dr. H.B. Morse writes of the opium trade about 1855, (Conflict, p. 55-) -- "The Chinese Empire was thus, under the compulsion of practical difficulties, moving in the direction of the legalisation of the opium traffic and the admission of the foreign drug to the same degree of toleration as it was a matter of common repute was accorded to opium of native production".

Over against this analysis of Meadows may be set the contemporary statement of the Nanking Viceroy, I Liang, and the Governor of Kiangsu, Chao Te-~~che~~ (趙德翰), who argued, in a reply to the throne dated January 31, 1857, that an opium duty should not be levied at Shanghai. It had been said that an opium duty at Shanghai could take in a million taels a year. But the levy of a duty, in the opinion of the Viceroy and Governor and also of the previous Governor, Ch'ehhangah, would involve the issuance of collection receipts, which would protect the dealers and result in the practical relaxation of the prohibition, contrary to Imperial edict but as the foreigners had long desired. As a result of this "shutting our ears and stealing the bell" (掩耳盜鈴), oppression would flourish and those who now urged the scheme would profit, but the government would get only ten or twenty per cent of the tax. Hence the Viceroy and Governor would continue to oppose the proposition.⁵⁶

Amoy, 1857-8. During the latter half of 1857, while the Mutiny ran its course in India, preparations for the chastisement of Canton and the conclusion of new treaties with the Emperor went forward slowly. After reaching Hongkong in July, Lord Elgin returned to Calcutta, and he and Baron Gros, the Plenipotentiary of France, did not get into diplomatic action against Commissioner Yeh until December 1857. Canton, and the Commissioner, were not captured until the first part of January, 1858. Meanwhile, as always, trade had flourished at the four other treaty ports, and the taxation of imported opium had been extended to the last of them, Amoy.

On the 27th of November 1857, the Amoy Taetai

informed the British Consul that, under orders received on November 15 from the General Provincial Committee, he was about to set up at Amoy a system similar to that at Foochow.

"Foreign drug is imported by the merchants of your honored nation in vessels, from which it is transferred to their warehouses to be sold...It is proposed that the foreign merchants, when about to land the drug, shall notify their intention to the officer of a Government Revenue Boat, who, after due examination shall grant permits for the quantity to be landed. The merchants are likewise to allow an examination of the drug in their warehouses. The accounts so taken of the quantities landed and stored will enable a check to be kept on the deliveries."

The Taotai foresaw two difficulties: the foreign merchants might object to such examinations, and they might arrange with native merchants to deliver cargoes at other places on the coast nearby. To forestall this, preventive stations would be set up, and the collection would begin on December 4, 1857. The rate proposed was \$48 a chest.⁵⁷

To this Bowring objected, in his reply to the Consul's report, on the grounds that so high a duty, almost 10%, would be difficult to collect and would drive the trade into clandestine channels. Nevertheless, the legalization of the import of opium being a measure which Her Majesty's Government "have much at heart," he instructed the Consul to obtain the legalization "on the best terms you may be able to negotiate." Even a temporary settlement of the question at the high rate of \$48 would be better than the present

57. See Taotai, Nov. 27, in Morrison's Dec. 4, in Bowring's 445, Dec. 13, 1857, F.O. 17/273. Translation, W.H. Pedder, Interpreter. The Committee referred to is presumably the 司道 .

demoralizing state of affairs.

At the beginning of 1858, the British Consul at Amoy received from the Prefect of Chinchow notice that taxing stations would be set up under his jurisdiction along the same lines as those outlined above. But Consul Gingell for some time could not ascertain the amount of the taxes actually collected at either Amoy or Chinchow, and not until March, 1858, could he report that "\$48 per chest is strictly levied here, and...the Chinese strongly object to so high a rate." He feared that "but a small proportion of the \$48 enters the Imperial Treasury," especially because he had been "informed that the levy of the present tax formed the subject of a Memorial to the Throne, that the Emperor has altogether dis-countenanced the scheme, and that although the arrangements have fallen through at Foochow, in as far as regards the want of Imperial sanction, the Authorities here hope to carry theirs out."⁵⁹

On applying to the Taotai for details, the Consul was told the system of levy which was actually in force:--the Chinese dealer, after agreeing to a purchase price with the foreign dealer, "has to proceed... to the public office, report the number of chests and pay the duty. A pass is then issued and the drug brought to the office, [where the chests] being inspected and branded, a permit is then granted for conveying them away."

Furthermore, replied the Taotai in no uncertain terms, "the measure has received the Imperial sanction.....it is now a long time since the General Committee determined upon this duty charge and..... had it carried into operation at

58. Bowring to Morrison, Dec. 13, ibid.

59. Gingell's 9, Mar. 13, in Bowring's 71, Mar. 23, 1858, F.O. 17/295. Chinchow: probably Chinchew (or Ch'uanchowfu 泉州府), an opium receiving station north of Amoy.

the provincial city [ie. Foochow]; deputies have been stationed also at Amoy and an office opened for the collection of the same impost; the dealers have been paying it in accordance with the regulations for no less a period than ⁶⁰ four months."

This unequivocal statement left the Consul in some perplexity as to his own line of conduct and he put three questions to his superior at Hongkong. Bowring replied energetically on March 23, 1858:

"1. How are you to deal with disputes or claims brought before you officially where opium is the subject of difference?

Answer -- When the Imperial Authorities of your locality have formally recognized the introduction of opium, questions connected with that article will stand in the same category, as those connected with any other imported article.

2. Is the same assistance and protection to be given, when this article forms a ground of application to the Consul?

Answer -- On the legalization of the introduction as above -- yes!

3. Are the vessels which bring opium to the receiving ships to be called upon to enter in the manifest, in common with other merchandize, the quantity (of opium) they import?

Answer -- yes!

I have no advice as to any Imperial decision respecting the introduction of opium, -- but your proceedings must be grounded on the supposition that the local Authorities are authorized to act -- and the responsibil-

ity of disobedience to Imperial orders is theirs."⁶¹

As a result of these instructions, H.B.M.'s Consulate at Amoy issued the following Circular on April 10, 1858, which was published for general information as Government Notification No. 17, at Hongkong on April 14, and copied in the North China Herald for May 15, 1858:

"His Excellency the Tao-tai of Amoy, having notified officially that a tax of 48 dollars per chest, .. is now levied on each chest of opium, and collected from the native purchaser, the undersigned begs to notify that questions connected with that article will stand in the same category as those connected with any other imported article.

"H. M. Acting Consul further notifies to British Merchants and Ship-masters, that for the future, when handing in Manifests to the Consular Office, the quantity of opium imported will be required to be given in common with other merchandize."⁶²

This notification at Amoy in April 1858, which may be regarded as having done for one port what the fifth rule of the tariff Agreement of Nov. 1858 later did for all the ports, seems to have been generally overlooked by later writers on the subject, just as its confirmation of a situation already well known caused no great stir at the time. Its significance may be gathered, however, from the statement which Bowring had already made as early as July 1857, that "the legalization of the opium trade is the removal of one grave difficulty in our treaty negotiations."⁶³

61. Bowring's 71, F.O. 17/295

62. Bowring's 184, July 7, 1858, F.O. 17/298; N.C.H. May 15, 1858.

63. Bowring's 313 to Clarendon, July 7, 1857, F.O. 17/271.

Ningpo, 1858. Before commenting on the developments detailed in the foregoing, it is necessary to recount a further phase at Ningpo, where a British citizen was actually engaged by the Chinese taxing office to help it, although not as extensively as the Foreign Inspectors had been helping the Shanghai Customs.

The system adopted at Ningpo in the spring of 1857 had worked with diminishing success. Eventually the 12 Taels tax had been raised to 24, apparently in an effort to increase the return from a shrunken trade, and in February 1858, according to the Herald, "the Chinese authorities, having failed in their attempts to make arrangements with the foreign merchants respecting the duty on opium at that port, the Tactai has farmed it to a native speculator at 35,000 Taels Canton weight, per annum,"⁶⁴ This man, Le Te-kew, one of the Ningpo gentry, called on Consul Meadows to say that he had taken charge of the branch office or "keuh" (局) established for opium collections in the foreign mercantile settlement. Forthwith he "endeavoured to stop evasion of the duty by maintaining a large body of native runners, as tide waiters, but soon finding this insufficient, he invited Mr. J. S. Hudson, a British mercantile resident, who is well acquainted with the local dialect, to join the keuh as a salaried employee, charged with the duties of Interpreter, and superintendent of tide-waiters."

At this point, however, the Consul discovered that in his care to avoid the mention of opium as such, which had all along been meticulous, Mr. Le had proclaimed that no person could purchase "foreign goods," "yang he" (洋貨) without his permission; and at the same time two of the local British merchants separately complained to the Consul that Le's "Agents were actually endeavoring to levy an impost on

64. N.C.H. Mar. 13, 1858.

foreign iron, which they had imported and which had paid the duty." Hudson's letter of appointment also referred to "foreign goods" merely.⁶⁵

The Consul remonstrated with the Tactai. He told him that "if he chose to substitute any of the several Chinese designations for opium or even a newly invented specific term, he would receive my open support in the levying of an 'ad valorem' duty in accordance with the tariff stipulation respecting non-enumerated goods," which were supposed to pay a 5% duty. But the Tactai "declared himself unable to act on this suggestion"; and Meadows was obliged to put pressure upon him to change the ambiguous phraseology.

This was accomplished when Hudson threatened to withdraw. The proclamations were changed and referred to opium by a circumlocution. The letter of appointment was altered and enjoined Hudson to "perform his duties in conformity with the foreign treaties". And the Tactai explicitly stated that the branch office "has nothing whatever to do with the articles specified in the tariff."

Accordingly Meadows could see his way clear to supporting the tax, which remained at Fls. 24. On May 10, 1858, he notified the British community at Ningpo that the Tactai had established a branch office, which would levy a duty in accordance with treaties and tariff "on certain foreign produce not enumerated in that tariff..... but which is not entitled to receive or levy the duties on any description of goods specifically mentioned in the tariff." Mr. J. S. Hudson, who was "in no wise appointed by or through this Consulate,"

65. Meadows' 46, May 10, in Bowring's 140, May 25, 1858 F.O. 17/297. The last paragraph above is confirmed by N.C.H. April 3, 1858.

would assist the Taotai by boarding all vessels on their entering port at Chinhai and placing one or two Custom House watchmen on board according to treaty. Mr. Hudson's status as an employee of the Chinese Government would be "exactly like" that of Chinese employees of the British Government.

Sir John Bowring approved this arrangement in a despatch dated May 25, 1858, which may serve as a summary of British policy at this time.

"The wishes of her Majesty's Government are that a moderate duty should be levied, and that the same and no other protection should be afforded for its collection which is given in the case of the tariffed articles.

"There is no objection to Mr. Hudson's becoming a servant of the Chinese...Authorities, but the fact of his being a Chinese Officer, will not protect him from responsibility for offences against British Law. I have recommended with Lord Elgin's concurrence to the other Consuls that a duty of \$25 per chest should be imposed, which would bring opium into the category of non-enumerated articles,-- but we cannot insist upon a particular rate. It is certain that a moderate Duty will give more security to the revenue than a higher one, which would give encouragement to the contraband introduction of the article."

This point of view found expression six months later in the tariff rule agreed to in November, 1858, that imported opium should pay duty at the rate of Tls. 30 per picul.

66. Bowring's 140 and enclosures, F.O. 17/269.

4. An Interpretation

From the above material it would appear that the anti-opium laws were applied, for whatever reason, at least as late as 1853 in Peking; and that the High Authorities there formally opposed the official taxation of the trade as late as the end of 1855. The Nanking Viceroy in a report to the Throne at the beginning of 1857 opposed the levy of an official duty at Shanghai. There is as yet no evidence that the prohibition of the use of opium made by Hsien Feng in 1850 was revoked at any time during this period, or that the Imperial Government in Peking took any steps to levy an official impost upon the trade.

On the other hand, the unofficial or private taxation of the traffic by local authorities, which is generally said to have begun when the trade began, appears to have been put gradually upon a more regular basis. This was done at Shanghai and Ningpo in 1856-7⁶⁷ through the agency of the local opium guild or of a revenue farmer, and it seems established that a regular levy of some Tls. 12 per chest was collected, doubtless to find its way eventually, through greater or less degrees of indirection, into the coffers of the local authorities. But at no time would the Chinese officials at either Shanghai or Ningpo consent to become officially associated with a tax on opium as such.

In this respect the policy pursued by the authorities in Fukien markedly differed. In 1857 steps were taken at Foochow and Amoy to tax the trade publicly, for perhaps the first time. This was done by the express order of the High Authorities of the province, as was formally announced to the British consul. There is, however, no indication of the

67. Li Kuei 李圭, Ya-p'ien shih-lueh 鴉片事略 II 1 a, mentions petitions from the southeastern provinces in 1855-6 and the levy of Tls. 24 at Shanghai; source, "a foreign newspaper"

reason for this difference in policy on the part of the provincial authorities, nor any way of judging the assertion that the Emperor had in one way or another sanctioned the levy of such a duty.

At all four ports the chief reason alleged for the collection of the tax, whether official or unofficial, was the need of revenue to support the army in the field against the Rebels (not against the British and French). As a second reason for some sort of regulation, it was stated by the Chinese and reported also by the foreigners on the spot, that the opium trade had come to serve as a cloak for the smuggling of other contraband or taxable articles. These two reasons indicate the forces which were at work behind the scenes: the spread of lawlessness, and of the Rebellion which was its chief manifestation, and the growth of the opium trade, which naturally accompanied it.

An analysis of the part played by opium behind the scenes in the 1850s might begin with the postulate that the dynamic factor, in the development of the contraband trade in the southern coast provinces, was not the policy of either government involved, nor the measures taken by the officials on the spot. The dynamic factor was opium itself, ⁶⁸ --the craving for it of a million odd smokers, which made it the most feasible of foreign imports; the profits from it of the British, American, and Chinese merchants, to say nothing of the East India Company; the corruption engendered by it among the local authorities, whose selfish opportunism contributed to make the trade a great and irresistible vested interest.

68. A rough estimate based on Robert Hart's calculation in 1881 that 200,000 chests (half foreign, half native) would supply about two million people with 3 mace of prepared opium a day. (Customs Publications, II Special Series, No. 4 Opium, 1881) In the 1850s the import of foreign opium averaged about 55,000 chests a year.

Supplied by the increasing production in India and facilitated by the ubiquitous disorder of the times, commended as well by its usefulness as a cover for banditry and extortion in the name of the law,--the opium trade must have spread rapidly in the southern provinces after 1850 and become truly a "flowing poison" (liu tu 流毒), as the memorialists alleged. And as the trade grew, it produced local administrative problems, consideration of which may form a second step in our analysis.

Opium became an immediate problem when the disorders and the growth of the trade combined to drive it into the treaty ports. Before 1853 and the capture of Amoy and Shanghai by rebels in that year, the cargoes from India had been stored in receiving ships which lay, fully armed against pirates, beyond the limits of the ports and the jurisdiction of the foreign consuls. For years the big companies had maintained two establishments, one for the sale of opium and one for the purchase of teas and silks; and they had been constrained to keep them separate by the knowledge that in any transaction involving opium they could expect no help officially from their consuls. The opium stations had accordingly defended their own existence and reaped their own profits without regard for the officials of their own or any other country.

It was a most significant change, therefore, when the drug came to be stored for greater safety in foreign warehouses in the ports. There is room for no little speculation as to whether this change was made because of the inadequate size or armament of the receiving ships, or because the Chinese brokers themselves feared to trade outside the ports, or because the outbreak in 1856 of the long expected second war had made the foreign merchants more aggressive. But in any case, there is ample evidence in the statements of both consuls and Taotais quoted above, that the foreign half

of the opium trade, without waiting for the conclusion of the treaties which would doubtless legalize its expansion, about 1853 quietly crept into the foreign settlements where its Chinese counterpart had long been flourishing.

The results of this change appear to have been twofold. One may hazard the guess first of all that the existing systems of taxation by private arrangement between petty mandarins and Chinese brokers were upset. The officials had now to deal with a complex city traffic in which the Chinese compradors and warehousemen of foreign firms were not under their exclusive jurisdiction.

As a second result, the trade in opium, as soon as it was installed in the ports, seems to have become a cloak for the smuggling of other articles. This paradox testifies to the privileged status which the trade had attained by virtue of paying its way directly or indirectly through all barriers. Winking at the trade was less worth it, however, if munitions of war for the rebels came to be smuggled in opium chests; or if godowns, boats, and coolies were used for both the importing of drug and the smuggling out of contraband rice and dutiable silk.

When this development had perhaps made the local officers at the ports more amenable to the formal taxing of their source of informal profit, the way was made easier for the high provincial authorities, upon whom lay the responsibility for maintaining the Imperial armies. When public necessity at last dictated an official impost, which private greed and Imperial pride had long opposed, it appears to have been these higher authorities who shouldered the responsibility and steered a course which can be imagined but can not yet be fully reconstructed.

Of the administrative problem faced by the British

Consuls, little need be said. They were able men, and representative of their time. Their task was to further the interests of a trade in teas and silks, in Indian and western products, which could not have opened China to the west as rapidly as it did, for good or ill, unless opium had functioned as an integral part of it. Caught in an administrative machine which followed the uncoordinated dictates of economic forces in Lancashire, in India, and on the China coast, they could not turn back the tide of commercial expansion, nor did they try. In the developments recounted above they played a passive role.

The Americans, meanwhile, judging by the inadequacy of their consular system at the time and the dearth of records which it left behind, played almost no part at all, even though the participation of American merchants in the opium trade was by no means negligible.

If the above interpretation has struck near the truth, it leads to the conclusion that the Chinese and the British administrators who had to deal with the opium question had a community of interest and practically the same object in view. The Chinese wished to raise revenue by taxing the trade more thoroughly, and since they were dealing with the foreign as well as with the Chinese merchants, this eventually necessitated giving the trade an official recognition, -- which was promptly held by the foreigners to constitute a legalization. The British, who in this as in many things acted also for the Americans, wished to give the trade security by having it officially regulated, and this could best be done by taxing it. On both sides a regularly levied import duty was the object.

Whether the levying of this duty at the four northern ports in 1857 was tantamount to legalization, is a

legal rather than an historical question. For when the Emperor's representatives, after the Arrow War and the Treaties of Tientsin, sanctioned the import of opium by agreeing in November 1858 to a document drawn up largely by the British authorities, they were satisfying the legalistic desire of the foreigners, who wished to base their trade on their treaties; but they were hardly affecting the situation. It is no more than a half-truth to say, therefore, as has generally been the fashion, that in 1858 England forced the Emperor of China to legalize the opium trade. In the 1850s opium in China needed no advocate, and its recognition came as the result of domestic problems. By the time the extension of the Foreign Inspectorate had been secured, the opium traffic was already recognized for what it was, in name as well as in fact, -- an integral and essential part of China's foreign trade, which must be supervised and ^{regulated} ~~regulated~~ equally with all other components of the trade. It is significant that foreign inspection had already been sought by the local Chinese authorities themselves at both Ningpo and Foochow.

XIV. Lay's Success in 1858

1. The Question of Extending the Inspectorate

The Treaties of Tientsin 1858, together with the campaign of 1859-60 which compelled their acceptance, marked a turning point in Sino-foreign relations. The making of the Treaties is a subject of the greatest interest, which has not yet been studied with any intensity. It must be enough in this chapter, however, to indicate briefly the manner in which the establishment of the Inspectorate General of Chinese Imperial Maritime Customs, as it later became, was provided for, indirectly and at the very end, in the general treaty settlement.

The Events of the Period. It will be remembered that the Arrow incident at Canton in October 1856 had ruptured Sino-foreign relations. The Canton factories were burned in December and the British Government decided to despatch an expedition to China in order to secure redress. At the same time it was proposed to ensure the future by negotiating a new treaty with the Manchu Court. Lord Elgin was sent for this purpose and reached China in July 1857. By that time, however, the Mutiny had broken upon India, the expeditionary force for China was diverted thence, and this delay coupled with the late arrival of the French envoy, Baron Gros, prevented any attempt to approach Peking in force during the year 1857. Negotiations with Commissioner Yeh at Canton proving fruitless, the city was stormed and captured at the end of December and the year 1858 ushered

in the government of Canton by the Allied Commission, of which Harry Parkes was the leading force and Robert Hart soon to be the secretary. In the spring of 1858 Lord Elgin proceeded north, calling at the treaty ports on his way, and in April he arrived off the Peiho at Tientsin in company with Baron Gros, the American envoy Mr. Reed, the Russian envoy Count Putiatin, and an Anglo-French force. Negotiations again proving fruitless, the Taku forts were stormed and taken and the four envoys proceeded to Tientsin. There they each negotiated treaties, which were signed in the latter half of June. In these treaties no mention was made of the Foreign Inspectorate, but it was provided by the British treaty that matters relating to the tariff and rules of trade should be arranged by British and Chinese representatives at a subsequent conference to be held at Shanghai. In due time, after Lord Elgin had concluded a treaty in Japan, this conference was held, and on November 8, 1858, the British and Chinese plenipotentiaries signed an Agreement containing Rules of Trade, of which the last read as follows:

Rule 10. Collection of Duties under one System at all Ports.

"It being, by Treaty, at the option of the Chinese Government to adopt what means appear to it best suited to protect its Revenue, accruing on British trade, it is agreed that one uniform system shall be enforced at every port.

"The High Officer appointed by the Chinese Government to superintend Foreign trade will accordingly, from time to time, either himself visit, or will send a deputy to visit, the different ports. The said High Officer will be at liberty, of his own choice, and independently of the suggestion or nomination of any British authority, to select any British subject he may see fit to aid him in the administration of the Customs Revenue; in the prevention of smuggling; in the definition of port boundaries; or in discharging the duties of harbour-master; also in the distribution of Lights, Buoys, Beacons, and the like, the maintenance of which shall be provided for out of the tonnage dues."

This constituted the charter of the Inspectorate General of Customs. It was left unchanged by the rupture at Taku in 1859 and the Conventions of Peking which terminated the ensuing hostilities in October 1860, and it remains in force to this day.

Apathy in England. In view of the fact that the Foreign Office at the close of 1856 had decreed the abolition of the Foreign Inspectorate at Shanghai, and subsequently expressed no change of heart, it is plain that the perpetuation and extension of the Inspectorate did not come as a consummation long desired and planned upon in London. On the contrary, Lord Elgin was given instructions on his departure from England in April 1857 which merely reiterated Palmerston's decision of 1851. "I cannot too strongly impress upon Your Excellency," wrote Clarendon, "the necessity of abstaining from undertaking any obligation to protect the Chinese revenue."¹ Other than this, no instructions were given him as to the system of customs administration which he should endeavour to have adopted

1. Clarendon to Elgin no. 5, April 20, 1857, F.O.17/274, quoted also in Morse, Conflict, p.488, from Blue Book, Correspondence relative to the Earl of Elgin's Special Missions to China and Japan 1857-1859, pub. 1859, in which much of the correspondence quoted below is also contained. Clarendon's instructions continued: "Your Excellency would only be laying the foundation of much future embarrassment if you were to engage that the British authorities in China should afford any greater degree of protection to the Chinese Custom-house than that which results from the British Consular Officers retaining in their possession the ship's papers until the production of a certificate from the Chinese Custom-house that all duties upon ship and cargo have been duly satisfied. It is no part of the duty of Her Majesty's Consular authorities to take greater care of the Chinese revenue than the Chinese authorities are themselves disposed to take. British subjects indeed, are not to be protected against the consequences of any fraudulent transactions in which they may be engaged; but the Chinese authorities, on the other hand, are not to be compelled to be more observant of the interests of the Imperial Treasury than they are when left to themselves."

in China. Since Lord Elgin in the end agreed to an extension of the use of foreigners in the Customs, the question arises, by what considerations was he influenced, and from what sources in England or China were the superior merits of customs inspection by foreigners urged upon him?

It goes without saying that the opinions offered from England were unfavourable to the continuation of the Inspectorate unless it could be made universal at all the ports. Few were sanguine that it could be so extended. Many were opposed to it under any circumstances. The negative quality of the advice sent out to China quickly appears on examination of the F.O. correspondence.

From the beginning of 1857 the differing and unconstructive opinions of the China Trade in England began to descend upon the Foreign Office. In January the East India and China Association of Liverpool recommended that a system be adopted whereby at all the ports the payment of customs duties would be left for settlement between the Chinese authorities and the Chinese merchants "without the intervention of foreigners".²

The Manchester Commercial Association in February urged that Shanghai be placed under British rule and made a free port; they complained that the Custom House there charged 10 to 12% on most imports, in excess of the tariff.³

2. E.I. and C.A. to Clarendon, Jan. 29, 1857, F.O.17/279.

3. Manchester Commercial Association to Clarendon, Feb. 5, 1857, F.O.17/279.

Fortunately the F.O. was able at this juncture to avail itself of the advice of Rutherford Alcock, now H.B.M. Consul for Canton enjoying two years leave of absence, who returned from a tour of the Continent just as the China question was receiving public attention in January 1857, and put his experience at Clarendon's disposal. In a letter to Hammond of February 7 Alcock enclosed the Foreign Inspectors' Notice of Nov. 20, 1856,⁴ which announced the position of the seventy-foot red and white beacon newly placed for the guidance of mariners at the entrance to Shanghai. "I know instructions have been sent to put an end to the Inspectorial system," wrote Alcock, " - but if it had accomplished no other good than this, ... it has done much, for which I strove in vain during many years - a good that never could have been achieved at Shanghai by any other machinery." When it came to revising the treaty it should be remembered, he added, that the great majority of merchants at home and in China would support the Shanghai system if it were extended.⁵

The Consul's last remark expressed a hope more than a certainty. As discussion of the new treaty continued during 1857 no sentiment appeared in favour of making the extension of the Inspectorate a cardinal aim of British Policy. Its extension was considered so difficult as to render discussion of it fruitless, even supposing it were desirable. In May 1857 the East India and China

4. In N.C.H., Dec. 13, 1856.

5. Alcock to Hammond, Feb. 7, 1857, F.O.17/278.

Association of London drew up a memorandum on "Suggested Heads of a New Treaty", of which the seventh read, "Customs duties on exports to be collected by the Chinese Government from their own subjects, in order that produce may be bought and sold by the British merchant, duty paid."⁶

On this Alcock commented that it was "probably a good suggestion - making the Ports free - & relieving the Foreign Trader of all transactions with the Custom house."⁷ In his own view at this time (June) there were two possibilities:- either an Inspectorate like that at Shanghai, "the working of which has left little to desire as regards that port", or the payment of all duties by the Chinese, either before they sold their teas and silks or after they bought their goods from the foreigner. In respect to teas and silks this was already the practice at Shanghai. Payment of duties by the Chinese seemed to Alcock to be preferable, - "taking all the circumstances into consideration, and the people with whom we have to deal."⁸

This abandonment, by the father of the Inspectorate, of the principle for which it stood, was symptomatic of opinion in England. By the end of the year, when he penned a long argument for the extension of a strict legal control over foreigners pari passu with the expansion of their trade in China, Consul Alcock had evidently relinquished all hope of perpetuating the experiment

6. In London E.I. & C. Assoc. to F.C. June 9, 1857, F.O.17/278.

7. Ibid.

8. Alcock's note on the memo. "Heads of a New Treaty", June 9, 1857, F.O.17/278.

begun at Shanghai. The Treaty Powers, he observed, had never made a sustained effort to master the problem of customs administration "save in one instance, very recently, at Shanghai; and though successful at this place, it was rather the act of the local officers, and has been left to stand or fall, as might chance." Accordingly he proposed that "the Custom-house abuses ... should be got rid of altogether, by throwing upon the Chinese Government the task of collecting some fixed rate of duties upon all goods, export or import, in the hands of their own subjects, and not foreigners, thus doing away with maritime duties and Custom-houses altogether."⁹

That an administrator with Alcock's incomparable experience of the problem in China should hope to solve it in this manner almost passes belief; his proposal may be taken as an index of the feeling then prevailing in England that no extension of the Inspectorate could be hoped for.

Jealousy in China. Mercantile opinion in China was somewhat more encouraging. The British Chamber of Commerce at Shanghai in October 1857 frankly stated to Lord Elgin that the Foreign Inspectorate embodied the best possible system, although it was exceptional and must positively be made universal if it were to be continued. Its extension was beset with considerable difficulties, - one

9. Alcock "Memo. on Heads of a New Treaty", Dec. 31, 1857, in Clarendon's 5 to Elgin, Jan. 9, 1858, F.O.17/284.

of them the want of a sufficient number of interpreters. The best alternative was to have all duties collected from the Chinese merchants.¹⁰

With this view, however, Consul Robertson took issue, in a lengthy memorandum which reflected his personal bias regarding the Inspectorate. To him the principle of foreign inspection was not "a sound or desirable one; the Chinese should collect their own duties by their own native officials, and without the intervention of foreign assistants, the employment of whom is a tacit and standing reproach to the honesty of foreigners." Since in actual fact the export duties were already collected from the Chinese merchants at one of the inland custom houses, the Consul argued that it would be possible to abolish the Inspectorate entirely, if only "by any means the duties on foreign merchandize could be made so light as to remove all inducement to smuggle, or could be exempted altogether from levy." In any case, the right of the British merchant to pay his own duties was a privilege too valuable to be given up.

Robertson thereupon proceeded to shift his ground and proposed in the next breath that foreign inspection be continued on the lines which had in fact first been attempted at Shanghai: the British Consul being responsible by treaty for the payment of all British duties, he should appoint an officer of his own to superintend their collection at the Custom House, salary paid by the Chinese

10. British C. of C. to Elgin, Shanghai, Oct. 2, in Elgin's 64, Nov. 23, 1857, F.O.17/277.

Government. This would remove the great objection to the present Inspectorate, that it infused "a foreign irresponsible element in Chinese administration."¹¹ This last remark was so plainly aimed at Mr. H. N. Lay as hardly to call for comment.

The other Consuls in China were hardly more constructive. From Ningpo Thomas Taylor Meadows forwarded a volume of unorthodox and philosophical advice which he epitomized in the command, "attend less to Chinese Custom-houses and more to Consular Court-houses. ... Mind your own business, and let other people mind theirs." Foreign inspection he thought to be unhealthy. "To hope to benefit the Chinese State by such an usurpation of its natural duties, is like attempting to improve the health of a weak man by sending him out to walk, and sending a couple of men with him to swing his arms ... his general health is sure to give way totally under the operation." Quite aside from this effect, the treaty powers could not go on supplying their trained officers to man the custom houses of a dozen ports. Regulation of the harbour and building of light houses, as at Shanghai, should be undertaken by the consular body, who should for that purpose collect tonnage dues, in place of the Chinese Government.¹²

11. Memo. in Robertson to Elgin, Dec. 7, in Elgin's 94, Dec. 22, 1857, F.O.17/277.

12. Meadows to Bruce, Ningpo, Feb. 8, in Elgin's 44, Feb. 27, 1858, F.O.17/286.

Vice-Consul Winchester, late of Canton, was even more discouraging. He dismissed the Inspectorate with the remark that it would not, "from its nature, admit of being generally applied, should the future treaty admit foreigners to trade in the interior and along the whole coast."¹³

13. Memo. by Winchester, Hong Kong, Nov. 24, in Elgin's 45, Feb. 27, 1858, F.O.17/286.

2. Lay's Negotiations at Tientsin and Shanghai

His appointment as Assistant Chinese Secretary. There is evidence, in the views expressed by British consular officers in China, that Consul Robertson was not the only one of their number who had become jealous of the power attained by H. N. Lay at Shanghai. The friction between the Customs and the Consular Service which characterized the period after 1858 was well begun even before that time. Lay's growing prestige as the foreigner in closest touch with the Chinese authorities, his high salary and wide powers in the Custom House, his fluency in Chinese acquired as a boy in the treaty ports, which put him on the inside in a way that many consular interpreters, however gifted, could never hope to imitate, all the circumstances of his sudden rise to local power could not but be distasteful to his former colleagues and superiors in the British service. Their jealousy was not lessened by the obvious fact that Lay was a very able man, who, as the Herald expressed it, "possessed excellent capabilities for insuring practical if not popular success to the experiment of a Foreign Inspectorship,"¹⁴ and who quite deserved the recognition now accorded him by some sections of the Shanghai community. In October 1857 he had been appointed one of the three directors of the Shanghai Literary and Scientific Society, forerunner of the North China Branch of the Royal Asiatic

14. N.C.H., Oct. 16, 1858.

Society, in which were enrolled the intelligentsia of the port.¹⁵ When Lord Elgin arrived at Shanghai at the end of March, 1858, there is little doubt that enthusiasm on the part of Sir John Bowring for Lay's accomplishments and commendations from Wade, now Chinese Secretary, had predisposed him to make use of Lay's services.

Lay had already become associated with the negotiations, probably at Elgin's command: letters to the Court had been brought to Shanghai in the middle of March by the secretaries of the British and French missions and a party including these gentlemen and the three treaty-power consuls at Shanghai had proceeded to Soochow to deliver them to the Governor of Kiangsu for transmission to Peking. The Governor of Kiangsu was none other than Chao Te-che, former Taotai at Shanghai under whom Lay had acted as Inspector. Lay had accordingly been invited by Elgin's secretary, Laurence Oliphant, to accompany the party, and in spite of the French objection that he was a Chinese functionary,¹⁶ Lay accompanied the party and, as it turned out, conducted most of the business and was practically taken by the

15. N.C.H. Oct. 24, 1857.

16. M. de Contades to Baron Gros, Feb. 27, 1858, - "M. Oliphant, au moment de partir, demanda à se faire accompagner de M. Lay ... Après quelques observations ... M. de Montigny et moi cédâmes devant l'insistance de M. Oliphant." (Cordier, Expedition de Chine de 1857-58, p.310). Oliphant's official report stated merely that "Mr. Robertson, at my suggestion, in which he cordially concurred, had written to Mr. Lay, the Inspector of Customs, requesting him to allow us the benefit of his services". Oliphant to Elgin, Mar. 5, in Elgin's 61, Mar. 18, 1858, F.O.17/287.

Chinese to be the head of the expedition.¹⁷

A few days later Lord Elgin announced Lay's appointment as Assistant Chinese Secretary under Wade to accompany the mission to the Peiho, an appointment that surprised the community and led the Herald to "regret that His Lordship should have allowed himself to be misled by interested parties into committing an act of ... discourtesy to the Consulate Interpreters," of whom T. T. Meadows then in charge at Ningpo was the senior in China.¹⁸ Whatever motives may have influenced Lord Elgin to make this appointment, there can be no doubt that after his visit to Shanghai he became, like Bowring, a supporter of the Inspectorate. From Shanghai he had forwarded descriptions of Foochow and of Ningpo, where he had met Crofton Morrison and T. T. Meadows, the British officers most eligible for the Interpreter's post he later gave to Lay. It was not until he had voyaged to the north in company with that gentleman that he penned a lengthy description of Shanghai, fully a third of which constituted, indirectly but nonetheless effectively, a persuasive defence of the Inspectorate.¹⁹ Thus in spite of apathy in England and jealousy in China the fortunes of the Inspectorate, through the growing influence of the British Inspector, had gained the ascendant.

17. L. Oliphant, Narrative of the Earl of Elgin's Mission, vol. I, pp.189-199.

18. N.C.H., April 10, 1858.

19. Elgin's 89, April 15, 1858, F.O.17/288.

His arrangements for a customs conference. Once the negotiations began at Tientsin H. N. Lay became a central figure. The lead in treaty-making was naturally taken by the British, particularly in matters relating to trade, and of the two British interpreters Wade kept rather in the background, perhaps because as Chinese Secretary he was occupied with the documents passing in correspondence. In the crises it was Lay who acted. On five successive days (June 6-10 inclusive) he, alone, conducted lengthy and at times acrimonious negotiations with the Chinese Imperial Commissioners, Kweiliang (桂良) and Huashana (花沙納), or their subordinates and on each occasion wrote the official report of the conversations which took place.²⁰ On the fifth day his overbearing manner reached its highest point and brought forth protests from the Imperial Commissioners to the Russian and American envoys and from the latter to the French and British envoys, respectively.²¹ Without a lengthy analysis, this conduct of Lay's cannot be judged, nor need it be. For the purposes of this study the all-important fact remains that the arrangement for a tariff conference to be held at

20. Enclosures 2-5 inclusive in Elgin's 129, June 14, 1858, F.O.17/289.

21. Count Putiatin informed Baron Gros in person; Mr. Reed wrote to Lord Elgin, who promptly took all responsibility for Lay's conduct in a deservedly sarcastic reply. (Reed's no. 21, June 15, 1858, with enclosures, China 17; Cordier, L'Expedition de Chine de 1857-58, p.400; Morse, Conflict, p.523, summarizes the incident).

Shanghai was made in the course of these interviews, and confirmed in the despatch of June 11 which was exacted from the Chinese Commissioners and in which the third, of the five propositions agreed to, read as follows:

"That the Board of Revenue shall depute a high officer (or high officers) to examine with (you or each other) the questions of modification (of tariff), the amount of duties to be levied henceforward at the inland Custom-houses, and the reform of the Customs administration at the different ports."²²

In pursuance of this it was further agreed between Lay and the Commissioners "that application should be made for the appointment of Chaou, Governor of Kiangsu, and Sieh, late Intendant at Shanghai, to consider and settle the tariff and treaty" (sic) at Shanghai.²³ In reminding the Commissioners of this agreement before his departure from Tientsin, Lord Elgin referred expressly to "Chaou, Governor, and Sieh, Judge of Kiang-su" as the officials whose appointment should be secured.²⁴

What else may have been arranged in these conversations that preceded the treaty, whether Lay may have used the opportunity to secure promises regarding the future of the Inspectorate, can never be entirely known. At all events it is plain that as the chief British negotiator

22. Kweiliang, Hwashana, and Kiyang to Elgin, June 11, in Elgin's 130, June 14, 1858, F.O.17/289. This proposition was embodied, as regards the tariff, in art. XXVI of the British Treaty; but no mention was made in it of a reform of the customs administration.

23. Kweiliang and Hwashana to Elgin, July 1, in Elgin's 139, July 5, 1858, F.O.17/289.

24. Elgin to Commissioners, July 3, in Elgin's 140, July 5, 1858, F.O.17/289.

at Tientsin he succeeded in arranging for a conference at Shanghai to which the Emperor would be asked to send the two Chinese officials with whom Lay's relations had been (and still were) closest, and this conference by taking up the subject of customs reform would decide the future of the Shanghai Inspectorate which Lay dominated. There is in the official correspondence no indication that in making this arrangement Lay was acting otherwise than according to Lord Elgin's orders. The latter stated distinctly that the Commissioners' invitation to Lay to confer with them "was precisely the result" which he desired. He felt it imperative that the Chinese Commissioners he "brought directly in contact with some person thoroughly well informed on all the questions at issue between the Governments, and able to speak the Chinese language fluently. In both respects Mr. Lay's qualifications are of the highest order."²⁵ Indeed it is hardly improbable that the extension of the Inspectorate was by this time as much Lord Elgin's objective as it was Lay's. The Treaty of Tientsin itself in Art. XXVIII, refers to "the authority appointed to superintend the collection of duties," not, as the Treaty of Nanking had done in similar circumstances, to "the Superintendent of Customs." There is no reason to doubt that by June 1858 the British high authorities in China were actively and strongly promoting the extension of the Inspectorate.

25. Elgin's 133, June 18, 1858, F.O.17/289.

It would be superfluous at this point to recapitulate the manifold considerations which doubtless moved Lord Elgin to support the Inspectorate. On taking leave of the Shanghai community in January 1859 he confessed to them that the two most critical problems with which he had had to deal in his diplomacy had been - "the trade in opium and the Chinese Custom-house system". He had impressed upon the Imperial Commissioners "the importance of establishing a Custom-house system which shall be uniform at the several open ports, equal in its operation on all parties, and controlled by persons of integrity and competent knowledge."²⁶ It is obvious that in his estimation H. N. Lay was such a person. The extension of a vigorous authority such as he exercised at Shanghai was made imperative by the growth of the coast trade, the forthcoming legalization of the opium trade, and the expansion of foreign commerce up the Yangtze and into the interior.

The settlement at Shanghai. The negotiations which led to the insertion of Rule 10, the Inspectorate's charter, in the Rules of Trade hardly require description. Mr. Lay dominated them also. In August Kweiliang and Hwashana informed Lord Elgin that "Sieh, Judge of Kiang-su ... has been appointed by an Imperial decree to enter at once

26. N.C.H., Jan. 22, 1859.

upon the work of deliberation and arrangement at Shanghai."²⁷ This Provincial Judge of Kiangsu, Hsieh Huan (薛煥), had held the post of Shanghai Taotai and Superintendent of Customs, having relieved Lan Wei-wen on Sept. 1, 1857;²⁸ he was a native of Szechuan and before coming to Shanghai had been Prefect of Soochow. With him was now associated Wang Yu-ling (王有齡), Provincial Treasurer. These two, with Oliphant, Wade, and Lay, conducted the actual negotiations, between October 12 and November 8, 1858, when their respective superiors signed the agreement they had concluded. The British Inspector was present at Elgin's desire, since he believed "neither party should be deprived of the experience and information which Mr. Lay can bring to bear on the subject."²⁹ Within four days they reached the following decisions, as recorded by the British representatives:

"Beacons &c. - The application of the tonnage dues to this object by every civilized nation was urged upon the Chinese Deputies ... The Chinese finally assented to set apart the tonnage dues to meet the proposed requirement; the Judge observing that the work to be done could never be executed by Chinese unassisted; and, in reply to further questions, that the best person to hold the money would be the foreigner whom, under the new Customs' system, to be mentioned elsewhere, the officer in charge would have to assist him."

-
27. Commissioners to Elgin, Aug. 12, in Elgin's 178, Sept. 17, 1858, F.O.17/290. Thomas Wade wrote this transliteration as Sieh, but by the Wade system as now used it should be Hsieh. See Giles no. 4371.
28. N.C.H. Sept. 5; C.M. Sept. 24, 1857.
29. Elgin to Commissioners, in Elgin's 189, Oct. 19, 1858; F.O.17/290.

... "The Customs Collection should be placed under a Superintendent-General of Foreign Revenue, the Judge particularly inquiring whether the Chinese authority in charge would be at liberty to employ any foreigner he pleased to assist him. He was assured that the British Government could make no objection to this."³⁰

In this manner Mr. Lay secured the opportunity for which he had been working. Recommended undoubtedly by Sir John Bowring no less than by his own reputation and aggressive personality, he had gained Lord Elgin's confidence and, in effect, extracted his treaty for him from the reluctant Commissioners at Tientsin. Simultaneously he had prepared the way for equally important achievements at Shanghai, by selecting as his protagonist in the tariff conference a local official whose calibre he knew and whose confidence he had no doubt partly won. With this official's concurrence, Wade and Lay put through both the legalization of the opium trade and the ^{author} ~~organ~~ization of the Inspectorate General of Customs.

30. Report of Cliphant and Wade in Elgin's 192, Oct. 22, 1858, F.O.17/291.

3. A concluding Observation

The events recounted above have carried with them the writer's own comment and interpretation in the very manner of their selection and presentation to the reader. A few generalizations might now be usefully added, however, by way of synthesis.

The problem of customs administration arose because of the tendency of foreign trade to expand more rapidly than organs of government could be developed to regulate it. None of the governments concerned could make and enforce laws fast enough to keep up with the march of events. In the 1850's the Manchu administrative machinery rapidly broke down. The Court became bankrupt, the officials were demoralized, the people suffered from revolt. To some extent certainly these evils arose from the great increase of population during the preceding century, to some extent they were the usual omens presaging the collapse of a dynasty. At all events the great Rebellion which arose about 1850 quickly intensified the Imperial Government's difficulties, and in response the provincial officials developed and extended the likin tax on goods in transit and began to tax the opium trade along the coast. Regarding the legal trade of the treaty ports, however, they appear to have taken little action; for it was a thing closely watched by the barbarians, over whom the Chinese provincial authorities had by treaty no direct control and with whom they wished to avoid complications. Foreign trade being

obnoxious to the Court, it was not stressed in memorials; being regulated by treaty, it was not easily amenable to illicit taxation except by the officials on the spot. Hence it was generally left for the local authorities to tax as best they could. Unfortunately these officials had no incentive to promote the rule of law over the trade. Rather than report and remit to Peking large sums collected according to the tariff, they naturally preferred to gain a profit for themselves by continuing the ancient custom of private arrangement with each individual trader. Add to this lack of incentive the attendant circumstances, that the customs officers received a pittance for salary, had no adequate language in which to dispute with the aggressive foreigner, and were in any case overawed by the sometimes furious vigour of the British Consul, and it is plain enough why the Chinese Custom House was inadequate to its task. Its authority could not be exercised over the foreign trader in the Chinese fashion, nor in the foreign fashion except through the unprepossessing medium of a foreign consul. In fine, the application of Chinese law was prevented by extraterritoriality.

Realizing this, the British had tried from the first to set up in the treaties a legal system, within the framework of which foreign trade could be controlled and so protected. But the rule of British law, unfortunately, could not at first be made to extend either to the opium trade or to the trade of other foreign merchants, particularly the Americans. In this situation the British Consul was unable to act as a regulating authority, for the British

Government naturally had no intention of enforcing laws that restrained only their own merchants and thereby penalized the trade which the laws had originally been intended to facilitate. By stopping consular interference in 1851 Palmerston allowed the British treaties to lapse in the interests of British trade. This left the trade in jeopardy, under the real control neither of China nor of the West, and it is impossible to see how this dichotomy, - taxation by China, adjudication by foreign consuls, - could long have continued without producing friction that would first have hampered trade and later, as a result, probably have destroyed Chinese sovereignty in the areas where trade was conducted. The British Government, however, was in the 1850's on the whole unalterably opposed to the destruction of Chinese sovereignty. A free opportunity to trade in Chinese territory, if it could be achieved, was considered far preferable to the assumption of a territorial responsibility such as that assumed by the East India Company in India. Neither Palmerston nor Clarendon sought exclusive privileges in China nor would they allow the British Consul to assume the functions of the Chinese Custom House. This policy of the Foreign Office tended to perpetuate the stalemate reached in the treaty ports.

It remained for the British officials in China to cut the Gordian knot by bold and original action. Aided by unique circumstances they established the Shanghai Inspectorate in 1854 as a means through which to administer the Custom House. China was to receive the revenue and Chinese sovereignty was to be preserved by a polite fiction;

but there can be no doubt that the Inspectorate originally outlined by Alcock would have been controlled by the British Consul, to the virtual extinction of Chinese authority. This was prevented by a legal decision of the Law Officers of the Crown and by a further reiteration of the stand already assumed by the F.O. The Inspectorate was cut adrift - a foreign staff exercising a purely Chinese authority. In this unforeseen manner a compromise was reached of the most useful kind. Its use was seen from the first by Bowring and also by some of the Chinese authorities, for the latter soon employed a British resident at Ningpo to assist them in regulating the opium trade. It may be said that a tendency was at work to employ barbarians in order to regulate barbarian trade, a device reminiscent both of the policy of playing off one foreign power against another and of the early form of extraterritoriality under which, for instance, the Arabs resident at Canton and Zayton had been controlled through their own headman. At all events the situation in China by 1858 could demonstrate to Lord Elgin both the potentialities of the Inspectorate and the imperative necessity of extending the rule of law to cover all forms of British activity, particularly the opium trade, the coast trade for which opium had provided the initial dynamic, and the trade in the interior which was to be allowed by treaty and which would present new and greater problems of administration. To utilize the Inspectorate for the solution of this vital administrative problem was the decision of a statesman. Through the medium of Lay's special ability and assertiveness

the practical arrangements were dictated to the impotent Chinese Commissioners; but it is most important to note the care which the British negotiators took to keep this arrangement out of the limelight. The employment of foreigners was made optional, not mandatory, and was provided for in the very last clause of the entire treaty settlement. Several considerations probably dictated this secretiveness. If Lay was forthwith to control the Chinese Maritime Customs it was certainly best not to advertise the fact to the Imperial and provincial authorities whose prestige and whose pockets, respectively, might not improbably be affected. On the other hand the Foreign Office and the merchants in England had always been sceptical of the Inspectorate's possibilities, and the consular authorities in China were none too eager for the increase of Lay's powers. For every reason it was desirable to proceed slowly, and to that end the bare minimum of a legal basis was written into the treaties.

A P P E N D I X A

MAP OF SHANGHAI DURING THE PROVISIONAL SYSTEM

Based on a map in the British Museum entitled:
 "City and Environs of Shanghai
 From a survey by the Royal Engineers 1860-61.
 The City from a French Plan of 1861.
 The River from Commander Ward's Survey of 1858.
 Compiled and drawn by E. J. Powell of the Hydro-
 graphic Office 1862".

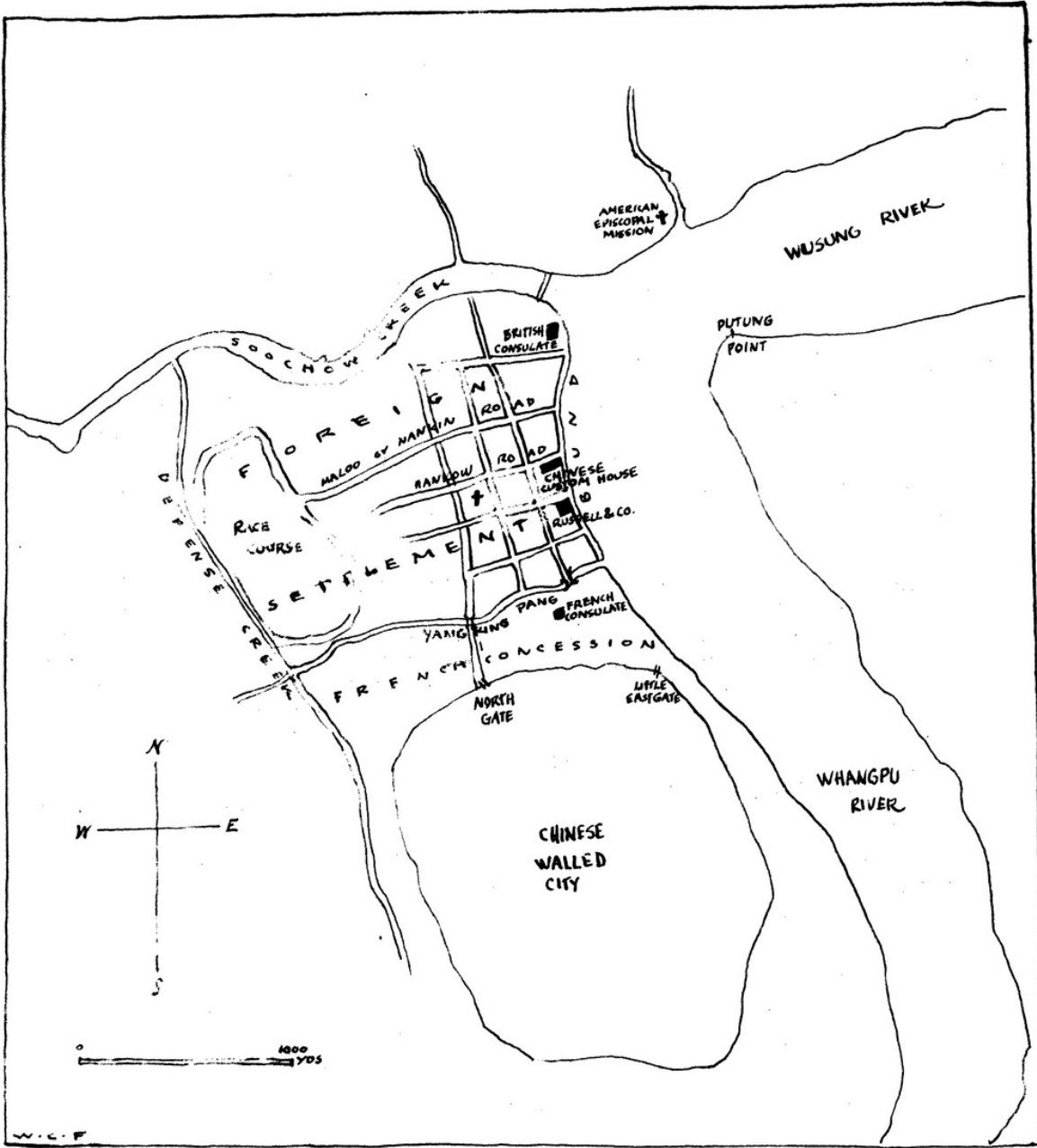
[B.M. Sec. XIII (389)]

Cf. also: "Plan of the English Settlement at Shanghai.
 Surveyed, Lithographed and Published in 1864-66
 by order of
 The Municipal Council of Shanghai".

[B.M. 61695, (2)]

and: "Skeleton and Key Plan of the English and Part
 of the American Settlements at Shanghai.
 Surveyed and Lithographed in 1864-65".

[B.M. 61695, (1)]



A P P E N D I X B

Minutes of the Conference of June 29, 1854

Minutes of a Conference held at Shanghai, the 29th day of June, 1854.

Present, His Excellency, Woo, Taoutae and Chief Superintendent of Customs.

Rutherford Alcock, Her Britannic Majesty's Consul.

R. C. Murphy, Consul for the United States of America.

Monsieur Edan, His Imperial Majesty's Consul, par interim.

The Consular Representatives of Great Britain, France and the United States of America, have met together to receive His Excellency, Woo, Taoutae, who has expressed a wish to consult with them as to the best mode of reorganizing the Chinese Custom House, with a view to its greater efficiency in the collection of Foreign Maritime Duties; and a desire to receive from them any suggestions in their power to offer, regarding the practical means of ensuring the better observance and execution of Treaties in the levy of Duties at the Port.

The undersigned Taoutae and Consuls having maturely considered and discussed the best means of giving efficiency to the administration of Customs, and carrying out the Treaty provisions for the collection of duties; agree upon, and have adopted the following articles, as embracing all the most essential conditions of an improved organization, and the ground work of a more satisfactory system of administration than has heretofore been obtainable. The Taoutae on his part is prepared, in the interest of the Chinese Revenue and for the protection of the honest Merchant, at once to give effect to the principles so sanctioned and adopted.

1. The chief difficulty hitherto experienced by the Superintendent of Customs having consisted in the impossibility of obtaining Custom House Officials, with the necessary qualifications, as to probity, vigilance and knowledge of Foreign Languages, required for the enforcement of a close observance of Treaty and Custom House Regulations; the only adequate remedy appears to be in the introduction of a Foreign Element into the Custom House Establishment, in the persons of foreigners carefully selected, and appointed by the Taoutae, who shall supply the deficiency complained of - and give to His Excellency efficient and trustworthy instruments wherewith to work.

2. The mode in which this may best be effected, it is considered, will be by the appointment on the part of the Taoutae of one or more Foreigners of undoubted Probity, to act under his orders as Inspectors of Customs, with a mixed establishment of Chinese and Foreign Subordinates, to consist of Linguists, Writers, and Tide Waiters, together with a Revenue Cutter, well manned by Foreign Sailors and under the command of a trustworthy and intelligent Master; the whole expense of such establishment to be paid out of the proceeds of the Revenue, and at such liberal rate as shall suffice to secure the highest qualifications of character and capacity in the persons selected for the different Offices; the said Salaries to be paid monthly by the Chief Superintendent of Customs.

3. In the appointment of the Head Inspectors and the organization of the whole auxiliary department, it has been agreed as the best mode of guarding against any future difficulties and sources of complaint, and at the same time ensuring, by the better knowledge of persons, a proper selection, that the Consular Representatives of each Treaty Power shall select and nominate for appointment by the Taoutae, one Inspector, so soon as fit persons can be found, and these three to form a Board of Inspectors, with a single and united action, to whom will be entrusted the further selection of the various subordinates, Foreign and Chinese, receiving in such duty of selection all facility and assistance from His Excellency the Taoutae in regard to the Natives to be chosen. The Taoutae will confer the several appointments on the presentation of the Inspectors, their rate of remuneration, in accordance with the principle established in Article 2 having previously been fixed.

In the event of three competent and proper persons for the Office of Inspectors, not being procurable, in the first instance, as the Nominee of each Consul, it is agreed that either one of the Consular Representatives may exercise his faculty of nomination at once; and the party so selected, upon receiving appointment from His Excellency the Taoutae, shall be recognized by the Consuls of the three Treaty Powers as representing the whole Board of Inspectors, and consequently charged with the collective functions of the Office; without prejudice to the power distinctly reserved on the part of the other Consuls of nominating at any time the remaining two, of the number required, to complete the establishment on the footing now contemplated. The scale of remuneration, numbers and office of the persons to be employed will shortly after the signature of this Minute be determined upon by His Excellency the Taoutae, and communicated to the Consuls collectively in an official note.

4. In reference to such Inspectors of Customs, the Consuls will undertake to try, and adjudicate upon, any case of exaction, corruption, or neglect of duty made out against them; and charges for misconduct may be made by Foreign Residents direct to their respective Consuls, who will take action upon them after due notice to the Chinese Authorities and the other Treaty Consuls. And provided

such charges are reasonably supported by the circumstances of the case, an investigation shall take place in the presence of the Taoutae and Consuls of the three Treaty Powers, and the finding of such mixed Court shall, by previous contract on the part of the said Inspectors on their nomination, be binding equally upon the party accused and the Chief Superintendent of Customs, from whom they will hold their appointments, the same to be taken by votes, the Taoutae having two. The Inspectors not to be liable to dismissal or removal by any other process, unless a total change of system with the concurrence of the Consuls should render their services no longer needful or advantageous; in which case they will be held entitled to a three months notice or equivalent Salary. All subordinates under the Inspectors to hold Office during good behaviour and subject only to dismissal on the recommendation of the Inspector, if single, or a majority of them if there be three, but upon such recommendation the Taoutae will undertake to give effect to the dismissal without delay.

5. The functions and duties of the Auxiliary Department of Inspectors to be considered as those especially of surveillance as to the due observance of the Custom House Regulations and provisions of Treaties, in regard to shipping and duties. There will be a single and united action among the heads; and full authority with all necessary means shall be given to enable them to scrutinize reports of Shipping, manifests of Cargo, landing and shipping off chops, payment of duties and port clearances, for the detection of all errors, irregularities or frauds, whencesoever proceeding. They will each and severally on appointment be sworn, truly and honestly to administer the duties of their Office, and to abstain from all personal interest in trade, and to hold themselves equally accountable for the faithful observance of these engagements to the Taoutae appointing, and to the Consuls of the three Treaty Powers; these Authorities together constituting the members of a mixed Court, to which they are by their own consent to be made legally accountable. It will be their duty to expose all frauds or irregularities whenever discovered to the Chief Superintendent of Customs, and the Consuls of the three Treaty Powers collectively; to obtain the necessary evidence for conviction to be had, in the event of legal proceedings being necessary; and to take all proper steps under the authority of the said Superintendent of Customs for the prosecution of the several parties engaged in any irregularity or attempt to defraud the Revenue. And the Taoutae on his part undertakes rigorously to enforce the penalties whether of fine or confiscation in all cases without exception or distinction, whenever an act of fraud or irregularity can be brought home to the offending parties; and he will further make public declaration of this his intention. The Superintendent of Customs in any case of confiscation, upon information will make over to the party or parties instrumental in discovering the fraud or irregularity, a percentage on the value of the goods confiscated. as an additional motive for vigilance, according to a scale to be hereafter specified. The Inspector or Inspectors

will have location for an Office within the building occupied as a Custom House, with free access to the Chinese Custom House Books and Documents. They will be responsible for keeping with perspicuity and accuracy, a complete set of Custom House Books in English and Chinese, showing in detail the whole course of administration in reference to the Shipping and levy of duties. These Books from time to time, or at set periods, as may hereafter be determined, to be carefully compared, under the eye of the Taoutae and Consuls of the three Treaty Powers, with the Books and Records kept by the Chinese Department, when, if any discrepancy be discovered, it shall be the subject of rigorous investigation. Such collective and official examination at any time to be obligatory on the requisition either of the Taoutae, or of one of the Consuls. In order the better to regularize and give identity of action to the whole Custom House Service, the Chief Superintendent of Custom undertakes that no landing or shipping off chops - duty receipts - Port clearances, or any other official documents shall be issued from the more exclusively Chinese Departments of the Custom House, for any Foreign Vessel or Shipper, or be permitted to take effect, without the counter-signature and seal of the Inspector or Inspectors, and of all such documents a careful record shall be kept by these for reference. It is further agreed to be of essential importance that no Foreign Ship under any circumstances shall be permitted to report, except through a Foreign Consul, duly recognized, or to remain in Port, or load, or discharge Cargo without conformity to this regulation. The Inspectors will at all times be prepared to afford to the Chief Superintendent of Customs information and advice on every point connected with Foreign Customs and Laws, and the administration of the same under Treaties in China; they will equally afford to the said Superintendent, and to each of the three Consuls of Treaty Powers, upon official demand, all the information in their power as to the shipping and levy of duties, together with free access to their Books; but the Inspectors will not be authorized to give access to these to any other parties.

6. In the event of the Inspector or Inspectors appointed, not possessing competent knowledge of the Chinese Language, it is agreed that it will, in that case, be necessary to appoint a Foreign Interpreter at an adequate Salary to supply the deficiency.

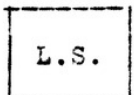
7. An armed Revenue Cutter well found and manned, under the command of a Foreign Master, small enough to work quickly in the River and overtake Vessels leaving the Port, without due authority; and large enough to go with safety to Gutzlaff if required, is deemed indispensable.

And in order the more faithfully to secure their utmost vigilance, it is further agreed that the informer of any violation or intention to violate the Revenue Laws, in the event of confiscation, shall receive 5 per cent. of the gross amount so confiscated, and the Captain of said Cutter for capturing a Vessel or Vessels attempting to

violate the Revenue Laws, to secure 5 per cent. of the gross amount of property thus confiscated, the 1st Officer 3 per cent., and the Crew 2 per cent., to be divided equally among all on board below the Captain and 1st Officer.

8. A careful revision of the Custom House Regulations of August, 1851, is considered necessary, with a view to any modifications that may be found desirable, and their conformity with Treaty Regulations, after which they should be reissued with the greatest publicity in Chinese and English.

9. Upon these bases unanimously concurred in and adopted at this Conference, His Excellency the Taoutae desires, and undertakes to reorganize the Custom House Establishment; and to forward within ten days an official communication to the undersigned Consuls, giving the details of such organization and establishment, and inviting their concurrence and active support (in so far as by Treaty they can legitimately afford the same); and the Consuls on their part declare their desire to contribute by all the means in their power to the organization of an honest and efficient Custom House Administration; and their readiness on the receipt of such communication to announce at a day fixed, the resumption by the Chief Superintendent of Customs of all the duties of his Office, and the obligations of Consignees and Masters of Ships under their respective Flags scrupulously to observe the Custom House and Port Regulations; under penalty of fine or confiscation as by Treaty provided.



Official Seal of the Intendant of
Soo-Sung - Tae Circuit in
Keang Nan.

Seal	(signed)	Rutherford Alcock, H.B.M.'s Consul.
Seal	(signed)	R. C. Murphy, Consul, U.S.A.
Seal	(")	I. B. Edan, Consul de France p ^r interim.

True Copy

W. Fittock.

In Sir J. Bowring's
No. 77, of July 7/54.

F.O.97/100.

Paragraph 3 above quoted in Morse,
"Submission", p.23.

BIBLIOGRAPHY.

1. <u>In Western Languages:</u>	676
a. Unpublished Documents	676
b. Official Publications	684
c. Books	690
d. Newspapers, Periodicals, and Ephemeridae of the period before 1858	753
e. Articles cited in the Text	757
2. <u>Materials in Chinese:</u>	759
a. Documents	759
b. Official Publications, Published Documents, and Works of Reference (except Gazeteers)	768
c. Gazeteers	772
d. Books	774
e. Periodicals	786
f. Articles	790

B I B L I O G R A P H Y

1. In Western Languages

a. Unpublished Documents

British Consular Archives.

The Consuls, being closest to the scene of action in China, have left in their archives the most detailed record of the events which took place in this period. Complete files (either drafts or originals) of Consular Correspondence were kept at each port, arranged in the following three major series:-

- (1) To and From the Superintendency of Trade (also labelled Hong Kong, Government House, or Legation), the Hong Kong end of this correspondence is filed under F.O. 228 in the P.R.O.
- (2) To and From the Chinese Authorities (sometimes labelled Superintendent, i.e. of Customs).
- (3) To and From Miscellaneous (or General Letters), including correspondence with British officers at other ports or on H.M. vessels, and with local British residents and local foreign consuls.

~~Under (2)~~, Despatches from the Chinese Authorities and, ordinarily, the Chinese drafts of those sent were filed in the interpreter's office, while English versions of both were filed with the other correspondence preserved by the Consul, under (2).

The archives of the British Consulate at Shanghai were destroyed by fire in 1870. An examination of the archives for the four other ports, made in Nov. and Dec. 1934, and Jan. 1935 disclosed the following situation:-

Ningpo archives (at Shanghai): c. 64 volumes; good condition; in packing cases; volumes not found: To Chinese 1849, '57, '58, From Chinese '57, '58. From Miscellaneous '52, '57.

Foochow: c. 21 vols.; good condition; not found: To Superintendency '44-7 (all dates inclusive). To Chinese Aug. '57-'58, From Chinese '47-'50, '57-'58, To Misc. no copies preserved but a Register found for '44-'51, from Misc. (not found) '52-'53.

Amoy: c. 22 vols.; good condition; not found: To Suptcy. Oct.-Dec. '51, To Chin. '57, From Misc. '43-'52.

Canton: c. 46 vols.; poor condition, - front and back covers gone on most volumes of bound correspondence, which are loosely wrapped in paper; several fragments, of volumes partly eaten by ants; not found: To Suptcy. '54-'56, From Suptcy. '43-'48, Aug.-Dec. '49, Jan.-Aug. '50, Aug-Dec. '51, '56-'57, Jan.-June '58, To Chin. '50, '53, '55-57, From Chin. '53 - Oct. '58, To Misc. '43-'48.

In other words, the Ningpo archives for the period appear to be practically complete, those at Foochow and Amoy about one-fifth gone (chiefly unique local correspondence), those at Canton one-third missing (chiefly official correspondence with Hong Kong, duplicated in the P.R.O.).

In addition to the above, each port has several volumes of Circulars, Notifications, Interpreter's Reports, Judicial Records, or similar miscellaneous material (e.g. at Canton, correspondence with the Consular Agent, Whampoa). Often these extra volumes are of great value, as in the case of Robert Hart's records of the Miscellaneous and Chinese correspondence of the Allied Commission at Canton in 1858.

Chinese despatches:- at Foochow complete for 1844-58, in 9 volumes; at Amoy probably complete from 1843-58; at Ningpo and Canton, number not ascertained.

The Records of the Superintendency of Trade, filed in the P.R.O. under F.O.228, "Embassy and Consular Archives, China", containing the British Minister's Correspondence with the Consulates and with the Foreign Office, are really no more than another copy, in draft or in original, of the documents kept, in original or in draft, by the Consulates or by the Foreign Office, respectively.

The Superintendency at Hong Kong was a clearing house intervening between the Consulates in the treaty ports and the Foreign Office in London. Any incident arising at the treaty ports was first reported by the Consul to the Superintendent in a despatch with enclosures, as selected by the Consul from his own local correspondence. Such incidents as the Superintendent then thought to be deserving of report to the Foreign Secretary he would report in a despatch of his own with enclosures, as selected by him from the Consul's despatches, their enclosures, and his replies to the consul. Two acts of discrimination thus intervened between any event and the Foreign Secretary's consideration of it. However, a surprisingly large number of the documents received at the Consulates from local sources were enclosed in despatches to Hong Kong, and from Hong Kong in turn copies of a large proportion of the despatches and enclosures so received were sent on to the Foreign Office, so that the Foreign Secretary usually had at hand copies of nearly all the documents pertinent to any question he might have to consider. This was possible, in spite of the lack of typewriters, because the actual volume of business was

small, often under 100 despatches a year between two given offices. Moreover, it was necessitated by the fact that precedents were continually being established and merchants were inclined to demand their rights through representatives in England. For this reason the officials in China were inclined to report in detail, even on matters that appeared to have been finally settled.

The Foreign Office Correspondence, China, (key number F.O.17, volumes for 1850-58, inclusive, numbered 164 to 302) contains for each year the drafts of despatches from the Foreign Secretary to the Superintendent, the form of which often shows the manner of their construction; the despatches received from China, usually bearing notations by the Foreign Secretary of his reaction at the time or of his instructions, also notations by clerks as to the subsequent official peregrinations of the despatch; and finally, volumes of Foreign and Consular Various and Domestic Various, the former containing amid much routine material some very enlightening personal correspondence between officials, the latter containing correspondence between the Foreign Office and other departments of Government and between it and the merchants in England, Memoranda by the Foreign Secretary and the head of the Chinese Department, often of the greatest import, may be found filed with related material in any of these volumes.

From all these volumes for the years 1853-54 a selection of documents was subsequently extracted and filed together chronologically under the heading of Duty Question at Shanghai, key number F.O.97, vols. 99 and 100 (classified by the P.R.O. under "Supplement to General Correspondence"). For historical purposes this selection, while convenient, is incomplete and must be carefully amalgamated with the material above mentioned.

Correspondence received at the F.O. from China was often sent in original to the Board of Trade and to the Law Officers of the Crown or Queen's Advocate, but in nearly every case returned safely to the F.O. file together with the opinions of those bodies. The board of Trade Library in Great George Street has a few miscellaneous papers on China but did not preserve a file of trade returns. The India Office appears to have nothing bearing directly on China in this period.

The Colonial Office correspondence with Hong Kong in the P.R.O. is all too full of personal details elicited by the political feuds of the Colony, and of course provides a basis for the study of the local administration. In general it has little relation to events in the ports or in China.

Of these various collections of documents it is plain that the Foreign Office correspondence is the chief key to the policy of the British Government, since it contains the information on which they acted and some record of how they formed their decisions.

The American Correspondence in the archives of the Department of State, Washington, differs markedly from the British in consisting usually of general letters which treat several current topics under one despatch number. The American Commissioner reported to his government less frequently than did the British, and often when he did so enclosed large masses of accumulated local correspondence. The fact that the Consuls also corresponded directly with the State Department sometimes created friction and confusion; which reflected the as yet amorphous condition of the consular service. The American records on China are few compared to the British; 17 large volumes of letters from the Commissioners, a few from the Consuls, and a single volume of Instructions are all that have accumulated in Washington. Few notes and minutes accompany them, and it is evident that American relations with China before 1858 were given no more attention than the paucity of Instructions would imply.

In the American Consulates in China the situation was little better. At Shanghai there are preserved one record book from the old Ningpo Consulate and half a dozen from Shanghai, most of the latter beginning in 1856 or 1857. All the archives of the Foochow Consulate except the deed book were burned in 1868. All those at Amoy were burned about 1904. At Canton there are a dozen volumes beginning with entries earlier than 1858, the earliest entry being 1845. At Hong Kong only 3 volumes survive from before 1858. Moreover, these consular

records were in most cases those of missionary or merchant consuls, whose entries were brief and correspondence meagre.

With a few exceptions all the despatches of Marshall, McLane, Parker, and Reed were published almost immediately after those officials gave up their positions in China (see Executive Documents below). None of the Consular archives have been published as such. They contain at Shanghai and Canton valuable scattered references to subjects like the coast trade and the membership of the American community. The American Commissioners' despatches, meanwhile, form a valuable running commentary on events; they were written by able individuals, who often occupied the position of neutral observers of British activity and did not hesitate to express their personal opinions. Dennett, Americans in Eastern Asia, is in large measure a digest of this material, though by no means an exhaustive one.

The French Archives de la Ministère des Affaires Étrangères, Paris, contain about 25 volumes on China up to 1858, filed under "Correspondence Politique". These include 4 volumes of despatches from the Consulate for Shanghai and Ningpo, beginning in 1848. Maybon and Fredet in their Histoire de la Concession Française de Changhai apparently used the Shanghai end of this correspondence. The French documents contain little reference to commercial matters. A large proportion of those for 1857-8 were used by Cordier in L'Expedition de Chine de 1857-8.

The Customs Archives now collected from the ports and preserved at the Customs Reference Library in Shanghai do not really begin until after 1858. The volume used above, Letter Book I of the Shanghai Custom House records, appears to be all that has survived from the early period. Customs publications of a non-public nature which I have been permitted to see are included in the list given below.

b. Official Publications, largely of documents

American:

Customs: see Schmeckebier.

Executive Documents:- (Marshall)

Correspondence between the State Department
and the late Commissioner to China, etc.

33d Cong. 1st Sess. Vol. 16, (1854)

(McLane and Parker)

... All the official despatches and correspondence
of the Hon. Robert M. McLane, and of the Hon. Peter
Parker. (1858)

35th Cong., 2nd Sess., Ex. Doc. 22 (1859)

(McLane)

... Instructions from the Dept. of State to Mr.
McLane, when appointed Minister to China.

36th Cong., 1st Sess., Ex. Doc. 39 (1860).

(Reed)

Correspondence of William B. Reed

36th Cong., 1st Sess., S. Ex. Doc. 30 (1860).

British:

Blue-books - see Parliamentary Papers.

British and Foreign State Papers ...

Compiled by the librarian and keeper of the Papers,
Foreign Office. London, 1812-14, et seq.

Often duplicate the Blue-books.

Parliamentary Papers.

Those on the First China War of 1840-42 are a relatively full selection from the archives, as are also those on Lord Elgin's mission in 1857-58. For the intervening years, however, the published correspondence hardly begins to tell the story, partly no doubt because there was little demand for it in England. The papers listed below are a selection only, cited by title and year of the sessional papers among which they appeared.

Report of Select Committee on Commercial Relations with China. 1847.

Papers respecting the civil war in China. 1852-3.

Correspondence respecting the attack on the Foreign Settlements at Shanghai (April 1854). 1854.

Correspondence upon the Subject of Emigration from
China (In continuation of papers presented Aug. 20, 1853).

1855.

Correspondence respecting registration of colonial
vessels at Hongkong.

1857.

Correspondence respecting Consular interference for
the prevention of smuggling in China (Palmerston to
Bonham, 24 May 1851, Bonham to Palmerston, 22 July 1851).

1857.

Correspondence between F.O. and East India and China
Association of Liverpool in 1846-7-8.

1857.

Papers re the opium trade in China 1842-1846.

1857.

Correspondence between F.O. and Commercial Association
of Manchester re outrages in 1846-7-8.

1857.

Correspondence re-entrance into Canton, 1850-55.

1857.

Papers re proceedings of the naval forces, Canton,
with appendix.

1857.

Further papers re proceedings of the Naval forces, Canton.

1857.

Correspondence with Chinese High Commissioner Yeh.

1858.

Correspondence re the Earl of Elgin's Special Missions to
China and Japan, 1857-1859.

1859.

(HART, Robert)

Note on the Introduction and Working of the Foreign
Inspectorate of Customs, (Sections 1 and 2, in Bruce
to Russell, April 22, 1865).

1865.

This note by Hart refers in general terms to the early problems of the Inspectorate. It was made on the defensive and is chiefly valuable as a declaration of policy.

Customs Publications.

The Origin and Organization of the Chinese Customs Service.

Statistical Dept.

Shanghai, 1922.

A brief sketch for the public.

Names of Places on the China Coast and the Yangtze River.

III Miscellaneous Series: No. 10.

Statistical Dept.

Shanghai, 1904, pp.70.

Treaties, Conventions, etc. between China and Foreign States; with a chronological list of treaties and of regulations based on treaty provisions, 1689-1886.

Shanghai 1887.

(The following are all from V. Office Series)

Reports of the Commissioners of Customs on the Practice at each port in the matter of privileges conceded and facilitation of business generally, 1869.

Shanghai, 1872, pp.48.

Reports of the Commissioners of Customs on Questions connected with Tariff Revision 1865-72.

Shanghai, 1872, pp.74.

Reports on The Haikwan Banking System and Local Currency at the Treaty Ports.

No. 12, Shanghai, 1879, pp.230.

Foreign Legations in China: Lists of Members, 1517-1869

No. 30, Shanghai, 1890, pp.33.

Customs Service: Officers in Charge, 1859-1921

(Fourth issue)

No. 44, Shanghai, 1926, pp.420.

See also Lanning and Wright.

c. Books

The following author list does not attempt to exhaust either the literature published on China between 1850-58 or the literature that refers in passing to the Foreign Inspectorate. It is a select list, either of works believed to be of some value for the study of the period as a whole or of works that by their titles seem to call for an appraisal. Relatively few of these books have much to add to the story to be found in the documents, but most of them help to supply a background for the proper interpretation of the documents. For purposes of bibliographical analysis they may be discussed under several headings.

On the pre-treaty period there are several works that emphasize the foreigners' difficulties in conducting both trade and diplomacy. Hunter's Fan Kwae has long been the classic on old Canton. Forbes' Personal Reminiscences is difficult to obtain, but gives much light on Russell and Co. Books by Downing, Hughes and Sturgis offer similar information. There is a large literature on the struggle between the Company monopoly and the free-traders and on the early British efforts to secure reform by diplomatic means. For works of this category see below under Anderson, Auber, Barrow, Crawford, Ellis, Lindsay, Morse, Morrison, Staunton, Urmston. Morses's monumental Chronicles of the E.I.C. provide the most complete background for the British aims and difficulties up to 1834.

The manner of conducting the trade is described for different periods by Milburn, the successive editions of the Chinese Commercial Guide (S. W. Williams ed.) and Mayer's Treaty Ports. Dulles and Morrison have both described the American trade, and Clark and Lubbock the clipper ships.

On opium there is a large literature, much of it controversial and of little factual value. As has been emphasized above, however, opium was an integral part of the China trade and a consideration in British policy; and the anti-opium movement even before 1858 had begun to influence public opinion. Books referring to the opium trade are listed below under Alexander, Allen, Brereton, Edkins, A. Foster, Hill, Johnston, Lay, Lock, D. Matheson, Owen, Park, Rowntree, Geo. Smith, Sultzberger, Tinling, Turner, Wu. These and similar works are useful partly because they throw light on a subject little illumined by the despatches, at a time when opium was beyond official ken. Owen, British Opium Policy, has an excellent bibliography.

A type of compendious survey of Chinese history and culture flourished during this period, of which Williams' Middle Kingdom was the masterpiece. Latourette's The Chinese, their History and Culture (2 vols., New Haven, 1935) is a present-day exemplar. Works similar in kind are listed below under Davis, Comer, Gray, Gutzlaff, Mas, Meadows, Parker, Sirr. Meadows' The Chinese and their Rebellions is now recognized as a work of rare insight.

Records of missionary endeavour are also numerous. They invariably convey an impression of the religious zeal of the time and since the writers usually had much first-hand experience they sometimes give valuable factual data as well. Much of the missionary literature of the period is pro-Taiping as well as anti-opium. Examples are criticized below under Anon, Bitton, Bridgman, Lockhart, Medhurst, Michie, Milne, Morrison, Taylor.

Personal narratives of journeys to the ports or in the interior abound. They are of uneven quality, but some, like Fortune's, and Huc's are both entertaining and valuable. Other examples worth noting include Chassiron, Itier, Medhurst, Moges, Oliphant, Geo. Smith, Tarrant, and S. W. Williams.

There are biographies of Alcock by Michie, and of Parkes by Lane-Poole. Fuller accounts could now be written of both, and their records as diplomats deserve it. No adequate biography of Wade has been written, nor of Lay. Bowring perhaps deserves a more critical tribute than he gave himself in his autobiography. The only life of Parker is Stevens', which is hard to obtain. Biographies of Palmerston and of Clarendon make little reference to China. The diplomacy of Pottinger, Cushing, and Elgin has never been fully treated, although Fuess (on Cushing) and Morrison (on Elgin) have written interesting volumes on their careers.

There is a growing literature on secret societies in China, which is perhaps linked with the present interest among Chinese scholars in the history of the Taiping

Rebellion. Works cited below by Callery, Cordier, Favre, P. Maybon, Schlegel, Ward are from this literature and refer in whole or in part to the Triads. For recent articles on the Taipings see under Chinese bibliography below.

For pictures of the old China and the treaty ports see works by Allom, Chater, Cobbold, Donnelly, Thompson.

The field of Anglo-Chinese relations is peculiar in that it is dominated by one work, Dr. H. B. Morse's International Relations of the Chinese Empire, a masterly survey and summary of the period which is both remarkably comprehensive and absolutely accurate. In spite of Dr. Tyler Dennett's criticism that it is based on the British records more than the American, it is by no means too much to say that The International Relations is the chief ground from which the flights of criticism and the delvings of the specialist will continue to take their start. As regards the subject of this thesis in particular, Volume I, Chapter XVIII, "Shanghai in the Rebellion, 1853-1859", and Volume II, Chapter I, "The Inspectors of Customs at Shanghai", contain statistics of trade and exhibit an insight and grasp of the period to which this thesis is much indebted.

Pagination noted below is usually given in round numbers.

ALABASTER, Ernest, of Inner Temple, Christ's College,
Cambridge, and Chinese Customs Service.

Notes and Commentaries on Chinese Criminal Law
and cognate topics ... chiefly founded on writings
of late Sir Chaloner Alabaster, sometime H.B.M.
consul-general in China. London, 1899, p.675.

Valuable details on the administration of justice.
Chinese characters in text.

Notes on Chinese Law and Practice Preceding
Revision. Shanghai, 1906, pp.85.

A learned but incomplete commentary on the
Ch'ing code.

ALCOCK, Rutherford, (Deputy inspector general of hospitals,
with the auxiliary forces in Portugal and
Spain).

Notes on the Medical History and Statistics of the
British Legion of Spain, comprising the results of
gunshot wounds, in relation to Important questions
in surgery. London ... 1838, p.100.

Alcock wrote several books worth noting for
the insight they give, either into affairs in
China or into his own ideas. The above is
factual and scientific.

Life's Problems.

Essays: Moral, Social and Psychological.

London, ... 1857, p.275.

ALCOCK, Rutherford, (contd.)

Our Policy in China, or a glance at the past, present, and future of China, in its foreign relations and commerce. London, 1858, pp.134.

A reprint of letters in The Daily News in order to get more public attention. Unsigned; but obviously Alcock's in style and content.

(Her Majesty's Envoy Extraordinary and Minister Plenipotentiary in Japan).

The Capital of the Tycoon, a narrative of a three years' residence in Japan. 2 vols, London, 1863, 900 pp.

Opens with a retrospect on Shanghai.

The Journey of Augustus Raymond Margary, ... to which is added a concluding chapter. London, 1876. pp.375.

Some personal opinion in concluding chapter.

(President of the Royal Geographical Society, etc.)

Art and Industries in Japan. London, 1878, pp.290.

ALEXANDER, Major-general.

Contraband Opium Traffic, the disturbing element in all our policy and diplomatic intercourse with China. London, 1857, pp.53.

Example of the orthodox opposition, based on an incomplete understanding of the situation.

ALLEN, Nathan., M.D.

The Opium Trade, including a sketch of its history, extent, effects, etc., as carried on in India and China. Lowell, 1853, pp.80, 2nd ed.

A compact condemnation, well based on the available sources.

ALLOM, Thos. Esq.,

and WRIGHT, The Rev. G. N.

China, in a series of views displaying the Scenery Architecture and Social Habits of that Ancient Empire. London and Paris, Preface 1843, Vols. I to IV, pp.288.

ANDERSON, Aeneas (then in the service of his Excellency Earl Macartney, K.B., Ambassador from the King of Great Britain to the Emperor of China and now lieutenant of the 2nd Royal Manx Fencibles).

A Narrative of the British Embassy to China in the years 1792, 1793 and 1794; ... The third edition London, 1796, pp.450.

A disillusioned corrective to the magnificence of Staunton's Authentic Account.

ANONYMOUS

The Taepings as they are, by "one of them", with an introduction by the Rev. J. W. Worthington, D.D. London, 1864, pp.64.

An idealization illustrative of a widely held point of view.

ANONYMOUS (contd.)

Review of the Management of our Affairs in China, since the opening of the trade in 1834; with an analysis of the Government Despatches from the assumption of office by Capt. Elliot, on the 14th December 1836 to the 22nd of March 1839.
London, 1840, pp.215.

The enlightened commercial point of view toward the first China War.

A History of China to the present time including an account of the rise and progress of the present religious insurrection in that Empire. London, 1854, pp.285.

Reflects the early western enthusiasm for the Taiping cause.

Christianity in China. The History of Christian Missions and of the present insurrection. London, 1853, pp.150.

Also pro-Taiping.

China and the Missions at Amoy, with letters of the Rev. W. C. Burns, and other missionaries.
Edinburgh, 1854, pp.40.

Valuable details of missionary activity.

The Englishman in China. London, 1860, pp.272.
Preface dated July 1860.

An amusing picture of treaty port life as lived about 1856.

ANONYMOUS (contd.)

Manual of Customs Practice at Shanghai, under the various treaties entered into between China and the Foreign Powers, etc. Shanghai, 1894.

Of some use for the period before 1894; now superseded by the last edition of the Customs Code (1935).

Bombardment of Canton: Six Letters addressed to the Editor of the "Daily News" by a Twelve Year's Resident in China. London, 1857, pp.50.

Strong criticism of British policy.

The "China Question" dispassionately considered by an Asiatic. London, 1857.

Pro-Chinese.

Overland Route to India and China. London, 1858, pp.50.

An early tourist guide,

The New Quarrel in China, a statement drawn from the official documents. London 1859, pp.24.

Pamphlet based on the bluebooks. Pro-cChi

The Battle of "Muddy Flat", 1854.

Being an historical sketch of that Famous Occurrence; written specially for the Jubilee Commemoration thereof at Shanghai, April 1904; with some additional particulars relating to the Shanghai Volunteer Corps. Printed and published at N.C.H. Office, Shanghai, 1904.

ANONYMOUS (contd.)

Official papers on the administration of Affairs at the Port of Shanghai, 1854. Port, Custom-House, and Land Regulations, etc. Printed at the Herald Office, Shanghai, 1854.

The Model Settlement, in three chapters.

[signed May 1866] pp.5.

Brief impression of Shanghai, written partly in 1858.

Ex-territoriality as applied to the China Customs ... a series of arguments proving that British Consuls have the right to adjudicate on Customs cases, ... etc.
Hong Kong, Daily Press (reprints), 1863.

An echo of the anti-Inspectorate view.

ANSTEY, T. Chisholm, Esq., of the Middle Temple, Barrister-at-law, late H.M.'s Attorney-General for Hong Kong
Crime and Government at Hong Kong. A letter to the Editor of "The Times" newspaper, offering reasons for an enquiry into the disgraces brought on the British name in China, by the present Hong Kong government.
London, 1859, pp.114.

Gives much insight into the internecine jealousies of the Colony.

ASHLEY, Hon. Evelyn, M.P.

The Life of Henry John Temple, Viscount Palmerston, 1846-1865, with selections from his speeches and correspondence. London, 1876, 2 vols., pp.750.

AUBER, Peter (Secretary to the Honourable the Court of Directors of the East-India Company).

China, an outline of its government, laws, policy: and of British and foreign embassies to, and intercourse with, that Empire. London, 1834, pp.420.

Valuable on the policy of the Court of Directors of the E.I.C.; on the trade superseded by Morse, Chronicles.

BARROW, John, F.R.S.

Some Account of the Public Life, and a selection from the unpublished writings of the Earl of Macartney, ... London, 1807, 2 vols.

Contains Macartney's journal, the inside account of his Embassy.

BAU, Mingchien Joshua, M.A., Ph.D. National University of Peipsing.

Tariff Autonomy of China. Kyoto, 1929.

Summarizes the later situation.

The Foreign Relations of China. London, 1922, pp.500.

Only 18 pp. on the period before 1860.

BEAUMONT, Joseph, of Lincoln's Inn.

What is Lord Elgin to do? The Canton Dispute and Our Relations with China Considered. London, 1857, pp.53.

A defence of Bowring, incidentally well informed on the recent changes and growth in the trade (by a victim of the Fuhshan outrage, 1847).

BEMIS, Samuel Flagg, Ed.

The American Secretaries of State and Their Diplomacy. Vol. VI. New York, 1929. pp.450.

Discusses the policies of Clayton, Webster, Everett, Marcy and Cass. Only 7 pp. out of 85 on Cass refer to China. p.371 refers to "Peter Porter" meaning "Parker".

BERNARD, W.D., Esq., A.M. Oxon.

Narrative of the Voyages and Services of the Nemesis from 1840 to 1843; and of the combined naval and military operations in China. London, 1844.
2 vols. pp.960.

Valuable details of Chinese military activities and British adventuring.

BITTON, Nelson, of the London Missionary Society.

Griffith John, the apostle of Central China.
London, n.d., pp.50.

John arrived in Shanghai in Sept. 1855.

Chap. III, "Missionary Apprenticeship" has sketches of Medhurst et al.

BITTON (contd.)

Our Heritage in China. London, 1913, pp.100.

Chap. VI on "the Shanghai Mission" including
Medhurst's trips inland before 1858.

BLAKESLEE, G. H.

China and the Far East. Clark University Lectures,
N.Y. 1910, pp.450.

Includes articles by Chester Holcombe, H. B. Morse,
et al, referring incidentally to the period before
1858.

BONACOSSO, Le Cte Alexandre.

La Chine et les Chinois. Paris, 1847, pp.375.

Criticizes British designs in China.

BOWRING, Sir John.

Observations on the Restrictive and Prohibitory
system; especially with a reference to the decree
of the Spanish Cortes of July 1820 - from the MSS.
of Jeremy Bentham, Esq. London, 1821, pp.43.

Preface (by Bowring), pp.9.

Let commerce flow free!

The Political and Commercial Importance of Peace.
A lecture delivered in the Hall of Commerce, London.

24 pp. no date.

"Gradual workings of commerce and Christianity in
natural and necessary alliance to promote the pro-
gress of the pacific principle."

May certainly be dated ante 1856.

BOWRING (contd.)

Autobiographical recollections of Sir John Bowring.

With a brief memoir by Lewin B. Bowring.

London, 1877, pp.400.

(incl.) "Memorandum of a conversation with Lord Palmerston on 18th Dec. 1848." pp.3.

Matins and Vespers, with hymns and poems. With
a memoir of his life by Lady Bowring.

London, 1895, (memoir) 30 pp.

BOULAIS, le P. Guy, S.J.

Manuel du Code Chinois.

大清律例便覽

Shanghai, 1924. pp.700.

An invaluable digest giving Chinese texts and translation.

BOULGER, Demetrius Charles.

History of China. London, 1881 (vol. III 1884).

3 vols. pp.2000.

Dedicated to Alcock, Vol. III. treats the 1840's and 50's sketchily.

BREDON, Juliet, told by his niece.

Sir Robert Hart, The Romance of a Great Career.

London, 1909.

A eulogy blue-pencilled by Hart in manuscript, hence useless.

BRERETON, William H., late of Hong Kong, Solicitor.

The Truth about Opium, being the substance of three lectures delivered at St. James's Hall on 9, 16, and 23 Feb. last. London, 1882, pp.270.

Example of the apologetic school.

BRIDGMAN, Mrs. Eliza Jane (Gillett)

Daughters of China; or, Sketches of domestic life in the Celestial empire. N.Y., 1853, pp.234.

BRITTON, Roswell S.

The Chinese Periodical Press. 1800-1912.

Shanghai, 1933. pp.151 + plates.

Useful account of contemporary periodicals chiefly in English.

BRUNNERT, H. S., and V. V. HAGELSTROM, Student-interpreters of the Imperial Russian Legation, Peking.

Present Day Political Organization of China.

Translated from the Russian with the authors' sanction by A. Beltchenko, H.I.R.M. Consul at Foochow; and E. E. Moran, Ph.B (Yale) of the Chinese Imperial Maritime Customs service, Shanghai, 1912, pp.572.

CALLAHAN, James Morton, Ph.D.

American Relations in the Pacific and the Far East, 1784-1900. Baltimore, 1901, pp.159.

Ch. VII discusses American Policy in the light of the American published correspondence only.

CALLERY and YVAN

History of the Insurrection in China, with notices of the Christianity, Creed and Proclamations of the Insurgents. Translated from the French by John Oxenford. London, 1853, pp.325.

Well done for the time.

Cambridge History of British Foreign Policy, see Ward, Sir A.W.

CAMPBELL, C. W.

China. Handbooks prepared under the historical section of the Foreign Office, no. 67. 1920. pp.140.

A brief sketch of little value.

CAMPBELL, George, Esq., Bengal Civil Service.

Modern India; a sketch of the system of Civil Government. London, 1852, pp.550.

Contemporary description of Indian opium policy and its working.

CAMPBELL, Persia Crawford.

Chinese Coolie Emigration to Countries within the British Empire. London, 1923, pp.238.

Useful summary based on Blue Books.

CARLES, W. R., C.M.G.

Some Pages in the History of Shanghai, 1842-1856.

A paper read before the China Society on May 23, 1916. London, pp.20.

Discursive second-hand reminiscence by an ex-Consul.

CECIL, Algernon.

"The Foreign Office" Chapter VIII in Vol. III of
The Cambridge History of British Foreign Policy.
(Cambridge, 1923. Ward and Gooch, ed.)

CHANG T' IEN-TSE

Sino-Portuguese Trade from 1514 to 1644. A
synthesis of Portuguese and Chinese Sources.
Leyden, 1934.

CHASSIRON, par le Baron Ch. de

Notes sur le Japon, la Chine, et l'Inde, 1858-1859-
1860. Paris, 1861, pp.356.

A series of letters written from the scene.

(CHATER)

The Chater Collection, pictures relating to China,
Hong Kong, Macao, 1655-1860; with historical and
descriptive letterpress by James Orange. London &
Shanghai, 1924, pp.500.

Best collection of contemporary landscape paintings.

CHEN, Gideon.

Lin Tse-hsi. Peiping, 1934.

Tseng Kuo-fan. Peiping, 1935.

CHU Chin, Ph.D.

The Tariff Problem in China. N.Y. 1916, pp.192.

On pp.144-5 two paragraphs headed "Foreign
Supervision of the Customs" contain ten serious
errors.

CLARK, Arthur H.

The Clipper Ship Era. An epitome of famous American and British Clipper Ships, their owners, builders, commanders, and crews, 1843-1869.

[author: "late commander of" 4 vessels, 1863-77. author of "The History of Yachting".]

N.Y., 1911, pp.400

An excellent compendium.

CLARK, J. D., editor-in-chief of the "Shanghai Mercury".

A Short History of Shanghai. Shanghai, 1921, pp.67.

Includes, pp.12-14, a confused and garbled account of the origin of the Inspectorate.

CLAVERY, Edouard, consul de France.

Hong Kong, le passé et le présent. Paris, 1905, pp.60.

Contains brief historical sketch from French point of view.

COBBOLD, Rev. R. H., M.A., Rector of Broseley, Salop, late arch-deacon of Ningpo.

Pictures of the Chinese, drawn by themselves.

London, 1860, pp.219.

Intimate and interesting drawings of treaty port Chinese with descriptive comment.

CORDIER, Henri

Les Sociétés Secrètes Chinoises. Paris, 1888. pp.22.

CORDIER (contd.)

Les Origines de deux Etablissements Français dans l'extrême-orient. Chang-hai - Ning-Po. Documents inédits, publiés avec une introduction et des notes.
Paris, 1896, pp.63.

From the French archives.

Bibliotheca Sinica. Dictionnaire Bibliographique des ouvrages relatifs à l'empire chinois. 1st ed. 1878;
2nd ed. 4 vol. 1904, 1905-6, 1906-7, 1907-8.

Contains little directly on the Customs before 1858.

Les Douanes impériales maritimes Chinoises.

Paris, 1902, pp.20.

Contains brief summary of Hart's early career 1854-58.

L'Expédition de Chine de 1857-58. Histoire Diplomatique. Notes et Documents. Paris 1905, pp.450.

Packed with material, chiefly from the French archives.

Histoire Générale de la Chine, et de ses relations avec les pays étrangers. Paris, 1920, 4 vols.

La Chine. Paris, 1921, pp.100.

Contains two-page sketch of the growth of the Customs Service.

CORNER, Julia

China, pictorial, descriptive and historical, etc.

London, 1853, pp.500.

Typical of a certain type of contemporary pet-boiler based on the works of others and a minimum of first-hand information.

COULING, Samuel.

The Encyclopaedia Sinica. Shanghai, 1917, pp.633.

An invaluable compendium.

CRAWFURD, J.

The Chinese Monopoly examined. London, 1830. pp.95.

A pro-company view.

DANTON, George H. Oberlin College.

The Culture Contacts of the United States and China.

The Earliest Sino-American Culture Contacts 1784-1844.

N.Y. 1931, pp.1267.

Contains interesting bibliography. No Chinese sources used.

DAVIS, (Sir) John Francis.

Sketches of China; partly during an inland journey of four months between Peking, Nanking and Canton; with notices and observations relative to the present war. London, 1841. 2 vols. pp.650.

DAVIS (contd.)

China, during the war, and since the peace.
London, 1852. 2 vols. pp.660.

CHINA: a general description of that Empire and its inhabitants, with the history of foreign intercourse down to the events which produced the dissolution of 1857. A new edition, revised and enlarged. London, 1857, 2 vols. pp.900.

All three valuable because of Davis' long experience under both the Company and the Treaties.

DE BECKER, J. E.

A Complete Manual of Customs Practice for Japan and Merchants Vade mecum. Shanghai, n.d., pp.380.

Useful for comparison with Chinese practice.

DENNETT, Tyler.

Americans in Eastern Asia, A critical study of the policy of the United States with reference to China, Japan and Korea in the nineteenth century.

N.Y. 1922, pp.700.

An excellent survey of American policy, the first to be based on the State Department archives, and containing a good bibliography. It suffers from an ardently nationalistic point of view and a disregard of sources other than the American. It also contains a few serious errors due, perhaps, to the inaccuracy or confusion of the American despatches. Cf. above, Ch. VI, footnote 39.

DONNELLY, Ivon A.

Chinese Junks and other Native Craft.

Shanghai, 1924, pp.142.

Pictures and descriptions of lorehas and other craft.

DOUGLAS, (Sir) Robert K.

Europe and the Far East, 1506-1912.

Cambridge, 1913, pp.480.

One of several general works by Douglas dealing in part with modern China and British relations, but now out of date.

DOWNING, C. Twogood.

The Fan-qui in China, 1836-7. London, 1838, 3 vols. pp.900.

An interesting first-hand description by a doctor, only less enlightening than Hunter's Fan Kwae.

DULLES, Foster Rhea.

The Old China Trade. N.Y. 1930, pp.225.

Covers also the North-West coast, Hawaii, and the South Seas from 1784 to 1844; written picturesquely but also accurately.

FAMES, James Bromley, M.A., B.C.L. (of Worcester College, Oxford, ... legal adviser to the Tientsin Provisional Government, 1901.)

The English in China, being an account of the inter-course and relations between England and China from the year 1600 to the year 1843 and a summary of later developments. London, 1909, pp.600.

A good analysis of the points of view involved in the first China war, based on the Blue Books.

EDKINS, J., D.D.

The Revenue and Taxation of the Chinese Empire.

Shanghai, 1903, pp.240.

Compendium drawn from Chinese sources; still useful though insufficiently critical.

Opium, Historical Note, on the Poppy in China.

Shanghai, 1898, pp.55.

A compact summary of Chinese references.

EITEL, E. J., Ph.D. (Tubing), (Inspector of Schools, Hong Kong).

Europe in China. The History of Hong Kong from the beginning to the year 1882. London, 1895, pp.570.

A remarkable work, crammed with fact and virulently pro-free-trade, containing some gross errors; evidently based on a Hong Kong newspaper file; used above, for lack of any similar work, in cases where it checks with the despatches and other material. Quite untrustworthy if used at random.

ELDRIDGE, Frank R., Chief, Far Eastern Division of the U.S. Bureau of Commerce; Lecturer, Foreign Service School, Georgetown Univ.

Oriental Trade Methods. N.Y. 1923, pp.400.

Contains a concise chapter (No. XVII) on Chinese business methods.

ELLIS, Henry (third commissioner of the late embassy to China)

A Series of Letters on the East India Question
addressed to the members of the two houses of
Parliament. London, 1830, pp.80.

Enlightened and pro-company, as opposed to the
free-trader's point of view.

FAVRE, Lieut.-Col. B.

Les Sociétés Secrètes en Chine; origine - rôle
historique - situation actuelle. Paris, 1933, pp.222.

Chapters VI to XI on the Triad Society. No new
information.

FEIS, Herbert.

Europe the World's Banker. An account of European
Foreign Investment and the connection of world Finance
with Diplomacy before the War. New Haven, 1930, pp.469.

Chapter XIX on China contains a 3-page note on the
Maritime Customs Administration.

FERRIÈRE LE VAYER, Th. de

Une Ambassade Française en Chine. Journal de
Voyage. Paris, 1854, pp.400.

Was with Lagrené in 1844. Written from a
tourist point of view.

FISHBOURNE, Capt., commander of Hermes on late visit to Nankin.

Impressions of China and the present revolution: its progress and prospects. London, 1855, pp.400.

A running account based on a diary, the North China Herald and talk heard at the time, giving the Mercantile point of view.

FISHER, Lieut.-Col., C.B., Royal Engineers.

Personal Narrative of Three Years' Service in China. London, 1863, pp. c.400.

Based on a journal; includes Wade's translation of documents from Yeh's yamen, a chapter on emigration with copies of contracts; nothing unique.

FITZGERALD, C. P.

China. A Short Cultural History. London, 1935, pp.615.

The latest general survey, courageously done, but no more reliable than any such book can yet be because of the dearth of monographic material; Chaps. XXVIII and XXIX refer in part to the 1850's.

FORBES, Lieut. F. E., R.N., commander of H.M.S. Bonetta.

Five Years in China: from 1842 to 1847.

London, 1848, pp.400.

Chapter II describes Shanghai.

715
FORBES, John Murray.

See Hughes, Sarah Forbes.

FORBES, ROBERT BENNETT.

Remarks on China and the China Trade.

Boston, 1844, pp.80.

Valuable description of pre-treaty trade, by
a well-informed American trader.

Personal Reminiscences, To which is added

Rambling Recollections connected with China.

3rd edition, revised, Boston, 1892, pp.412.

Rare and very valuable, particularly for the
history of Russell & Co. Much inside information.

FORTUNE, Robert, Botanical Collector to the Horticultural
Society of London.

Three Years' Wanderings in the Northern Provinces of
China, including a visit to the Tea, Silk and Cotton
countries: with an account of the Agricultural and
Horticulture of the Chinese, new plants, etc.

London, 1847, pp.406.

A Journey to the Tea Countries of China.

London, 1852, pp.400.

A Residence Among the Chinese: inland, on the coast
and at sea. Being a narrative of scenes and adventures
during a third visit to China, from 1853 to 1856.

London, 1857, pp.425.

Fortune was one of the few foreigners really
acquainted with the interior as well as Shanghai.
His books are those of a reliable observer.

FOSTER, Arnold, Wuchang - for 42 years Missionary to the Chinese.

Municipal Ethics. Some facts and figures from the municipal gazette 1907-14. An examination of the opium license policy of the Shanghai municipality, in an open letter to the Chairman of the Council. Shanghai, 1914 (?) pp.50.

A well-informed description of the opium business at a later date.

FOSTER, John W.

American Diplomacy in the Orient. Boston & N.Y. 1903, pp.480.

The best survey preceding Dennett.

FUESS, C. M.

The Life of Caleb Cushing. N.Y. 1923, 2 vols.

Vol. I, Chapter X, a good account of The Cushing Mission.

GILLESPIE, Rev. W.

The Land of Siniim, or China and Chinese Missions.

Edinburgh, 1854, pp.250.

Anti-opium and also rather anti-Chinese.

GLADSTONE, Rt. Hon. W. E., M.P.

War in China. Speech, March 3rd, 1857, corrected report.

London, 1857, pp.40.

States that Clarendon appointed Bowring, not the Cabinet.

GOLDER, F. A.

Russian Expansion on the Pacific 1641-1850. An account of the earliest and later expeditions made by the Russians along the Pacific Coast of Asia and North America; including some related expeditions to the Arctic regions. Cleveland, 1914, pp,350.

An excellent introduction to Russian policy in the Hsien Feng period.

GRAY, John Henry LL.D., Archdeacon of Hong Kong.

China; a history of the lives, manners, and customs of the people. London, 1878, 2 vols.

A mediocre topical survey. The author was in Canton in 1858.

GUEDALLA, Philip.

Palmerston. London, 1926, pp.500.

Well written but not very thorough on Palmerston's China policy.

GUNDRY, R. S.

China Present and Past. London, 1895, pp.414.

17 pp. on the Maritime Customs; informative.

GUTZLAFF, Rev. Charles.

Journal of three Voyages along the Coast of China in 1831, 1832, and 1833, with notices of Siam, Korea, and the Loo-Choo Islands. London, 3rd ed. n.d., pp.310.

Picturesque missionary account of an important commercial exploration.

GUTZLAFF, contd.

China opened; or a Display of the topography, history, customs, manners, arts, manufactures, commerce, literature, religion, jurisprudence, etc. of the Chinese Empire. London, 1838, 2 vols. pp.1060.

The prototype of Williams' "Middle Kingdom".

The Life of Taou-Kwang, late emperor of China, with memoirs of the Court of Peking; including a sketch of the principal events in the history of the Chinese Empire during the last fifty years. London, 1852,, pp.280.

A running account evidently based on Peking Gazettes for the period. Many documents quoted but no sources given.

HAIL, William James, Ph.D., D.D. (Dean and Professor of History, College of Yali, Changsha).

Tsêng Kuo-Fan and the Taiping Rebellion, with a short sketch of his later career. New Haven, 1927, pp.400.

Excellent bibliography, relatively little on this early period. One of the first recent books to be based on Chinese material.

HART, Robert.

See under Parliamentary Papers in preceding section.

HAWKS, Francis L., D.D., LL.D.

Narrative of the Expedition of an American Squadron to the China Seas and Japan performed in the years 1852, 1853 and 1854, under the Command of Commodore M. C. Parry. N.Y., 1856, pp.624.

Incidental references to Shanghai and Russell & Co.

HEINE, Wilhelm.

Die Expedition in die Seen von China, Japan, und Ochotsk unter commande von Commodore Colin Ringold und Commodore John Rodgers ... 1853 bis 1856.

Leipzig, 1858-9, pp.700, 2 vols.

Narrative by a German with the American Expedition.

HERVEY-SAINT-DENIS, Le Marquis.

La Chine devant L'Europe. Paris, 1859, pp.160.

Distrusts the British.

HILL, John Spencer, B.A., Scholar of St. John's College, Cambridge.

The Indo-Chinese Opium Trade, considered in relation to its history, morality, and expediency, and its influence on Christian Missions. London, 1884, pp.100.

A prize essay marshalling the anti-opium arguments.

HIRTH, F. and ROCKHILL, W. W.

Chau, Ju-Kua, 趙汝适 His work on the Chinese and Arab Trade in the twelfth and thirteenth centuries, entitled Chu-fan-Chi, 諸蕃志

Translated from Chinese and annotated by ...

St. Petersburg, 1911, pp.250.

One of the earliest Chinese accounts of foreign maritime trade.

HODDER, Edwin.

The Life and Work of the seventh Earl of Shaftesbury. London, 1887, 3 vols.

The standard biography; sidelights on the anti-opium movement.

HOLMAN, James, R.N., F.R.S.

A Voyage round the world, including travels in Africa, Asia, Australasia, America, etc. etc. from MDCCCLXXVII to MDCCCLXXXII. London, 1836, 4 vols.

pp.2000.

In Vol. 4, a racy description of pre-treaty Canton society and trade.

HOMANS, J. Smith

A Cyclopedi^{of Commerce} and commercial Navigation.

New York, 1858, 2 vols. pp.1800.

Good articles on Commercial procedure and problems at Canton and Shanghai.

HOU HCN-CHUN

Histoire Douanière de la Chine de 1842 à 1911.

Paris, 1929, pp.200.

Very thin work; of no use.

HSIA CHING-LIN, Ph.D (Edinburgh).

Studies in Chinese Diplomatic History.

Shanghai, 1926, pp.225.

Reiterates a common error in stating that according to the Treaty of Nanking, H.M. Government appointed "Consuls in each of those ports in order to control the customs ... For a time the precedent established by Great Britain was followed by the Consuls of other countries in collecting the import duty on their own nationals and transferring the revenue thus collected to China." (p. 200)

The Status of Shanghai. A historical review of the International Settlement. Its Future Development and Possibilities through Sino-Foreign Co-operation.

Shanghai, 1929.

HSIEH, Pao Chao, Ph.D.

The Government of China (1644-1911).

Johns Hopkins Press, Baltimore, 1925, pp.400.

It is deplorable that this book contains no index. It is based chiefly on the Hui Tien, but appears to have an anti-Manchu bias.

HUC, M. (formerly missionary apostolic in China).

The Chinese Empire ...

London, 1855, 2 vols. pp.800.

Incidental descriptions of opium smoking and smuggling.

HUC and GABET

Travels in Tartary, Thibet and China, 1844-46.

London, 1928, 2 vols.

A classic on China of this period. Fortunately now well edited by Pelliot.

HUGHES, Sarah Forbes.

Letters and Recollections of John Murray Forbes.

Boston & N.Y., 1899, 2 vols, pp.700.

Chapter IV on life in pre-Treaty Canton.

(HUNTER, W. C.), an Old Resident.

The 'Fah Kwae' at Canton before treaty days,

1825-1844. London, 1882, pp.160.

Valuable first-hand account by a well-informed leading citizen.

Bits of Old China. London, 1885, pp.280.

ITIER, Jules.

Journal d'un Voyage en China en 1843, 4, 5, 6.

Paris, 3 vols. in 1. 1848, pp.1200.

Contains some interesting day by day narrative and description of Canton.

(JARDINE)

Jardine Matheson & Co., afterwards Jardine Matheson & Co. Limited. An outline of the history of a China House for a hundred years, 1832-1932.

Hong Kong, 1934, pp.5-8.

Useful lists of directors and brief biographies.

JERNIGAN, T. R., Ex-Consul-General of U.S.A. at Shanghai.

China's Business Methods and Policy.

London, 1904, pp.425.

China in Law and Commerce, N.Y., 1905, pp.380.

Detailed description of some Chinese legal and business methods.

JOHNSTON, Rev. James, an eyewitness.

The Opium Trade in China, London, 1858, pp.24.

JURIEN DE LA GRAVIERE (Le vice amiral, alors capitaine de frégate commandant la corvette "la Bayonnaise").

Voyage en China, pendant les années, 1847-1848-1849-

1850. Paris, 1864, 2nd ed. 2 vols., pp.390.

Vol. I, sketches of the local officials at Shanghai in 1849.

KEETON, G. W.

The Development of Extraterritoriality in China.

London, 1928, 2 vols. pp.800.

One of the few attempts to treat Chinese foreign relations from the legal point of view.

KELLY, Sir Fitzroy, M.P.

A Letter to Lord Lyndhurst on the Late Debate upon China. London, 1857, pp.25.

An example of the storm raised against Bowring's policy on the Arrow case.

KOTENEV, A. M.

Shanghai: its mixed court and council: Material relating to the history of the Shanghai municipal council and the history, practice and statistics of the International Mixed Court: Chinese Modern Law and Shanghai Municipal Land Regulations and by-laws governing the life in the settlement.

Shanghai, 1925, pp.660.

Exhaustive and detailed but of little use on this early period. So also the companion volume on the Municipal Council. (Shanghai 1927).

KUO, P. C.

郭斌佳

A.M., Ph.D. (Harv.) Prof. of History, National Wuhan Univ. Wuchang.

Critical Study of the First Anglo-Chinese War with Documents.

Shanghai, 1935, pp.315.

KUWABARA, Jitsuzo.

On Pü Shou-keng

蒲壽庚

A Man of

the Western Regions, who was the Superintendent of the Trading Ships' Office in Ch'üan-chou

towards the End of the Sung dynasty, together with a General Sketch of Trade of the Arabs in China during the T'ang and Sung Eras.

Memoirs of Research Dept. of Toyo Bunko, Tokyo, No. 2, (1928) pp.1-79.

LANE-POOLE, Stanley

The Life of Sir Harry Parkes, K.C.B., G.C.M.G.,
sometime Her Majesty's Minister to China and Japan.
London, 1894, Vol. I, Consul in China, pp.100.

Incidental characterizations of Bowring, Alcock,
et al. The best introduction to the position
and point of view of the British officials in
China. Nothing directly on the customs.

LANNING, George

Old Forces in New China. An effort to exhibit the
fundamental relationships of China and the West in
their true light ... Shanghai, 1912, pp.400.

Mentioned as an example of errors commonly met with.
Chapter XXIII on the Customs Service (p.180) states
that under the treaty "to some extent British
officials were made responsible for [the] fair
collection [of duties] from their own nationals.
One way, and one way only suggested itself to them
at the time - they collected the duty themselves
and handed it over to the Chinese."

Memorandum on the establishment of the Imperial
Maritime Customs in 1854. Compiled by permission of
the Minister for Great Britain and the Minister for
the United States from the archives of the British
and American Legations, Peking. Customs Publication,
Inspectorate Series, No. 5. Shanghai, 1915.

A brief sketch, not done with much thoroughness.

LATOURETTE, Kenneth Scott; Prof. of Missions and Oriental History, Yale University.

The History of Early Relations between The United States and China, 1784-1844. (In Transactions of Connecticut Academy of Arts and Sciences, Vol. 22, 1917, pp.209).

Development of China. 3rd edition, 1924.

Voyages of American Ships to China, 1784-1844.
(In transactions of Conn. Acad. of Arts and Sci., Vol. 28, 1927).

Merely a list.

A History of Christian Missions in China.

London, 1929, pp.900.

A monumental summary, well done.

LAVOLLÉE, Ch.

La Chine Contemporaine. Paris, 1860.

A pot-boiler, referring to much and saying little.

LAY, G. T.

The Claims of Japan and Malaysia upon Christendom, exhibited in Notes of Voyages made in 1837 from Canton in the ship Morrison and brig Himmaleh.

N.Y., 1839, 2 vols. pp.200 & 295.

By a naturalist who later became a Consul.

727
LAY, Horatio, N, C.B., late Inspector-general of Chinese
Customs.

Our Interests in China: a letter to the Right
Hon. Earl Russell, K.G., Her Majesty's principal
Secretary of State for Foreign Affairs.

London, (n.d.) (written 1864), pp.71.

Instructive as to Lay's character and policy.

The Opium Question and Survey of our Relations
with China. 1893.

LINDSAY, H. Hamilton (late of the honourable East India
Company's service in China).

Is the war with China a just one?

London, 1840, 2nd ed. pp.40.

A capable defence of the opium trader.

LIU, Ting Mien or Ting Mien Liu, M.A.

Modern Tariff Policies with special reference to
China.

Peking, 1925.

An exposition of the evils and weaknesses of the
old Chinese tariff by comparison with those of
other countries.

LJUNGSTEDT, Sir Andrew, Knight of the Swedish Royal Order Waya.

An Historical Sketch of the Portuguese Settlements in
China; and of the Roman Catholic Church and Mission
in China. Boston, 1837, pp.320.

Still a standard work on the Portuguese in China.

LOCK, B. Fossett.

The opium trade and Sir Rutherford Alcock.

London, 1882(?) pp.25.

Criticizes Alcock's later opium policy.

LOCKHART, William, F.R.C.S., F.R.G.S., (of the London Missionary Society).

The Medical Missionary in China: a narrative of twenty years' experience. London, 1861, pp.400.

Testimony of an eyewitness who conducted a hospital during the siege of Shanghai.

LUBBOCK, Basil (author of "Round the Horn before the mast").

The China Clippers. Glasgow, 1919, 4th ed., pp.400.

Not so good as Clarke, q.v.

The Opium clippers. Glasgow, 1933, pp.392.

Packed with statistics and yarns; useful, but quite unorganized.

MACDONALD, James, F.R.H.S., formerly of Shanghai.

The China Question. London, 1870, pp.74.

By an irascible exponent of the Shanghai point of view.

MACFARLANE, Charles.

The Chinese Revolution, with details of the habits, manners and customs of China and the Chinese.

London, 1853, pp.230.

A poor account, pro-Taiping.