





## CHINESE REPOSITORY.

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ART. I. *The new year; posture of public affairs; prospects and probable consequences of war between the governments of China and Great Britain.*

FROM the past, a brief retrospect of which closed our last number, we now turn to the opening year — anxious to observe and to record, as they transpire, its yet future events. Twelve months ago no one anticipated the remarkable occurrences, which have here rendered memorable the year eighteen hundred and thirty-nine. The signs of the times, as all eyes could see, were not as they used to be; and all men were waiting to know what would come to pass. At the commencement of this new year, the posture of affairs is far more unusual than ever before; and the scene is far more complicated. The course of events has been from bad to worse, with a constantly accelerating progression. Instead of light, there has come darkness; instead of order, confusion. Past collisions and reverses seem evidently the precursors of others, more violent and more disastrous. Great interests, strong passions, and long-cherished principles are involved,—interests, passions, and principles, whose innumerable ramifications extend almost all over the world, closely interwoven with the deep and solid foundations of society; and they are drawing into contact two vast empires. Here then let us pause, and endeavor to sketch a distinct outline of public affairs as they now stand, at the opening of the year.

The first object that attracts the attention of the observer is British commerce — by the imperial commissioner and high provincial offi-

ers declared to be closed forever, excepting only with two vessels, the *Thomas Coutts* and *Royal Saxon*, now at Whampoa. The number of British vessels in the Chinese waters without the Bogue is probably between fifty and sixty, most of them having arrived with large cargoes for the regular and lawful trade, and are now rendezvoused at Tungkoo under the protection of her Britannic majesty ships, the *Volage* and *Hyacinth*. A very few British subjects are at Whampoa and Canton, others are in Macao, while the larger number are afloat at Tungkoo. All other foreign commerce remains as before — excepting the imposition of the new bonds, and the many inconveniencies occasioned by the interruption of the British trade.

In Canton no foreign flag now floats over the factories; and Mr Snow, we believe, is the only consul resident in the provincial city. Communications from captain Elliot continue to be received by the commissioner and governor — but only, as hitherto from him and all the foreign consuls and residents, in the form of petition. Some twelve or fifteen ships are at Whampoa, and some fifty and sixty foreigners in Canton.

On the coast the number of vessels engaged in the illegal traffic is probably as great now as at any former period, perhaps it is greater. The price of the drug, during the last six months has generally ranged from \$700 to \$1200 per chest. And, at the present time, it is said that very little opium remains in the market. Full crops of the Malwa and Patna and Benares were gathered in the last year. And from the Indian papers it appears that the Bengal government was about to make advances for another crop! The principal agents of this traffic are no longer resident in China; their vessels, both large and small, are so manned and armed as to be able to put all native craft at defiance. Moreover, not a few of the native smugglers are arming themselves with muskets and powder and ball, supplied to them by foreigners, in order to defend themselves against the officers of their own government. From the foreign vessels the native boats now take the drug in small parcels, and often under cover of night. And the traffic seems to be as vigorously prosecuted as ever, and with as much safety and profit. The position of the agency has been changed, but the extent of the business has suffered little or no abatement.

With regard to the use of opium, and the domestic traffic in it, there has probably been about as little change, as there has been in its production and the foreign traffic. Both without and within the empire there have been temporary suspensions and changes. Tens

of thousands of smokers, we doubt not, have reduced the quantity daily consumed; and probably thousands have abandoned its use altogether, in consequence of the late vigorous measures taken for its suppression. They and their friends rejoice at what has been done for them. They appear to themselves, and they feel, like persons saved from impending ruin. But the number of these reclaimed is no more, we fear, than one in a thousand, compared with those who persist in the use of the 'vile thing.'

The laws enacted for the suppression of the use and the traffic have indeed been 'awfully severe.' Upon what has been suffered by the foreign community, in the present crisis, it may be here remarked, that the innocent and the guilty have both had to suffer—and in some cases it may be the former have sustained greater losses than the latter. The same has doubtless been true with regard to the Chinese. And this indiscriminate suffering has been, and is, a grave subject of just complaint. The executors of the laws have declared their intention to distinguish between the parties, and they may have done what they could to fulfill their intention. Had they sought it, doubtless they might have secured the coöperation of the foreign consuls and British superintendents of trade in preserving the fiscal regulations of the empire, the same as is done in other countries; but this they did not. Of the local magistracy, several officers of low rank have been taken into custody, and are on trial for having aided the illegal traffic. On some of these it is supposed the extreme penalties of the law will be inflicted. Since March last, five native smugglers have suffered death by decapitation or strangulation; and others, it is said, have died in prison.

It is now generally believed by foreigners, as well as by the Chinese, that the supreme government of the empire ever has been, and is, sincere in its desire to suppress the evil. For a while the plan of subjecting the drug to a duty, and making its importation legal, seemed to prevail. But before moving far in this course, the emperor paused to take the sense of all the provincial governments, and all the high tribunals in his capital. The response everywhere was unanimous against such an introduction. And from what has since transpired we may suppose that the emperor in council resolved that, it were better to cut off all foreign commerce, than to suffer the introduction of opium and the exportation of silver. In this resolve, according to all the information we can obtain from the Chinese, the emperor has had the support of the popular voice, from one end of the empire to the other. And it has been said, by well-informed

men, that very few have been opposed to the late severe measures, excepting those persons who have been either engaged in the traffic or strongly addicted to the use of the drug. Never have we heard a Chinese attempt to justify either the smoking of opium or the trade in it. We have heard the opinion of thousands; and they have always disproved and condemned both the one and the other. Among foreigners we know of but few advocates for the use or the traffic. Many, even of those engaged in the trade, do not hesitate to declare that it is an evil — and a great evil. Indeed almost all persons, who know anything of its effects, pronounce it evil. When, on the 1st of August last, lord Ellenborough brought the subject before his compeers, in the British parliament, he said ‘he was not surprised at the desire of the Chinese to put an end to this trade, which *tends to destroy the health and morals* of their people.’ But how, and by whom, shall this be accomplished? Who will stop this traffic? The efforts hitherto made for this purpose have been not only ineffectual, but they have well nigh destroyed all the foreign trade with this country, and threaten to involve the nation in all the calamities of war.

Threaten, we say — because we see here involved those very interests and passions and principles, which in other times, and in other places, have led on to war. That there exists a disposition to make trial of strength, Kowlung, and Hongkong, and Chuenpe, are witnesses. An officer who has seen some service, and witnessed more than once the conduct of Chinese soldiers in action, has well remarked, that they are not to be altogether despised. In both our visits at Chunhow, in June and September last, the contingency of war was made a subject of conversation. It was urged, on our part, that the existing difficulties ought not to lead to such an issue; that a trial of strength would only aggravate and not at all alleviate the present evils; and that the storm of war once raised no mortal could tell when or how it would terminate. *Ta chang puh pǎ*, ‘to join battle we fear not,’ was the often reiterated reply to every argument. It was painful to witness the apparent readiness to hazard the ‘fortune of war.’ Not aware of the advantages which modern science and the arts have given the western warrior when he comes forth as a foe, and believing their cause to be just, the Chinese manifested far less anxiety to prevent collision than could have been desired. They seemed to feel as if they had done only what was right and necessary. It seemed as if they thought none would dare to join battle with them. It was evidently with feelings of this kind that their fleet, on the 3d of November, met the Volage and Hyacinth. On that day,

they took a new lesson. And they have since fallen back, but we have no evidence that they have changed their purposes or opinions.

The contest is now directly between the Chinese and British governments—all other foreign governments preferring (so far as we know) to remain neutral. Precisely how much each will demand and yield, it is not easy to determine. A few points, however, are certain—at least to us they seem to be so.

1. Correspond or communicate with foreign officers, on terms of equality, the Chinese will not.

2. Any reparation for the opium confiscated, or for losses sustained by the removal from Canton, they will not make.

3. No apology will they offer for the detention of the subjects or representatives of foreign governments.

4. They will not yield the right of apprehending and executing those who are guilty of murder or homicide within their jurisdiction.

5. Nor will they desist from their efforts to prevent the introduction of opium and the exportation of sycee.

Though the contest originated with regard to the introduction of this drug, yet the question at issue has been materially changed in its conditions. No doubt the British government will do whatever it can to suppress the illegal traffic. But—

1. Will that government much longer continue to communicate with the Chinese on any other terms, than those of equality, and just and honorable reciprocity?

2. Will no reparation be asked for the losses which have been sustained by the removal from Canton, and the consequent interruption of business?

3. Will no apology be required for the detention of the innocent subjects and representatives of the British crown?

4. Will bonds be signed that will involve the unconditional surrender of British subjects to the judicial tribunals of this empire?

5. And concerning the molestation of private families, the attack on the Black Joke, the poisoning of wells and springs of water, &c., will no explanation be demanded?

Incomplete as this view of the case may be, it is yet sufficient to show that several great and important topics are soon to be discussed. How shall this be done? Shall the powers of reason, and the force of truth be first employed? Or shall an appeal be made at once to arms? For ourselves, we doubt very much whether the Chinese rulers fully understand the disposition and wishes of foreign governments. Full and minute explanations should first be given.

Then the Chinese *may* yield on some of the above named points. Three principal objects are to be aimed at, and sought for, we would fain hope, by all good and honorable men in any way concerned in these matters. These are —

- The extinction of the traffic in opium ;
- The establishment of legal commerce ; and
- The preservation of peace.

For the present we shall not enter on the discussion of these themes. We are anxious to exhibit fully and fairly the facts of the case, and shall be glad to receive the assistance of others in doing this, for we feel a deep interest in the question now pending. Let the traffic in opium be abandoned as an evil thing, let a well regulated commerce be widely extended, and let peace and friendly intercourse be preserved, and who will not rejoice? These are great and good objects, and they may be attained by fair and honorable means. To them we invite the attention of our readers. Let all the point of difficulty be fully presented, and the proper remedies suggested. A long communication has just been put into our hands ; and we are encouraged to expect more from the same and other writers. In this way, by the comparison of the views of different persons, the 'Due Medium' may be found out ; once found out, it may be maintained ; and being maintained, order, peace, good-will and prosperity, will be secured. As the offspring of the Most High, and the professed followers of the Prince of Peace, both we and our fellow-residents are all alike bound, to love our neighbors as ourselves, and to do to others as we would have them do to us.

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ART. II. *Progress of the difficulties between the English and Chinese ; the position of the American residents, &c.* By C. R.

COULD the new and beautiful invention, which is soon to furnish us with perfect pictures of all external things, painted by a pencil 'dipped in light,' be extended to abstract subjects, we know of no scenes, we would more gladly submit to the '*papiers sensibles*' than those now being presented to us, in this part of the world, in connection with the opium-question. With such representations of our political scenery, there could be no disputing about proportions ; no

complaint of excessive or deficient coloring. The hand that sketched them, being above suspicion, could be charged with no omissions, no false lights, and no distortions. As the case is, the absent must be consent to take and put together our partial and differing views; and as for the artist—he must be content to get, from one praise; from another, criticism; from a third abuse; as his sketch may suit the eyes and the interests of the frequenters of the exhibition. Still we shall not be deterred by the sense of imperfection, the desire of praise, or the fear of censure, from reverting to this interesting subject, as from time to time, new phases are presented to us. In this article, however, we shall do no more than state,—after a brief repetition of some opinions on the past stages of the controversy,—what we hope will be done for us and our cause, or rather, what, we trust, is already doing.

Our first opinion is—that the earliest prohibitions of the drug in 1800, and all the imperial action upon it, from that time downward, was and has been sincere, and that the neutralization of the national policy for so long a period, is to be ascribed to the combined connivance, corruption, and daring of the provincial government and the foreign residents.

2d. The local connivance, even if it could be proved to reach the highest provincial officers, never did convey any valid excuse or equitable protection to the foreign importer; for he knew, that the practical security he enjoyed, was derived by corrupt means and from a legally incompetent party.

3d. The proposition to legalize the import, made in 1836, did not convey any such protective right, because that motion was clearly negatived within four months of the proposal, and followed closely by a reenaction of the preëxisting prohibitions. The right to move and discuss changes in existing regulations must be possessed under every government, and nowhere can such propositions be admitted to weaken the force of the laws, until a formal repeal is actually completed.

4th. The movement of the imperial government, up to the very act of confiscation of March 18th, was so slow and measured, that no one interested in the opium trade wanted opportunity to put himself and his property in safety, had he inclined to use that remedy. The actual appointment of a high officer with large powers and summary instructions, was formally notified to all parties more than two months before his arrival near the foreign residences, and this notice was coupled with the strongest persuasions and warnings to withdraw beyond the reach of his measures.

5th. The course taken by the commissioner before and in the act of confiscation, cannot be reconciled with European modes of procedure, or with our notions of personal justice. Yet, so far as the actual holders of the confiscated drug are concerned, the eastern mode was not more severe than the western. *On them*, the personal arrest, and armed seizure practiced under European writs, would have fallen at least as heavily as the demand of surrender, and the denial of passports. It is the non-holder who has the right to complain, that the confinement was made general instead of personal, and he and his property implicated without cause and without remedy.

6th. The position of the British superintendent under these circumstances was so embarrassing, as to claim and merit the utmost consideration and allowance. As a consular officer under the British government, he was bound by law and instruction to give no support to his countrymen in courses subversive of the fiscal regulations and general policy of the empire. On the other hand, as the agent of the government interested directly in the growth of the drug, and pledged, as it were, not to depreciate its value on its customer's hands, he was deterred from those timely explanations and disclaimers, which would have cleared the British flag, and the legal trade conducted under it, from implication with the illegal. All who know him, know that his personal feelings on the question are, and have ever been, pure and honorable; worthy of himself, his office, and his country. It was the anomalous position of his government, which embarrassed him. Had he been his own counsellor, or the free, unfettered representative of England, he would at once have disclaimed all connection with the opium. But as the coadjutor of the E. I. Company, as the correspondent of the governor-general, he hesitated, and compromised, and lost the invaluable opportunity.

7th. On the occasion of the first attempt to execute a criminal before the factories at Canton, the opposition of the residents to the act was as just, as it was successful. The ground so attempted to be employed, was a part of their own leased premises, and it was proper to guard their right by resistance, even if there had been no other reasons for their interference. The case was considerably altered, when the governor, in reply to the appeal of the Chamber of Commerce, declared the sole grounds of the offensive spectacle. We would have had the national representatives accept his paper as a disclaimer of all national bearings, in the humiliating act; and as to the importers of the drug, they should have so laid it to heart, as to have made impossible, the repetition which shortly followed

8th. When the entire stoppage of the trade of Canton ensued, the interference of the superintendent, by order of Dec. 18th, to expel the smuggling boats, was right and necessary. Not so, his attempt to draw an imaginary line across the Bogue, and to confine the harm and guilt of smuggling to the waters of the river. The previous practice of the British government may have lent some support to such a discrimination; still, its futility is evident. The Chinese jurisdiction does extend over the shores beyond the Bogue, and to deny their right of domain over the outer anchorages, is to usurp a portion of their territory. Or, if the instructions of the superintendent made it necessary for him to treat the outer waters as the 'high seas,' and to claim exclusive jurisdiction over offenses committed thereon, by British subjects; then such pretensions should have been clearly explained to, and adjusted with, the provincial government. No doubt should have been suffered to rest on a point so important in itself, and so closely connected with the opening controversy.

9th. No such explanation having been made (that we know of); no such division line having been agreed on; no British claim to the outer anchorages having been admitted; the superintendent's order of March 22d requiring all British vessels to repair to Hongkong, and there prepare to resist every aggression on the part of the Chinese government, was wholly indefensible. To resist that government within the river, had been, three months before, declared penal, and homicide committed in such contest, to be murder. Unless therefore, some mutual demarcation was agreed on, the command to oppose the same authority, on the same business, without the river, was a solecism of the greatest magnitude. That the order to arm and resist did include the opium fleet, is manifest from its whole tenor, and especially from the fact, that the whole fleet, was officially placed, in case of the absence of H. M. sloop *Larne*, under the command of the senior captain of the storeships. Had the Chinese then, leaving their own forms, adopted the European mode of seizure, how could the bloody contest, which must have followed, been defended from the charge of breach of faith? What explanation could have been given, for thus defending by public authority, in ships without the river, an article which the same authority had given up to confiscation, in boats, within the Bogue? Had the acquaintance of the Chinese with European usages extended a little farther, they would at once have met the superintendent's notice by the withdrawal of his exequatur, and thus dissolved their obligations toward

an officer, who had publicly declared, that he had lost, 'all confidence in their justice and moderation.'

10th. The confinement of the foreign residents having taken place, it was a generous, a gallant thing for the superintendent to throw himself within the guard, and share with them their dangers and their humiliations. The policy of that act, we shall not question; the main error lying, to our view, in the use subsequently made of it. Communication with the authorities was prefaced by an interference which necessarily destroyed the just influence of the British representative.\* The withdrawal of the gentleman on whom the commissioner had fixed, as the representative of the opium dealers, from under the Chinese guard to the asylum of the British factory, identified the superintendent with the body whose part he thus took, and made him the object of strong suspicion. Of course his proffers to adjust the question at issue, on principles of equity, were suspected, for it was evident that the two officers differed *in toto* as to their interpretation of the word equity. The negotiation was soon at an end, the demand for passports followed, and the breach between two great nations was now made broad, if not irreparable.

11th. Although the Indian drug was the growth of the East I. Company, and bore their mark, we know by the declaration of the select committee in 1826, that they meant to denounce and disclaim it, the moment the tea-trade should be endangered on its account. They would have ordered off the opium fleet, that the superintendent sought to protect. Instead of giving Mr. Dent the protection of their factory, they would have deported him. It was a strange thing, therefore, to see a directly opposite course pursued, to behold the whole mass of the drug assumed for the service of the British government. Considering the origination of the article, and the close connection of that government with it, this was just as it should be. An unseen retribution seemed to control the act. But looking at the consular instructions, at the high tone of British policy, and at the deference due to a friendly nation, a greater official error than the assumption could scarcely be committed.

\* The representative is no doubt bound to interpose, promptly and fearlessly, the moment the safety of a fellow-citizen is endangered. But when (as in the case before us) the citizen stands charged with infraction of the laws, it is necessary so to interfere as evidently to secure, not obstruct, the course of justice. Hence we preferred, that the superintendent should stand by Mr. D. protesting against every injustice, demanding every security, &c., rather than remove him. The former course could not have been mistaken; the latter was immediately interpreted as an attempted abduction. The determination to protect was worthy of all praise, the mode only was objectionable. The British factory was no more safe than any other; and the alternative — the surrender of the confiscated drug — was noways altered.

12th. The ardent temperament of the superintendent, his energetic character, his extreme sensitiveness to the honor of his flag, and that ever ready recourse to arms, which military training from youth up always engenders, scarcely account for his subsequent measures. The Baconian creed, 'let nations that pretend to greatness, have this, that they be sensible to wrongs, either upon borderers, *merchants*, or politic ministers, and *that they sit not too long upon a provocation*,' hardly authorises them. In fact it is not easy to avoid the conviction, that finding himself sinking into unpromising inactivity, the superintendent hailed the opportunity to fasten a quarrel on the Chinese people. His government had shown itself indifferent to points of honor, and matters of personal disrespect, in the cases of Mr. Marjoribanks and lord Napier. But here was an opportunity to touch 'that sensitive region, the breeches pocket,'—to vest in the Queen a quarrel worth £2,000,000 sterling.

13th. The breach once made, it was necessary to the same policy that it should not close again. It would not do, to sit down quietly under official protests, until the pleasure of the home government could be known. Because this clumsy government, once in motion, had trampled upon the illicit trade, it was necessary that the legal too should be trodden down along with it. This was the practical effect of the superintendent's injunctions on all British subjects, to quit their residences and their business, and to retire from Canton for an indefinite period. The American residents refused to follow this example for these reasons; because, to withdraw at that moment and on such grounds, was to stake their chances of sympathy and support on a hopeless throw—on an opium quarrel; and because the interests of the absent and the innocent were not lightly to be sacrificed; and because they had no representative able and willing to bear the responsibility of a similar order. Situated as they were, they seem to us to have made the wiser choice. At the same time it is to be granted that the semblance of generosity, the show of honor, the seeming of disinterested sacrifice, were on the side of the retiring party. The show, we say, for it was necessary to the reality, that the choice should have been made voluntarily, and when made, honestly and manfully abided by.

But in truth the obedience of the British residents to the orders to withdraw, seems ascribable only the peculiar circumstances of their case. They had given up £2,000,000 sterling, on the responsibility of the superintendent, and it would not do, to question his powers, or attack the authority for so important an act of alienation. This

would have revived their personal responsibility for the surrender, and deprived their claims of his official advocacy. Had not the surrender preceded, the retirement had never taken place.

14th. As a public measure, the withdrawal seems to us impolitic and indefensible. It involved the innocent with the guilty, committed the legal traders to intolerable losses, drove them to evasions of the orders they dared not openly disobey, and at last destroyed their confidence in the superintendent and in each other. It completed the identification of the British government with the contraband trade, and converted the superintendent, from an influential mediator into an open enemy of the commissioner. Besides, the order to retire, like the prior order to arm and resist, seems to us to have been based on a geographical error. It assumed that it was necessary to withdraw from Canton, but not necessary to retire from China. It supposed that private life and property were unsafe within the Bogue, but safe in the outer anchorages. How did the result bear out these assumptions. Did the Chinese yield their claim over those waters? Could Macao afford any protection? Was Hongkong beyond annoyance? No. While on the one hand, the Chinese claims were successfully asserted; while the impression of the British fleet spreading its sails and seeking safer harbors, was not made; while the onus of every difficulty was thrown upon the superintendent; while the idea that trade was still expected and desired, was kept up by the presence of the merchant ships: on the other, more loss of comfort, life, and property were involved in the outset, than continued residence at Canton could by any possibility have endangered. These results are all so many attestations to the wisdom of those articles in modern treaties, by which it is provided, that, even in event of hostile rupture, the merchants of either party shall have a sufficient interval for the settlement of their affairs, and for a safe retirement from the enemy's dominions. For instance, by the 12th article of the treaty of 1826, between Great Britain and Mexico, 'it is agreed, that if at any time any interruption of friendly intercourse, or any rupture should unfortunately take place between the two contracting parties, the merchants residing upon the coasts shall be allowed six months, and those of the interior a whole year, to wind up their accounts, and dispose of their property, &c., &c.' Both the British and the American codes abound with specimens of the like considerate and humane negotiation. And in the view of these, we cannot but look upon the hasty injunctions of May last, as a measure becoming an enemy of British commerce, rather than its legally appointed superintendent

and protector. Even had the conduct of the Chinese government been ten times worse than is was; had hostilities been sure to ensue; had it been absolutely necessary for all official correspondence to cease; still time was due to the legal trader for the settlement of his affairs, if negotiation could procure it; and had it been denied, the mere refusal would have constituted a further ground of just complaint against China. But the harsh requisition came from the British representative, not from the imperial commissioner. The guardian of British interests on this side the Pacific, inflicted with his own hands, the losses, from which the same commerce on the opposite shores, is sedulously guarded by solemn treaty.

15th. The signature of the first bond by the Americans was a great error. To induce the English to remain at Canton, exemption from all bonds had been offered. In all probability therefore, a calm statement of the just objections of foreigners to such bonds, would, at that stage of affairs, have been successful. This release had been virtually promised to an American resident, who came a little before to look on at the destruction of the opium. Unhappily these fair prospects were clouded over; a bond was signed; and to make the matter worse — to add the character of meanness to error — it was arranged that the resident merchants should be screened, and the whole risk be thrown upon the commanders and crews of vessels. Why then were these last fastened on, and the former passed over? Had they been the authors of these troubles? Had they been the chief encouragers of the traffic, the means of its increase and the sharers of its largest profits? No; the resident merchants. Why then this unfair substitution? Because the wily head of the cohong knew whom he was dealing with, and that to subdue the opposition of hardy sailors; to have a victim forthcoming, when the time for sacrifice should arrive; it was necessary to bribe the resident agents.

16th. Unfair and objectionable as the first bond was, there were reasons for submitting to its signature, as a temporary measure, when it became unavoidable. After all that may be said of the law of honor, and of the duty of resistance to every unjust demand; the individual is fully authorized by the Christian code to adopt a less lofty, a humbler demeanor. To fight for every right, to resent to the last every despotic encroachment, may be the duty of governments; but the private man may and generally should submit under protest, waiving his just claims, until appeal can be had to national protection.

Again, at the time of the signature of the first bond, no law touch-

ing the case of foreigners, dealing in opium, was or had been promulgated. The 'new regulations' referred to in the bond itself, were silent as to capital penalties. The edicts of the commissioner, the sole ground of the dread of capital punishments, conveyed direct exemptions for a very long interval. On these grounds, it was believed, that no conviction could legally take place under that bond, and hence, that its signature, though inexpedient and humiliating, involved no practical danger. This belief was strenuously combatted, however, by some, and the submission of the Americans treated as a direct sacrifice of every security for life and property. The argument continued open until the receipt of the commissioner's edict of 20th October, requiring a new bond to be given by all vessels entering the river. The language of this paper was, 'the American ships having been the first to enter the port on the 11th of June, *at which time the particulars of the new law had not been promulgated &c. But now the new law has already been made,* wherein it is said, that any foreigners bringing opium to the inner land, shall be immediately executed, &c., all must therefore comply with the form prescribed.' This declaration from the highest authority was decisive, that the first bond, though objectionable in itself and injurious as a precedent, was not an assent to a capitally penal law, for such had not then been promulgated.

17th. When the British residents had made their election, to quit Canton, and the Americans theirs to remain; one and only proper course remained for both parties. The former were bound to stand manfully by the injunctions of the superintendent, without flinching or evasion; and the latter, were bound not to interfere or tamper with them. The views of the superintendent towards the Americans had been, at all times, kind and friendly. He wished and invited them to leave Canton with him, but since this could not be, he had no disposition to molest them. They were bound, on their part, not to interfere with his policy, or draw away his people from their professed submission to him. When therefore leading American Houses at Canton began to look with an eager avidity on the profits of this forbidden agency, and to prepare for its active prosecution, no disinterested person, even of their friends, could regard it as anything less than a departure from all propriety, from all just deference to the representative of Great Britain. The American commodore, then in the Chinese waters, expressed himself thus on the subject,— 'The trade carried on under our flag between Canton and Hong-kong appears to me pregnant with evil, and I regret to find that men

who were considered prudent, are largely engaged it. The \* \* \* has come down laden with a cargo for an English ship at Hongkong, and her master informs me, that two of the first American houses are about employing constantly two ships to supply the British shipping with cargoes. If any misunderstanding should grow out of this, our countrymen will have themselves alone to blame for it, and cannot expect the aid of men-of-war, to assist them in doing wrong, &c.' These opinions were the more correct, this claim of the superintendent to deference from the Americans was the more clear, because he had, already, with a generous disavowal of all wish to annoy, sanctioned such purchases of British goods in exchange for their bills, as was necessary to carry on their usual trade without the smallest interruption. This important concession should have satisfied the Americans, and content with the undisturbed prosecution of their own business, they should have held themselves above the temptations presented, and thus given to the world a fine specimen of mercantile principle and moderation. As the merit and good effects of such a course would have been great, so the results of the opposite were lamentable. The friendly feelings of the superintendent were of course affected, and private merchants, as they yielded one by one to the pressure of losses, and sent their property within the river, felt anything but cordiality or respect towards their American agents. Thus the policy which dictated the retirement was gradually broken up, until all that was intended to be impressive and coercive upon the Chinese, fell with almost unmitigated weight on the shoulders of their generous opponents.

18th. While the commissioner was among us, as the impersonation of the temperance spirit in China, we were disposed to follow his movements with indulgence, if not with favor. We saw something of justice, as well as of severity, in his decree of confiscation. In following him through the details of the measure, we remembered how far the Chinese usages differ from our own, and excused in part his preference for his own national modes of procedure. As the officer of an Asiatic and pagan government, we were not surprised to find him somewhat wanting in that strict integrity, that undeviating veracity, which western nations owe solely to their Christianity. But when we stood by the spot where the opium was being destroyed, and passed on from the humiliating scene to an interview with his excellency; we conceived his work of punishment to be finished, and made it our earnest petition, that he would now change his course, and close his mission with revising and liberalising the laws regarding foreign intercourse with China.

Unhappily his excellency was already in an attitude of hostility towards the larger portion of the foreign residents, and the advice was not taken. The bloody affray of July soon followed, and the relations of the two nations were thrown into inextricable confusion. When this affair was carried to the commissioner, he reverted at once to the old Chinese law and precedents, and demanded the murderer. The terms he was then on with the superintendent, precluded any calm and friendly settlement, and irritated by the refusal to comply with his demand, by the lingering of the opium ships and dealers, and by the renewed sales of the drug, he suffered himself to be hurried on to those harsh and unjustifiable acts, which have left an indelible stain on his mission and character. Acting on the system of mutual responsibility, so interwoven with the Chinese polity, he proceeded to coerce the surrender of the guilty individual by oppressing the British residents at Macao, a place forty miles distant from the scene of the murder. The superintendent and most of his countrymen withdrew to Hongkong, where the denial of provisions, and other local annoyances brought on remonstrances, and finally a collision with the Chinese force at Kowlung, a small port in the vicinity. Of this affair, we believe the general opinion to be, that it was rash and 'un-ward.' It threw upon the British flag the odium of being the first to aggress, the guilt of the first bloodshed.

19th. The right of blockade is confessedly a portion of international law, which belligerents and neutrals are far from being agreed on. But there are sufficient expositions extant, to show clearly, that the blockade of the port of Canton, announced the 11th of September and revoked the 16th, was defective in authority, as well as based upon misapprehension. The actual cutting off of certain British subjects by the Chinese, which had been assumed in the notice, proved incorrect, and even if it had not, no maritime nation would, we think, have admitted the blockade as emanating from competent authority. That a British consul and a British post-captain can declare war, or assume certain acts of foreign powers to be a declaration of war, and thence proceed without any direct instructions, or any reference to superior authority, to exercise belligerent rights upon neutral flags, is a doctrine that would overthrow all the securities of commerce. Least of all could such principles be admitted in application to remote parts of the mercantile world, where incalculable losses would be inflicted, before such reference could be made or confirmation had, from the supreme governments. In the particular instance before us, the assumption maintained by the blockade party

and derided by their opponents,—that war did actually exist—would have been even more disastrous to British than to neutral interests. Had it been true, the large amount of British property lying within the Bogue, would have been at the mercy of the Chinese, and almost the whole in the outer anchorages also, liable to capture and condemnation under charge of trading with the enemy. But in truth no war existed, and the revocation of the blockade, five days after its announcement, was coupled with a notification of negotiations pending with the enemy.

20th. We shall not attempt to analyse these negotiations, or to trace the causes which led to their failure. On this, as on the other prior matters, we want fuller copies of what passed between the contracting parties, to decide exactly. From the papers which have appeared, it would seem that the whole negotiation for a trade at Chuenpe, was carried on by the parties at cross purposes with each other. From the commissioner's edict of 9th October, ushering in the arrangements, and from the memorandum of propositions and replies published Oct. 26th, it is evident he contemplated as complete a subjection of British life to Chinese adjudication at Chuenpe, in case of the detection of opium, as could be conveyed by the subscription of any bonds whatever. At the same time, it is equally apparent from the whole course of the superintendent, that, on his part, no such submission was intended. Whether any further modifications took place, or whether the superintendent secretly relied on the presence of a sloop-of-war to rescue any British subject charged with smuggling, we know not; but so far as appears, no arrangement was at all practicable between parties so wide of each other. Bad faith on the commissioner's part may have existed, but it is unnecessary to call it in, to account for the subsequent failure. A frank and clear understanding, a full declaration of each one's meaning, was all that was needed to produce that result,—to break off a negotiation based wholly upon concealment or mutual misapprehension.

21st. The failure of the arrangements at Chuenpe gave a new impulse to the freighting business already going on in American and other bottoms. This last hope of renewed trade disappointed, the anxiety of the British ship-owners and consignees to clear their vessels, and the competition which followed, carried freights of cotton (from Hongkong to Whampoa) up to \$6 per bale, while, for bringing down teas, &c., \$10 per ton was given. The depreciation of the British flag and the enhancement of the value of others went on, until ship after ship was sold for nominal considerations, to supply the demand

for neutral tonnage. This strange alteration of values was of course the legitimate fruit of the superintendent's measures. But whether he foresaw this result or not, we are not aware, and therefore make no comment on the official causes. As a concern of the merchants interested in these transfers, no commendation can be expressed either of the buyers or the sellers. The public and generous nature of the superintendent's contest, however impolitic, should have prevented any man of any other nation from this direct opposition to him. Still more wrong was it for British subjects, to evade their obligations to their own officer, laboring for their own protection. The former violated their neutrality; the latter, their consistency and their allegiance. The part taken by the American consul in these purchases is open to the same and even greater objection. By giving his sanction to such transfers, instead of checking them in the outset, he of course involved the consulate in the course so offensive to the British representative. By going further, and granting formal passes to vessels so bought, requesting all 'princes, potentates, &c., to suffer said ships to pass, without let, hindrance, or molestation,' he exceeded, in the common opinion, his proper and legal functions. As the question here involved is an important one, we will briefly state the grounds of that judgment, as we understand them.

We learn from the consular instructions promulgated on the first of August, 1801, that 'our consuls had already originated the practice of providing with certificates foreign vessels purchased abroad by citizens of the United States.' 'To regulate a course of proceedings the tendency of which was to blend American with foreign property in appearance,' the consuls were instructed to require certain proofs of bonafide ownership, and thereon empowered to grant a certificate, after a form prescribed, which paper—it is added—'*must be limited to the vessel's return to the United States, and her destination to some port therein must be specified in it.*' The form referred to, after reciting the evidences of property—closed thus—'I have granted permission that the said ship may depart and proceed on her voyage to the port aforesaid. This permission to continue in force only during the said voyage.' If therefore this certificate were still authorized, it would appear to convey no protection to purchased vessels, plying on freighting trips between foreign anchorages, with no homeward destination, and no idea, in fact, of ever being sent to any port within the Union.

But after four years' experience of the workings of this permission, the department of state issued, July 12th, 1805, the following in-

structions. 'The multiplied abuses of the certificates which the consuls of the United States were, by the instructions of the 1st August, 1801, authorized to give, in the case of foreign vessels purchased by a citizen of the United States, notwithstanding the precautions taken against them, have led to the conclusion, that the discontinuance of the certificates altogether is the only effectual remedy. You will therefore forbear to grant any certificate whatever relative to such purchases, except to those who may satisfy you; that the purchase was made without knowing this alteration in your instructions. Accordingly, you will publicly advertise that you are restrained from issuing certificates in such cases, with the sole exception just mentioned; and from allowing the exception itself, after the expiration of two months from the date of the advertisement.' 'This is, so far as we know, the latest action of the American government, on the subject of these certificates. The revival of the practice in China, after so long an interval, is, we suppose, based on the general consular power to grant certificates, or on the silence of the general instructions of March 2d, 1833, or on the late receipt of new instructions. The first supposition, could not, in any case, we suppose, authorize more than a consular deposition, respecting the ownership of the vessel in question, even if this be not precluded, by the special exception recited. The second ground seems equally defective, because the object of Mr. Livingston in his digest, was — to guide the consul in his duties, — in the exercise of powers yet belonging to his office, not to recite repeals, or to authorize resumptions of those long taken from it. On the third point, the American consul is of course the best authority, and he certainly will not refuse to make known such instructions, nor indeed any reasons which have justified, to his own mind, this portion of his official conduct. In the absence of such explanations, our impression is — that while the United States will always extend to foreign built vessels purchased by Americans, the protection accorded by acts of congress of 1802 and 1803, they yet confine all certification to the home authorities, because it cannot in their view be safely intrusted to the consuls.

22d. The failure of the Chuenpe negotiation led to other consequences of a much more serious nature. The commissioner renewing his commands to the British fleet 'to enter the port or leave the coast,' under pain of capture or destruction, the superintendent proceeded with two sloops-of-war to the Bogue, to demand the withdrawal of these offensive orders. No satisfaction being afforded, and the Chinese fleet showing signs of hostile preparation, the sloops began

a fire which shortly disabled or destroyed several of the junks, with some scores or hundreds of their people. On this conflict, opinions are, we believe, much divided; some joining with the superintendent in lamenting the carnage; the most regretting that the complete destruction of the fleet was not effected. We do not hesitate in this diversity to take the side of the superintendent and of humanity. And we would further respectfully ask, was it, then, *for the safety of life and property*, that the retirement from Canton was ordered? And are these the fruits of that measure? With all allowance for difference of value between Chinese and British blood, could any consequences so costly have resulted from a continued residence at the factories? We know these questions will be answered with a show of triumph, by pointing to the violences of the commissioner. But the reference is not satisfactory. Had the orders to repair to Hong-kong never been issued to the fleet, probably the homicide of July had never happened. Or if it had, the presence of the superintendent at Canton, had he preserved a position of impartial mediation, should have been at least as influential, to resist unjust demands, as was that of the E. I. Company's select committee. Or if the singular violence of the kinchae had brooked no terms and even extorted a victim to the law of retaliation, then how clear and unquestionable would have been the position of Great Britain. As the case now stands, it is not easy to say how much of these difficulties has proceeded from causes worthy of a nation's quarrel, or how much from subaltern error and exasperation. On the one hand, it is undeniable that the course of the commissioner has been harsh and even hostile. But on the other, the declaration of March 22d was hostile. The language and conduct of the British community during the confinement was openly hostile. The retirement was avowedly the precursor and preparation for hostilities. No more conference, no more papers — was the superintendent's language — a swift and heavy blow will be struck at the Chinese, without preface or explanation. Then the armed occupation of a Chinese harbor was not peaceful. The attack at Kowlung, the notice of blockade, the affair at Chuenpe, were all hostile. In short, the whole history of these troubles forms an admirable comment on the wisdom of those provisions against rash war-making with half civilized states, which fill up some of the brightest pages in western diplomacy. We quote for instance, the following from Art. 24 of the treaty of 1786, between the United States and Morocco. "If any differences shall arise by either party infringing on any of the articles of this treaty, peace and harmony shall remain

notwithstanding in the fullest force, until a friendly application shall be made for an arrangement; and until that application shall be rejected, no appeal shall be made to arms." And again, from the 16th article of the treaty of 1816 with Algiers: "In case of any dispute arising from the violation of any of the articles of this treaty, no appeal shall be made to arms, nor shall war be declared on any pretext whatever; but if the consul, residing at the place where the dispute shall happen, shall not be able to settle the same, the government of that country shall state their grievance in writing, and transmit the same to the government of the other, and the period of\* three months shall be allowed for answers to be returned, during which time no act of hostility shall be permitted by either party."

These articles seem to us to embody the true spirit of an enlightened and pacific diplomacy; to treat the fearful power of making war,—of taking life,—in the only proper manner,—as an essential attribute of sovereignty, not to be trusted to subaltern hands in any case whatever.

23d. The collision at Chuenpe, as it threw an additional doubt on the safety of British property within the grasp of the Chinese, gave a new impulse to transhipments. Five or six ships of the British fleet were transferred by sale to American hands, and several more were placed under other neutral colors. How far these sales might have gone, is not to be told, had not the commissioner, seeing perhaps that his efforts to dislodge the British fleet were neutralized by the permission to tranship, withdrew by his edicts of Nov. 25th, the license he had previously given through the American consul. These important papers drew the more attention, because they put an official end to the British trade with China, from and after the 6th December. Whether they will be construed rigidly or loosely, whether the exclusion will be applied generally, or only to such vessels from Indian ports as refuse to give bonds against opium, remains to be gathered from the future course of the commissioner and his successors.†

In this tangled and complicated state of affairs, it is our design now to express our views and wishes, as to the more immediate measures necessary to bring back these agitated elements to quiet and order. Beginning with the American community, we venture to offer some brief recommendations, first to the consul, and next to the

\* This interval is extended to twelve months in the treaty with Tripoli.

† The receipt of the imperial rescript published January 5th, now makes it nearly certain that the exclusion will for the present be acted on.

private merchants. To the former, we propose that he reconsider his course on two points; the granting of passes to purchased vessels, and the mode of dealing with petitions placed in his hands by his fellow-citizens for presentation to the Chinese authorities.—

Beside the objections to those grants, arising out of the consular instructions, he should consider their offensiveness to the superintendent, and their tendency to destroy our neutral character, by confounding all the distinctions between American and foreign property. When the transshipments first began, in American built vessels, commodore Read warned his countrymen—that, ‘if they could not carry on their commerce without having their interests so completely and thoroughly blended with those of the English, it would have been better that ships-of-war had not appeared here.’ Had he remained in the Chinese waters, until equal and even greater suspicion came to be thrown over the flag itself, his opinions on the point would surely have gained further strength, and thus placed the two American officers in the country, in direct collision with each other.

Again, we hope the consul will reconsider his course with respect to the receipt and forwarding of petitions. We must explain our views by saying—that when the British fleet had repaired to Hong-kong, and it became absolutely necessary to the prosecution of the American trade, to exchange bills for goods, a strong objection was felt to any transshipments, by some parties, on account of their irregularity. These parties wished to bring the subject at once before the commissioner, that the practice might have his sanction, or if it were refused, that ships might repair for the purpose to ports beyond the Chinese territory. The hongts would not receive the petitions; and on application to the sub-prefect of Macao, he required that the petition be presented through the consul. The consul refused to transmit it, and thus for some months, the transshipments went on under an odious and hazardous singularity. But when the actual sale of ships, as well as of goods, brought the subject before the commissioner, and he demanded explanation, the consul was compelled to state what he had before declined, and the transshipments were admitted in reply ‘to come within the limits of allowable business.’

Again, when the second bond was first presented to the American captains, it was the strong wish of parties that the just objections to that paper should be calmly and frankly stated. Memoranda were prepared for that purpose, but when on the refusal of the hongts to interpose, the consul was applied to, his answer was, that he should not petition himself, nor could he transmit any petition for others.

We are fully aware how very low a rank the consular officer holds in the political system, and that the American especially has no right to approach any native government, at all, except in cases of emergency, and in the absence of an accredited minister. Still, in such circumstances as exist in China, we think it extremely desirable that the consul should not refuse to act upon points which intimately concern life, property, and honor. While we would not have him assume powers at variance with his instructions, and which if exercised, can only serve some private speculation; we would have him ever ready to interpose in behalf of those who are suffering for their fidelity to their principles and their country.

As respects the American merchants, if our opinions might have any influence, we would use it, to recall them to their own regular commerce, and to a more becoming position toward the Chinese government. It is to be hoped, that the prohibition of transshipments will do something to forward the former object; and as for the latter, though error has reached an almost irreparable point, yet something may be done to make it the less disastrous. The mistake we refer to, is—the signature of the second bond, without protest, explanation, or remonstrance. The first bond was sufficiently objectionable. It was vague and without any expressed penalties. It looked like a studied attempt to combine apparent rigor with real immunity from punishment. The admissions with which it was coupled deprived it of any fatal power, until the lapse of a considerable interval. Yet, even in the signature of this bond, the American merchants went to the very verge of dishonor. They made a bad precedent, in the hope of discharging better, an important duty. In the attempt to give the Chinese government every possible proof of their sincere abjuration of the opium traffic, they had conceded all and perhaps more than society and governments could sanction. Still this was no inexcusable, no irreparable error. Yet, had no new bond been presented to them, they would have been bound, on the expiration of the commissioner's limitations in December, to have brought the subject before him, and remonstrated against a longer signature. When therefore the new bond was presented, with all its offensive and fatal clauses, there should have been an unanimous refusal to accept its terms, and the grounds of this rejection submitted frankly to the commissioner. The quiet swallowing of such conditions, in silence, without an effort to effect an abatement, was a proceeding wholly inexcusable, and utterly beneath the American character. Enough had been already done, to evince a complete abandonment

of the opium trade, and here was a fine opportunity to show, how satisfaction to the injured government of China, could be reconciled with every other duty. It was thrown away, as if of no value. Lamentable as this recklessness was in itself, and in its influence to confirm the Chinese in error as to foreign usages, something may yet be done, and certainly should be, before the departure of the commissioner. Taking advantage of his return to the provincial city, they may lay before him their petition in form something like the following.

The undersigned, American merchants, approach your excellency for the purpose of respectfully stating their views on the form of bond lately required, through the hong merchants —

When the British merchants withdrew from Canton in May last, we declined the invitation to follow them, because we were anxious to prove, that our abandonment of the opium trade was sincere and final. Your excellency having then specified four and eight months, as the periods after which the new law should take effect, on vessels from India and from Europe, we were anxious to use this interval, to settle our affairs, and to give every reasonable satisfaction to your excellency. It was ever our intention, on the expiration of these periods, to come before your excellency with our frank petition against the full enforcement of those regulations. Now before the period has elapsed, we find ourselves called on to submit our vessels and crews to their full and unreserved operation. We take this occasion therefore to state the following objections.

1st. The bond now required is unnecessary. When your excellency arrived at Canton in March last, the opium trade was flourishing. With two weapons, the confiscation of the drug and the banishment of the importers, the traffic was driven from the factories. If then, these two means were sufficient to eradicate the evil, they are surely sufficient to prevent its springing up again within our residences. Where is the necessity for the confiscation of legal property, or for the use of capital punishments?

2d. The bond is misplaced. For the last eight months, not a chest of opium has been sold by the foreigners at Canton; while hundreds and perhaps thousands, have been delivered along the coasts of the empire. It is not, therefore, by new and severe regulations applicable to Canton alone, that the evil is to be reached, but by measures extended along the sea-frontier.

3d. The bond is fraught with danger to China. The confiscation of the drug, in March last, and still more, the shutting up of the

foreign residents and consuls, have already endangered the peace of the empire. How then can war be avoided, if confiscations be extended to whole cargoes of licit property, and even life be taken away, for a catty of opium?

4th. The bond is framed in entire dereliction of the benevolent professions of the government towards foreigners. It is not only capitally severe toward the really guilty, but it involves all, having property on board the ship whence opium is landed, in common forfeitures. To use the language of Mencius, it converts the waters from the Ladrões to Whamboa into a vast pit for the ruin of foreigners.

5th. The bond manifests complete ignorance of the views and usages of foreign nations. All good men in the west regret the use of opium by your people. But it is their custom to check vice by pure examples, by clear instructions, &c., not by capital punishments. If such means are necessary to restrain your people from the use of opium, they leave you to apply them. Your people know the laws and language. If accused, they can defend themselves. They have friends to intercede for them. If wronged, they can appeal to the emperor. Not so the foreigner. He is an alien on your shores. He can with great difficulty prepare a short petition. He has no friends, no access by appeal to the emperor. Foreign states will give every guaranty against opium, but they will ever demand, either that their people be treated in all respects as natives, or suffered to live entirely under the jurisdiction of their consuls. This has always been granted to the Portuguese at Macao; why should it not be granted to all other foreigners?

6th. The bond, even if given, is of no value; no man signs it sincerely. He submits, because you are strong and he is weak, but he utterly denies the obligation. He neither means to give up his crew nor his vessel, nor his cargo. He has no right and no power to do either. He regards you as an oppressor, for demanding it, and is determined to act, just as if he had signed no bond whatever. His rulers too will disown the certificates so soon as they hear of them.

For these and other like reasons, we petition your excellency to desist from the demand of these bonds, and to revert to the means already so successful in your hands,—the confiscation of the drug wherever found, and the expulsion of all foreigners taking part in its introduction.

Objections like these are surely too well founded to be overlooked by the American residents; nor will their consul again refuse them his aid, when it is thus required—not for mercenary purposes, not in

doubtful stretches of uncertain powers,—but for the preservation of life, property, and public honor. Even if such a petition should fail to change a policy now hardened by our own needless submissions, yet it is worth while to have placed it in the provincial archives, and in the hands of the commissioner. It is something to have told this government, that while it keeps the foreigner an alien on its shores, it must find some means to reconcile its own demands, with the allegiance he still owes to the laws of his native country.

To go on to the British community, we take the liberty to give our counsel to the mercantile residents with all the freedom of friendship and sympathy. Their choice seems to us to have been made, once for all, when they obeyed the superintendent's injunctions to retire from their factories. Or rather the surrender of the opium was the pledge, too heavy to be forfeited, staked upon the validity of his injunctions, which bound them to respect his command and support his authority. Deference to the superintendent, and unanimity among themselves, were henceforth their true policy. They should not have sent their property, as such, within the Bogue, nor should they have employed other flags, other covers, and other agencies. Evasions, jealousies, discords, only lowered their own stand, and weakened their hold on the home government. It is time that frankness, truth, unanimity, and loyalty, resume their empire. The act of this government, which now puts an official period to British commerce, is the act which should unite all minds in a firm, patient, undoubting expectation for the powerful interposition of their sovereign.

As regards the British superintendent, we trust it may not be inconsistent with the deference due his rank and superior information, to express our wishes on two points,—the armed possession of Chinese harbors, and the defense of such positions by hostile measures. We think he will admit the doctrine, though laid down by a transatlantic tribunal,\* that 'the jurisdiction of a nation within its own territory is exclusive and absolute. It is susceptible of no limitation not imposed on itself. Any restriction, deriving its validity from an external source, would imply a diminution of its sovereignty to the extent of that restriction, and an investment of that sovereignty to the same extent, in the power which could impose such restriction. All exceptions to the full and complete power of the nation within its own territories, must be traced up to the consent of the nation itself.' Candor and the maps further oblige us to admit, that the anchorages

\* Supreme Court of the United States.— (*The Exchange vs. McFaddon* )

now and lately occupied by the British fleet are 'within the body of the country,' not 'the uninclosed water of the ocean on the sea-coast, outside the *fauces terræ*.' Under such premises, we would respectfully ask, if it be right for the officer of a foreign nation to occupy and hold by force, such harbors? Does this impose no 'limitation' on the Chinese sovereignty? And when this assumption is made, not in war but in peace, not by supreme but by inferior authority, is it justifiable; is it in short, the proper part of a peaceful, protective, trade-superintendency? We cannot see it to be so. The policy of the superintendent on this point,—the withdrawal from Canton to take up a position without the Bogue,—seems to us to have involved a common forgetfulness of precedents and of geography. It overlooked that favorite provision in modern treaties already quoted, by which a long interval (six to twelve months) is secured to merchants, &c., wherein to settle their affairs, before they shall come under the reach even of a declaration of war, and hurried them from their residences on a hasty and insufficient notice. It drew the same erroneous line across the Bogue, which had been drawn in reference to the opium smuggling, in the previous order of December. The superintendent's abandonment of this demarcation as concerns the drug, and his declaration (notice of 11th September) that 'H. M's. flag does not fly in countenance or protection of the traffic,' and requiring all British vessels engaged in it 'to depart immediately from the harbor and the coast,' go far to show that the distinction between inside and outside never was well founded, and should be given up entirely. 'The orders not to trade with the Chinese, have now been met by the orders of the commissioner not to trade with the English, and oaths, it is said, are about to be exacted, of all vessels entering, that they have not communicated with the British shipping. We trust therefore the necessity of a general evacuation will soon be admitted, and the fleet leave these waters for some more hospitable harbors.

If the armed occupation of Hongkong was indefensible, much more so were the bloody encounters of Kowlung and Chuenpe, by which it was sought to maintain possession. But the orders to repair thither being issued, it was next necessary to secure a supply of provisions for the fleet, as well as to guard it from molestation. The attack on Kowlung aimed to gain the first object, that on the Chuenpe fleet, the second. If the British relations with China were those of war, when the first action took place, it was surely too much to require the Chinese to furnish supplies—to commit the treason of

'aiding and comforting' the enemy. If they were peaceful on both occasions, then we must view these 'untoward' affairs, as humble, inglorious imitations of Copenhagen and Navarino. But there is a broader objection to these encounters, than any that arises out of the momentary relations of the contending parties. 'War,' to borrow again the language of a western statesman, 'is the ultimate and last resort; and much ought to be borne, before a nation, especially a commercial one, should appeal to arms.' It is the last resort to which humanity consents, even when the reluctant act of supreme authority, after slow and solemn deliberation. How much more objectionable then, when the work of destruction is made to precede the declaration of hostilities; when the sovereign, in whose hands this awful power is constitutionally lodged, is not consulted, and counsel and deliberation are forgotten in the hurry of mutual exasperation. Hence the wisdom of that provision against rash hostilities already quoted; and hence the earnest wish we venture to express, that when the British fleet can no longer ride quietly in the Chinese waters, it will retire, until its safe and honorable and triumphant return can be provided for, as it should be, by orders under the sign-manual.

We now reach the last topic we design to touch, viz. the action, to be expected and desired, on the part of western governments. And here we look mainly to the interposition of G. Britain; not that we doubt that an American (and may be a French and a Dutch) envoy will soon be out; but because his appointment will probably be anticipated, and his measures outweighed, by the quicker and more powerful interference of England. Unquestionably the United States will exhaust every peaceful recourse, rather than leave their citizens resident in China longer exposed to loss and contumely. But all their efforts will be deliberate and pacific. Their neutral position, during the long wars of Europe, and the succeeding disturbances of the Spanish colonies, has taught them patience. The tardy and reluctant satisfaction granted to their claims, but granted at last, by almost every European power, attests their long-suffering, and at the same time, the steadiness with which, when wronged, they demand, and finally obtain justice. They will say of these troubles in China, as was said of the conduct of the South Americans, by the secretary of state in 1827, 'had we declared war upon every occasion of complaint like these, (and there is no disposition to underrate them,) the United States would have enjoyed scarcely a year of repose, since the establishment of their present constitution.' For this reason chiefly, we suppose the American action here will be

set aside, and therefore direct our attention chiefly to the expected movements of Great Britain. The nature of the present troubles—of the crisis which calls for her interference—compels her, at the very first step, to take up the opium question.

The origination of that traffic by the British government, through its creature the E. I. Company, has given rise to two obligations on her part,—one, towards the surrenderers of March,—the other towards the Chinese government. The E. I. Company has trained up a class of men, and employed them to do its work and fill its coffers, by carrying on a contraband trade in China. These men have been overtaken in their sad service, by sudden and heavy losses. The character of their agency is such, that no armed protection can be afforded them, no claim for security or compensation can be put in, on their behalf, to the Chinese government. Their cause cannot be defended even in argument, much less espoused and borne out by warlike measures. There is only one thing upon earth, they can claim from their government, and that is *money*. The power which has raised them up, and taken care to secure the lion's share of their profits, in all the times of their safety, is now bound to bear a liberal share of their losses in their day of adversity. Great Britain stands obliged by sheer justice, to take upon herself a generous division of the late losses, and beyond this, she owes no respect to the traffic, its authors, or conductors, whatever. The money must be counted down, and then the drug, in all its connections, must be swept from her path, at once and for ever. Their claims, their pretensions, their existence, must not stand for a moment longer, between her and her honor.

A distinct satisfaction being done, apart and by itself, to the sufferers of March, in pounds, shillings, and pence, Great Britain approaches, unembarrassed, her obligations to China. Into these, nothing pecuniary enters. Inroads upon a people's virtue, life and happiness, cannot be calculated or paid for, either in sycee or sterling. The past is irrevocable. Frank explanation, manly bearing of just so much censure as is merited, only, can be given; the rest is all prospective. As we are charged, in common with other opponents of the opium trade, with holding all sorts of absurd opinions upon this point—the satisfaction due from England to China—we take this occasion to state our real sentiments the more freely.

As concerns the Chinese government, and especially its imperial head, we hold, that so far as its action upon the opium springs from and evinces a sincere determination to check the fearful progression

of a popular vice, it merits respect and deference. Motives so honorable, even if they do not completely justify, yet should bar all hasty and hostile retaliations. At the same time, we are far from yielding to this government, unmingled commendation. Its merits are subject to some large deductions. It is evidently unenlightened on the subject of 'inefficacious punishments.' It cannot be said 'to love mercy rather than sacrifice.' It clings as closely as ever, to the theory now nearly exploded in the west, that crime is best guarded against by unmeasured punishments. Hence it has already loaded its people with so many odious bonds and penalties, to repress the favorite vice, that nothing but conscience probably keeps down insurrection. Another deduction must yet be made, which should not be overlooked by the moralist and the Christian. The authority which commands a public reformation from a long-practiced vice — universal abstinence from a darling luxury — is the very same, that shuts its people up, from the strongest motives, the most essential helps, to purity and virtue. The imperial proscriber of the opium traffic is also the proscriber of Christianity. Equal sincerity may perhaps animate both acts, but this neither excuses them, nor helps the case of the people. There is no propriety in commanding them to resist seduction, and in denying them, at the same time, the faith that overcomes the world, and fortifies the heart against temptation. It is asserting what all history, all revelation disprove, that there can be popular virtue without Christian motive or private piety.

Unquestionably, all sincere reformation must spring from enlarged knowledge, deep convictions, sincere repentance, in the erring party. And with the aid of Christian motive and the awe of just penalties, such might have been the true and lasting recovery from the national vice of China. No trenching on the popular liberty, no odious bonds, no unjust responsibilities, no harsh and murderous enactments would have disfigured such a reformation. Its effects would have been purely good; not as now, largely mixed with evil. Indeed the imperfect suppression of the traffic at this moment, while the commissioner still lingers near the provincial capital, makes it an easy inference, that his departure will be the signal of fresh importations. If so, of all this costly movement, only two partial fruits will remain:—the moral lesson 'read to Europe,' and the impression made on Chinese society. The first will not soon be forgotten. For the last, the smoker will resume his pipe; for new pleasures are not, new nerves cannot be, given him. The young, the aspiring, the uncontaminated, only, will eschew a vice, once fashionable and flattering,

but now odious, the mark of the informer, the surest disqualification for official honors.

The satisfaction due to the imperial author of this national movement, must, as we have said, be almost entirely prospective. He does not ask for any retroactive measures. Security against future importations is all that is demanded by China of Great Britain. The British government has not even an explanation to tender, unless so far as it deems them necessary to the vindication of its own honor. We hear it has already sanctioned that notice of Dec., 1838, by which the superintendent withdrew protection from the smuggling craft within the river. And when it comes to pronounce upon the notice of March 22d, by which the same officer, changing his ground, defended without the river, what he had denounced within, we cannot doubt, it will declare the distinction vain, and express regret that it was ever adopted. Indeed it has been, as we have said, already abandoned by its author; the notice of September 11th, being as full a disclaimer of the whole obnoxious traffic, outside and in; as could have come from the foreign office, or from the pencil of the commissioner. It remains only for the British government to sanction that official act, and to tender to the emperor such securities for the future abstinence of the E. I. Company and all private parties from growing or carrying the drug, as are consistent with the national usages.

The question then is, do British precedents permit the government to interfere to check the opium trade by making it penal for British subjects to carry the drug, and thus to satisfy the demands of China? We find an answer to this query, in the treaty, on the navigation of the Pacific, &c., concluded February, 1825, with Russia. After defining boundaries, granting free commerce, &c., the 9th Article adds—‘the abovementioned liberty of commerce shall not apply to the trade in *spirituous liquors*, in fire-arms, or other arms, gunpowder or other warlike stores; the high contracting parties reciprocally engaging *not to permit the abovementioned articles to be sold or delivered in any manner whatever*, to the natives of the country.’ Nor is Great Britain alone in these humane provisions. The United States (beside its treaty with Siam, in which opium is specified as prohibited, and its traffic forbidden to their citizens) has a similar treaty with Russia, on the same subject, dated April, 1824. By its Article 4, ‘*all spirituous liquors*, fire-arms, &c., are excepted from the commerce permitted by the preceding article; and the two powers engage reciprocally, *neither to sell or suffer them to be sold to*

the natives, by their respective citizens and subjects, nor by any persons under their authority.' Accordingly, congress acting on the right reserved under this treaty, to determine and inflict punishments for contravention of its articles, proceeded to fix, by act of May 19th, 1828, the penalties (fine and imprisonment) to be incurred by any persons so offending.

These remarkable compacts no doubt owe their existence to the working of mingled interest and compassion.\* And since they have been entered into, for the sake of the scattered tribes on the north Pacific, and their petty traffic; they may be, for the Chinese people and intercourse with China. If they have been made to include spirituous liquors in their list of prohibitions, they may take in the more deadly drug, which has been intoxicating this empire. If these stipulations—these limitations on a gainful traffic—have been granted on the demand of the czar, they cannot be denied to the demand of the emperor. We hazard little in predicting that they will be conceded; that within a very short period, provisions equally broad and just will be applied to the matter in controversy with this empire. One point of difference between the cases will then have to be provided for. The Indian tribes were too feeble to enforce the system devised for their protection. China is more civilized and more powerful. A fair division of jurisdiction would have therefore to be agreed on; such for instance, as the reserving all offenses on the 'high seas' to the foreign, and leaving all committed in harbors, to the native, tribunals.

Securities like these, tendered by foreign governments to the Chinese (with such modifications as circumstances might be found to require) would surely go far to satisfy the imperial mind, and settle the pending controversy.† Until the tender is made, all retaliations and hostilities are, to say the least, permature; for it cannot be known that they are necessary. The offer involves no extermination of the poppy, as many would have us believe; no crusade against Turks,

\* It is under the same humane and intelligent system, that the Hudson's Bay Company and the American Fur Company have been concerting and carrying out together, the gradual withdrawal of spirits from their hunting tribes.

† Compare, at least its influence with the present state of things, and the impressions thence resulting. The E. I. Company offering near 20,000 chests of opium for public sale, *for export by sea only*, and advancing on a further crop of the poppy;—2000 chests on its way from Bombay; 9000 to 10,000 more in store of the old crop; and more than 20,000 of the new, just gathered in Malwa.—Powerful vessels, British owned, plying on the Chinese coasts, showing such flags as they please, and to crown all, actively supplying their native associates with fire-arms and ammunition!! And with all this before the Chinese, *with the E. I. Company's advertisements in the hands of the commissioner*, we wonder, and resent

or Malwarrees; no breach of faith, law, or usage. Let the two great powers most interested in the matter, make the concession, and let time tell, if any other dare violate what they unite to respect, or refuse what they have conceded.

Supposing this satisfaction — these securities — once given, we close this article with a short reference to the further questions, most urgently claiming foreign interference. Taking the late occurrences as a guide, (and leaving out of sight the higher and ulterior privileges belonging to those cordial and equal relations, we are one day to have with China,) we confine our remarks to two points, the protection due to the foreign residents, and the security of the innocent among them, from implication with the guilty.

The protection due to the citizen while resident abroad, is one of the important and delicate parts of diplomatic provision. Three degrees of this may be noticed. One, where civilized nations, treating with each other, in mutual confidence, give up their citizens to each others municipal laws, without any reservation. This confidential footing is seen in the relation of the European states with the United States of America, and with each other. The second and almost opposite course is followed with respect to states half-civilized, whose police regulations are imperfect, and whose general administration of justice is not to be trusted. Thus the czar treating with the Ottoman Porte at Adrianople in 1829, stipulates, 'that Russian subjects shall live under the exclusive jurisdiction and police of the ministers and consuls of Russia:' and the United States, treating with the same power in May, 1830, make the only stipulation of the kind in their diplomatic code, that their citizens 'shall be tried by their minister or consul, and punished according to their offense, following in, this respect, the usage observed towards other Franks.

An intermediate degree of protection is sometimes secured, for examples of which, we may cite the treaties of the United States, with Morocco, Algiers, Tunis, and Tripoli. For instance the Article 21 of the treaty of 1786, with the first of these states provides: 'If a citizen of the United States should kill or wound a Moor; or on the contrary, if a Moor shall kill or wound a citizen of the United States,

his measures. It is said too that the governor-general will probably be empowered to coerce a settlement of the pending controversy. Can it be? Whatever chastisement China may deserve, are there none to administer it, but the monopolist growers of the opium? What justice could be looked for, were the most criminal of all the parties concerned, to be transferred from the bar to the bench, to measure and dispense it? No: let nothing of our delicate and important cause be given over to the Calcutta council, until the time come, so long predicted, when "the child may put his hand on the cockatrice's den."

the law of the country shall take place, and equal justice shall be rendered, the consul assisting at the trial.' And again, the 19th and 20th Arts. of the treaty of 1816 with Algiers provide, that 'any disputes that may take place, between the citizens of the United States, and the subjects of the regency of Algiers, shall be decided by the dey in person, and no other.' \* \* And—'if a citizen of the United States kill, wound, or strike a subject of Algiers (or the contrary), the law of the country shall take place, and equal justice be rendered, the consul assisting at the trial; but the sentence against an American shall not be more severe than against a Turk in the same predicament.'

The second of these forms is, no doubt, that which all western governments will prefer, when once they address themselves to the work of making their people safe in China. And as the Portuguese have long been permitted to make and apply their own laws at Macao, no insuperable difficulty seems to lie in the way of the extension of the privilege to other foreigners. It is, at all events, much more easy of concession than those full diplomatic relations, which equalize the native and the foreigner—and which alone will ever induce western governments to give up their citizens to the unmitigated operation of the laws of this empire. If, however, some difficulty should oppose the introduction of both these modes, the third is sufficiently substantiated to admit of being tendered to this government; though without a trial, it seems probable, that the Chinese would rather turn foreigners over entirely to their own officers, than admit a joint exercise of judicial authority.

We have every reason to believe that neither Great Britain, nor any other power, will attempt to screen their people from the course of a steady, a somewhat severe justice in this country. Late events, however, make it impossible that they should longer neglect a due provision for that very end—the attainment of a calm and discriminating justice. The homicide of July has been the means (at once atrocious in itself and fortunate in its connection) of reviving the odious pretensions of the Chinese on this point, at a moment when public attention cannot but be turned toward China. It is enough, that Great Britain and the United States have each suffered one such occasion to pass unimproved; that each once looked on unmoved, and saw a subject die unjustly under the hands of the Chinese executioner. It is due in great measure to the firmness of the superintendent that the same scene has not been lately reënacted, and we feel sure, his superiors, though they may regret that his hostile posi-

tion interfered with the satisfactoriness of his trial, will fully support his exclusive jurisdiction over the homicide of July. It will be the unpardonable fault of the great powers in commerce with this country, if this long contested question be not now settled aright and for ever.

The second point, we have selected—the security of the innocent from implication with the guilty—touches on a remarkable feature of the Chinese polity—that of mutual responsibility. As a domestic question, we are not competent to argue upon it, much less to sit in judgment upon it. It is in theory capable of no defense, and all its justification even as a domestic affair, must arise solely out of the necessities of the government that enforces it, and of the social system, with which it is interwoven. In this point of view, the real question is—does the state of the administration and of the social system in this country, demand the mutual responsibility—or, in other words—is it the lesser of two evils—the only alternative from confusion and anarchy? The late Dr. Milne, commenting on this subject (translation of the *Shing Yu* p. 40), in connection with the atrocious severity of the Chinese statute of treasons, asks—‘may it not be, in a great degree owing to this singularly severe feature of the Chinese law, that their government has continued for so many ages unchanged, as to the radical principles and great lines of it?’ We venture no answer to the question. It is not with the home bearing of the subject that we have to do, and it is clear enough, in any event, that its extension to the foreigner is wholly inadmissible. He can be controled, corrected, tried, punished, without such odious compromises of distributive justice. If the guilty man cannot be awed or punished, in his own person, for his own offenses, by Chinese law; he can be reached by his own country’s pains and penalties. He needs not to be restrained, or made to suffer at second hand, through the medium of his unoffending relatives. It remains for the powers intrusted herein, to put a period to such unjust liabilities; tendering at the same time to the Chinese, such aid as may ensure the attainment in all cases, of the ends of substantial justice. We must not again see a community of innocent men and women, broken up and flying before edicts which hold them responsible for crimes committed at forty miles distance. The delicate female, the helpless child must not again expiate in flight and exposure, the atrocious brutalities of every drunken homicide. Unless Great Britain make the late proceedings, to which we refer, the occasion for procuring these securities, along with public and private satisfaction

for the wrongs sustained, she will release all her absent subjects from any further confidence in her sympathy or her protection. If war be ever justifiable in this age and under the dispensation wherein we live, the denial of such reparation, of security against such injuries, surely goes far to sanction its declaration.

Our limits forbid our entering further into the catalogue of rights, civil, commercial, and diplomatic, which has often been made out of late, for presentation to the court of Peking, as an ultimatum. To one only will we advert, and that because every day gives painful experience of its value, viz. the possession of a true copy of the Chinese fiscal code and tariff, under the sanction of the supreme authority. For the private merchant to obtain this, is, and has always been, impossible. He has never been able to gain such a definition of his duty. Even now, no diligence of inquiry, no sincerity of obedience, no sacrifices, can satisfy his own sense of right, or raise him above the taunts of the malicious. The time of public interference is now at hand, and the longer sufferance of this great abuse, will convict western governments, to say the least, of small regard either for the happiness of their people, or for their own honor.

Finally, we repeat our opinions, formed long ago, as to the mode of acting on this empire. *Every peaceful resort must be exhausted, before force is employed against China.* The cause of peace, the enlightened sentiments of the age, demand this; it is enforced by the recollection of the vast usurpations, already pushed forward by Europeans upon the soil of Asia. Military movements here must awaken the worst suspicions, and arm all there is of love of country, and pride of independence against their authors. Such movements, if strong enough for irritation and yet too weak for success, tend directly to force this government, upon the stricter exclusive policy of its eastern neighbor. If powerful enough to shake the Mantchou dynasty, they endanger the disruption of the political tie, and may let loose again the very demons of confusion and anarchy. Every reader of Chinese history, remembering those long reigns of terror which abound in its ancient annals, will unite in warning western governments to be careful how they throw down a polity they cannot reconstruct, or seek to conquer what they cannot govern.

Here we have the Scylla and the Charybdis of foreign interference with China;—on the one hand—the introduction of an exclusion as rigorous as that of Japan; on the other—the overthrow of the dynasty, and the substitution of lawlessness and anarchy. The first cannot but be deprecated by the friend of peaceful intercourse; the

second must awaken the far more serious alarms of every friend of humanity. Here is room for political wisdom to show itself, viz., in so steering, as to avoid these opposite dangers. The improbability that this degree of wisdom will be possessed by the conductors of ordinary military movements, or indeed by any single negotiator, sent hither, added to the love of peace, have made us long since feel and express a strong desire, that a combined mission from the western governments in commerce with China, should be the instrument selected for pressing their common suit at the bar of this empire. To this course, we have never heard an objection, except this, that western states cannot, and will not, move and work together. To this we reply, the cause is common; and peaceful unanimity in its pursuit cannot fail to make a deep impression. A joint guaranty against the violation of the Chinese territory, and a joint tender of a treaty like that we have already cited, are almost sure to disarm distrust and pave the way to confidence and freedom. Union is itself proof of disinterested aims, or at least, of aims resting on broad foundations, and not on the basis of national pride, cupidity or retaliation. If such union be not due to China, it is yet due, in our estimation, to western interests. Are these combined motives too abstruse, or too feeble to be felt and admitted by western cabinets? If they be, yet let generosity touch them, and while they exhaust every expedient for pacific success, they may rely, that if heaven will that the Ta Tsing dynasty be overthrown, it will provide a way for that end, in its haughty rejection of all advances; realising once more in the history of 'Taoukwang, the ancient saying, *quem Deus vult perdere, prius dementat*.

It remains once more to advert to those purer principles, which are just beginning, in our day, to be recognised, as laws for public, as well as private conduct. The time is fast drawing on, when 'the spear shall be cut in sunder, and the war chariot burned in the fire.' The best, the divinely appointed agent of amelioration upon earth, is the Bible, and not the bayonet. It is still left in part to us, however, to employ or reject the proper instrument. Or rather it is permitted to men to do the part assigned to them by Providence, under motives worthy or unworthy, disgraceful or meritorious. So will it be in this exigency, and in this country. Western states will be used, as the instruments of certain predicted changes here, and these they will work out, as their real characters may be, from lofty and pure respects, or from cupidity, revenge, and ambition. There is a pure influence, a commanding superiority, in their keeping; and

if they are wise and good enough to use it, the work will be done, and done to their immortal honor in the sight of earth and heaven. But if these noble motives are thrust out by angry, selfish, and cruel passions, then however complete the success, no merit will attend, no blessing hallow, the instrumentality. As citizens of western states, as humble sharers in their failures or their triumphs, we earnestly hope and pray, that they will on this remarkable trial now before them, do their duty.

*Note.* It should be stated that this article was prepared for our December number; but was necessarily postponed.

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ART. III. *Loss of the British bark Sunda, described by communications by survivors from the wreck, addressed to the editor of the Canton Press.*

SIR, On looking into your paper of the 14th inst., I saw an account of the melancholy loss of the bark under my command, and as that statement is not altogether correct, I hasten to give you an authentic account of the loss of that vessel. On the 7th of October, at 6 o'clock in the evening, the land of Tyloo was seen from the mast-head, bearing N. E. by N, distant about 35 miles; the weather at this time appeared very unsettled, the barometer falling fast, with all the appearances of an approaching gale of wind, which I prepared the vessel for, by furling topgallant-sails, courses, and jib, and double reefing the topsails; at 9 o'clock, the wind suddenly veered from N. N. W. to N. E. by E. and blew a strong gale; in attempting to close reef the topsails, they were both blown to pieces; also the fore topmast-staysail and mizen; the wind continued to increase, till three next morning, when it blew a perfect hurricane, accompanied with a tremendous sea; at 8 o'clock the wind abated a little, but the sea became more violent and tossing in all directions; at this time, the fore topmast and main topgallant-mast both went over the side, and sprung the main topmast; from this time the wind continued to abate, but it still blew a strong gale with a very heavy sea, until the morning of the 10th when it became moderate, the wind from the N. Eastward. All that day we were busily employed clearing away the wreck of the masts, and endeavoring to get the vessel into a working state, and getting new topmasts made. On the 11th, it continued fine, when we had succeeded in getting new sails bent, and the broken spars on-board, and one new topmast ready to send up. At 4 in the afternoon, we saw the Taya Islands bearing W. S. W., distant about 8 miles, when finding there was not sufficient drift for the vessel till morning, I set the foresail and run under the lee of one of

the islands, and brought up there. At this time 8 P. M., it was moderate weather, but at nine it began to blow, accompanied with a heavy swell; at eleven, it had increased to a gale; the vessel then began to drive with 90 fathoms of chain, I immediately gave her the whole chain being 120 fathoms, when she held on but capsized the windlass and started the bits from the deck; at one in the morning of the 12th, the chain parted about the hawse hole, and the vessel fell off with her head towards the coast of Hainan.

I then wore the ship round to the S. E., the wind at that time being about E. N. E. I then set the foresail and main trysail, and continued on the larboard tack, it blowing a heavy gale with a most frightful sea. At 3 A. M., the vessel touched the ground while in the hollow of a sea; I then set the square mainsail, the only remaining sail I had, when we deepened our water and kept off shore till five o'clock, when the vessel made a heavy plunge, burying her forepart into the sea as far as the foremast, carrying away the jibboom, fore topmast staysail, filling the forecastle with water, and washing everything off the deck; a short time after this, the main sheet broke and split the sail; I then gave up all hopes of being able to save the vessel, there being at this time five feet water in the hold, but kept reaching on with the foresail and main trysail, and anxiously looking for daylight. During all this time, the passengers were all in the cabin, I visiting them occasionally and comforting them in the best manner I could. At a little past five I discovered the land close to, to leeward, and extending to the S. E. about two miles, which part we were driving on; it appeared to be a very high rocky coast, and much like an island. I at this time communicated to the passengers our dangerous position, and my intention of bearing up, and running to leeward, in hopes that the land might prove an island with sufficient water between it and the shore to come too in, and if not, to run the vessel on the sandy beach which extended from it to the northward, for the preservation of our lives. At 5-30 kept the vessel away with the foresail; when within a quarter of a mile of the rocky coast, and two miles of the beach; during all this time it blew a heavy gale with a tremendous sea. In about fifteen minutes after keeping the vessel away she struck the ground, all hands were then employed clearing away the boats; we got the cutter on the booms ready for launching, when a heavy sea washed her off, and carried away the warp which had been passed aft from the lee bow, and made fast to her, to haul her up under the bow by, it being the most sheltered situation the position of the ship afforded; in endeavoring to get the long-boat out, she was broken in pieces by the sea. About half an hour after the ship struck, the stern dead-lights were broken in, and the cabin filled with water; I then removed the passengers to the steerage in front of the poop, where I and part of the crew also took shelter; on failing to get the long-boat out, the rest of the crew took to the fore rigging. By this time, 8 A. M., the vessel had been driven much nearer the shore by the force of the sea, and had now begun to settle in the sand, the sea making a clear breach over her. About ten o'clock the companion of the steerage was washed away, when Mr. and Mrs.

McPherson with her female servant and myself, were washed out; I, in attempting to save Mrs. McPherson, had her infant child washed out of my arms which went overboard, and myself washed into the lee main rigging; we all succeeded now with great difficulty in gaining the poop and mizen rigging, excepting poor Mrs. McPherson and her servant, who were washed to the mainmast; Mr. McPherson in attempting to reach Mrs. McPherson, was washed forward to the main hatchway, and at the same time Mrs. McPherson and servant were washed into the body of the vessel, where they all remained but a short space, when they were washed overboard; the other passengers, myself and part of the crew, remained in the mizen rigging till 3 P. M., when the sea fell considerably, and after many vain attempts we succeeded in gaining the fore rigging: at this time the vessel began to work very much and soon became a total wreck. We continued on the wreck till evening, when I had no hopes of her holding together during the night; and thought the only chance of saving our lives would be by trying to get on shore before dark; there appearing at that time a current setting in shore, the cargo drifting rapidly towards it, we all succeeded in reaching the shore on pieces of the wreck; excepting Mr. Ilbery, Mr. Magnelius, and one of the crew, who were drowned in the attempt: six others of the crew remained in the foretop, Mr. Newbery being the only passenger who reached the shore in safety. On reaching the beach, we were surrounded by great numbers of natives, armed with hatchets and large knives, who were all busy plundering whatever came on shore, and carrying it into the country. At dark I succeeded by means of my cook who was a Chinaman, in prevailing on one of the natives, to conduct us to a place of shelter; he took us to a joss-house about four miles from the beach, where we remained for the night. The next morning, at daylight, I and my crew went down to the beach, to endeavor to get the remaining part of the crew on shore; on reaching it, we found that the ship still held together, but the main and mizen-mast had both gone during the night, and the sea still continued so high that all communication between the shore and the wreck was impossible, and continued so during the day. I then endeavored to learn from the natives if any of the bodies had been cast on shore, as none of them could be found by us, after searching the beach for several miles. I learned from them that one had been cast on shore, and to which they conducted me; it proved to be that of Mr. McPherson, which they had buried. This night we slept in a small hut on the beach; at daylight, I and my crew walked down to the beach; the weather was now quite moderate with very little sea; a great number of natives had got on board the wreck, and thousands of them were on the beach. At this time those of the crew who had remained in the top, got on shore on rafts constructed of broken pieces of the wreck. I now finding it was impossible to save any part of the cargo which drifted on shore, the natives being so numerous, determined on attempting to reach the wreck, and endeavor to save the treasure, and keep possession of it until some of the authorities might appear, the natives being under no control.

In the evening I succeeded in taking a boat from them, and myself, the doctor, and three of the crew got into her, and got on board of the wreck, and drove the natives from on board, and kept possession of it during the night. Next day the weather continued very fine, and finding that I had not a sufficient number of the crew with me to protect the treasure, as boats from several junks which had come and anchored close by, had attempted several times to come on board. I sent the boat on shore for part of the crew which were on the beach, on sending the boat several of the crew got in, and Mr. Newbery, who was with them, came on board. I sent the boat a second time for the doctor, and two others who were still on the beach. On the boat reaching the shore the natives swam out and cut the rope which had been made fast to her from the wreck to haul her off by, and took possession of her. I was now left with Mr. Newbery and three of the crew on the wreck, without any means of communicating with the shore. At 5 p. m. it began to blow fresh with a heavy swell from seaward; by ten o'clock it had increased to a gale; we were at that time obliged to leave the after part of the wreck and get forward, as the sea was washing over it. At eleven the wreck broke in two, and the poop part drifted several hundred yards from the forepart. The scene was now most terrific, as the sea had full power on the upper part of the wreck, and was tearing it to pieces. Soon after the foremast went over the side, and in a short time there was nothing left but the stem and part of the bows. Mr. Newbery, my carpenter, and I were standing in the head protected a little from the sea by the night heads, from which place I was washed about midnight. I was fortunate enough to get on shore but I scarcely know how, with my body most frightfully cut and bruised by the broken pieces of wreck. I lay on the beach till daylight, when I succeeded in getting to the joss-house by the assistance of the crew who came to the beach. From the report of a sailor who was also washed on shore, it appears that on my being washed off the wreck, Mr. Newbery and the carpenter left that part and got on to the mainmast, which was still fast to the wreck by the rigging, and that a piece of wreck passed over his (the sailor's) head, and on looking round, Mr. Newbery, the carpenter, with another seaman, had disappeared, and there was no doubt but that they were carried off by the piece of wreck mentioned.

Next morning, Mr. Newbery and the carpenter's bodies were found twelve miles to the northward of the wreck, at which place they were buried; two days after the vessel broke up, there was not a vestige of the wreck to be seen, as what was not floated out to sea, was broken up by the natives and carried into the country. I remained with my crew at the joss-house three days, when two mandarins visited me, and next day we commenced our journey to Canton. I am happy to say that on our travels from Hainan, we were very hospitably entertained by the Chinese and kindly provided, by the mandarins of the different cities I visited, with provisions for myself and crew, and also conveyances for those who were not able to walk, until I arrived at Canton, where after a few days' detention, I had an interview with the yun-

chae who was very familiar and kind, in sending presents of five large roasted pigs, and an immense number of loaves; and on our being dismissed, he gave orders for two boats to be provided for the crew, one for myself and officers, and other two for a mandarin and linguist who were to conduct us to Tungkoo, where we arrived on the 19th instant, after a lapse of 59 days from leaving the wreck.

I beg also that you insert in your paper, that I and my crew are grateful to the American gentlemen resident in Canton, and more particularly to Mr. Snow, the consul, W. Delano, esq., and the houses of Russell & Co., and Wetmore and Co., for their prompt and kind administering to our several wants on our arrival at that place, and their unabated kindness during our stay there.

Dr. Hill's account of the visit of the survivors to the commissioner, we also extract from the Canton Press.

About two o'clock in the afternoon of Saturday, the 14th ultimo, we were requested by one of the linguists to proceed immediately to the consoo house, as his highness the imperial commissioner intended honoring us with a visit that afternoon. On reaching the head of Old China street, we found a large concourse of people assembled in the neighborhood of the consoo house, and numerous palanquins entering its interior, where several officers and most of the hong-merchants had already assembled. Several American gentlemen were likewise in attendanee, anxious to get a sight of the great yumchae. After waiting, however, for nearly two hours we were informed that his highness would not honor us with his presenee that afternoon, but that in all probability we would be admitted to an audience on the following Monday. On Sunday afternoon one of the linguists called, and said that the yumchae wished to see us within the city early on the following morning, whither he requested us to be in readiness to proceed by eight o'clock.

Accordingly, after partaking of an early breakfast, we went to the consoo house, when we were told that the hong-merchants had already gone on before us. Without loss of time, therefore, we marshaled ourselves in pairs, and marched towards the city, escorted by the linguists and a motley group of attendants. Shortly after entering the city gates, we found the streets lined on both sides with soldiers, presenting rather a formidable appearance. We were conducted to a large joss-house or temple dedicated to the Queen of Heaven, distant about 300 yards from the gates, the outer court-yard of which was completely filled with palanquins and horses belonging to the mandarins and hong-merchants already in attendanee. After waiting for about an hour, we were told that the commissioner had gone to breakfast with the governor, immediately after which he would visit us. On this the linguists took the opportunity of redoubling their exertions in order to persuade us to bend the knee to his highness, which we still persisted in refusing to their great mortification. They said "this not all same one other day. To-day yumchae all same emperor, all that mandarin have come, all that hong-merchant, must crook foot littly." About ten o'clock, a considerable bustle was observed at

the outer gate of the temple, occasioned by the coming of the treasurer and one of the judges, at whose approach the hong-merchants and linguists simultaneously bent the knee. The tedium of waiting so long was somewhat relieved by the conversation of the linguists and their assistants, one of whom appeared a very intelligent young man, and had been in London for nearly eight years along with the late Mr. Elphinstone. He speaks English remarkably well, much better, indeed, than any Chinese whom I have ever met with, and I regret much that he did not act as our interpreter with the yunchae, as Atung stammered so much, and was so flurried, that we had great difficulty in understanding him.

A lady likewise came to present an offering to the Queen of Heaven, a short account of the ceremony attending which may not be unacceptable to some of your readers. The offering was first placed upon the altar, and consisted of a roasted pig, boiled fowl, pork chops, a plate of crabs, two plates of ornamented cakes, two plates of oranges, one pot of spirits, one pot oil, and a quantity of incense paper. The oil was then poured into a large lamp, which is constantly kept burning, when the lady bowed three times, knelt three times, at the same time kissing the ground, she then burned the incense paper, while an attendant beat a gong. She then knelt and kissed the ground three times, presented the priests with a cumshaw of fifty cash, and removed the offering, already somewhat diminished by the hands of one of our boys, who made love to some of the cakes.

About the hour of eleven o'clock, the firing of cannon, beating of gongs, and shouting of a host of ragamuffin attendants announced the approach of the yunchae, upon which the hong-merchants arranged themselves in a row upon one side, and the linguists with their assistants on the opposite, in readiness to receive him, while the mandarins proceeded to an inner apartment behind the temple. Our party at the same time went inside the temple, where we conveniently obtained a peep of his highness without being observed. Four palanquins containing the commissioner, governor, lieutenant-governor, and hoppo, now proceeded up the court-yard in the order mentioned. The commissioner first made his exit, upon which the hong-merchants, linguists, &c., prostrated themselves for a short time, his highness at the same time bowing most condescendingly. The same ceremony was repeated towards the others in succession, differing only in the length of time during which they remained on their knees, in the latter cases being only for an instant. In about ten minutes we were informed that his highness was ready to receive us, when we were conducted to the hall of audience, situated behind and to the left of the temple, though forming part of the same range of buildings; it consists of a large quadrangular room, having a small recess at its upper part in which were placed two tables covered with books, papers, &c. Several mirrors and a few paintings were arranged round the walls, and from the roof two crystal chandeliers were suspended; at the sides were two tables and a few chairs, and the floor was covered with an English carpet. The yunchae was seated at the upper part of the room, having the

governor on his right, the licut.-governor on his left, and the hoppo second on his right, also seated. The treasurer sat on the right side of the room, and one of the judges on the left. In person the yunchae is rather stout and short, and apparently about 45 years of age, his countenance has rather a pleasant expression, with a small, dark, and piercing eye, and a fine intelligent forehead. His voice is strong, clear, and sonorous; he was very plainly dressed, while the other dignitaries were invested with all their insignia of office.

On being conducted into his presence, we uncovered, and made a polite bow, which he returned, and immediately after commenced the conversation. He began by stating his regret at our melancholy shipwreck, and hoped that we had been treated kindly by the different mandarins on our journey to Canton. He then asked when we left England? And whether any account of the disturbances in China had reached England previous to our departure? When and where did we first hear of them? How many days' sail is Anjier from China? Whether it is usual for vessels to call there on their way to China? What was the nature, and value of our cargo? And whether the vessel had been to China before? He then said that he was very sorry on account of the differences which at present existed between England and China. That for the last 200 years, the Chinese and English had been on the most friendly terms, during which time everything had gone on smoothly for the interest of both. He regretted that these happy days had fled, and would rejoice to see them back again. The English had caused these disturbances by deluging the country with opium, the importation of which, they knew to be strictly prohibited by the Chinese law. He then dwelt at considerable length on the injurious effects of the use of opium on the system, and the iniquity of our introducing it into China being doubly aggravated from our knowledge of the severe penalty inflicted upon those found making use of it, or in any way engaged in its traffic. He then mentioned the dreadful extent to which it had increased of late years, and the determination of his sovereign to put a stop to it. That he had been sent down by the emperor for that purpose, and was firmly resolved not to return until he had effectually done so. (Here he became very animated.) He was well aware, he said, of the handsome profits made by us upon other articles of merchandise, and why should we not be content with those, but introduce a poisonous drug? He would appeal to our own hearts, if it was not a monstrous crime to engage in the opium trade? He was certain that the gods could not approve of it, and that the conscience of any one engaged in it would never allow him to be at peace on this earth. He then instanced the melancholy fate of Mr. M \* \*, and said that other similar cases were not uncommon. In order to show us the iniquity of the opium trade, and its increase during the last few years, he handed us Mr. Thelwall's pamphlet, and a work upon China, from which the titlepage was torn (Davis' I think), a few extracts from which he requested us to read. Several portions of both works were translated into Chinese, and pasted on the corresponding pages. He

also had five or six E. I. Company's cards, showing the quantity of opium sold during the season. One of them which he handed us was marked Patna opium 12,046 (?) chests. March 1839, and signed, Trotter.

He next adverted to the murder of his countryman, Lin Weilie, and expressed his great dissatisfaction at the murderer's not having been delivered up. He could not conceive how we were unable to find out the murderer, especially as we knew five men who were engaged in the affray, and one of whom he said, ought in justice to be delivered up to atone for the murder. He next alluded to captain Warner's having come up to Whampoa in the *Thomas Coutts*, and asked, why others had not done so. His own impression was that captain Elliot was afraid of the officers and crews being beheaded, and the property confiscated, which we would perceive was entirely groundless, as we were then completely in his power, and he had not the slightest wish to do us any injury, but on the contrary had the greatest compassion for us, and wished to deliver us in safety to our own countrymen. He would like to see all our vessels at Whampoa, but they could not now be permitted to go up, even although they signed the bond, until he received further orders from Peking. He had not the slightest enmity towards the English, but only towards those of them engaged in the opium trade. No distinction would be made between them and the Chinese, if caught with it in their possession. Hitherto, we had been dealt leniently with, but now no mercy would be given, as he was determined to put a stop to it at all hazards. He then alluded to captain Elliot's conduct, with which he was by no means pleased. "At Macao," he said "captain Elliot very proper man, at Canton no proper." He then asked if we had heard any reports in Canton as to the state of his health, as he had been informed that in *Tungkoo* it was currently reported of his being in a very bad state of health, and not likely to survive many days, upon which he laughed most immoderately, and asked what we thought of the state of his health? When we congratulated him upon his robust appearance, with which he was highly delighted. He then handed us a letter addressed to the queen of England, written in their usual high flowing strain, at which I could scarcely command my gravity, which he observing, immediately asked if it was all proper? We said that it was only a few mistakes at which we smiled, whereupon he requested us to take it into an adjoining room and correct any errors we might find in it, and whither tea and refreshments would we sent us. The letter was a pretty long one, and written in a fair legible hand with a hair pencil. The subject of it was principally a lengthened disquisition on the opium trade, and its evil effects, and a hope that H. B. majesty would interfere and assist in putting a stop to it. Some parts of it we could make neither head nor tail of.

During the time we were engaged in the perusal of the letter, the crew got a blow out of roast pig, &c., with four of which we were presented on our departure. On our return to the hall of audience, we found the *yumchae* and the other dignitaries seated round a circular table, having divested themselves of most of their insignia of office. They were amusing them-

selves with one of our boys (who was likewise a good deal taken notice of by several of the mandarins on our journey), and asking him a number of questions such as the following: his name, age, were his father and mother alive, was he fond of the sea? &c. They likewise made him read a page or two of English, at which they were highly pleased. He then asked the names of the places from whence the different kinds of opium were brought, and requested me to write them down for him which I did. On mentioning Turkey, he asked if it did not belong to America? Or form part of it! And seemed a good deal astonished on being told that it was nearly a month's sail distant. During the rest of the time he remained standing, as also did the viceroy, &c., and conversing with us with the greatest familiarity, and laughing and joking with his friends about the different parts of the English costume, which he minutely examined. He seemed highly amused with our chief officer, and desired his secretary to show him round, first in one direction and then in another, in order to get a proper view of him, when he put on his spectacles and "hey-yaad" at a great rate. He lastly informed us that boats were in readiness to convey us to our countrymen at Tungkoo, to whom he hoped we would give a favorable report of him, which we promised to do; he then "chin-chinned" us and bade us good-bye.

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ART. IV. *Commands of the emperor, in reply to the engagement at Chuenpe on the 3d November, and approving of the entire stoppage of British trade.*

IN answer to a joint memorial, addressed to the emperor, on the 21st of November, detailing the circumstances of engagements with English ships-of-war at Chuenpe and at Hongkong, the following commands, in the imperial handwriting were received, on the 3d of January, 1840.

"The imperial pleasure on this subject shall be hereafter declared. Respect this."

And, in the form of marginal comment on the memorial:

"This is in the highest degree praiseworthy."

On the words, "The admiral himself remained standing by the mast,"—it is remarked, "He should not have done so, lest the dignity due to his station be lost sight of."

On the words, "If they become repentant, they may be allowed to turn again,"—it is remarked, "Such violence will not be found well adapted for long continuance."

On the words, "Then strengthening our force, and making firm our bulwarks, we quietly waited for them, and like them also took our stand upon our strength,"—it is remarked: "The views taken were very right; in the proceedings there cannot, however, but have been a tendency to raise opposition."

On the words, "Those obeying the laws, are drawn to us; *those who break them are repelled*,"\* it is remarked: "Though there be exhibited the different dispositions of dutiful compliance and contumacious resistance, yet the men being all of the *same nation*, matters should not have been so arranged."

On the words, "We commanded our subordinates to find out whither she (the Royal Saxon) had gone, and bring her up to Whampoa,"—\* \* \* (the remark seems to be intentionally omitted, for the reason that it is incorporated in the full reply which follows.)

Despatch from the court to Lin, Täng, and Kwan (the commissioner, the governor, and the admiral), covering, under date of the 13th of December, the following imperial commands:

"Lin and his colleagues have reported the circumstances of engagements had with foreign vessels. We have duly perused and are well informed upon the contents of their report.

"The English foreigners, since ever it was resolved to put a stop to the opium trade, have been twisting and turning, and changing inconstantly. Previously to this, having audaciously presumed to commence firing, they afterwards, when sharp-cutting proclamations were issued, turned about and made a pretence of being dutiful and compliant. But, again, they joined to them vessels-of-war, and sought occasion to take revenge. At that time, again, they met with con-dign punishment; but their trade was not immediately cut off altogether, so that our terrors failed to be carried home to them.

"On this occasion, Smith, in his cruizer (the Volage), again dared to come forward and commence firing; and, upon the public stream,† assumed possession of a place of cover for himself, whence, six several times, he gave battle. Our forces successively came off victorious; and from Hongkoug they drove away all the foreign vessels.

"Had the bond been given, 'twere yet hard to insure that there would not have been some twisting and turning. Now, when there has

\* So underlined by the emperor. (Copyist's note.)

† There are some doubts regarding this rendering. It has been otherwise rendered, "and, at Kwanyung, assumed a place of cover for himself, and six several times, gave battle." Kwanyung is a military post near to Hongkoug.  
Translator

been such repeated opposition; should a continuance of trade be allowed them, it would be highly inconsistent with the requirements of dignity. And as to the petty, trifling, duties, how can they merit a moment's calculation or discussion!

“Our dynasty, keeping in peaceful and quiet order the outer foreigners, has most richly imbued them with its favors. These foreigners, by their ignorance of the claims of gratitude, and their unruly resistance of those over them, have shown, to the conviction of all, whether within or without the empire, that the wrong is on their side, and the right on our's. It being so, what pity can be felt, when they thus put themselves out of reach of the means of living and increasing?

“Let Lin and his fellows, taking into consideration existing circumstances, put a stop at once to the trade of the English nation. Whatever ships there be of the said nation, let them immediately drive out and expel the port. It is unnecessary to take bonds from them. And the murderer, whose blows caused the death of one of our people, let them not care to demand the delivery of. 'Towns' ship (the Royal Saxon) they need no longer seek after.

“Let them also issue to all nations a proclamation, plainly making known to them the several acts of guilt committed; and let them promulgate these to all foreigners, that they may understand that the English have alienated themselves from the celestial empire, that the thing affects none of those other nations; and that so long as these continue dutifully to comply, they shall still be allowed to carry on their trade; but that if they dare to give shelter to the English, and introduce them into the port, so soon as such conduct shall be discovered, they shall meet condign punishment.

“To the important places of passage along the coast, and the islands not far removed from the foreign ports, let Lin and his colleagues, weighing their several importance and necessities, dispatch in secrecy officers and troops, for the strict defense and protection thereof. Let them not permit the least degree of remissness.

“The conduct of the admiral, Kwan, on this occasion,—the bravery with which he advanced foremost, leading on the forces in his own person, is in the highest degree worthy of praise. In reward thereof, let the title of *Fahailinga Pátulu*\* be conferred on him;

\* “These words are in the imperial handwriting.” (Copyist's note.) They are two Tartar words, the precise meaning of which is unknown to the translator. *Patulu* is an honorary distinction, conferred on military men, and somewhat resembles our knighthood. *Fahailinga* is the adjunct distinguishing one *Patulu* from another.

and at the same time let the Board of War consider liberally what shall be done in reward and encouragement of his meritorious conduct. The officers engaged in the affair and who exerted themselves,—upon a statement regarding them being presented to us,—we will graciously reward. Let Liu and his colleagues also send to the Board a statement of the killed and wounded in the action, that they may receive the treatment enacted by law. Make known all these commands. Respect this.”

In respectful obedience the above is forwarded in this dispatch.

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ART. V. *Naval battle of Nov. 3d at Chuenpe described, in a communication written by an eye-witness. Extracted from the Singapore Free Press, Nov. 28th, 1839.*

SIR,—As the public mind of India must be deeply interested in the present posture of our affairs in relation to the Chinese empire, and matters having been driven, as you will learn, to that extent where supineness can no longer exist,—I feel the ideas of one upon the spot, who has no further interest in the matter than the sustainment of his own national honor, and so far as his consistent with that, the maintenance of all international rights—I feel, I say, that such ideas may be entitled to a place in your excellent journal.

A collision has taken place between the force of her majesty protecting the trade of her subjects, in this part of the world, and such power as the local government of this part of China could collect to resist that force.

The public press of the country will inform you, that negotiations had been going on between captain Elliot, her majesty’s chief superintendent of trade here, on the one part; and the high commissioner of the emperor of China on the other. You will be, by the same medium, moreover informed, that these negotiations had so far advanced on either side, that the British inhabitants had deemed themselves secure in returning to Macao; when the commissioner thought fit to turn round, break from every previous arrangement, and require such terms, as honor and humanity should for ever forbid us for a moment to listen to; and had accompanied such requisition with threats, which his previous acts clearly point out to us, he wants not

the will, however deficient he may be in the power, to enforce. These threats consisted in driving away from a neutral territory such British inhabitants as dared to remain there—the Portuguese territory of Macao. To fulfil which, 800 Chinese troops were collected and encamped at the Barrier, separating Macao from the Chinese territory. He required, that a man should be handed over, guilty or not, to be put to death in expiation of an unfortunate homicide, which occurred here in July last. He required a recognition on the part of the British government here, of a bond, which it should be necessary that the master and crew of merchant ships trading here should sign—the nature of which bond was, that they, or any of them, should be put to death, and the vessel and property confiscated, should any particle of opium be found on board the ship, and that under such terms, they should proceed to Whampoa to trade; having previously submitted to such search as he might order; and in case of non-compliance with these orders, he stated, that unless the ships left the country within three days, measures should be taken for their destruction by fire.

Now, surely, these were terms that could not be endured, much less submitted to: though the Thomas Coutts had gone up, signing the bond, and even had expediency pointed out a temporary acquiescence in the signature of such bond, it is with reason believed, he only wanted to get within his power sufficient life and property to insist upon the other, and more atrocious conditions. It was on all hands agreed, that no act of the government should place within his power the British lives and shipping.

Well, unless we complied, he had threatened to destroy our fleet. We knew well, that on the ocean our small force rode triumphant over all the power that he could collect, but we also knew, that his war-junks were passing and repassing with impunity, and perhaps congregating in some spot, unknown to us, whence in the darkness and silence of night, they might pour upon our dense and compact fleet, and throw their fire ships on us, with vast destruction of property and life.

Such an idea could not be tolerated, and consequently on the morning of Saturday, the 2d of November, her majesty's ships *Volage* and *Hyacinth*, anchored off *Chuenpe*, distant from the *Bocca Tigris*, the entrance to the *Canton river*, about seven or eight miles. Captain *Elliot* the superintendent of trade, went up in the *Volage*. A letter was dispatched by captain *Smith* of the *Volage* to the Chinese admiral, with an enclosure for *Lin*, the imperial high commissioner,

requiring him to withdraw his chop threatening the annihilation of the British fleet, and also to allow the British inhabitants to remain unmolested at Macao, until such time as the two governments might arrange the larger questions at issue. Now surely, no one could imagine any thing unreasonable in these requests. The letter was taken on board the admiral's ship, which was lying below the Bocca forts, with from 30 to 40 war junks, by a commissioned officer of the *Volage*, accompanied by Mr. Morrison, first interpreter to the commission. They were received politely by the admiral, who took the letter, and stated that an answer should be sent on the morrow. In the evening, a boat approached the ship, and asked permission to come alongside, which was granted, and it proved to contain a Chinese linguist and pilot, who said they had come from Canton, and that a proper chop in reply to capt. Smith's was on board the admiral's ship, and requested that Mr. Morrison should go and fetch it. This of course was not acceded to, and without further communication they were dismissed, asking, if they would be again allowed alongside during the night, which was assented to. They did not, however, come till the following morning, when they came out in a larger boat, and again from her in a smaller one, to the *Volage*. They now stated the chop to be in the larger boat, again requesting it might be sent for, which was again declined. They returned to the boat, finding all to fail, and brought it themselves. They brought it, and what was it? Why, the identical dispatch which had been sent from the *Volage*, returned apparently as it was sent! While this was going forward, we observed the Chinese fleet to be getting under way, and standing towards us, and at the same time the *Royal Saxon* was passing us, apparently going through the Bocca, as we had previously learnt was her intention; being an English ship, a shot was fired across her bow, on which she hove to, and anchored. The Chinese fleet were still standing towards us, and both the *Queen's* ships rapidly weighed anchor, and were under commanding sail. The messengers were again dispatched with the original letter, and as the movement of the fleet could be taken as nothing less than a hostile demonstration, a letter was sent to the admiral peremptorily requiring him to return to his usual anchorage. To this he quickly replied that no terms could be maintained until the homicide was delivered over to the Chinese. This was an awful answer; and an anxious moment. What was there to be done? The junks picked up a berth in line, along the line of coast, stretching to the southward from Chuenpe point. The number of war-junks here anchored was 16;

and they had outside of them, that is between themselves and H. M. ships, 13 vessels as fire-rafts, each with a black flag flying.

Could the British authorities, with the threat of annihilation before them — could they, with the recollection of all the wrongs, and the insults, and hardships, which, during the last six months, had been indiscriminately heaped upon their fellow subjects — could they, in the recollection of the murderous, and piratical act, which but a few weeks before, had been committed on the *Black Joke*, under the favor if not the counsel of the mandarins, as there is reason to believe — in the recollection of the burning of the Spanish brig, under the impression that she was British; of the barbarous treatment of her crew, under the same impression — could they, I say, under all these circumstances, withdraw, to leave the Chinese government to work out its plans for our destruction — to return to our fleet, with all this unnoticed, and unchastized?

Surely not. The moment had arrived, that we must either have basely succumbed, and told the fleet they must remove, that we could not protect them; or the dreadful alternative of proving to these people, in the only way they seemed capable of taking a proof, the power of our arms. Every attempt at conciliation had been made, and each in its turn had failed. The latter alternative was only left to us, and the firing began.

The first vessel to receive our fire was one of their fire-rafts; we threw a few shot upon her in passing, and in a few seconds observed her to settle in the water, and almost immediately go down. One of the war-junks was now on the beam of the *Volage*, and fired a couple of guns at her, which passed over. These we immediately returned, several of the shot telling on the junk, and almost instantly we heard an explosion, and on looking round saw through the envelope of the smoke, the fragments of the unfortunate junk, floating as it were in the air. She had blown up. When the smoke cleared somewhat off, out of whatever number she might have had on board, we could see but three about the wreck. When blown up she was not distant from the *Volage* more than fifty yards. Pieces of the wreck fell on board, and the cover of the pinnace was set on fire. A boat was sent to save what offered on the wreck — but was fired at by the Chinese, and returned. The *Hyacinth* came in astern of the *Volage*, passed her, and got among the denser part of the junks. And an awful warning they must have had from her, of her force! The firing was now indiscriminate upon any vessel where the guns would tell, and the admiral got his full share; more particularly from the

Hyacinth, she being further to the northward, and nearer to him. Vast destruction of life not being so much the object, as a wholesome chastisement, the Volage kept more to the southward, to prevent the junks escaping in that direction, and drive them back to the anchorage, to which in the morning they had declined to go; but towards which by this time, they were all too glad to get, by every means in their power. The first shot or two, was the signal to many of them to be off, but the admiral and a few others kept their station longer, firing with more spirit than we had been generally led to expect. Their guns and powder must have been good from the distance they carried, but not being fitted for elevation or depression, all their shot were too high to have any effect, except on the spars and rigging. The Volage got some shot through her sails, and the Hyacinth was a good deal cut up in her rigging and spars; a twelve pound shot lodged in her rizen mast, and one went through her main-yard, requiring it to be secured. Their wretched gunnery hurt no one. The firing commenced about twelve, and at one, they were all sunk, dispersed, or flying. About one the Hyacinth was ranging up alongside the admiral, and would soon have sunk him. The chastisement was already severe, and she was recalled.

The result of the whole was, three junks sunk, one blown up, many deserted, and the rest flying. The last that was seen of the admiral's junk, she was standing in for the land, and apparently settling in the water. But those on board would reach the shore. It is to be hoped the lesson they have had has not been given them in vain. The ships moved to Macao for the security of the defenseless inhabitants there. On the morning of Monday, the Volage went to Hongkong to the merchants fleet, leaving the Hyacinth at Macao. At Kowlung, a neighboring bay to Hongkong, they have been erecting batteries.

On Sunday evening an attack was made upon some of the officers of the merchant ships—the evening of the day of their chastisement, when they could not have heard of the affair of the Bocca, and the mate of the Shaw Allum was stabbed in two parts of the head.

On the whole we trust that an earnest has been given to them of what we can and may do. Still, many rumors are afloat, the truth or untruth of which can only be disclosed by the progress of time. Much might be said on the general state of matters here. But I look upon the late affair as in many points distinct from them, and involving other considerations.

I am sir, your obedient servant,

A BRITISH SUBJECT.

ART. VI. *Journal of Occurrences; review of the month; captain Elliot's correspondence with the governor of Macao; destruction of a village; Mr. Gribble arrives in Canton; dispatch from Peking; a Chinese killed in Macao; notices of blockade; Mr. Gribble released; naval preparations; smuggling on the coast; Spanish envoy; new governor of Canton.*

JANUARY, 1840, has passed without any essential amelioration of public affairs, and without opening any fairer prospects. There is now, at the close of the month, an apparent calm, but nothing is settled except the determination to persist. Long ago, in view of the unsatisfactory state of relations between this and other governments, negotiations directly with the court were strongly recommended. What now is to be done? Will petitions or force avail aught for good here? Have they done this during the last year? Towards the annihilation of the traffic in opium, what has been accomplished? If opposition is provoked, and hostilities are gendered, what can be done? We do not believe the Chinese desire an extinction of any part of the foreign trade — except only that in opium; but while that is being forced on them, as it now is, will they, can they, or ought they, to remain quiet? The Chinese believe, or affect to believe, that this traffic is countenanced by the British government. If this belief is unfounded, and can be made to appear so to them; and if, further, the Chinese can have assurance that the British government (after an adjustment of present difficulties) will cooperate with them in just and honorable measures for the suppression of all smuggling; will they not gladly renew that *ching king mow yih*, now declared extinct? We should rejoice to see a negotiator at Teentsin, prepared equally to give and to ask what is just and honorable. We are heart-sick with sad tales of petty annoyances, outrages, and all the *etc.*, with which every day is filled.

*Wednesday 1st.* The British chief superintendent “driven to ask permission in the name of her Britannic majesty, to deposit the remainder of British cargoes in the warehouses of Macao, upon the payment of the duties fixed by the regulations of the place.” The request was not granted. See Canton Register, Jan. 28<sup>th</sup>.

Under this date a correspondent writes, “In Tungkwán, the district east of the Bogue, was a village called Wankeächun, many of whose inhabitants had long been known as daring adventurers in the smuggling of opium. Although in the neighborhood of the commissioner's residence, yet they relaxed not in their contraband proceedings. About a week ago, the commissioner was informed that at Wankeächun a large amount of the drug was stored up. He immediately dispatched a body of soldiers to seize the whole, and bring the smugglers to justice; but they were met by the villagers and completely routed in open combat. When his excellency heard of this, he forthwith ordered several hundred more soldiers to proceed to the place, and to take or kill every opposer and burn every dwelling. The villagers, hearing that so large a force was marching upon them, deserted their houses and fled. The soldiers, after indiscriminate plunder, set the whole town on fire, and Wankeächun, once containing two hundred houses and one thousand inhabitants, no longer exists.”

*2d.* Mr. Gribble, whose seizure off Chuenpe was noticed in our last, arrived at Canton, in a sedan, was shortly after taken into the city, judged and pronounced a “good Englishman,” and sent to the consoo house to await a second examination.

*3d.* A dispatch was received, by the high officers, from court, approving the entire stoppage of the British trade. See page 486.

*5th.* Early this evening a Chinese was killed by an Italian sailor in Macao, who was immediately arrested and imprisoned by the Portuguese. The following proclamation, issued in Canton, we copy from the Register.

Lin high imperial commissioner, viceroy of the two Keang provinces, &c., Tang, a president of the Board of War, viceroy of the two Kwang provinces, &c., E, a

vice-president of the Board of War, lieutenant-governor of Kwangse, &c., hereby conjointly proclaim to all men that they may thoroughly know and understand:

Whereas on the 19th year of Taoukwang, 11th month, and 29th day (January 13th), we received an imperial edict, to the following effect:—

[A part of the dispatch given on page 487 is here quoted; after which their excellencies again proceed.]

We, the commissioner, viceroy, and fooyuen, having with deep respect received the imperial commands, find that the English superintendent Elliot has many times disobeyed and opposed the laws, and been constantly shifting and changing. We (the aforesaid high officers) had already made our clear report to the great emperor, that from the first day of the 11th month (December 6th, 1839), we had stopped the English trade, and now we have again respectfully received a fresh imperial edict, commanding us to draw up a statement of the said English nations's crimes, and disseminate it among the foreigners of all other countries, and at the same time to drive out their ships, not permitting them to cast anchor in the Chinese seas. We ought therefore to give due compliance to the imperial commands, in summing up the crimes of the English and laying them before all men, and forasmuch we now proclaim the following, that ye, the men of all foreign nations, may thoroughly know and understand!

Elliot, after having delivered up the opium (May 1839), and gone down to Macoa, earnestly entreated that a weiyuen (or specially appointed officer) might come to Macao for the purpose of deliberating upon, and fixing certain regulations, so as to cut off the opium (evil). Successively he begged that (export) cargo might be sent down to Macao, and then forthwith opposed and broke with the said weiyuen, and at the same time prevented the whole of the ships of his nation from signing the duly prepared bond, and entering the port. These (the English ships) by remaining a long time anchored at Tseenshatsuy (Hongkong) on the high seas, led to a number of sailors going ashore and raising a riot, when, getting drunk, they committed an act of homicide. The said Elliot screened the murderer and would not deliver him up, and day by day only grew more stupid and obstinate! At first he took up Douglas' merchant vessel (late H. M. S. Cambridge) and falsely disguised her as a man of war—afterwards he leagued himself with the two cruizers Smith and Warren (H. M. S. Volage and Hyacinth) and got these to come to Canton (?) to give him assistance. Then these were so bold as to go to Kowlung, and there were the first to smear the altars with blood! (i. e. to commence the horrors of war). Next they went to Chuenpe on the high seas, and fired off their great guns in direct opposition to the imperial troops! With the same breath they received under their protection the boats of our native bandits, these they placed in the middle of their fleet, and, if our government cruizers came near to examine or seize them, then (the English) forthwith fired off their guns and muskets! This most unprincipled procedure of theirs showed people who had no fear before their eyes, and plainly demonstrates that it is the said English who have put themselves out of the pale of the laws! At this present time, then, even were these said English to repent of their crimes, and beg for mercy, and be willing to give the duly prepared bond, yet even then, we, the commissioner, viceroy and fooyuen, could not upon any account memorialize the emperor in their favor! This then is all brought about by the said English themselves! They have outlawed themselves, and the case has no reference to any of the foreigners of other countries.

Do ye then, oh, all ye foreigners of other nations, look up with awe to the great emperor, and as ye receive his foolishly tender and unbounded goodness in permitting you to continue your commercial intercourse as of old, know that, in order to preserve in safety your persons and properties, ye must reverently observe the laws and prohibitions! If ye dare, however, clandestinely to give ear to the insidious counsels of the English, or convey up the goods brought on in their ships, or dispose of the said goods for them, the moment that such clandestine procedure is discovered, will your crime be visited by the severest punishment! We shall also duly memorialize the emperor, that the trade of the said offending nation be in like manner put a stop to! What then will your after repentance avail you? Let every one tremble and obey! Do not oppose!

A special proclamation. Taoukwang, 19th year, 12th month, 1st day. Canton, 5th January, 1840.

7th. Some foreign letters were brought to the factories in Canton having been intercepted by the Chinese authorities.

Soon after the seizure of Mr. Gribble, a demand for his release was presented at the Bogue; which not being granted, occasioned the following notices.

**PUBLIC NOTICE.** The British ships *Thomas Coutts* and *Royal Saxon* having entered the *Bocca Tigris*, in violation of my public notice to the serious prejudice of general and permanent British interests: notice is hereby given that persons shipping produce of this empire on board either of the said ships for any port in her Britannic majesty's dominions, till the British trade has been declared open under my hand and seal of office, will expose themselves to serious inconvenience. Given under my hand and seal of office on board her majesty's ship *Volage*, off *Chuenpe*, this 7th day of January, in the year of our Lord one thousand eight hundred and forty. Signed) CHARLES ELLIOT, Chief superintendent &c.

2. **OFFICIAL PUBLIC NOTICE.** Notice is hereby given that the intended blockade of the river and port of Canton, declared in my public notice under date of 15th September 1839, and suspended in my public notice of the same month and year, is hereby annulled. Given under my hand, on board her majesty's ship *Volage*, at anchor off *Chuenpe* this seventh day of January, 1840. Signed) H. SMITH,

Captain, and senior officer of her Britannic majesty's ships in China.

3. **OFFICIAL PUBLIC NOTICE.** Whereas, a British subject, seized by the officers of the Chinese government on the 27th ulto., has been detained in captivity without cause to this date, notwithstanding formal demands in her majesty's name: Notice is hereby given that it is my intention, at the requisition of the chief superintendent of British subjects in China, to establish a blockade of the river and port of Canton on the 15th instant. Given under my hand on board her majesty's ship *Volage*, at anchor off *Chuenpe*, this 8th day of January, 1840. (Signed) H. SMITH,

Captain, and senior officer of her Britannic majesty's ships in China.

14th. Mr. Gribble, and also five lascars, were released from Canton; and about noon, next day, Mr. G. came on board the *Volage*, without the Bogue, and the blockade was raised.

16th. Rumor says, thirty new pieces of iron cannon, 3000 catties in weight, six feet long, were this day inspected and approved by the authorities in Canton. It is also said that a new fort is being erected at Hongkong, and other military preparations for defense being carried on at other places along the coast.

17th. A poor tailor in Canton, in distress for six dollars to pay his debts, took a drachin and a half of opium to cancel the same. About an hour after, Dr. Parker was called, and the application of the stomach pump afforded effectual interference, to the great joy of his family—a wife and three children.

19th. Two edicts were issued: one by the high provincial officers, stating that 18 months had been allowed opium smokers to break off the habit, and that now more than two thirds of the time had elapsed, and therefore warning them that on the expiration of the 18th month, seizure and capital execution will await those who change not the vile habit. The other edict was issued by the *tsotang* at Macao, threatening vengeance on the police if they dared to molest the fishing boats, as they come into the harbor to spend the holidays of new-year.

22d. We are glad to hear that an envoy is expected from Manila, to seek reparation for the loss of the *Bilbaino*, and the release of her officer. In the mean time, her consignee is endeavoring to effect these ends.

24th. "Startling rumors, alas, too well authenticated," says a correspondent, "of bloodshed and the cool deliberate murder of arrested Chinese officers, on the coast, by foreign smugglers." Several sharp encounters we hear there have been between the Chinese cruisers and the said foreign vessels. In the words of another, "we hope these latter carry the flag of no civilized nation;" but of this we are not sure.

31st. The number of vessels now at Whampoa is reduced very small, say to ten or twelve, and there may be some forty without the Bogue. It is rumored that the Chinese are about to man some foreign vessels for naval service. It is also rumored that commissioner Lin is to be governor of the *Leang Kwang*. It is likewise said that warlike stores are on their way from India to China. The *Ariel* is hourly expected with dispatches from the home government.



