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WHAT IS LORD ELGIN TO DO?

THE

CANTON DISPUTE

AND

OUR RELATIONS WITH CHINA CONSIDERED.

BY

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LONDON:

LONGMAN, BROWN, GREEN, LONGMANS, & ROBERTS.

MDCCCLVII.

JACK AND EVANS, PRINTERS, GREAT WINDMILL STREET.

WHAT IS LORD ELGIN TO DO?

THE China Question! Doubtless Mr. Cobden truly estimated the views as to this subject, not only of the somewhat somnolent and sporting body traditionally supposed to form an important element in the "country party," but of most other bodies, aggregate and sole, when he pictured to the House of Commons the horror with which honourable and right honourable gentlemen had received the portentous blue book on so uninviting a topic. Such views are formed naturally—or rather, perhaps, habitually—enough. Not the less, however, is it true that this topic, so devoutly to be shunned, has given rise to one of the most exciting and—despite all its crudities, its fallacies and its pedantry—one of the most brilliant debates which has occurred in the reign of Queen Victoria.

And not the less is it true, that the subject is a very great one—as important as it is remote from the ordinary path of men of business or politics. Its greatness, perhaps as much as its remoteness, accounts for the indifference with which it is ordinarily treated. The salt of party spirit, however, is the grand vivifier of political ideas and elements; and well does it in that aspect deserve the eulogium which Mr. D'Israeli uttered at the close of the late parliament, abused though it be by the vulgar ones who would fain debase it to their own level. That pungent essence gave to the late Chinese debate its special interest; and as somewhat of that interest still lingers about Anglo-Chinese affairs, it may be well to take advantage of its existence to call attention to some of the important problems relating to them. Nor is the subject one

only interesting and important. Its importance is *pressing*; for whatever may be the result of passing events at Canton, the investigation and re-construction of our position in China cannot be delayed. These considerations may perhaps justify a writer, who has, from a residence in that country and many connections with it, been for long much interested in Chinese affairs, in intruding on the public by publishing the following pages.* It would not be easy, even now, when their interest is somewhat stale, to treat of our relations with the Chinese empire generally without adverting especially to the particular events at Canton which have given so much prominence to the subject. To review, indeed, the logomachia which occupied both houses in the late parliament, would require much more than the whole of the space of a pamphlet, and would, moreover, be somewhat out of place just now; yet, in noticing the events in question, the arguments must take something of that form.

Whether the particular measures adopted in the Canton river by Sir M. Seymour—or, if it must be so, by Sir J. Bowring and Mr. Parkes, those two supposed worthy disciples of Lord John Russell as military civilians—were in all respects prudent, well conceived and well executed is a question on which there is at present, it must be admitted, abundant room for difference of opinion. That the opposition in the late parliament had ample scope, therefore, to harass the ministry and to exercise their own forces fairly enough, is plain. But, on such an issue as they raised, deliberately to measure strength with the government, to attempt to censure Lord Palmerston for supporting British officers at Canton against the Chinese, for protecting those British subjects who (numbered only by a few hundreds, indeed, but most worthy and valuable merchants) maintain our name and commerce in the vast Chinese empire against the most crafty and cruel of men, for not retiring, robed in philosophy and dignified with folly, before the most insolent, truculent, false, and servile race which the world has perhaps ever known—surely this was a monstrous error!

* The writer should, perhaps, rather speak of *re-publishing* much of this pamphlet; for the notice which it contains of the general features of our relations in China is taken, with some few alterations, from an article on this subject published in the *Edinburgh Review* a few years since.

Nay, it was a gross folly rather than a mistake ; for, whatever may have been said by some charlatans and optimists in debate, none can suppose that the most cosmopolitan and fantastic opponent of Lord Palmerston on this question would have ventured to withdraw from our position at Canton, however much he might indulge in moral lectures for the souls' sake of ourselves and our agents. The parliamentary Homer who should sing this parliamentary war, would have need to invoke a vigorous and ingenious muse to imagine and tell the fatuity which blinded and misled the Conservative party !

Such folly must have its reward. That the so-called Liberal party, with all its nondescript herd of retainers, had run their race, and were shortly to die the death—to die of inanity and atrophy—having wearied the country, and worn threadbare their finely-cut and fashionable political garments, first on one side and then on the other ; that they had not foresight, caution, or courage to provide for the approaching financial crisis ; that, at the latest, they would be abolished with the income-tax two years hence, leaving to their Conservative successors (strengthened, probably, by some of the most able administrators who have sustained Lord Palmerston's and Lord Aberdeen's governments) the command of affairs—all this seemed clear to sanguine minds, and probable in a higher or lower degree to those who were less so. But how is the prospect now changed ! Can it be doubted that Lord Palmerston—himself perhaps none the better in the opinion of his opponents for the “embraces of the country”—leading the new parliament, will preside over one of the strongest, if not absolutely the strongest government which has been seen for many years ? Or can it be doubted that, had that noble lord resigned, and had Lord Derby formed an administration, the country must still have been appealed to, and that under such circumstances the people and their new representatives would have ignominiously condemned the Conservatives to a term of penal servitude, more prolonged and more severe than that which they passed through from 1846 to 1852 ?

And the debates—above all, the debate in the House of Commons ! The discussion in the Upper House was indeed grave, honest, earnest, and sound, compared with that in the lower. But how could those phalanxes of men, not only noble

and honourable, but able too, rise night after night and reiterate, not with a sing-song iteration, but with the most consummate art and eloquence, the most laboured ingenuity, gifts worthy of the fairest cause—how could they not shame to reiterate fallacies so apparent, assumptions so impudent, arguments so feeble, conclusions so monstrous! Can it be that, as some have said, falsehood is the best inspiration for a popular orator, while truth is left “*contra hominum ingenia, calliditatem, solertiam, contra que fictas omnium insidias, se per seipsam defendere?*”

Let us notice shortly some of the leading arguments which were addressed to the Houses of Parliament by concurrent opponents of the Government. It has been already observed that the events at Canton furnish, beyond a doubt, ground for discussion as to the policy and prudence of our representative's conduct there. That it may be possible, on a more complete investigation of all surrounding circumstances, to suggest some particulars in which our proceedings were at fault, is not a very dangerous admission. Had the case of the admirers of China and purity been put in this way, the answer would have been simple, “Wait till we know more about the case—wait till we have the statements of the parties inculpated—wait till we see the result—and then let us inquire whether any miscarriage, or at least any culpable miscarriage, has taken place. But do not hang first and judge afterwards.”

But the case was launched quite differently. The grossest charges of falsehood, passion, incapacity, and improper personal inducements were made with a transatlantic freedom, and an extraordinary bitterness against most able, and indeed most distinguished British officers, having the conduct of our very delicate and troublesome affairs on the other side of the world. It is a study for all time to observe the quarters in which this unparalleled, “un-Christian and un-English” abuse was most violent. Honourable gentlemen of such super-refinement that it is wonderful how they ever permit themselves to discuss any matter of public importance other than theological transcendentalisms, whose scholared heads and ecclesiastical hearts and Ciceronian lips it would be supposed could never conceive, permit or utter such abuse, were the most distinguished in this rancorous contest. *Liar* is a good Eng-

lish word—seldom used, indeed, out of the nursery or the pulpit; still it *is* a good English word, and its application to Sir John Bowring (behind his back, and *apropos* of a nice question of the exact sense in which expressions, both true enough if read with the commonest candour, were used at an interval of weeks)—such abuse was straightforward and “down-right” in its coarseness, though unjust, uncourteous, and unmanly. But the elaborate euphemisms with which the same offensive charge of falsehood was veiled by members of the “Peelite party” only show with how much pains men will seek to perfect the gift of language with apparently the sole object of abusing it.

Taking the case against the Government as it *was* launched, the first piece of uningenuousness to be noticed is the distortion, by those who knew well the facts of the case, of the real nature of the Canton dispute. This has been effected by two or three admirable expedients; notably by the vigorous, insolent and unjust abuse of our agents to which allusion has been made. Whatever faults Sir John Bowring has, and however little sympathy one may have with his character or his career, it was most false and unfair of those who knew the facts to charge him, even by implication, with anti-Chinese prejudices. For the fact is, that he is in China amongst our countrymen more than sufficiently unpopular by reason simply or mainly of his somewhat fanciful homage to and sympathy with the Chinese, and his decided and often manifested want of sympathy with his own countrymen in their views of and proceedings towards the native population.

Then with what admirable art did our advocates belaud their clients the Chinese, and in particular the renowned Commissioner Yeh! The moderation of his views, the suavity of his expressions, the high tone of morality of the man, his well-chosen quotations, his Christian rebukes—all these were most skilfully contrasted with the overbearing demeanour, the peremptory language, the irrational absoluteness, nay, the brutal rudeness displayed (as we were told) in our communications. Yet many of the men who thus attempted to mislead the country knew well the history of our relations with Asiatic powers, and must therefore have well known how unfair all this was; for all who have seen or read of our negotiations

with the powers of Hindostan, Persia, China or Central Asia well know the trick. It is the old familiar weapon of the Asiatic, familiar from the days of Cyrus to those of Hien-fung—fraud against force, pretence against honesty, words against deeds. Meet it is everywhere, but with such races above all

“Meet it is we set it down

That one may smile and smile and be a villain.”

Was your concourse indeed fortuitous, ye concurrent political atoms? Or was it virtue, or simplicity, or (as to some of you) sympathy with the Asiatic character that impelled you to agree in language so strange and false?

How those who know such men as Yeh would laugh, were it not that the affair has too much gravity mingled with its farcicalness, to see these men of England thus deluded, or affecting such delusion! No English words can be found sufficiently forcible to depict such characters as Yeh, for such are not known in England. Elevated by fraud and cunning now; by force, by murder, by rapine then; now grovelling slaves; now vindictive tyrants; always selfish, inhuman, mean; steeped, *wallowing*, in sensuality of a type and fashion too coarse and bestial to be comprehended by Europeans; without God, and without hope in the next world: such are your demigods, ye political deluded ones! Such are the features which, when combined with ignorance and conceit in a measure like that of their vices, form the character of a very large proportion of the great Mandarins of China. Of this class Mr. Yeh is a very fair specimen—more intelligent, more active, and perhaps even more moderate and honest than many of these modern proconsuls with Asiatic complications. Our countrymen at large have only very vague impressions of these despots, but their common sense showed them this trick, and it failed accordingly.

Then we have been lectured about the law of nations in a very bewildering way; but not one of the noble lords or honourable gentlemen who have endeavoured to distort international law in order to condemn the proceedings at Canton, has thought it worth while to explain how international law has anything to do with the subject. They asked for condemnation; and surely the onus was entirely on them to prove their case. Yet they have not attempted to show how

this subject comes within the rules they lay down. It would be vain to enlarge on casuistical and philosophical subtleties as to the nature and origin of laws, because we need not for this purpose go beyond the mere phrases current on every hand. *International law*! The very name shows that it is the law, not of nations as imposed by a higher authority, but *amongst* or *between* nations. The idea is one of correlation, and if any words have any meaning it implies a *comity* of nations, an agreement between them. Now, when did China come within the comity of nations? Who is there in China who would for an instant recognise the law of nations?—a law to be ascertained, inquired of, tested by the commentaries of Heineccius and Vattel, of Grotius and Puffendorf? Mr. Commissioner Yeh would be somewhat startled at learning that his advocates had committed him to this refined and abstruse European code. What absurdity can surpass this notion—Lord Lyndhurst and an Imperial Commissioner at issue as to the mode of reconciling a dictum of Lord Stowell with a gloss by Pwan-hu-yun on a passage of Domat! Rabelais would have owned his account of the proceedings in the parliament of Myrelingues inferior to the true history of this notable international argument.

The Bridlegooses of our time have with much art given a colour to their quiddities by commingling natural and international law—the Bible and Vattel; thinking no doubt that there is nothing like a little mystification for their purpose. On the law of nature those who defend the conduct of affairs at Canton are prepared to defend it. Call it the law of God, if the Bishop of Oxford likes—give it the name of Justice, if Lord John Russell likes—though we are very much accustomed in England to take all for granted in the single word, *policy*, as it is our fashion rather to embody our virtues in our conduct than to wear them on our sleeves. We do not in truth understand how any position can be defended or how any policy can stand, except on this universal basis. But let us take this ground alone, and not confound the law of nations and the law of nature for the sake of either alliteration or mystification.

Keeping, therefore, at present to the *international* question, law is surely out of place in China, to the full as much

as it would be in Dahomey, or with the savages of Torres Straits. We have advanced *one* step indeed beyond the law of nature in the code which regulates our connexion with the Chinese. That step is the treaty of 1842, and a very important step it is; but we have not got an inch farther as yet, and beyond it we are left to deal with the Chinese people as we may. Never till the month of February 1857 was the law of nations appealed to between ourselves and that empire in the course of upwards of a century of intercourse between us, full of various disputes. Let it be assumed, however, that occidental jurists *can* guide us through this oriental confusion, and what then? Even that the indictment, so solemnly presented by Mr. Cobden, is found not true. If those who are zealous as to details will turn to the "correspondence" on this Canton question laid before Parliament, they will find that the conduct of the British forces was most reserved and moderate until the Chinese authorities proceeded, with their natural savagery, to plot against the lives of our countrymen, and to offer rewards for their heads. Will even the late honourable member for Leominster (who assumed to be a sort of assessor to Parliament on questions of civil and international law) allege that, after such measures, the Chinese have a right, according even to the laws of war as recognised in Europe, to complain of our proceedings? If he will, he may say it in Lincoln's Inn Hall with immunity, and perhaps meet with applause from his pupils; but in Parliament and the country he will meet with ridicule only. The simple question, then, is as to the sufficiency of our grounds of quarrel originally.

Now let us for a moment, before proceeding to consider those grounds, glance at the law of nature, of humanity, of God—those *leges legum* which have been so adroitly confounded with the laws of nations. What say they? Surely they too support our proceedings, if our cause of quarrel was originally adequate. It has been argued that the defencelessness of the Chinese should have protected them, and many pathetic appeals to our magnanimity have been made. But we have already been magnanimous after this fashion in China too long; the whole history of British affairs there shows this. Magnanimity is in that particular quarter a virtue

little appreciated, and matters have advanced very considerably since the notable Naples intervention of 1856, if it is already determined by that conclave of great men who assume to be the lawgivers of nations, that a weak and helpless government may misconduct itself with impunity. Happy in that case the small princes who know not what law is; and sad the lot of unhappy England—already fated, it seems, to be shorn of her maritime rights—and now to be stung to death by a swarm of poisonous and cherished mosquitoes!

Again, a good deal has been said about the inhumanity of our proceedings, in support of the charge of our having violated the law of nature. No doubt, when a nation like Great Britain exerts her force against a people like the Chinese, the horrors of war are the more striking because they are not hidden by the blaze of glory which encircles more worthy contests. Glory there is, indeed, and honour in the tedious encounter with fatigue, disease, and peril involved in such a war; yet the halo which encircles contests glorious like those waged by Gustavus, by Napoleon, by Wellington, and in our own day by one worthy to be named amongst heroes, by Lord Raglan, is wanting. But, granted a state of war or *quasi* war, as in the Canton river, and these sad consequences must be taken as they come. We deplore, we deprecate, we guard against, but we cannot avoid. So in this case—the first step taken, the others follow as a matter of course. Our position *must* be strengthened and secured, and such a war affords no alternative. No one, however, has a right, in the present state of information as to these proceedings, to condemn a single measure adopted at Canton as unnecessary or inhuman: and, if we must prejudge, let us be satisfied with prejudging the skill and success of our officers, not their humanity or honour.

The opponents of the Government have, moreover, charged against our policy an attempt to force the Chinese to grant to us what they desire to refuse. This endeavour, we are told, is in violation of the natural rights of the Chinese. These accusers are tender and somewhat fantastical men in their creed and conscience, but, fortunately, in this case we need not touch their sensitiveness; for not a word is requisite in this discussion which shall conflict with this alleged

natural liberty of the Chinese to seclude themselves from us. For this principle must itself be understood not to conflict with the right of other nations to enforce existing engagements concluded by the Chinese; and on such engagements alone were founded the British claims to which Yeh refused to accede. If, then, China is not to be absolutely irresponsible, and if our proceedings have not been inhuman, the consideration of the law of nature brings us to the same simple question as that to which the law of nations has led us, viz. :—Had our agents in China good ground of quarrel with Commissioner Yeh?

Now those agents believed—and our Government had no choice but to give proper credence and deference to that belief—that the officer who boarded the Arrow did so advisedly and deliberately with the object of insulting our flag; or that, at all events, he did in fact violate our treaty and insult our flag. Such an act demands immediate satisfaction. Immediate satisfaction, in such a case, could not fail to be granted by any country acknowledging international law. In the East the usage of all time has been to enforce satisfaction for such offences in the only practicable way, viz. :—by demand and, in case of a refusal, by force of arms; and at Canton, for reasons which will be touched on hereafter, it is especially important to obtain prompt and public redress. On this the “Arrow question,” then, has been the tug of war; for as to our right, when the obstinacy of Yeh had forced us to take up arms at Canton, to seize the occasion in order to enforce our admitted claims to enter into the city, not a doubt can be raised. The prudence and advisability of doing so is a perfectly independent question. It is as to the Arrow affair that the fallacies and assumptions of the opponents of Government have been most startling. Take as a sample of their arguments the following, employed by some of the most distinguished gentlemen of the Peelite party :—“The most intelligent and refined mandarin who boarded the Arrow was fully justified in his proceedings,” say they, “for did he not find on board her a crew of Chinamen and no papers?” Now, this is urged as proof that the Chinese did not know of the Arrow’s status as an English vessel. But those who employed this lan-

guage might have known that such vessels always carry Chinese crews, and they did know well that, according to the treaty with China, an English vessel *never has any papers* in a Chinese port. These are required to be delivered to the custody of the Consul, and with him *they remain until the vessel has received her "clearance outward."* The want of papers, therefore, was of itself a ground for abstaining from intervention, as their presence would have implied irregularity which might have justified it.

But the substance of this pseudo-argument, the assumption of ignorance on the part of the Chinese as to the status or assumed status of the Arrow, may be met most conclusively in another way. Would a boarding officer at Gravesend be believed if he asserted that he mistook the Batavier for the Marco Polo, or that he thought a suspicious Dutch lugger was one of the Thames yacht squadron? Much more likely this hallucination than that the Arrow should have been mistaken for a Chinese vessel; for such a pretence has not even *vraisemblance* to those who know Canton. A lorcha such as the Arrow is as different from a Chinese vessel in appearance, as a steam yacht from an ancient collier. Such vessels lie together at Canton, apart from the Chinese. Every one of them is perfectly well known *personally* to all those having any business on the river; most of them are familiarly spoken of by the Chinese by names often different from their proper names; and they pass up and down the river in fine weather usually once, and often twice, a-week. Nor (as has been already noticed) does the fact of her not having an English crew afford any countenance to the Chinese falsehood; for such vessels never carry more than two whites, usually only one, often not a single Englishman, sometimes not a single white man. Moreover, under no circumstances could the Arrow have been a *Chinese vessel*; for the Chinese have their own navigation laws, and as these exclude vessels of the lorcha build, they have and own none such. These considerations of matters of incontestable fact, known to thousands in this country, surely dispose entirely of the transparent pretence that the Chinese did not know that the Arrow was English.

But the case against Yeh may be pushed much further; for this very vessel had many times entered and cleared at that very port, loaded and unloaded at that very spot. She

had always theretofore done so *as an English vessel*—nay, at the particular period of the offence, she had not only duly entered herself and deposited her papers as such, but she had as such received the licence of the hoppo to unload, had actually discharged her cargo, and was on the point of sailing! Let it be borne in mind that all these proceedings are, in the case of an English vessel, carried on through a channel, on terms and in a mode entirely distinct from those regulating Chinese vessels; and some notion of the shamelessness of the falsehood, that the Chinese authorities did not know that she was English, will be formed. And over and above all these conclusive facts, there remain the circumstances alluded to in the debates, and appearing in the correspondence, which alone manifestly show that the Chinese officer who boarded her did well know that the Arrow was English, *by repute at least*.

Then if this be a correct view of the state of the case, there is no occasion to examine the terms of the treaty, for as to its general purport and effect there is no dispute. *Qui hæret in litera hæret in cortice* is a maxim of the most formal lawyers, and certainly it is the *animus* which constitutes the substance of an injury in matters international, far more than the act itself. If then it is manifest that the Chinese officers *supposed* this vessel to be under British protection, how can a semblance of a doubt be raised that their proceedings with regard to her were in substance a violation of our treaty rights, as being an assumption of an independent jurisdiction over a vessel sailing under the British flag, and protected accordingly by the terms of the treaty from such jurisdiction? It matters not how the protection came about, be it rightly or be it wrongly; the Arrow and her crew were actually, as between us and the Chinese, within our treaty. Her position in the river, all her acts while there, establish this. The Chinese had themselves admitted it in the most deliberate and clear manner which they could adopt, by allowing her over and over again to enter the port of Canton, to lie there, and depart thence without observing any forms required of a Chinese vessel, but subject to the perfectly different forms and the differential dues and duties exacted of English vessels. In every entry in the Chinese custom-house as to ship and cargo—in every licence to load, to unload, to berth, to clear,

she must have been described as "a vessel of the English nation." Strange, indeed, that, notwithstanding all this, men should be found to deny that the Chinese considered her such!

Nor, were it even admitted that the status of the Arrow was either un-English or uncertain, was the conduct of the Chinese one whit the less inexcusable under the circumstances of the case? Was it ever heard that a nation is at liberty, on such a ground as that alleged by Yeh, *ex post facto* and in his defence, to violate by force even the *assumed* rights of an ally? The course of diplomacy (and in the forms of diplomacy, however ignorant of international law, the Chinese are most refined and astute) clearly prescribed measures widely different; but such measures Yeh and his subordinates carefully avoided, for their object was to inflict an insult, not to obtain satisfaction. They might either have refused to allow the Arrow to enter at the port as an English vessel, and thus have led to the determination of her rights; or, after she was entered, if any facts calculated to lead to doubt became then known to them, they might have laid those facts before our consul, in order to determine such doubt. It would have been time enough, when satisfaction was refused by the consul, to have acted in defiance of the rights assumed by Great Britain; but as neither of these obvious courses would have answered the real object of Yeh, neither was adopted.

The assertion of the validity of the plea raised by Yeh's denial of the status of the Arrow seems as monstrous as it is impertinent. In so far as it is based on the expiring of the licence, it seems hardly fit to combat the argument used. The ordinance regulating the issue of such licences is about as ill-drawn as most of the acts of our own parliament; but it is nevertheless impossible to deny that it intended to give to vessels licensed under its provisions the rights of British vessels for a year from the date of such licence, and for such further time as should elapse before they returned to Hong Kong, when they were bound to renew their licences.

Lawyers are often accused of making unworthy use of verbal quirks and quibbles; but would any lawyer venture to use such a contemptible quibble as to pretend that a vessel in the Canton river was not at sea within the meaning of this

ordinance? If this lay-quibble were even honest, it would be simply ridiculous. The pettifogging spirit which gave birth to it seems to be incapable of grasping the idea of a passage between a port in a river and an island at its mouth, different from that between London Bridge and the Isle of Thanet. The passage between Canton and Hong Kong is, however, widely different. Only a short distance below Whampoa, the Choo Kiang becomes a turbulent current, divided into intricate channels by numerous islands, and many a heavy sea do the smart gales "get up" in the bays amongst these islands. The channel outside the Bogue, and thence to Hong Kong, is a most stormy, dangerous passage, full of rocky islands like Hong Kong itself, narrow, interrupted by violent eddies, with bad anchorage, and exposed, not only to the usual storms of the ocean, but to very awkward local gusts and storms of the typhoon nature. The passages to Macao from Canton and Hong Kong are of precisely the same character; and though it is true that with fair wind and tide a day will suffice to pass from one to the other, it is not usual to make such passages, and many a time are sailing vessels four and five days *en route*. At all events, it is absence on this passage that the ordinance contemplated, for passing between Hong Kong, Macao and Canton is the usual occupation of five-sixths of the vessels to which it applies. It may be admitted that the period of absence beyond a year contemplated by the ordinance should be a period of absence *bonâ fide* in the usual course of trade; for the absence of the Arrow from Hong Kong during this period, between the expiration of her licence and the time when she was boarded at Canton, was precisely of this character. The passage from Hong Kong to Canton, either going or returning by way of Macao, is, as we have said, the usual trade voyage of vessels of the Arrow's class. This was precisely her voyage, and therefore she was entitled, under her licence, to the protection of the British flag until her return from Canton to Hong Kong.

But the fictitious plea of Yeh, which his supporters adopt, denies that the Arrow's licence was valid in its origin. This might, perhaps, be a very interesting question for a debating society, but, as between us and the Chinese, the validity of such a licence was long since deliberately discussed, and

decided in our favour. A year before the boarding of the Arrow some lorchas, bearing the British flag, under similar licences, were seized for smuggling by the Chinese. The seizure was defended on this very plea ; but in the result the vessels were restored, and the defence deliberately abandoned. The valuelessness of the plea therefore was in this case more completely established than even had it been *res judicata*, for it was valueless, independently of its inherent weakness, by the deliberate abandonment of it.

The defenders of the British name need not indeed fear to enter on a discussion of the merits of their claim to protect the Arrow. That claim might well be supported on general international grounds, but to simplify this many-sided argument, and, moreover, as we have protested against importing the rules of international law into this dispute, and as the *treaty* is the code by which the question is to be decided, we shall refrain from entering on that argument. But, *ex concessis*, the treaty provides for the protection of British vessels from all interference by the Chinese officers, and it will be well in passing to bear in mind the object of such provisions. They have, in truth, nothing in common with such treaty stipulations as we are accustomed to amongst European nations for the particular advancement of trade, or the avoidance of particular sources of difference. They are founded on the broad and unmistakable principle on which, in dealing with Mahomedan and heathen nations, we have never allowed our countrymen—their property, liberty, or rights—to be in any way subjected to the courts, the officers, or the procedure of those nations. The principles of their laws, the forms of their procedure, the brutality of their punishments, the corruption of their officers, the untrustworthiness of their governments, have rendered this principle necessary. Without it no one but a few lawless piratical adventurers would be found to communicate with these unchristian peoples. Englishmen are not, however, on this principle immune from law, but the laws and regulations respecting them are prescribed and maintained in concert with our representatives. On the one hand, it is the duty of those representatives to enforce the law ; on the other, it is through them alone that we can be reached. Moreover, according

to the usage of all Asiatic nations, and even of Turkey, the same principle is to a greater or less extent applied in favour of native servants, employés, and others legitimately connected with and, consequently, under the protection of British subjects. How completely wide of the mark, then, are all the arguments which have been founded on the universal right established amongst European nations of every government exercising its criminal jurisdiction according to its own code, on all persons within its own realm, when we bear in mind that these rights have been by treaty expressly abandoned, or rather expressly foregone by the Chinese!

Turning, then, to the treaty—does it include vessels such as the Arrow in the privileges and impositions which it gives to, and places on, British vessels? Now it is said that the British vessels contemplated by this treaty were only British vessels within the meaning of the British navigation laws, and that the Arrow was not British in that sense. It is most startling to find so strange a proposition put forward by so great a lawyer and so distinguished a statesman as Lord Lyndhurst. Still it *does* seem a strange proposition, for it does seem about as manifest as any matter within the domain of law can be, that the scope and object of the navigation laws are widely different from the exhaustive definition of the vessels which are internationally to be entitled to British protection. The objects of those laws really are, it would seem, to regulate amongst ourselves the property in and the management of the most important classes of British shipping, to which various privileges are given, and on which various responsibilities are imposed. The Merchant Shipping Act of 1854 of course defines the class of British ships which are included within its provisions. It is said that the Arrow was not included in that class, because she was neither British-built nor owned by natural born or naturalised, or denizenised British subjects. This might be freely admitted, however, if our statement of the objects of the navigation laws is correct; and yet the admission would not at all prejudice the Arrow's right, as between us and foreign nations, to sail as a British ship within Chinese waters, under a licence granted by the government of Hong Kong; for the Legislature did not attempt by the Merchant Shipping Act to touch any international question

but merely enforced its legislation as to the great fleet of British-built and British-owned ships, by saying to their owners, "If you do not comply with the regulations of this act, not only shall you, being British subjects, be liable to the penalties imposed by it, but you shall not be entitled to the protection which otherwise you would have."

It seems, indeed, not only to involve much confusion of terms to speak of the navigation laws as defining for all purposes what are British vessels, but that such a mode of speech is monstrous with reference to facts. Can it be said that, universally, only such vessels are recognised as entitled to bear the British flag, and to claim British protection, as are British within the navigation laws? Are the multitude of small craft owned and built by British subjects, or "resiants" in the Mediterranean, the Levant, the coast of Africa, the Pacific Islands—vessels *not* within the navigation laws, but very numerous, in which local traffic, most important as ancillary to our vast commerce, is constantly carried on, and in which our merchants and emissaries take their pleasure, and effect their travels—are all these politically waifs and strays seizable, without account, by any petty tyrant or savage in whose control they may come? Can anything be more unnatural? Can anything be more inconsistent with the notorious practice of all times?

But it is said, "If the definition in the Merchant Shipping Act be not the definition of British vessels within the Anglo-Chinese treaty, what does that term mean?" The answer is that, speaking of a class of vessels and with reference to rights and privileges quite distinct from those contemplated by the navigation laws, and only with reference to this treaty, British vessels are those which, according to the ordinary usage of nations, the obvious convenience and necessity of the case, and the particular usages and customs existing in China, are entitled to carry the British flag and claim British protection. It would carry us away from our main object to elaborate this question. The authority of Lord Cranworth, a lawyer of great and well-earned reputation, may however be quoted on this part of the subject. That noble lord in the House of Lords defined what vessels are entitled to carry the British flag, and to claim British protection, in terms which will be

found both guarded and clear, embracing every case which the exigencies of a great nation require shall be protected, yet consisting with every principle of international law, and with the practice of all civilized nations. Lord Cranworth has laid it down that "if the British Government authorises a ship to go into a foreign port and carry the British flag, *as between us and the foreign country* this is certainly a British ship;" and to this definition the supporters of our policy may confidently appeal.

Even were it to be supposed that the navigation laws are to be looked to as affecting the status of vessels such as the Arrow, the result is still favourable for the Government. We are required to treat this question as we should construe for municipal purposes a British statute. And how would that be? The argument stands thus on this head. Proposition—The Chinese had a right to look into English law for the purpose of construing their treaty; they found the Arrow not British within the navigation laws; *therefore* she was not British within the treaty. But how fallacious is this argument! For, at all events, the navigation laws do not constitute the *whole body* of the British law. And the decisive answer would be this—The Crown has by its prerogative, which is part of our common law, the undoubted right to make peace or war, to adopt the cause of persons or nations, and to pledge the nation to protect whoever and whatever it chooses. True, the constitution provides the usual check to this prerogative, by enforcing the responsibility of the Royal officers and by withholding supplies from the crown; but as nothing in the Merchant shipping act interferes with it, the Crown has, notwithstanding that act, the right to extend the protection of the British flag to whatever vessels it may choose.

The various Governors of Hong Kong and the Secretaries of State who have (in the undoubted exercise of the authorities delegated to them by the Sovereign) granted or sanctioned the grant of registers, such as that of the Arrow, and of licences to use the British flag might, doubtless therefore, be proceeded against in Parliament for an improper exercise of that authority; and yet, as a matter of law (which is now the question), it would be beyond a doubt that, however unwise

and improper the grant of them might have been, it was *legal* in the strictest sense for all purposes except those of the navigation laws.

But all the paltry quibbling which these arguments conclusively meet—for paltry quibbling it is when applied to a question of international offence—would, though unanswered, be found absolutely immaterial and insignificant on a fair consideration of the treaty. For, even if it were the case that the *proper meaning* to be attached to the phrase, “British ships,” is that of vessels within the “Merchant Shipping Act, 1854,” yet, remembering that “there is no magic in words,” every one must admit that those terms *may* be used in another, though improper, sense.

The words in the additional article of the supplemental treaty, under which the Arrow claims to be considered a British vessel, are these—“Various small vessels belonging to the English nation called chooners, cutters, lorchas, &c., &c. ;” and that these words do mean vessels *not* conforming to the definition and regulations of the Merchant Shipping Act cannot be a matter of doubt, when they are interpreted according to the liberal principle applicable especially to the construction of treaties. That the intention of those who signed the treaty in question was to include in the words above quoted vessels *not* within the navigation laws, is manifest from this fact, that no small craft such as those described by them, and within those laws, were to be found at the date of the treaty. The treaty therefore would, as to the provisions which it contains for small craft, be simply inofficious and inoperative *unless* it applies to another class of vessels, and he must be a bold and reckless advocate who will so construe such a document as to make it thus inofficious. Not only were the small craft existing at the date of, and alluded to by, the treaty wholly and without exception vessels *not* duly registered and *not* conforming to the Shipping Acts, but it is also the fact that no small craft so registered and conforming were known in China until *long after the treaty*, not indeed (except in a very few instances) until the passing of the Hong Kong ordinances of 1855 and 1856.

The main features of the Navigation Laws in operation at the date of the treaty and subsequently (though altered in

some particulars, and especially with reference to colonial registers, by the Act of 1854) were that *British build* and *British manning* were necessary to entitle a ship to *British registry*; and that *British registry* was necessary to bring her within those laws. Now, not one of those requirements was satisfied by any of the small craft known in China up to the date of the treaty, and since uniformly recognised as within its provisions. Not a single lorcha was ever built in England or (until ship-building was established some time after the date of the treaty at Hongkong) in any British possession; and to this day a very large proportion of all the small craft sailing under foreign flags in the Canton river or on the China coasts are vessels built at Macao, Whampoa, Batavia, or Manilla, all of which are possessions of foreign powers.

Again, with regard not to lorchas alone, but to all the vessels alluded to by the words quoted from the treaty, including even such of the splendid Aberdeen built clippers by which the opium trade on the Chinese coast has been carried on as have been of less than 150 tons burthen (that being the limit within which the small craft provided for by the additional article of the treaty are confined)—as to all these vessels it may be fearlessly asserted that the provisions of the navigation laws as to manning have in Chinese waters never, or not in more than a very few occasional instances, been observed. It has already been stated that the lorchas carry in their crews only one, or at most two, *white* hands, sometimes not one, and *often not one Englishman*. As to the smaller “schooners and cutters” the same is true, and even in the case of the larger schooners, approaching 150 tons in burthen and which carry twenty to thirty hands in these seas, three or four is the maximum proportion of *whites*. All these vessels carry mixed crews of Chinese, Lascars, Malays and Manilla men, though Lascars are few in number (except in “country,” *i.e.*, India ships, which are of much larger burthen than those provided for in the treaty as small craft), and in the lorchas and the smaller schooners the Chinese always form the bulk or the whole of the crew.

Lastly, that (until the colonial ordinance of 1855 was passed) the provisions of the Navigation Act as to registry were never observed by any of these vessels is not only a fact, but one

which follows as a legal consequence from the fact that they were neither *British built* nor manned by British crews.

Armed with these facts, we may safely affirm that those who signed this treaty by no means contemplated as "British small craft" vessels built, manned and registered according to the Navigation Laws, but that they *did* contemplate just such vessels as the Arrow. Nay, even in its terms the treaty contemplates a local registry of all such vessels quite distinct from that under the Imperial Shipping Acts. The words of the article regulating those vessels are these:—"Various small vessels belonging to the English nation called schooners, cutters, lorchas, &c. &c., have not hitherto been chargeable with tonnage dues . . . but this class of small craft are not like the large ships engaged in the foreign trade. . . . The following are the rules by which they shall be regulated:—1st. Every British schooner, cutter, lorcha, &c., shall have a sailing letter, under the seal and signature of the chief superintendant of trade, describing her appearance, burthen, &c." So that the treaty has not only *implied* but has *said* that sailing letters, such as those of the Arrow, *are* to entitle vessels to British protection.

It will not do to say that in these remote countries our representatives are often *inops consilii*, and to assume that they were ignorant of the legal status of the small craft provided for; for with the provisions of the Navigation Laws our naval officers are familiar enough. Moreover, *for the purpose of this argument*, the Chinese are assumed to be—it is the very basis of the case against our Government that they are—*familiar* with the terms of our Navigation Laws. To suppose, under these circumstances, that the diplomatists who prepared and signed the treaty with China applied the term "British" to our vessels in the sense to which it is restricted by those laws, would be to violate every probability for the sake of condemning unheard officers who have assumed to defend the honour of the British flag.

The defence of our ministers might easily be pushed yet further, were it at all necessary to do so. For if the status of the Arrow, according to the Navigation Laws, were fairly examined, she would be found to be actually a British ship *within* their meaning. She was clearly licensed in pursuance of the Hong Kong ordinance of 1855. That ordinance was confirmed

in that year by the Privy Council, after its effect had been carefully considered by the Board of Trade and reference had been made both to the law officers in Hong Kong and the counsel to the Board. It was indeed suggested that there might be a doubt as to whether its provisions did not conflict with the Imperial act; and the Colonial Legislature was recommended to remove that doubt by passing an ordinance (under section 547 of the Merchant Shipping Act, 1854), declaring that, *non obstante* that act, Chinese residents in Hong Kong should be entitled to the benefit of the ordinance. But her Majesty's advisers, after carefully considering the case, showed what they thought of such doubt by advising her to confirm in council the ordinance of 1855. A subsequent ordinance was passed in Hong Kong in pursuance of the suggestions of the home advisers, which precisely followed the provisions of the Merchant Shipping Act applying to colonial registers, and by which the rights of the Arrow under that act were made indubitable. It is impossible to claim absolutely for the Government the benefit of that ordinance, because it was to take effect from the proclamation in the colony of her Majesty's approval of it; and though that approval was signified from home in August, the boarding of the Arrow occurring on the 8th of October, the country has not been informed whether the royal approbation had then actually been proclaimed or not. But, at all events, the censors of Sir J. Bowring have no knowledge that it had *not* been then proclaimed, and therefore they could not make out even that the Arrow was not a British vessel in the strictest sense, and within the provisions of their pet law.

At last we may leave this perplexed and somewhat discreditable contest—perplexed because heaven and earth have been ransacked by the opponents of the Government for every species of weapon of attack—discreditable because it would seem that not one of these weapons would justify any legitimate and fair attack. Thanks to the firmness of the ministry, thanks to the good sense and honesty of the people, thanks to the genius of England, our position as the greatest of Oriental powers is not *this time* to be perilled for the fantasies or jealousies of our legislators. The bellicose contest will take its course; and, indeed, perhaps it has ere this been brought to an end. But in any event the resettlement of our

relations with China is now before us, and that important task has devolved on Lord Elgin, a vigorous and prudent diplomatist. It may be well in a few pages to glance at the past, and attempt to foreshadow the future of those relations, that we may the better judge what ought to be avoided and what secured.

The most important fact to be noticed as to our actual commercial position in China is the smallness of the results which have ensued from the treaty of Nankin as compared with the anticipated extent of those results. A very few figures will suffice to give a sufficient idea of the increase of our trade from the abolition of the East India Company's trading privilege in 1834 to the present time; and they will show that, though the trade on the whole has increased considerably, it has not done so to the extent which might have been expected. Let us take, first, the declared value for various years of our exports, as though these do not represent the whole or even the main part of our commerce in China, they are the only accurate series of figures which are obtainable for the whole of that period. They are as follows:—

	£		£
1834	842,852	1845	2,394,827
1835	1,074,708	1846	1,791,439
1836	1,326,388	1847	1,503,969
1837	678,375	1848	1,465,959
1838	1,204,356	1849	1,537,109
1839	851,969	1850	1,574,145
1840	524,198	1851	2,161,268
1841	862,570	1852	2,503,599
1842	969,381	1853	1,749,597
1843	1,456,180	1854	1,000,716
1844	2,305,617	1855	1,277,944

The staple imports from China, from 1846 to 1855, have been as follows:—

	Tea.	Silk, raw.
1846	54,534,248 lbs.	1,834,310 lbs.
1847	55,355,590 „	2,016,598 „
1848	47,346,017 „	2,200,132 „
1849	53,102,129 „	1,845,525 „
1850	49,368,001 „	1,769,882 „
1851	69,487,977 „	2,055,002 „
1852	65,295,202 „	2,418,343 „
1853	68,639,727 „	2,838,047 „
1854	83,301,350 „	4,576,706 „
1855	81,560,207 „	4,436,862 „*

The striking anomalies which these figures present to view, the strange disproportion of imports and exports, their

* The value of these imports may be roughly estimated at from £4,000,000 to £7,000,000 annually.

sudden leaps, are attributable to the giant element in our commerce with China, the opium trade, and to the disturbance caused by it, owing to the value of and demand for that drug, and to the demand which it makes for specie, which till within a few years past was the return usually made for it. Of course, the increased demand for tea in England caused by the reduction of the duty has had its operation; but though that reduction has been concurrent with a great increase in the supply, it seems that that increase has been to a great extent independent of that element. This will appear from observing that our exports to China from England have not at all kept pace with the imports, (even admitting that the specie remittances within the last two years have been in payment for tea), that the increase in the importation of silk has been even greater than in that of tea, and that the opium trade has (except in so far as the specie remittances have been so applied) been the only mode of payment for these imports. The increase of the opium trade is something wonderful. At Shanghai the demand increases by 5,000 chests annually; at Canton, the sales in 1854 exceeded those in 1853 by 17,775 chests; and it would, indeed, appear as if it were this commodity alone which induces the Chinese to trade with us.

Now, comparing our legitimate export trade with China in the years before and that of the years since the peace,—when we remember what had taken place in the interim of these two periods, that the Chinese had been completely within our power, that we had made with them a treaty which we considered, not indeed to secure to us perfect freedom and equality in China, but yet to obtain for us every facility for conducting an extensive trade with upwards of 350 millions theretofore secluded and beyond our reach, but then, as we fondly imagined, brought within the circle of western commerce;—when we remember all this, the comparison of the dealings of the commercial years above given is cause for great astonishment and chagrin. Surely we were justified in thinking that so vast a mass of consumers—a people without steam power or any of the modern mechanical improvements, inhabiting so immense an empire as the Chinese, and for ages having possessed but one narrow inlet on the sea.

board for the commerce of European nations, suddenly thrown open to us at five different points, several of which are amongst the most important commercial places in the empire, and having many weighty reasons of curiosity, of necessity, and of policy to cultivate a close connexion with us—would have given far greater impulse to our commerce than is shown by the figures we have quoted, which represent that commerce with this vast country as on the average of much the same value as that which in 1788 France carried on with its colony of St. Domingo!

Although, no doubt, many of the consequences which, upon the first transpiration of occurrences such as those of 1841 and 1842 in China, would naturally and did actually suggest themselves to all who were interested in the result were greater than those which upon due consideration we were warranted in expecting under the circumstances, yet in a far greater degree are the actual consequences disproportionately and unduly small. However stoically a phlegmatic looker-on might hold that the mercantile world was giving itself up to vain dreams of the immense results of the peace of 1842, it really is difficult to say that *any* estimate of the impulse ultimately to be given to our commerce by opening to it a nation of 350 millions* or upwards of civilised, trading, calico-wearing human beings, hitherto secluded from us, which was in fact or which could with probability be entertained by commercial men, was or would be an exaggerated estimate. But, with the light of the actual events of the last fifteen years, it is not difficult to see that, looking to some of the surrounding circumstances, we should have measured more carefully the immediate prospect of an improved condition of Anglo-Chinese relations.

If we look back to the past history of China, we find that it was coveted as an ally by the long decayed monarchy of Persia; that, when in its full prime, its conquering arms gave that impetus to the savage Huns which, centuries afterwards, effected the downfall of imperial Rome, at a period

* There can be little doubt that this estimate is not an extravagant one. The Chinese census of 1814 gave a higher figure as the population at that time, and most authorities are decidedly in favour of the trustworthiness of that census.

separated from us by eventful ages ; that when Bertezena founded the Turkish monarchy, destined to overthrow the remains, not indeed of Roman virtue, but of Byzantine luxury, and to establish and spread a false religion over a vast portion of the globe, he sued for, as a matter essential to his success, the hand of a daughter of the Chinese monarch. As to its civilisation, we have learned that when Helagabalus purchased the silk which so shocked the severe propriety of Pliny for its weight in gold, the populace in China used it for their common apparel ; that when the classic literature of golden ages was perishing unknown to the ignorance or was falsified by the affectation and prejudices of scholiasts and ascetics, the walls of Nankin were placarded with advertisements of cheap lanterns and programmes of popular comedies ; and that when the wise men of Greece were ridiculing the credulity which could believe that in sailing towards the west the sun had been observed on the right hand of the voyagers, professional astronomers were appointed in China to observe the movements of the sidereal heavens and determine the annual period, taking into consideration the precession of the equinoxes. As to their domestic undertakings, we find complete municipal organisation, and a realm intersected with canals for public convenience ere the laws of the ten tables were promulgated or the Appian aqueducts constructed. As to their commerce, it appears that they were the purveyors, not of the East alone, but also of the Roman empire, their voyages to Ceylon being probably the most extended which were known for ages before the commercial spirit had arisen in Europe. But as to the present external relations of an empire the population of which includes one-third of our race, and which covers an extent of territory exceeding that of any other state of which we have ever heard, we should learn that it secludes itself in its own bounds, that it declines foreign commerce as far as possible, that it endeavours to prevent the introduction of foreign improvements and to hinder the emigration of its citizens to other lands, and that the only maritime traffic of any extent or importance which it conducts with any other country by its own merchants is that in grain.

Thus much known, what would we venture to allege of the internal condition of China? Surely that it had

arrived, in the course of ages which have overthronged continents (all but desert when China teemed with an already dense population), at a stationary point, had increased its population to a burdensome extent, had occupied in consequence all its productive lands, had devoted all the energies of its people to obtaining a livelihood, had arrested its progress in science and manufactures, and had lost a large portion of its proper enterprising and energetic spirit.

As a matter of fact, this is the state in which China is at the present day. No "margin of cultivation," no sufficient remuneration for labour, a minimum of profits, the land farmed and owned in small holdings for domestic purposes, the people living from hand to mouth, so that an inundation, a hail-storm or a locust-swarm, causes the most dreadful suffering in a whole province, although the Government is necessitated to keep large public granaries to guard against such occurrences. Manufactures even are for the most part carried on by individual exertion; the loom in the house is the order of things in the whole of the immense silk district of Su-chau, and such a thing as improvement or change is quite unknown. Every one looks back instead of forward; their golden age seems bygone; they live in it instead of in the dark future or the toilsome present; and under these circumstances there is something touching instead of ridiculous in that attachment to "old custom," which is one of the most peculiar features in the Chinese character.

Now, it will be seen that such a country is not in a position to enter at once into a foreign traffic proportioned to its size and importance. Where every rood is husbanded by hand, where the hill is terraced off into beds covered with transported soil, where districts are often irrigated by manual labour, and where cotton is sown and woven by the father of a family, hoed and picked by the mother and children, and cleaned and spun by the grandmother, it is perfectly puerile to talk of "unlimited production"; and if production has reached its limit, commerce is not far from its limit also, unless circumstances can be altered.

Political economists tell us that the tendency of profits to a minimum "arises from production being limited not only by labour and capital, but by *field of employment*." This field of employment, however, may be enlarged by *increasing*

the production, say of an acre or a loom, as well as by giving a man *two* acres or *two* looms, and in this manner the field of employment in China is indeed unlimited. Now, had we but the means of conducting our own commerce in every part of China we might, in time, in two ways enlarge indefinitely the means of that country to produce articles for our consumption. First, we would for ourselves learn what articles of Chinese consumption we are able to supply, and they would find what articles of our produce they are able to procure more advantageously of our manufacture than of their own; we should then have the means of carrying into their provinces grain, raw cotton and wool, from our own and other Eastern territories, and by this means would be able to present them with a large "margin of cultivation" and production. Secondly, a more intimate intercourse with us would infallibly introduce into China those numerous scientific and mechanical inventions, perfectly unknown there at present, and without which we ourselves surely would have remained in barbarism. The extension of the field of employment which this would open is indeed unlimited—more especially in respect of manufactures. An endeavour to conceive, for a moment, a limit to be imposed upon the manufacturing resources of a country so vast as the Chinese empire, when steam-power and the numerous mechanical inventions, which there are as yet unthought of, shall be applied to the preparation of cotton and silk by its ingenious and industrious inhabitants, will convince the sceptic that the word *unlimited* is scarcely in this case too large. If such an intercourse as we have spoken of were but established, China would ere long be aroused, would forget her golden age, and, joining in the commercial undertakings of the world, would be both the donor and recipient of abundant wealth, and a source of untold benefit to mankind. Until, however, by some such means that country is stimulated to spring from the helpless state in which she lies, we must expect much more moderate results than we have imagined, and must be satisfied to endeavour to make the best of our present position.

We are fully aware that what we have said as to the overcrowding of the territory of China, and the limit of produc-

tion there having been already reached, may be apparently opposed to the statements that in China large tracts of territory are but sparsely peopled, and but partially cultivated. No doubt this is the case; but, in the first place, we are strongly inclined to think generally—and whenever it takes place in the midst of high cultivation we are convinced—that these are but unproductive lands in the present state of Chinese agriculture and commerce, and that they will remain so until commerce either excites the intelligence of the people to the pursuit of science, or calls for some produce which such lands are capable of yielding. It is simply absurd to say that a man will lay out a natural superficial acre of site (if there be such a measurement) by immense manual labour into two artificial superficial acres of terraces, irrigated by the most ingenious yet laborious methods (as every traveller in China sees done every day in hilly provinces), or that the pathways between fields should be (as is uniformly the case even in level countries) a mere hand-breadth, if the inhabitants had productive lands at their disposal which would obviate these inconveniences. Besides, if there be certain remote districts which remain scarcely fully cultivated though productive, no nation has more reason than we have to know, that such exceptional cases are not at all inconsistent with the utmost exaction of resources, the densest population and the most embarrassed state of society resulting therefrom. We have only to look to the fertile wastes of Ireland, and the straits of our agricultural population in many parts of England, to know that from tradition, from political, local or, not to embarrass ourselves with irrelevant matter, inexplicable causes, such anomalies may well exist.

Such being the state of China, it is manifest that we are peculiarly interested in her prosperity, the basis on which alone our own commerce with that country can be firmly founded. It was and is especially our interest to cherish with a tender and at the same time a firm hand our political and commercial relations, to open up as extended an intercourse as possible between all classes of both countries, and to use every possible effort to allay all prejudices and to inspire respect and confidence. And then we certainly might hope that this curious people would in the course of time be

embraced within the fraternity of nations, from which it has so long excluded itself. Perhaps we may find that our course has in many respects been widely different from this.

Having now considered those circumstances connected with the internal and domestic state of China which in our view placed, and still place, special impediments in the way of extending its commerce with foreign countries, we have now to consider whether we have in fact used our position in China to the best advantage and harvested our mercantile opportunities with a wise and far-seeing policy. This consideration will, we fear, not be productive of any great self-satisfaction, although a little further inquiry will show us that in so far as our failures are attributable to our faults and the jealousies and suspicions raised by them, our position is yet retrievable and our prospects hopeful. One element however, and one too potential in Anglo-Chinese politics, is not strictly chargeable to our Government, but has grown up in spite, or at all events independently, of it. We refer to the opium trade, which has worked very pernicious results to us, by arousing the prejudice and suspicion of a large portion of the intelligence and virtue of the empire, although nothing can be more absurd than the charges made against Government on account of this trade by many *anti-English*, rather than *opposition* speakers in the late debates. It is far too late at this time of day to impose on Governments the duty of attempting to restrain commerce in articles of this nature. At all events, if the Chinese openly connive at the trade, it is not for the British Government to enforce for them their own laws.

This traffic is perhaps the most singular development of the spirit of commerce which has ever been displayed. Its subject so valuable, so injurious, so marvellously fascinating; its prohibition in the only country where it has become the bane of the people; its extent, and the peculiar circumstances under which it is carried on in China—all these mark it as *sui generis*. Now the fact is, that it is by opium that we are known in China, and by opium and war alone. All knowledge of us in respect of other matters is confined to three or four points; and even there, except as tea consumers, it is as meagre as can well be conceived. But all over China, our name is notorious, and brought home to every inhabitant of

that vast empire as the purveyors of this noxious commodity. Accordingly we can hardly be surprised if, in those parts of China in which nothing is known of us except that we defeated them in arms and supplied them with opium, we are not looked upon with a very favourable eye.

The extent of the degradation which the use of opium entails will be apparent from the fact that, not in exceptionally brutal cases, but in very numerous and regularly recurring instances, opium smokers after running through all their property and becoming bankrupt in means and in reputation scruple not to secure a prolonged term of enjoyment (for we have heard one confess that "without opium life is nothing") by selling their sons and daughters as slaves and prostitutes, their wives as slaves or concubines, and horrible to relate, themselves as substitutes for condemned criminals even about to suffer capital punishment! The extent of the vice has probably been much exaggerated by well-meaning philanthropists and sinister politicians. Still though its effects may not approach those arising in our own country from drunkenness, they do undoubtedly amount to a very serious national evil.

Particular circumstances exist in China moreover which, under the prohibition of opium smoking and of its importation, cause several very serious indirect results to flow from its introduction and use. In the first place, as that drug is absolutely prohibited, the effect of so profitable a contraband trade has been to introduce or, at least, immensely to extend corruption in all the custom-houses of the empire. The extent to which the Chinese officials are venal is perhaps unequalled in the annals of nations. It is not merely that customs' coolies are open to the influence of money, otherwise we might be referred to our own landing-waiters; but the superintendants and comptrollers, the intendants, admirals and governors, are all to be bought. The ordinary mandarins commanding forts squadrons and revenue stations constantly permit the trade, levying in many cases a fixed and regular *black mail* for their own advantage. So systematic is this arrangement that a subscription is sometimes paid *per annum*, and so avowedly is it carried out that if a smuggling boat by any accident cannot be procured, or if it be convenient for any other reason to employ such, a *mandarin guard*

boat may be hired for the purpose of fetching a *chop* of drug up from the opium station !

Those who are familiar with Chinese affairs are well aware that the official corruption and misconduct entailed by the opium trade are not confined to the marine and custom-house. Its influence is much more wide-spread, though it seems unnecessary here to show the modes in which it has its operation.

Although the officers, both fiscal and superintendant, and military and naval, are indeed as corrupt and venal as we have represented, yet the supreme government is sincerely and with good reason anxious to root out the use of opium; and were the contrabandists to carry on their commerce unmolested, a reform would speedily be attempted, and the profits both of smugglers and mandarins would come to an end. Accordingly, at intervals a seizure is made, and the natural consequence is that a fleet of boats, fitted out most carefully not only for resistance but to overawe, has been called into existence. On the Canton river especially the fleet of smuggling boats engaged in landing the forbidden drug, from the opium anchorage at Cum-sing-moon is one of terrible power. The long low craft of which this fleet consists are built to carry 200 or 300 chests of opium if need be, to sail like the wind, to row (according to the Chinese simile—not very intelligible) like a *dragon*, and to fight in all waters and weathers. To facilitate escape by sweeps in calms and foul winds, and to defend themselves *at least* when brought to bay, they are manned with large crews of from 50 to 100 of the most daring ruffians, armed to the teeth and beyond the pale of law. Constantly in defiance of the government, incurring the risk of violent death and possessed of the power which they wield, it may be supposed that the gentlemen of the “fast crabs” and “scrambling dragons” (as these smuggling boats are styled) are not over-scrupulous as to their occupation; and when smuggling is slack (and even while engaged in their comparatively lawful occupation), they are prepared for a little pirating. No prize is so valuable as an opium schooner—often half full of specie; and our readers may possibly remember some of the tragedies which have occurred to that

class of vessels, such as the horrid affair of the "Omega" and "Caroline" in Chimmo Bay, in 1847. Our clippers are, indeed, usually too well armed and too constantly on the *qui vive* to fall easy victims to their parasites, yet every now and then a piracy (though not of so bloody and tragic a nature as that of Chimmo) is effected upon one of them. Although the Chinese opium smugglers and professional pirates are not so bloody as the Malays, yet they are cautious enough to murder all whom they cannot trust; and our countrymen, when their resistance has been unsuccessful, always fall (as professedly the most formidable enemies of that species of crime) by the hands of their *ci-devant* agents.

We have nothing to do in this place with our domestic mismanagement of Hong Kong, and we are not going to recur to the often discussed question of its value and fitness for a commercial port, for which it never was intended at all by the parties who obtained its cession. Speaking, however, with reference to the treaty of Nankin, it seems matter of regret that, when the empire of China was at our mercy upon very sufficient cause, we allowed it to shut itself up again from the world, churlish, self-contained, and solitary, and to confine us to five points upon its coast. Wherever a foot is withdrawn the Chinese will follow it up, and that so hastily, that one or two more steps must be taken backwards before a firm foothold can be again obtained; but a bold and steadfast front they cannot and will not face. At the five ports this character has since the treaty been constantly exhibited. It is all very well to assume, for purposes of debate, that Chinese officers are dignified, rational, moderate and reliable. But all who have had any personal experience of them have in all times found them childishly vain and petulant, stupidly blind and obstinate (notwithstanding all their diplomatic subtlety), tyrannical and truculent, lying and corrupt. There have been superior men occasionally in correspondence with us—Eleepoo, Keying, Hwang—but even of these our statement is hardly exaggerated; while as to the *ignobilis turba* of Chinese officers no words can sufficiently express their baseness and corruption. The combined insolence and cowardice of their domineering character has often been displayed in the most ludicrous manner. Perhaps two or

three of these instances will show the extent to which this national weakness is carried.

The late Mr. Tradescant Lay (who was thoroughly conversant with the Chinese character) shortly after the war found that the governor at Foo-chow-foo (where Mr. Lay was consul) refused to allow him a consulate within the city walls, or even to permit Englishmen to enter the gates; and upon receiving an unsatisfactory answer to his demand for an immediate and full recognition of our rights, Mr. Lay, in his own sedan-chair, with no companion but a consul's "knitting needle" at his side, stormed the city, forced his way through the guards at the gate, and with his own hands hoisted an English flag on one of the "joss poles" in front of the principal building (a temple) of the most commanding site in the city. This temple was immediately and quietly evacuated, and we believe continued for some time to be the British consulate, and may be so to this day.

The late governor of Macao, Senhor Amaral, who was a man of very singular energy and determination, finding upon his arrival in that colony in 1846 that it was languishing in the most unhappy state, impoverished and at the mercy of the Chinese, determined to attempt its immediate improvement, and commenced by levying a tax upon licensing boats belonging to Macao, a measure much called for. In consequence of this, some hundreds of boatmen one morning collected from all the villages in the neighbourhood, landed at Macao with a field-piece, matchlocks, and gingalls, and immediately made their way to government-house. That post was gallantly defended, but the assailants were not dispersed without the loss of several lives. The Chinese governor of the adjacent district had the insolence to demand from Senhor Amaral life for life; but on his doing so he was treated by the indignant Portuguese (much to his astonishment) in the most cavalier style. The Senhor asserted the independence of his nation, assured the mandarin that he was only allowed to remain there for the protection of the Chinese revenue, as a Spanish officer might remain in Gibraltar, and to guard against the escape of criminals, refused to hear any of the time-serving plausibilities of the Chinaman,

and ordered him (indeed at the time it was reported violently impelled him) into the court-yard!

It may be said with truth that these proceedings were somewhat childish and undignified, but the answer is that the Chinese government often acts in so childish and unworthy a manner, that we *must* treat it with unwonted freedom. However that may be, in each of these cases the point at issue was effectually and permanently gained, and if such exhibitions be not advisable or even fully excusable, these events yet affirm the principle upon which they were grounded (that of not submitting the exercise of legal authority to be *called in question*, and not allowing ourselves to be duped by excuses of time, convenience, and other such subterfuges) as the wisest and most effective, as well as the most becoming *rule* of action, which may be carried out in as dignified a manner as the temper or judgment of the actors may approve. No doubt we were quite right (or, at least, perfectly excusable) in giving to a great empire of which we knew little credit for being governed by statesmanship as upright and dignified as we knew it to be ingenious. But we have now acted on this principle long enough, and our experience has taught us that it is necessary to assume a measure of inflexibility, even upon trifling subjects, which might have been styled obstinacy or even puerility but for these lessons.

Upon these principles, and in this manner, Mr. Alcock, our consul at Shanghai, acted some years ago, when some English missionaries were attacked and mobbed in the neighbourhood of that city. Such an outrage was unknown in that district, and accordingly the consul was especially anxious not to allow its perpetration with impunity. The Taou-tae of the city endeavoured, *à la Chinoise*, to propitiate Mr. Alcock and evade his demands by polite letters and mouth promises, desiring time, imploring patience, &c., but the latter was (as Mr. Parkes has shown himself to be) too well versed in Chinese duplicity and diplomacy and of too firm a disposition to allow the matter to blow over in that fashion; and, upon continued delay, he ordered the single English vessel of war which was at the time lying off Shanghai to blockade the river forthwith; he sent over to Ning-po requesting the assistance of the sloop of war which was lying there, and wrote to

Hong Kong for assistance. The Taou-tae holding out, upon the accidental arrival of a brig of war Mr. Alcock ordered it to proceed up the Yang-tsze-kiang to Nankin, the provincial capital. This order was cleverly carried out, and the provincial governor, alarmed at such unwonted energy, terrified at finding a barbarian ship of war in the "inner waters," acceded without hesitation to the demands of the British agents, and not only secured and punished the offenders, but recalled and degraded the officer who, as Taou-tae of Shanghae, had withstood us. It may happen, indeed, that energetic proceedings such as these, tardily adopted, will produce disputes such as that occasioned by the late assassination of Senhor Amaral at Macao, whose life was most valuable not alone to Portuguese interests in China but to those of commerce generally, or the existing disturbances at Canton. Such events, however, are in justice attributable to the tardy application of the remedy, and not to the remedy itself.

The consideration of these Celestial characteristics can hardly fail to convince us that our simple and only politic rule of ordinary intercourse with that empire is—never to ask what we have not a clearly undeniable right to have; but, on the other hand, never to yield an *iota*, however minute, which we have once demanded. On how diametrically opposite a principle to this, and with what widely different results from those which were obtained by the expedition to Nankin, our authorities in China have usually proceeded, must be familiar to all who have watched their conduct. Constant irritation has festered anew every half-healed sore on the Canton river, and the insecurity of British life and property in that part of China appears to have been for some time on the increase. We have already given the clue to this entanglement, but we shall direct attention more particularly to one or two especial instances of our bungling mismanagement at Canton. It should be remembered that the aspect of our affairs at that city governs that of the relations between the Imperial Government. Canton occupies the second place in the empire; it is the capital of two very important provinces; the Commissioner appointed to communicate with foreign nations resides there; the "Imperial Commissioner and Governor-General of the two Kwang" is usually for the time possessed of the "king's ear," and it is through

that channel alone that our negotiations have been conducted since the peace. Calmness and prosperity at the other ports go for nothing at Peking. If noticed, they are accounted for either by reporting that at so great a distance from Hong Kong we are quite too submissive to cause any disturbance, or that there are so few barbarians there, and that they carry on so small a trade, that they are too insignificant to be annoyed. But, on the other hand, disturbance at any of the northern ports aggravates extremely the ill-feeling which is provoked by our vacillation.

The population of the southern capital, again, is one particularly turbulent and excitable, and their ancient prejudices against us have been anything but allayed by late events there. Our remarks as to the presuming and at the same time weak character of the Chinese are especially applicable to the citizens of Canton town—all their turbulence they are ever ready to let loose upon a flying foe, but they shrink before a steadfast opponent. Sir John Davis (than whom no man has had more experience of the Chinese) has admitted the effect upon the imperial relations which has been produced by the rabble of Canton, who have, in fact, been the arbiters of our mutual position for some years. In his last work on the subject,* he says, "It was a most unfortunate circumstance for Keying that Canton should have been selected for his place of residence and negotiation. It was the only one of the ports where so relentless a degree of hostility prevailed against foreigners, and where, consequently, he himself was most unpopular. To aggravate all this, the periodical payments of the indemnity at Canton acted like the repeated application of a blister, keeping up the sore, but without any abatement of internal inflammation, by what the doctors call counter-irritation." At this city, however, where the most unflinching firmness was called for, our conduct has been eminently vacillating and indecisive. How incessant and gross were the insults which we brooked for ages, until war at last seemed about to avenge them! And when retribution appeared at hand, we, in our short-sightedness, conceived that, because the war could be more speedily brought

* "China During the War and Since the Peace," vol. ii., p. 113.

to a close by invading the northern provinces, where we had had no transactions and suffered no injuries, than by the more natural proceeding of making ourselves felt at Canton, *therefore* peace would be more effectually secured by that course; whereas the fact is, that the Chinese authorities are so ready to violate treaties if they can do so under any excuse, however flimsy, that our first duty was to remove from them the pretence which they have since adopted—and which ordinary foresight should have discovered to those who knew their character would be adopted unless the populace at Canton were terrified into order by the experience of our real power and of our determination to use it—viz., that that populace was too ungovernable to be set at defiance by the Government acting up to the terms of the treaty.

Instead of such a course, the delusion which the Cantonese entertain as to our force and policy has been industriously confirmed; as, for instance, by our defeat at Canton in 1841, for in that light the Chinese consider the following affair. When Lord Gough in that year had taken up his position on the heights commanding that city his troops suffered so considerably in detail from the harassing attacks of the “village braves,” that their character was to be retrieved there only by action. Yet a ransom was accepted for the only offending city of the empire, and our forces withdrawn to desolate innocent and distant provinces. The effect of this was foreseen by all those who were acquainted with the Canton people. That people, indeed, never heard of the ransom which was paid, and even to those from whom it could not be concealed, including the Central Government, it was represented as the payment of debts due by the Hong merchants, the whole of the sum being extorted from them. It is very difficult to persuade an inhabitant of this favoured city to draw a distinction between being forced away *vi et armis* and being so forced *ἀργυρέαις λόγχαισι*, by money being given to our plenipotentiary as a ransom; or, if at last convinced, he merely says, “No matter! Whether you were driven away by sycee and dollars, or by round shot and flights of arrows, the victory is the same; and it is often more convenient to a wealthy country to use the former than the latter means!”

At subsequent intervals, usually very short, acts of violence,

often fatal, committed by the rabble of Canton upon British subjects, have called for remonstrance and demands of satisfaction. The same answer is always ready. "We would if we could, but our people are very violent and turbulent; we cannot manage them; your people must be more cautious, and protect themselves!" And after long and flowery correspondence the affairs have from time to time died out during the course of some pretended investigation, the excitement caused by them having of course expired, and our diplomatic officers in the South of China having been fatigued into acquiescence.

The writer of these pages was himself one of the victims in the Fuhshan outrage in 1847, which led to the expedition against Canton undertaken in that year, and he had some opportunity of observing the effect upon the populace of the abortive demonstration which was made in order to obtain an adequate amend for that and other grievances, which at that time engaged the attention of our government. The proceedings adopted on that occasion by Sir J. Davis and General d'Aguilar were of precisely the same character as those adopted in the case of the Arrow by Sir J. Bowring and Admiral Seymour. There was, however, this material difference, that Keying, who then reigned in Canton, was a more artful and a far more able man than Yeh, and he played his cards so dexterously in pretending to meet the demands of Sir John, and was withal so obstinate in refusing compliance with them *modo et forma*, that when the Bogue forts had been taken, the river and the factories occupied and the Chinese driven from the suburbs, our leaders had not moral courage enough to insist on literal compliance with their demands and brave the censure of the home authorities. Keying had calculated on this, and he calculated rightly; and he triumphed completely in compelling Sir John to accept some farcical amends and pledges for the future which English and Chinese knew well, and which the event has shown, were not worth the paper on which they were written. That failure could not fail to impress them as well as their government with a sense of overbearing, faithless and impotent insolence on our part, and flush them with a sense of victory on their own. It was not inaptly caricatured by the Chinese in a *squib* which

covered the walls of Canton for weeks afterwards, purporting to represent the "red-haired devil" (John Bull) of the most portentous countenance and stentorian mouth, but with a ridiculously disproportionate body, and yet more diminutive arms, his hands being but *rudimentary*; and this impotent and frantic bawler was freely accepted by the Cantonese as a faithful symbol of Great Britain. The ill effects of such abortive efforts on the self-complaisant and gratulatory Chinese mind, we are convinced, can hardly be over-rated; and how must they be fortified in their notion of our tyrannical cowardice, when they hear of those very officers whom in China they *wheedle* and fancy they frighten out of half their *points*, hectoring and fuming over their impotent neighbours of Loo Choo and Japan! These things lead them to think us altogether such as they are; and so long as they entertain this idea, there can be no settled quiet, and no dignity in our position in China.

It is the consideration of this that actuated our authorities there to take up vigorously the case of the Arrow; and it occasioned the necessity, when that case was once taken up, of *insisting on the most precise compliance* with our demands at all hazards, let it involve what it might to do so. Had the same course been taken at Canton ten years ago, it would have been all the better for both English and Chinese, and would have placed us in the same satisfactory and cordial relation there as at the other ports. The truth is, that the existence of any spontaneous ill-feeling on the part of the Canton people is entirely a fiction of their rulers. Those rulers have a conviction that we are to be bamboozled and insulted at Canton because we *dare not* maintain our rights—they pride themselves on this, it has become an official tradition, its maintenance is a point of official honour. At the same time, they know well the conveniences of evasion, and consequently always arm themselves, in defence to our complaints of our treatment at Canton, with this alleged ill-feeling of the populace. The ill-feeling which does exist is carefully instilled and fostered amongst the myriads of Canton vagabonds by a regular organization, with the full sanction of the local government. Individually, all the reputable classes

treat us with friendship, but all the street population are taught from infancy to hate and despise us. As soon as they can shout at all they shout after us in the streets: "Ah-h-h red-haired foreign devil—base foreign devil—cut off his head—tear out the bowels of that foreign devil!" As soon as they can throw a stone they are taught to make use of any convenient missile against the "red-haired devils." Even the intelligent classes, who trust and like us, believe that we are afraid of the Canton mob. Yet all this feeling is, beyond a doubt, first begot and fostered by the government before it is invoked by them. A volume might easily be filled with details of the shortsighted weakness and folly of our own administration there, and of the subtle ingenuity and falseness of the Chinese Governors and Commissioners. But it would be a discreditable volume. Mr. Parkes and Sir John Bowring deserve the hearty thanks of all who consider the fame and prosperity of England worth preserving, for their firm, courageous conduct in the matter of the Arrow; and unless the old vacillation and temporizing weakness once more come over our administration in China, this may prove the opening of a new era in the history of that country and her relations with Europe, an era far more bright both for her and for us than any which it or we in our relations with it have hitherto known.

After this glance at our proceedings in China we may see that we have been far from doing all we could to allay prejudices, to promote confidence, to extend commerce, and to command respect; and consequently the state of our commerce with that country is far from satisfactory, and still further from being promising. Enough has been said to show that the existing prejudices of the Chinese people are not entirely destitute of cause; and if we have not ourselves to blame for their origin, we have, in great measure, for their continuance and extension. We have rather sought any other solution of our troubles, but it is now time to remedy this. Yet, while we "forsake that excellent foppery of the world that, when we are sick in fortune, often the surfeits of our own behaviour, we make guilty of our disasters the sun, the moon, and the stars," it would be a still greater weakness and folly to accuse

ourselves of crimes and faults of which we are innocent, or to attribute to the Chinese virtues and merits, such as their flatterers in Parliament attribute to them.

We may observe in passing upon the increase of our trade with China to be anticipated from a reduction of the tea duties as far as possible. While the increase of that trade will not compensate us for any serious derangement of our own finances, it is quite worthy of consideration whether even in the actual state of our relations with China, a material reduction of the price of low teas might not so extend the consumption as to maintain the revenue in that mode which has so often and remarkably been exemplified in the course of the last twenty years. We have in the history of the trade in this very article salient instances of the effect naturally consequent upon such a measure, in the results of the alterations of the tea duties in 1745 and 1784. Prior to the former of these years the impost upon tea was of a compound character. An excise duty was levied of four shillings per pound, and an *ad valorem* customs duty of four per cent. In that year, however, a modification of this arrangement took place, and tea was then charged with an excise duty of 1s. per pound, and a customs-duty of twenty-five per cent. The average current importation of tea for the five years preceding 1745 was 768,520 lbs.; whereas in the five years subsequent to that year the annual amount of imports rose on the average to 2,360,000 lbs.

Again, in the year 1784 a great reduction in the tea duties was effected. That commodity was then for the future charged to the customs with an *ad valorem* duty of $12\frac{1}{2}$ per cent only, in lieu of the then existing duty of 119 per cent! The result of this measure in one direction was a general abandonment of an almost universal system of adulteration, and, in another, the fourfold increase of the quantity imported within ten years.

Notwithstanding what has been urged by us as to the folly of expecting the supply of Chinese produce to be unlimited, there is no reason to doubt that, even without looking to the ultimate effects of a great extension of Chinese commerce which we have endeavoured to point out, the supply of tea at

once obtainable is adequate to answer a considerable extension of consumption. A sufficient evidence of this is to be found in the fact, that the quantity imported in the year 1854 rose to the immense total of 83,301,350 lbs. against 68,639,727 lbs. imported in 1853. Every additional importation of grain and of cotton, whether raw or manufactured, from our Indian possessions into China, will tend to extend the area applicable in China to the cultivation of tea. In so far as this increase in the means of production is not realised, the increased demand will naturally tend to raise the price of tea temporarily, and therefore to devote the existing tea plantations to the better class of plain teas, which form the staple export to foreign countries, and which realise a much more considerable profit than the coarse tea which forms the staple of home consumption. The Chinese populace will have recourse for their beverage to the "brick tea," which is at present used by the Tartars in great quantities, to other classes of teas lower than are at present produced, and to redried or second-hand teas.

With regard to our future proceedings in China, the first object is the settlement of the Canton dispute. It will be vain to look for any substantial improvements in our relations with China (assuming that our diplomatic intercourse is to take place at Canton) if, in the settlement of that dispute, one single item of our demands, however unimportant, is abandoned from motives of generosity or of humanity. Such motives will be found utterly misplaced, and their indulgence will only lead to further broils and future disturbances, involving national war and terrible bloodshed. It is quite needless for Englishmen to disclaim to Englishmen any absurd designs of territorial or political aggrandisement. We know that the idea is a fiction; and, with regard to China, one great object of our policy ought to be to avoid the possibility of being forced to set foot on her territory by way of occupation. Undesirable as it is for the world that her territory should be encroached on by any Western power, ruinous would it be for England to commence such encroachment. It is therefore of vital importance to us to place our relations on such a footing of stability and confidence as to preclude, as far as possible, such disputes as in the East are apt to lead to hostilities and, as a consequence, (flowing more

from a desire to avoid bloodshed perhaps than from any other immediate cause) to permanent occupation. Absolute freedom from all old restraints (which mean really insult and assumption on the part of China) must be secured at Canton—freedom to enter the city, freedom to trade with whom and to live and wander where we please. If this is not done, and unless our countrymen there are sufficiently protected against the insults of the populace, all is vain, and the future will see us engaged in continually recurring Chinese disputes.

Lord Elgin will, however, have a much wider field before him than this. He must so adjust our relations as to give us the utmost security for permanent peace, and the utmost commercial facilities practicable. Now if these objects are carried out by him with a firm hand and a wise forethought, the Canton question and Canton itself will, though still important, sink into comparative insignificance to us. We have had experience enough within the last century of the great oriental powers to enlighten our plenipotentiary as to the difficulties which he must meet and overcome in his important mission—difficulties essentially diplomatic, arising in the first place from sources which are in Europe comparatively insignificant, viz., those considerations of etiquette which have been often found in the East to be of very prime importance, and which are nowhere of more gravity (absurd as it may seem to us so to use the term) than in China; and in the second place, from false ideas as to, or ignorance of, those with whom we have to deal. To overcome these difficulties Lord Elgin must indeed use vigorously his own powers, but he must use them with the aid of those who can see, and act, and feel with the intuition of long experience and intimate knowledge. If he will go to Peking as he would go to Washington, and act according to the optimistic affectations of Lord John Russell and Messrs. Cobden and Gladstone, he will fail utterly, more than did Lord Amherst, as completely as did Lord Macartney. If he will use the means that the country has at its disposal, the knowledge of men of acute observation and intimate acquaintance with the Chinese, the national force when necessary, his own best judgment and political foresight on all occasions; if he will act with a bold heart and speak with a firm voice, he may

“be just and fear not,” and yet secure most important and lasting advantages to his country, to China, and indeed to the whole world.

We have expressed in two general terms the chief objects to be attained by Lord Elgin’s mission. And each of these objects—a lasting and cordial peace, and increased commercial facilities—is mainly involved in a simple general principle. As the basis of permanent, stable, cordial, peaceful relations and, consequently, of our future prosperity in China, *direct diplomatic intercourse with Peking* must be placed. That the race of Chinese statesmen and diplomatists, perhaps not less astute than any of their tribe, are particularly distinguished for the most singular depravity in the matter of veracity, for the most daring flights of imagination and the most incredible schemes of deception, those who have given any attention to Chinese affairs have long been aware. Sir John Davis, however, has in the work already referred to thrown a new and more certain light upon these circumstances. He has shown, in a curious manner, how utterly in the dark the head of the Government is kept as to the true colour of events, until he can no longer be blinded; and he has shown us a cause for this which must inevitably work such a consequence. Nothing can be more comically capricious and tragically absurd than the fashion in which the highest Ministers of State are treated by his Celestial Majesty. The mode in which they conducted their communications with Peking throughout the war is all but incredible—the barefaced falsehood, the ridiculous bravado, the servile adulation, are equalled only one by another. And the very sufficient cause for all this is, that want of success appears at Peking to be a crime, that even dangers may not be pointed out but at the risk of degradation and banishment.

A general suffers a defeat and, no matter how gallant his conduct, how impracticable his position, he must either deceive the emperor or (unless he observes the Chinese punctilio by committing suicide) await such an edict as that which was launched against Keshen, one of the ablest of Chinese statesmen, because he dared to propose making terms with *the barbarians*. Sir John Davis has given us a translation of this edict (vol. i. p. 40), and in it occurs the following pas-

sage :—“ And yet he dares to ask such favours for the English rebels, and moreover descants on the wretched condition of Canton to induce us to agree to the proposal. How great is the presumption and shamelessness of Keshen! Let him be degraded *and placed in chains*, and brought to the capital under convoy; and let his property be absolutely confiscated.” This edict, indeed, was but the precursor of a sentence of death, and of a long and cruel imprisonment. So utter was this degradation, that the great Keshen, whose confiscated property amounted, we are told by Sir John Davis, to several millions of personalty, besides 500,000 acres of land, could scarce procure a few copper coins to feed himself in prison! Another remarkable instance is given of this despotic cruelty in the case of Elepoo, who was governor of the province in which Chusan was situated when that island was first occupied by our troops :—

“ Suddenly there appeared an order for him to appear at Peking, there to answer with Keshen for not having exterminated the English. He himself and all his adherents and *employés* had to kneel for three days at the palace gates (rather a protracted levee) before they could obtain a hearing, and then the sentence of their condemnation was pronounced. The old Elepoo, a hoary head of seventy-five, who had been for many years governor of several provinces, was to be sent as a common convict to the river Amoor, on the frontier of Siberia, where they either track boats or are given as slaves to the hunters of fur animals. Such was to be the reward of his public services; and if he escaped this fate it was solely owing to the uninterrupted success of the British forces, which demonstrated the value of his earliest advice, and led to its adoption in the end.” (Vol. i. p. 73.)

Now this state of things, and the notorious, the invincible treachery and bad faith of the Chinese, appear to render it essential to any considerable amelioration of our condition in China, that Peking be made the seat of negotiations, though not necessarily the residence of the British plenipotentiary. There can be no doubt that the institution of such diplomatic relations would be vehemently opposed, and would require to be carried out with the firmest hand. The existing state of things cannot continue, and the most desirable event is that the Chinese empire, before it is further weakened, should be opened absolutely and freely to intercourse with the world. While such absurd puerilities as an autograph letter, conveyed by a war steamer and handed to a mandarin, who

would probably devote it to any other purpose than that for which he received it, cannot fail to be injurious, a becoming, dignified embassy, even proceeding without the sanction of treaty, could not fail to be received not, as formerly, as delegate of an island monarch asserting an unknown dominion, but as representative of a member, far from the least important, of the society of nations, having well proved its title to such a position. We are not, however, left to proceed independently of treaty, for it is specially provided by the existing treaty that Her Britannic Majesty's chief officer in China shall conduct his correspondence "in the capital and out of the capital, without distinction."

Sir John Davis has expressed his opinion in favour of diplomatic intercourse with Peking, and all who are at all conversant with Chinese affairs are agreed as to the importance of this intercourse being secured in some mode or other. But this proposition is assailed vigorously by many of a certain class of politicians—such wise men, for instance, as object to the employment of diplomatic agents at all. Such opponents are not deserving of any notice; but grave and considerate men have felt, no doubt, hesitation if not incredulity as to the advantage of a permanent mission to Peking outweighing the opposing difficulties. Now practical difficulties in the way of diplomatic intercourse with the Chinese there are, doubtless—there always have been, there always will be such; but those difficulties will be very much diminished when that intercourse is conducted at or *with* Peking. The only practical difficulties in the way of such direct intercourse have been, that to seek for it would disturb the *status quo*, and to obtain it would require firmness and address; and again, that the mission itself would occasion a very great expense indeed, and might possibly lead to political embroilment with China.

Now, however, the *status quo ante bellum* is disturbed, and we are engaged in at least a *quasi* war with China. We *must* re-settle our affairs there, and there is therefore no objection to our *seeking* what we want. Moreover, before those affairs are in a position to be permanently and satisfactorily settled, the country may rely on it that the Emperor of China will be very ready to accede to whatever we may require; so that we need not entertain a doubt of our demand as to this

point being yielded to, unless Lord Elgin's mission is to be a failure and a job. As to the objections to the permanent mission itself, of course in theory the advantage to be derived from it would outweigh a very large expenditure indeed. In practice, such an expenditure must, if possible, be avoided; nor is it necessary in this case for, though an ambassador or minister resident at Peking itself would no doubt require very large allowances, it is by no means essential that the minister should reside at Peking, or that his duties should be confined to those of his mission to that Court.

The office of our plenipotentiary to China is already one of much importance, dignity, and value. It is vested in the person who is our "Superintendent of Trade" in that country, our Governor in Hong Kong, and our Commander-in-Chief there. The office of British consul in China is much more important than in other countries, as, owing to the British *imperium* in the Chinese *imperio* established by treaty and act of Parliament, they have extensive authority over British subjects resident there; and all the consuls are under the supervision of the "Superintendent of Trade." If, therefore, the seat of diplomatic communication were Peking and not Canton, there is no reason why Hong Kong should be the constant residence of our plenipotentiary. He might divide his time between Hong Kong (assuming that he should still continue Governor of that island) and Shanghai or Tien-tsing. Both these ports are most important places, and at either of them might the plenipotentiary's ordinary residence be fixed. The former is rapidly becoming the centre of English trade in China. The latter is the port of Peking; and though not at present open to foreign trade, there can be no doubt that our merchants would establish themselves there were it so open. Of course, a *chargé d'affaires*, with a proper establishment, would be required at Peking itself, but as the Pei-ho is navigable from Peking to the sea, and as not only is there always present in the China seas a large fleet, comprising several steamers of light draught, but as the internal communication of the country is most complete, it would seem that a plenipotentiary of character, rank, and influence might in the way suggested accomplish with satisfaction and success, as well the super-

intendence of our colonial and commercial interests at Hong Kong and the ports, as of our international interests at Peking.

In whatever mode, however, our diplomatic intercourse with China may be carried on, the objects to be kept in view in order to extend our commerce seem to be mainly the following :—1st, the remission (so far at least as they are inconsistent with the spirit of the treaties) of the transit and export duties on tea; 2ndly, the legalisation of the opium traffic; and 3rdly, and chief of all, the absolute freedom of intercourse with every part of China.

The legalisation of the importation of opium would be productive of a very considerable benefit to us by allaying those prejudices which exist against the purveyors of that drug, and mitigating its evil results in China. No doubt it would be still just as poisonous a drug, the habit of smoking it would be not one whit the less vicious; but whilst its use would not be at all likely to extend in consequence of its importation being permitted, all those innumerable evils which result, as we have seen, from the prohibition of the traffic would be removed. When we anticipate the non-extension of the use of opium, it is because we bear in mind the frequently exemplified fact, that prohibitions of this nature appear to lead directly to their own violation. They draw attention so much to the forbidden luxury; they invest it with such a special charm to the weaker, more excitable, and more perverse classes of minds, which taken together always form a very considerable part of a community, that numerous instances occur in history in which prohibition has actually fostered the thing forbidden. And we further assume that the Chinese government would, in the case we anticipate, impose a custom duty nearly equal to the cost of smuggling. Although opium smoking is at present strictly forbidden by law, that law is inoperative, and Keying, in the year 1844, openly proposed to Sir John Davis the recognition of that connivance (but only *as connivance*), with which the traffic in opium was conducted. It can hardly therefore be doubted that the Celestial politicians would yield the point if it were judiciously and forcibly urged. In fact, this course has been suggested by some of the Emperor's ministers; but it will probably be found that, unless the English nation supports the Chinese Government in adopting it, the

latter will hardly venture to sweep away the enormous gains of the officials who are interested in the smuggling trade, supported as they will be by the old Chinese party and the Chinese total abstinence society.

The grand aim of all our efforts should, however, be the complete removal of every legal restriction upon intercourse with any part of the *middle country*. No doubt, even were this done, the seats of our commerce might still remain at Canton, Amoy, and Shanghae, with the addition of Tientsing; but although this would perhaps be so, there can be equally little doubt but that quite a sufficient number of that class of English traders who are so common in remote parts of other Oriental countries would be found to saturate the most important districts of the empire with European produce. It is as important indeed for us to have access to the Chinese markets and manufactures as it is to enable them to receive our goods—instance the immense increase in our trade in silk, attributable to a great extent to our settlement at Shanghae, which abuts on the silk district.

These measures appear to go to the root of the matter, and to be of infinitely greater importance than any reduction of import duties, the effect of which whilst our international relations continue unchanged is only somewhat narrowly limited or entirely problematical. The fact is, as has been before stated, that in order to develop the resources of China a great stimulus must be applied; and nothing perhaps short of such an impetus as would be given by throwing open the whole empire, so that its marts may be free to our own enterprise, new tastes may be developed, and mechanical knowledge may be acquired, is adequate to that end. China is a rich country, but it must supply its teeming millions with grain, it must clothe them with cotton and silk; it is as great a delusion (as any one who has there observed the husbandman terracing off the mountain side and forcing the rill up the steep to cultivate his rice and cucumbers, must be satisfied) to imagine that, without our supplying their wants, they can supply ours to an unlimited extent, as it would be to suppose that we could support such a one-sided traffic.

If, however, we can obtain the means of carrying to the knowledge of the inhabitants, not of five ports, but of all the

great marts of China, the merits of our own staple manufactures, and if we supply them with the raw cotton and the wool of our own Indian and Australian growth, we surely are entitled, without even considering the less staple articles of our importation into that country, or the subtle questions of agriculture or manufacturing improvements and intellectual excitement, to expect not only an immediate and considerable increase in the supply and diminution in the price of teas, but also a still extending demand for our various products. And, looking forward a little further, and indulging in hopes less measured certainly,—perhaps not less justifiable,—may we not imagine the remarkable country of which we write displaying the iron road, the snorting engine, the busy wheel, improved civilisation, and the renovated energy and combined enterprise of a mighty nation; stimulating the industry of all countries with a prodigious excitement; adding to and circulating the wealth of the world to the advantage of other nations; and extending, in no common measure, peace on earth and goodwill among men?

It lies with Great Britain to initiate a new era in the relations with Europe—probably indirectly to determine the prosperity or the decay, the quietude or anarchy, the entire condition of this most vast realm of China, of a great proportion, in truth, of the whole Asiatic continent. On us the duty *is*. It cannot be shaken off, and it is one with which our own interests are intimately allied. If our government give to their ambassador instructions to secure direct diplomatic intercourse with the emperor's own court and unrestrained commercial intercourse with the Chinese people, the burden will then fall on that ambassador. But, if these objects be not obtained, either the government or their minister will most assuredly have to answer for consequences of the utmost gravity, and will not have deserved well of their countrymen or of posterity,

