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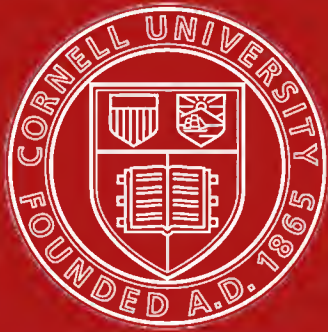
THE
CHARLES WILLIAM WASON
COLLECTION ON CHINA
AND THE CHINESE

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BRITISH
PARLIAMENTARY PAPERS
EMIGRANTS FROM
CHINA

1853 - 1888

Chas. H. Mason
3/14/16

CLEVELAND
1915

C O N T E N T S

Correspondence with the Superintendent of British Trade in China,
upon the subject of Emigration from that country, 1853

Chinese Emigrants, 1857

Chinese, etc., Emigrants, 1858

Return of Clauses in Treaties between Great Britain and China re-
lating to the Treatment of Immigrants, 1888

Correspondence relating to Chinese Immigration into the Australasian
Colonies, 1888



CORRESPONDENCE

WITH THE

SUPERINTENDENT OF BRITISH TRADE

IN

CHINA,

UPON THE SUBJECT OF

EMIGRATION

FROM THAT COUNTRY.

*Presented to the House of Commons by Command of Her Majesty.
August 20, 1853.*

LONDON:

PRINTED BY HARRISON AND SON.

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Correspondence with the Superintendent of British Trade
in China, upon the subject of Emigration from that
Country.

No. 1.

The Earl of Malmesbury to Dr. Bowring.

Sir,

Foreign Office, June 12, 1852.

I TRANSMIT to you herewith a set of questions respecting emigration from China which I have to instruct you to forward to the British Consuls at the several ports, with directions to return answers to them with as little delay as possible.

I am, &c.
(Signed) MALMESBURY.

Inclosure in No. 1.

Questions for Circulation among the Consuls in China.

1. HAS any emigration taken place within the last few years from the port of _____ ? If so, to what extent ?
 2. Is the emigration from _____ sanctioned or connived at by the local authorities ? Are any obstacles thrown in the way of intending emigrants ?
 3. Are the inhabitants of the districts adjoining to _____ in your opinion well fitted for labour in a tropical climate, like that of the West Indies ?
 4. What is the average rate of pay per diem for agricultural labour in and near _____ ?
 5. What is the general character of the people of _____ as regards industry and capacity for labour ?
 6. In the event of an emigration taking place on a large scale, is it likely that men of respectable character and industrious habits would join it, or only the refuse of the population ?
 7. In the same event is it likely that emigrants would take with them their families, and settle altogether out of China, or would they go alone, and with a view of returning ?
 8. What would be the expense, at present rates, of shipping male adult emigrants for the West Indies *viâ* Cape Horn per man ?
 9. Would emigrants going out enter into contracts, pledging themselves to work at certain rates for the same parties ? Or, in your judgment, would it be more desirable to leave them wholly free and unfettered ?
 10. What would be the average time required for a passage from _____ to the West Indies ?
 11. State generally any facts bearing on the question of Chinese Emigration to the West Indies which may occur to you as important, and which are not mentioned in the preceding queries.
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No. 2.

Dr. Bowring to the Earl of Malmesbury.—(Received July 16.)

My Lord,

Hong Kong, May 17, 1852.

HER Majesty's Consuls both at Shanghai and Amoy have lately received applications from the American authorities for the assistance of Her Majesty's ships in recovering a vessel belonging to the United States, the "Robert Bowne." She left Amoy for San Francisco, loaded with coolies. After being ten days at sea, the coolies rose, murdered the captain, mate, and others, and took possession of the vessel. The assistance asked was readily given; and Her Majesty's ship "Contest," from Shanghai, and Her Majesty's ship "Lily," and the Honourable Company's steamer "Semiramis," from Amoy, went in search of the "Robert Bowne;" she had, however, in the meanwhile, been retaken possession of by a part of her crew, and brought into Amoy. Thus, no absolute service was rendered by Her Majesty's ships; but we had an opportunity of showing the friendly disposition of Her Majesty's servants in China; and they have received grateful acknowledgments from the Chargé d'Affaires and Consular authorities of the United States. I have had great pleasure on my part in conveying to Consuls Alcock and Sullivan my full approval of their conduct on this occasion.

Cases similar to that of the "Robert Bowne" have been of frequent occurrence of late. Several captains and mates have been murdered, and the vessels taken possession of by the coolies. I believe there are few instances in which the commanders have not been blameworthy in a very high degree, their conduct to the coolies having been most cruel and despotic. It appears in this case, from the depositions, that the captain of the "Robert Bowne," on the plea of cleanliness, cut off the tails of a very large number of the Chinese (an indignity quite equal to that which the cutting off the noses and ears would be to Englishmen), and had their bodies scrubbed with hard brooms. This was too much for Chinese endurance, and the results are certainly not to be wondered at.

Official interference is exceedingly difficult. The laws of China prohibit the expatriation and emigration of its subjects to foreign lands; but such is the pressure of the teeming population, that the outflow of Chinese labourers is increasing from year to year; and from this neighbourhood alone at least 20,000 have emigrated within a few months; the majority paying their own passages—the rest shipped for account of adventurers, hiring them for so many years' service, and disposing of their labour in the various countries to which they are destined. So powerless or unwilling are the Chinese authorities to interfere, that the great barracoons, where the coolies are collected at Amoy, almost touch the Custom-house. The Emigration Acts of the United States no doubt make adequate provision for the comfort and security of passengers, but it is to be feared they place very little restraint upon the cupidity of the shippers of coolies; and I suspect the most false and fraudulent misrepresentations are made by the Chinese crimps and brokers who collect the coolie population together for shipment. Shocking accounts have reached us of the sufferings of the coolies in the middle passage, on the Peruvian guano island, and some other localities.

The Chinese are generally docile and manageable if proper influences are used, but cannot be maltreated with impunity. The return from California of a few of them with small fortunes, and the representations of the boundless wealth of the golden mountain (California), have almost fanaticised the people. However, I have seen some signs of a coming reaction. One father, who had lost four sons—his whole race—who had gone forth in search of treasure, has already checked the emigrating disposition of a little district by his influence.

I have, &c.

(Signed) JOHN BOWRING.

No. 3.

The Earl of Malmesbury to Dr. Bowring.

Sir,

Foreign Office, July 21, 1852.

I HAVE to acquaint you in reply to your despatch of the 17th of May, that Her Majesty's Government approve of Her Majesty's Consular officers in China having, at the request of the American authorities, lent their assistance for the recovery of an American ship which had been taken possession of by Chinese emigrants who were embarked on board of her.

Her Majesty's Government are not ignorant of great irregularities having been committed in the transport of coolies from China in British ships, and a very painful case has lately been brought to their notice of great mortality having occurred among that class of persons embarked on board the British vessel "Lady Montague."

Another case, that of the British vessel "Susannah," has lately been brought to the notice of Her Majesty's Government.

The existing state of the British law unfortunately precludes any effectual interference with transactions of this kind; but Her Majesty's Government have under their consideration whether it may not be possible to frame some enactment to provide for such cases; and in the mean time it is their wish that the British authorities in China should pay close attention to the proceedings of British ships engaged in transporting coolies, and should adopt all legal means in their power to check abuses.

And Her Majesty's Government further desire that full reports may be sent home in regard to the manner in which the emigration of Chinese coolies is conducted, accompanied with any suggestions which may occur to Her Majesty's servants as calculated to put a stop to irregularities in the conduct of British shipmasters engaged in the business.

I am, &c.
(Signed) MALMESBURY.

No. 4.

Dr. Bowring to the Earl of Malmesbury.—(Received September 18.)

(Extract.)

Hong Kong, July 16, 1852.

WE are informed that contracts—the number of coolies to be provided is variously stated as from 8,000 to 15,000 men—for shipment to the Havana have been entered into by British merchants at Amoy. The reports brought back to Amoy by the coolies who, after the murder of the captain and others, escaped from the United States vessel the "Robert Bowne," will make it less easy than before to ship such supplies of Chinamen.

Should the accounts from Australia be encouraging, it is by no means improbable that a considerable voluntary emigration may take place to those regions. I have heard already of the emigration of several respectable Chinamen who have paid their own passages thither.

No. 5.

Dr. Bowring to the Earl of Malmesbury.—(Received October 15.)

My Lord,

Hong Kong, August 3, 1852.

REFERRING to my despatch of the 17th of May on the subject of Coolie Emigration, I have to state to your Lordship that nine vessels measuring nearly 4,000 tons are reported as having reached Amoy for the purpose of conveying Chinese coolies to the West Indies.

Not having received on this special matter any instructions from the Foreign Office, and being without official information as to the general views of Her Majesty's Government, knowing nothing as to the extent in which tacit or

open sanction may have been conceded or denied to enterprises which are developing themselves on so vast a scale, I have thought it my duty to instruct Her Majesty's Consul at Amoy to obtain all information accessible to him for the purpose of communicating it to your Lordship, and inclose herewith copy of my letter to Mr. Consul Sullivan.

Your Lordship is aware that the self-expatriation of Chinese subjects is prohibited by Chinese law, and of course it would be quite competent to the native authorities at once to check or prevent emigration. But emigration has become so much a habit, and the idle, vagrant, and profligate population of the coast is a source of so much embarrassment to the Mandarins, that it is probable they will look rather with complacency than annoyance on the removal of the superfluous multitude. In fact, without proper precautions we may see the jails of China emptied to supply "labour" to British Colonies.

Such horrors, miseries, and atrocities of all sorts, such frightful mortality, such acts of piracy and murder have been associated with the transfer of coolies to foreign regions, that common humanity forbids the looking with indifference on what is taking place; and I see with deep regret, instead of a quiet, steady, and progressing system of well-digested emigration, giving time for the fit selection and becoming organization of proper bodies of Chinamen, we have a sudden irruption of a fleet of ships whose united presence is, I apprehend, likely to be eminently prejudicial to such arrangements as would be most beneficial to the honest interests of those concerned.

Contemporaneously with these proceedings, large contracts for the shipment of coolies for the Havana are now in the market. It is said that enormous profits have been already made by the transfer of such contracts to Chinese speculators, and aware as I am of the rapacity, recklessness, and inhumanity of this class of adventurers, the whole subject creates no small amount of anxiety in my mind.

I am disposed to think that with prudent, sober, and humane management, a body of useful labourers might be transferred to our colonies for the common benefit of all concerned, but without becoming precautions there will be only a result of disappointment and misery. Nothing can be more remarkable than the returns furnished from different quarters of the results of Chinese emigration. In some cases the misery has been extreme and the mortality frightful, in others whole cargoes have reached their destination almost without the loss of a man.

I have myself seen the arrangements for the shipment of coolies at Amoy: hundreds of them gathered together in barracoons, stripped naked, and stamped or painted with the letter C (California), P (Peru), or S (Sandwich Islands), on their breasts, according to the destination for which they were intended. A trifle advanced to give their hunger food, a suit of clothes to cover their nudity, a dollar or two for their families, and candidates in abundance are found for transportation to any foreign land. But I need not point out the deterioration in quality which a sudden and large demand will produce, nor the impossibility under its pressure of doing what might and ought to be done to ensure the success and safety of the experiment.

The principal shipper of coolies is Mr. Tait, a British subject, who has all the advantages and influence which his being Spanish, Dutch, and Portuguese Consul gives him.

I have, &c.
(Signed) JOHN BOWRING.

Inclosure in No. 5.

Dr. Bowring to Consul Sullivan.

Sir,

Hong Kong, August 3, 1852.

I OBSERVE in the shipping returns from Amoy the announcement of the arrival of a long list of vessels stated to be bound to the West Indies, and which, I suppose, are intended to convey coolies thither. As this wholesale emigration, suddenly undertaken on so vast a scale, will certainly excite much attention, I have to request you will convey to me all accessible information on the subject; as to the arrangements made for the supply of coolies; the manner

in which they are obtained and treated on shore; the accommodation provided on board; the particulars of the contracts entered into; the knowledge which the coolies have of such contracts; the reputation of the Chinese contractors; and the general character of the coolies shipped. As no letter has been received by me from the home authorities showing that Her Majesty's Government have official cognizance of what is taking place, and I have had no instructions either to assist or in any way to interfere with these vast plans of emigration, I have at present only to request that you will keep me accurately advised of all that is taking place. I need not remind you that a vast mass of human interests, human misery, and consequent responsibility are involved, nor call to your recollection the wretchedness and crime which have been associated with the transport of coolies. But I cannot doubt that it will be expected from Her Majesty's functionaries in China to keep a strict watch on, and to make a detailed report of what is going forward, a duty which I confidently commend to your special charge.

I have, &c.
(Signed) JOHN BOWRING.

No. 6.

Dr. Bowring to the Earl of Malmesbury.—(Received November 15.)

My Lord,

Hong Kong, September 7, 1852.

I HAVE the honour to acknowledge your Lordship's despatch of 21st July last, on the subject of the emigration of Chinese coolies.

I caused the despatch under acknowledgment to be placed in the hands of the Colonial Secretary, unofficially however, being anxious to avoid the semblance of interference with Colonial legislation, and am assured that, as regards the Port of Hong Kong, measures will be taken, as far as possible, to control abuses. ¶

With respect to the Consular Ports, I have caused the notification of which I have the honour to inclose a copy, to be published. Your Lordship will have seen by my despatches that I have not been inattentive to this topic. I fear, however, many of the irregularities and iniquities are beyond the reach of any existing legislation; and involved as the matter is with the rights and interests and laws of other nations, the difficulties are many, and they are greatly augmented by our isolation from and non-intercourse with the authorities of China.

I have, &c.
(Signed) JOHN BOWRING.

Inclosure in No. 6.

Government Notification.

HIS Excellency Her Majesty's Plenipotentiary and Superintendent of British Trade, &c., is pleased to direct that the annexed Circular No. 22, to the address of Her Majesty's Consuls and Vice-Consuls in China, be published for general information.

By order,
(Signed) FREDERICK HARVEY.
Victoria, Hong Kong, September 7, 1852.

Circular No. 22 of 1852.

Sir,
*Superintendency of Trade,
Hong Kong, September 7, 1852.*

THE attention of Her Majesty's Government has been lately called to the subject of the transport of coolies from China in British vessels; and the details which have been officially communicated of the irregularities practised, and the sufferings to which the emigrants have been frequently subjected, are of a

character so painful as to have awakened the strongest solicitude on the part of the Home authorities, and an earnest desire to prevent, as far as possible, the repetition of such abuses.

I am instructed by the Right Honourable the Earl of Malmesbury to call upon all British authorities in China strictly to watch the proceedings of British shipmasters engaged in the transport of coolies, and to adopt all legal means in their power in order to check irregularities.

Her Majesty's Government further desire that you will convey full and detailed reports as to the manner in which the emigration of Chinese coolies is conducted, and that you will accompany such reports with any suggestions by which the malpractices of British shipmasters engaged in the transport of Chinese coolies are likely to be controlled.

I have, &c.
(Signed) JOHN BOWRING.

No. 7.

Dr. Bowring to the Earl of Malmesbury.—(Received November 15.)

(Extract.)

Hong Kong, September 13, 1852.

THERE is at present no passion for emigration to Australia; but should the Chinamen who have gone thither report favourably as to the prospects for settlers, there will be no want of a supply of voluntary emigrants able and willing to pay for their passage, and they would, of course, be of a very superior class to those collected together by crimping agents careless of all consideration except their own pecuniary profits.

No. 8.

Dr. Bowring to the Earl of Malmesbury.—(Received November 15.)

My Lord,

Hong Kong, September 25, 1852.

IN reference to your Lordship's despatch of June 12 last, directing that certain queries should be sent to the various Consulates, with the view of obtaining the best information as to the emigration of Chinese coolies, and of suggesting any remedial measures likely to put an end to existing abuses, and in furtherance of the instructions conveyed by your Lordship's despatch of July 21, I have now the honour to inclose—

1. Copy of a despatch from Mr. Consul Elmslie, dated Canton, August 25, with one inclosure.

2. A note, dated August 26, full of valuable information, which has been furnished at my request by Dr. Charles Winchester, our first assistant in the Amoy Consulate, who, in the locality which supplies by far the largest portion of emigrants, has not only had much experience but has given special attention to the subject matter.

3. Copy of a despatch from Mr. Consul Alcock, dated Shanghai, September 1.

From Foo-chow-foo, Mr. Vice-Consul Walker writes that there is no disposition in that neighbourhood to emigration, that the population not being maritime have little knowledge of and little confidence in foreigners, and that should any willingness to quit China be exhibited by the people, it would be immediately checked and condemned.

I have not yet received the official reports from Amoy and Ningpo.

The question (with reference to legislation) is full of difficulties, not (it appears to me) as regards jurisdiction over British ships and subjects, for they, if violating the law, would be responsible to consular authority, within 100 miles of the coast; but as no aid or co-operation could be calculated on from the Chinese authorities, and as abundant places of shipment are everywhere to be found (the opium stations all along the coast, for example) where there is no consular representative, I am afraid little can be done in China to check the frauds and irregularities to which the cupidity of the Chinese crimps and agents

is so disposed to minister. Strong legislative enactments, or orders in council, might be held *in terrorem* over British offenders; but as far as foreign ships and foreign States are concerned, nothing but co-operation, zealous and honest, with Her Majesty's Government, will prevent the existence of the grossest abuses and abominations, though no amount of co-operation will, it is to be feared, wholly put a stop to the malpractices which are associated with the trade.

I have, &c.

(Signed) JOHN BOWRING.

Inclosure 1 in No. 8.

Consul Elmslie to Dr. Bowring.

Sir,

Canton, August 25, 1852.

I HAVE the honour to acknowledge your Excellency's despatch of the 5th instant, inclosing certain queries on the subject of emigration from China, and I now beg to subjoin such information as I have been enabled to collect on the subject.

1. Q. Has any emigration taken place within the last few years from the port of Canton? If so, to what extent?—*A.* Emigration has within the last few years taken place from this port to a considerable extent; but although the emigrants are shipped at Whampoa, Cumsing, Macao, and Hong Kong, I shall consider them as belonging to Canton and the surrounding districts. In 1848 about 10 Chinese emigrated to California; in 1849 about 900; in 1850 about 3,118; in 1851 about 3,508; and during the first six months of 1852, 15,000 left Whampoa, Cumsing, Macao, and Hong Kong for California. In addition to these about 2,025 coolies have emigrated to South America, where, on arrival, they are generally hired out to the Peruvian Government, and employed on various Government works. A large portion of the coolies, however, are sent to dig the guano on Chincha Island, where, from the nature of the labour, they either speedily die or undergo excessive misery and suffering. Many have been known to commit suicide. The coolie traffic to South America seems now at an end, for since the three successive outrages which occurred on board the "Albert," "Victory," and "Robert Bowne," no vessel can be obtained to proceed on that service, although many orders are in the market.

2. Q. Is the emigration from Canton sanctioned or connived at by the local authorities? Are any obstacles thrown in the way of intending emigrants?—*A.* The authorities do not interfere in any way whatever with emigration; all measures connected with the system are carried on openly. Placards are distributed all over the country notifying the departure of vessels for California, and inviting persons to avail themselves of the opportunities thus afforded for proceeding thither. No obstacles are thrown in the way of intending emigration.

3. Q. Are the inhabitants of the districts adjoining to Canton in your opinion well fitted for labour in a tropical climate, like that of the West Indies?—*A.* The Canton people are the strongest, most intelligent and sagacious, and the most industrious and thrifty of all the Chinese. They work hard, live orderly, and take care of themselves, are more clannish than any other people in China, and are I should think the very best adapted for labour in the West Indies.

4. Q. What is the average rate of pay per diem for agricultural labour in and near Canton?—*A.* The Chinese live in such a patriarchal manner that it is somewhat difficult to answer this question: two dollars per mensem, with their rice, is the outside.

5. Q. What is the general character of the people of Canton as regards industry and capacity of labour?—*A.* Is answered by No. 3.

6. Q. In the event of an emigration taking place on a large scale, is it likely that men of respectable character and industrial habits would join it, or only the refuse of the population?—*A.* If to the West Indies, the emigrants would be agricultural labourers—by no means a degraded section of the people; and they would from their saving and industrious habits soon become landholders themselves, that is to say, if they liked the country.

7. Q. In the same event, is it likely that emigrants would take with them their families, and settle altogether out of China, or would they go alone, and with a view of returning?—*A.* Chinese women never emigrate. There is not a

China woman in the Straits Settlements, nor an honest one in Hong Kong. The emigrants would, I presume, cohabit with or marry the native females in the West Indies, as they do in the Straits, and educate their children according to Chinese usages. The strong affection which the Chinese have for their own country induces them to save all their earnings, and return home.

8. Q. What would be the expense, at present rates, of shipping male adult emigrants for the West Indies, *viâ* Cape Horn, per man?—A. A fair remuneration for a ship would be 10*l.* per man, besides the expense of fitting and food, which would probably amount to about 2*l.* 10*s.* or 3*l.* more. The vessel would of course proceed *viâ* the Cape of Good Hope, and not round the Horn.

9. Q. Would emigrants going out enter into contracts pledging themselves to work at certain rates for the same parties; or, in your judgment, would it be more desirable to leave them wholly free and unfettered?—A. Chinese emigrants will go under transferable indentures; but the Government should interfere and see that the terms of these are similar: and none should be sent free and unfettered; for a Chinese getting 4 dollars a-month will not work with another receiving 6 dollars. The emigrants now shipping at Amoy for the West Indies do so on contracts very favourable to themselves, *viz.*, 4 dollars a-month, good lodgings, and a sufficient supply of wholesome food, besides medical attendance. The indentures are transferable. A copy is appended.

10. Q. What would be the average time required for a passage from Canton to the West Indies?—A. The passage from Canton to the West Indies would occupy from ninety to a hundred days by ordinary sailing ships *viâ* the Cape of Good Hope.

11. Q. State generally any facts bearing on the question of Chinese emigration to the West Indies which may occur to you as important, and which are not mentioned in the preceding queries.—A. A ship coming to China for emigrants need bring neither water-casks nor other fittings, for everything can be procured here much better and cheaper than elsewhere. Considerable emigration is now going on at Amoy for the West Indies; 8000 men are shipping for Havana, and 2000 for Demerara; a great many have already sailed. Emigration should take place from November to the 1st of March; firstly, to secure the favourable monsoon, and secondly, because the harvest-time is then over, and consequently emigrants are more easily procured. The provisions of the Passengers Act should be most stringently enforced, and the same protection extended to Chinese emigrants going to the West Indies as is afforded to the Irish going to New York; otherwise we shall soon find vessels sailing utterly regardless of any consideration except the amount of freight money they may make from the mass of human beings huddled and crowded together like slaves. Vast numbers of emigrants arrived in California last year in a shocking state of filth and loathsome disease, the ships being insufficiently provided with provisions and necessaries, and no care or attention whatever paid to the wants or requirements of the passengers, who were fed upon badly-cured fish, which soon became putrid, and Whampoa water. Many of the ships, however, which sailed from Hong Kong were fitted out at much expense, and supplied with good and wholesome provisions, and such of the emigrants as had the fortune to embark in these vessels were landed at California in health. No British ship should be permitted to leave a port in China unless she obtain from the Consul a certificate that the number of passengers embarked is not greater than the law permits, and also that she is well and sufficiently furnished with provisions, wood, and water, and is in all respects competent to undertake the voyage.

I have, &c.

(Signed) ADAM W. ELMSLIE.

Inclosure 2 in No. 8.

Copy of Indenture.

I _____, native of the village of _____, in the province of _____, in China, of the age of _____ years, have agreed to embark in the vessel _____, with the object of proceeding to the colony of British Guiana, obliging myself from and after my arrival to dedicate myself there to the orders of the Honourable the Immigration Agent of that colony to whatever class of labour I may be destined, whether in plantation or other estates, during

the customary hours of work in that colony, or even at other than plantation labour, as may be most convenient to the Honourable the Immigration Agent, or whoever may become the holder of this engagement, and to perform said work for _____ of salary monthly, maintenance of 8 ounces of beef, 1½ lbs. of other alimentary food daily, medical assistance and medicines, two suits of clothes, one blanket and one flannel shirt annually; it being agreed that in case of sickness, should it exceed fifteen days, my salary will be suspended until I return to work, continuing in the meanwhile to receive medicines and medical attendance; or in place of all the foregoing, that I shall receive _____ per month, and find myself in all provisions and other necessaries, fulfilling these obligations for five years continuous, which are fixed for the term of this engagement, during which it shall not be permitted me to leave the colony, nor deny my services to the persons to whom this engagement may be transferred; at the end of that period I shall be at liberty to act as may seem to me best. My passage and maintenance on board of said vessel shall be on account of Messrs. _____, from whom I confess having received by Messrs.

the sum of _____ dollars in silver for my outfit for said voyage, and also two suits of new clothes with which to land, amounting to _____, on condition that both sums _____ dollars I shall pay in Demerara to the order of Messrs. _____ by one dollar monthly, which shall be deducted from my salary by the Honourable the Immigration Agent, or the persons to whom this engagement may be transferred, it being understood that on no other plea whatever shall anything be deducted from my wages, and in faith of fulfilling punctually this said obligation, I signed in _____ this the _____ day of _____ 18 _____.

It is understood that the salary agreed shall commence to run from within twenty-four hours after landing at Demerara, unless both parties agree to cancel this agreement after arrival there.

Inclosure 3 in No. 8.

Note by Dr. Winchester.

THE emigration of Chinese from the port of Amoy is of two kinds, which may be termed native and foreign contract emigration. The former is partly voluntary, as when the parties leave to join prosperous friends who have established themselves as cultivators or artisans in the countries of the Malayan Archipelago. It is partly conducted by contract; supercargoes of Chinese origin, settled abroad, arrange with proprietors of estates to bring a certain number of labourers on their return voyage, and publish in their own family and neighbouring villages their readiness to provide passages for a certain number of hands. The agreement usually is, that in consideration of a free passage, the supercargo shall have the right to dispose of the services of the emigrant for a year. This of course brings him a good profit on the amount expended for the passage, which varies from 8 to 16 dollars, according as the voyage is to Singapore, Penang, or Batavia. The right for one year to the services of boys arriving from China can be purchased by Europeans in the Straits at a very small advance on the rates of passage money.

This system is, I believe coeval with emigration from Fo-kien, and its existence must have much facilitated the commencement of the emigration which has taken place under contracts with foreigners. The first shipment of coolies under contracts with foreigners was made from Amoy, in French vessels, to the Isle of Bourbon.

French supercargoes had been previously in the habit of engaging Chinamen in the Straits for that colony; when, in 1845, a clever speculator thought he could obtain the labour wanted at lower rates in the country of the emigrants, and accordingly, in 1845 and 1846, procured two separate shipments.

The total number of emigrants who have been induced to leave Amoy under foreign contracts, I estimate at 6,255 souls, who have been distributed as follows:—to Havana, 990; to Demerara, 469; to Isle Bourbon, 380; to Australia, 2,666; to Sandwich Islands, 380; to Batanhas, in the Philippine

group, 600 ; to California, probably for Peru, 350 ; to Peru, 420. The tonnage employed has been 10,756 tons, and is thus classified :—

7,836 under English colours have given passage to 3,946 emigrants, in the following subdivisions :—

1,120 tons	have conveyed	740 men	to Havana.
961 tons	- - -	469 men	to Demerara.
4,835 tons	- - -	2,666 men	to Australia.
920 tons	- - -	380 men	to the Sandwich Islands.

1,250 Spanish tons have conveyed 850 men :—

350 tons	- - -	250 men	to Havana.
900 tons, steam	- - -	600 men	to Batanhas.

540 French tons have taken 380 men to Bourbon.

530 American tons - - 350 men to San Francisco.

600 Peruvian tons - - 420 men to Peru.

The annual distribution of the emigration is expressed as follows :—

1845	- -	180	1850	- -	1,000
1846	- -	200	1851	- -	2,066
1848	- -	120	1852, 8 months		1,739
1849	- -	280			

It is one of the pleasant fictions of the Chinese Government that no child of the great Emperor can withdraw himself from the paternal rule ; and that to leave his dominions and settle elsewhere permanently is a crime. There is, therefore, a general prohibition of emigration, flowing as it were from the common law of the Imperial rule (I believe there is also a special enactment, but am ignorant of its date). There always has been a practical limit to the arbitrary authority of this Government, which is especially felt when it is brought in contact with considerable masses of the people. Injustice or cruelty to individuals scarcely excite the sympathy of a peculiarly selfish race ; but so closely do village and clan ties unite considerable bodies of men, that general persecution is not often attempted, and frequently is successfully resisted. The over-population of China in years of scarcity occasions great anxiety to the local authorities, and often leads to their disgrace ; for any commotions which arise from famine are almost certainly attributed to their neglect or mismanagement. The mandarins know well that emigration relieves the pressure of surplus population on the supplies of food, and deports wild and lawless vagabonds, who are better out of the country. The mandarins, therefore, dare not put any check on emigration ; they also see that it is not for the public interests of their districts to do so, not to speak of the pecuniary interest which, some way or other, Chinese officers always contrive to find in the continuance of a forbidden practice. The mandarins, therefore, do connive at emigration, knowing that any attempt on their part to stop the flood of 50,000 hungry, able-bodied men, who annually leave the province, would probably lead to an insurrection. With the native emigration before them they will not attempt an interference with the foreign contract, which might bring with it the additional inconveniences of official correspondence, and a collision with foreign authorities. The only kind of interference to be apprehended from the local authorities is, on the commission of any crime connected with the system, the arrest of the subordinate Chinese crimps and agents, with the view of obtaining such a sum of money as will serve to propitiate their own superiors in the event of the circumstances spreading beyond the neighbourhood.

The inhabitants of Amoy are well fitted for labour in tropical regions. They endure well the heat of their own sun, whose rays in summer are fiercer than in any of the climates to which they have been removed. They are pinched up by the cold season here, which they dread rather than welcome. The labourers working on the fields wear no coverings to their heads even at midsummer. Inflammation from accidents is rare, and they recover from wounds with astonishing rapidity. Their fevers are usually of a typhoid type. I have not understood, from the experience of the Straits, that there they are more subject to febrile diseases than the Malays, while it has been noticed that they suffered proportionally much less from cholera. They are a good deal

subject to diseases connected with perverted nutrition, as tumours, wens, &c. The not unreasonable conclusion is that they are a race well adapted for labour in warm climates, and any comparison with the Indian coolies who have been sent to the West Indies would be a gross injustice to the Chinese.

The average wages of all labour at Amoy are very low, and there is not much variation between the rates paid for different kinds, skilled and unskilled. From 80 to 100 cash is the daily hire of an able-bodied man. The highest of these amounts is about equal to 4*d.* Double these sums is the wage of artizans, such as masons, carpenters, tailors, shoemakers, &c. A first-class agricultural labourer is on the footing of a skilled craftsman, and receives 160 cash or 6*d.* per diem; he is expected to understand sowing and reaping, ploughing and irrigating, the compounding of manures, liquid and solid (which is the great triumph of Chinese agriculture), and generally the entire culture of rice, wheat, millet, Indian corn, ground-nuts, peas, cabbage, ginger, sugar-cane, bringals, gourds, &c., &c.; his assistant labourers receive about 80 cash, or 3*d.* per diem. All board and lodge themselves. It ought to be observed that the holdings in China are much subdivided, seldom exceeding a few acres in size, and are usually cultivated by the owner or his sons.

The Chinese of this district are well made, and sufficiently robust and strong for ordinary agricultural labour, and when substantially fed their muscular systems are rapidly developed. They are slow over their work, but are proverbially industrious and persevering. The ordinary labourer, sprung of an enterprising race, with daily examples before him of men risen through emigration to affluence and comfort, is ambitious of elevating himself in the social scale, and hence also not indisposed to remove to foreign climes. He is not one of those content with a full belly, but looks forward to surround himself with a home and family. Amongst no people does the transformation from the labourer to the artizan class take place with more rapidity.

It is utterly improbable that under any circumstances men of respectable character, if by that term is understood reputable persons earning at home an easy livelihood, will be induced to join the emigration. The inducement held out by a removal to a distant and unknown country for wages not exceeding 3 dollars per mensem, clothes, and rations, is not a sufficient inducement to overcome the love of village and other ties in parties of the above description. It is certainly only the very poorest and the refuse of the population who have hitherto enrolled themselves in the emigration lists. The period since contract emigration has commenced has been too short to allow the return of any number of labourers with well-lined pockets. Until there are a sufficient number of instances of this nature to excite general notice, the labourer will depart under the impression that he is selling his services and person for a living. It may be, however, that in event of the return of Chinese successful in their new spheres of labour, a more respectable class will in the course of years be induced to emigrate, and that we may see the same class of emigrants leaving under foreign contract as that which now annually flocks to the Straits. Industry may be predicated generally of the Chinese, and is too habitual to their thoughts to leave any question in minds acquainted with the Chinese character as to even the present inferior class of contract emigrants yielding, under good treatment and favourable circumstances, a large average of industrious and quiet labourers.

The Chinese never emigrate with their families. It is a current report respecting the native emigration to the Company's settlements in the Straits, that though the annual number of male emigrants is at least 5,000, only one woman during the present century has gone there from China. Without affirming the report, its existence is sufficient to prove the rarity of the case. The wives of the poorest labourers in Amoy are small-footed women, so that the proportion of undeformed females is very small. Women with large feet are usually slaves, and may be bought and sold. Of this class 100 or 200 might be bought outright and shipped off annually, but such a practice would be an indelible stigma in the eyes of the Chinese. There is therefore no chance of labourers taking their families with them. One reason of the frequent return of Chinese from the Eastern Archipelago is their anxiety to form matrimonial connexions, and leave descendants in their native villages to maintain unbroken the chain of reverential honours paid to the ancestral tombs. I believe no Chinese ever leaves without the hope of returning. After the conclusion of the

contracts, or when advancing years preclude the expectation of continued labour on the part of the emigrant, some facilities should be given by the colony for the return of well-conducted labourers, as the best means of improving the character of the emigration. In Malay countries the Chinese readily formed connexions with the native women on their first arrival; their descendants constantly intermarry; so that in the course of years the mixture of alien blood rapidly disappears.

The expense of chartering a ship to go round Cape Horn would be pretty much the same as if the voyage were round the Cape of Good Hope; but a vessel could not possibly take so many passengers as by the latter route, and would probably not land them in so good a condition; the Chinese are bad sailors, and are withered up by the cold. In the continued stormy weather of the high latitudes it would be necessary to traverse, the hatches would require to be almost constantly battened down, and there would not be sufficient ventilation for the same number as might go with safety by the other Cape. The average length of passage would be much the same; but for these substantial reasons it is not to be anticipated that the Horn route will be generally adopted.

The emigrants will readily enter into contracts of work with particular parties; but these must be signed before leaving Amoy, and be sufficiently binding and transferable. They are not on the whole a faith-keeping people. They can be kept to a bargain if they see their own advantage in it, but require to be sharply looked after. They soon acquire an idea of the subtleties and scruples of our law, so far as it regards their own interests. I do not think it would be safe as a commercial speculation to leave the Chinese free and unfettered to seek work on their arrival in the West Indies, because I believe the stipulations of wages, clothes, and rations in the contracts to form the principal item of the inducement to emigrate. The bare intimation that plenty of labourers will find employment, and passage to a certain country where wages are so much and living cheap, would never rouse a Chinese idler from his sleep under the hot sun to undertake a distant voyage. It is the confidence he places in the contract of the white man that he is to be paid, clothed, and fed, as stated in the agreement, without trouble to himself, if he will only work. The expiry of the first contracts will determine as to the readiness of the Chinese to seek work (plantation work must be understood) for themselves; and if the experiment of seeking Chinese labour at the distance of half the globe is worth the trouble, it should not be endangered on a point which the experience of twelve or fifteen years will practically resolve.

As emigrant ships must be large and roomy between decks, and as speed ought scarcely to be such an object as the health and good condition of the passengers, it is believed that the sharp lines and low runs which have increased the velocity of our cargo-carrying ships will not be sought for in the emigrant trade. Twenty weeks, or about 140 days, would be a high average passage to any part of the West Indies for the least speedy class of vessels. Emigrant ships will always command rates of freight from a third to a half higher than they would as cargo carriers. The risk and expenses are much greater, and consist of the possibility of mutiny, and the larger supply of water-casks and tanks. Recent rates to Cuba have been about 5*l.* 10*s.* per ton, but the precise amount has been very properly made to depend on the number of emigrants landed at their destination from the ship.

The demand for emigrants gives employment to a number of crimps, who are dignified with the name of coolie brokers; one or two of these are in more confidential intercourse with the English merchant, and probably control the inferior agents. These latter themselves proceed or send out their scouts to the villages in the neighbourhood, and haunt the resorts of the poor and idle about the town. They distribute printed bills containing the terms of the contract, and act generally as touters. But one great temptation they hold out is, that they at once offer to supply plenty of food and lodgings for the day to every one willing to be mustered, whether he be eventually accepted or not. The coolies have hitherto generally been brought to the beach in front of the merchant's hong, and in one or two shipments have been mustered at a place called the "Beggar's Village." Fifty cash a day are allowed for each man who comes to the muster, a sum sufficient to provide him with rice and fish, and he is lodged at night in some ruinous tenement rented by the crimp for a trifle. The examination, as respects apparent capacity for labour and bodily health, is

conducted with strictness, and one-third of those brought forward are often rejected. The merchant is usually assisted by the surgeon of the vessel, if there is one. The crimp lends cash to the coolies who have been accepted, for the purpose of gambling and buying cakes, or disburses a dollar or two to quiet his friends, which he is afterwards repaid with an usurious interest, when the contracts are signed and the advances made to the coolies on board the vessel as she is on the point of starting. Their treatment on shore is therefore good enough upon the whole.

An idea of the accommodation on board may be gathered from the tonnage statements in the commencement of this note. In the case of the "Duke of Argyll," the allotment of space was nine superficial feet, or about one ton and a-half to each man; whereas the English rule is two tons, with ten superficial feet, and the American, fourteen feet per passenger. The emigration to Sydney gives a deficiency of 497 tons at the same scale for the conveyance of 2,666 emigrants. The capacity of a ship for passengers is, however, determinable by other principles than those of tonnage or superficies, and where the "tween decks" has been large and roomy, more have been safely put on board than the legal number. I think the excess has not been so great as might have been expected in an unregulated trade. The supply of provisions on board is always ample. Rice, pease, salt-fish, or cured beef, $2\frac{1}{2}$ lbs. per day, with sweet potatoes, salted greens, radishes, and olives; hog's-lard, vinegar, and oil as extras. To what extent these latter articles are supplied, or if to all the ships, is not known. The beef has latterly been cured in Amoy, but owing to an imperfect knowledge of the process on the part of the comprador, was, I fear, of doubtful quality. No mention is made of lime juice, or any substitute. The allowance of water in the "Duke of Argyll" was five imperial pints per man, two pints more than the allowance of vessels carrying English emigrants. It is a point of most essential importance that an ample supply of substantial healthy food and water for four weeks longer than the average voyage to the West Indies should be laid in, as any change of diet or water is likely to be attended with sickness. One vessel, obliged to water on her way to Sydney, lost seventy men in a few days, and any great mortality has been usually attributable to this cause.

Most of the vessels carry a surgeon, but several bound to Sydney have been without one, and sailed with native practitioners. It should be made imperative that a regularly educated medical man proceed in every English vessel. The "British Sovereign" recently left for Havana without a surgeon, having 320 souls on board. A sufficient supply of medicines should be also enforced. In this respect there have been deficiencies, as drugs have not hitherto been procurable at Amoy.

The berths are made to contain from four to six coolies; two lines of battens are usually run up along the whole length of the lower deck outside the openings into the hold; from these intersecting battens run to the sides of the ship, dividing the deck into separate spaces. In the "Duke of Argyll" there was a rough second tier, and I suppose this is still done when the ship is high between decks. The coolies usually provide themselves with bamboo pillows, but blankets are not allowed. There is no separate space allotted to the sick.

The Cuba contracts are believed to contain stipulations of the following nature:—The parties are bound to work in shops, sheds, or in the fields, as may be convenient, for 3 dollars per month. The allowance of food is eight ounces of salt beef, and one and a-half pounds of plantains, beans, or other alimentary food. Medical assistance is guaranteed in infirmaries without loss of pay for fifteen days, after which the pay stops, but the patient continues in the infirmary till the termination of the contract without expense; two suits of clothes, a woollen jacket, and blanket are allowed yearly; the contract is to last for eight years from arrival in Cuba, after which the emigrant is to be free to labour for himself; the money advanced, and the cost of two suits of clothes supplied before embarkation, amounting perhaps to 15 dollars, are to be repaid by the deduction of 1 dollar for as many months from the wages; the contracts are in Spanish and Chinese, and contain no stipulation for the return of the labourer to China.

The Demerara contract is believed to be similar to the Cuban in all important particulars; is for the same term of years, guarantees the same rate of wages, and contains no stipulation of return. The terms of two large

contracts of opposed interests must necessarily be nearly equal. But an Englishman will, of course, believe that the security for due observance of stipulations is greater in an English free than in a foreign slave colony.

The Sydney contracts were for five years; wages 2·50 dollars for men, 1·50 for boys; weekly provision, ten pounds of meat, ten pounds of wheat, quarter of a pound of tea, one pound of sugar, or such other provisions as may be mutually agreed on; the deduction from the monthly wages for the repayment of the advance at Amoy to be fifty cents.

The Chinese are on the whole perfectly acquainted with the contents of the contract. In the case of the "Robert Bowne," these documents were found carefully laid up, by the "Lily," in the hut erected for the coolies by the islanders of the Mad-ji-co-si-mah group. Instances of individual ignorance from laziness or indifference on the part of the emigrant no doubt occur, and it should be made imperative that every one should have its nature fully explained before signature.

The reputation of the Chinese coolie brokers is very low; no really respectable Chinese would engage in a trade the object of which is vulgarly regarded as the selling of men to an English merchant. It is said of an emigrant, "he has sold himself to such an one." Such is the language used in petitions presented by relatives to the English Consul. The crimps practise, doubtless, all the arts of recruiting; they demand an usurious interest for the money they lend; they are well paid, for besides receiving fifty cash daily for each man mustered, their guerdon on each coolie ultimately shipped is one dollar; they do not personally ill-treat the emigrants. The brokers and their respective gangs are given to quarrels, and hard knocks are occasionally interchanged. The localities for the examinations of the coolies have been already indicated; more precaution as to exposure is desirable; I believe, however, this will be remedied in future, having been chiefly attributable to want of room; recent improvements at the port will enable the merchant to select more suitable spots for his purpose.

There has not been any approach to kidnapping.

Several suggestions naturally arise from the preceding details; the first and most important is, that a strict system of regulation and supervision over emigration to British colonies, and over British vessels employed in the conveyance of emigrants to foreign colonies, should be established, and an officer appointed to measure and determine, according to definite rules, the number of men each English vessel is to be permitted to carry; to inspect the provisions, and ascertain the quantity of water, with power to direct the increase or withdrawal of either, if insufficient or bad; to command the measures he may deem necessary for ventilation; to see that proper supplies of lime juice are on board; to witness and explain the contracts; to decide summarily on any disputes referred to him between the brokers and the coolies; to look to the fittings up and berthings of the deck. His duties should include those of a health officer. He should be empowered, in the event of the breaking out of the small-pox, or any other virulent contagious disease in the crew, to prohibit the embarkation of coolies till a reasonable period has elapsed, and to order the fumigation of the ship, or the free use of chlorides to destroy infection. The salary of this officer would be no expense to Government, which would be fully reimbursed by the payment of one dollar as a fee for the official seal which parties are most anxious should be attached to each contract.

Emigrant ships, unless they bring cargo, pay no tonnage duties as such; they earn proportionally better freights than other vessels, and could well afford a small duty, say twenty-five cents per ton. This would include British vessels proceeding to foreign colonies, while the Spanish or other Vice-Consul here would, of course, continue, as at present, to receive his fee of one dollar for the authentication of each contract. Supposing the tonnage to Havana conveying emigrants to be annually 4,000 tons, 1,000 dollars in fees would be receivable; the same amount carrying 2,000 emigrants to Demerara would yield 3,000 dollars,—in all 4,000 dollars; a sum amply sufficient to cover the salaries and contingencies of superintendence.

This last topic naturally leads to a consideration of the different estimates which have been made of the annual number of labourers that might be induced to emigrate. The late Mr. Consul Layton, who was of a very inquiring turn of mind, and paid much attention to this subject, estimated it at 10,000. A mer-

chant of great experience estimated it at 12,000 per annum, or 1,000 per month. It appears to me that neither of these calculations are exaggerated, but that allowance is not made in them for the want of necessary facilities under which the emigration has been hitherto conducted, and the occasional obstacles thrown in the way by the followers of the Chinese mandarins. The shipment of such considerable numbers would require spacious roomy barracks, where the coolies could be kept well in hand.

Even under the present disadvantages there would be no difficulty in shipping, for an indefinite series of years, 6,000 labourers of approved physical appearance,—an estimate very low, and much within the limits assigned by those practically engaged in the trade.

(Signed) CHARLES A. WINCHESTER.

British Consulate, Amoy, August 26, 1852.

P.S.—Since the above was written, numerous vessels have arrived, either engaged for or seeking employment in the coolie trade. The writer has had particular conversation with several shipmasters who have been engaged in bringing back the Hindu coolies from Demerara. In one vessel,—the “Glen-tanner,”—the number of deaths was frightful, only exceeded by the mortality of the “Lady Montague” itself. The disease was stated by the captain to be scurvy. There was plenty of lime juice on board, carried as a medical comfort; but it was never served out, as the master did not feel himself authorized to do so without an order from the medical man; no order was ever given. Such a tale, resting on any other authority than the master of a ship, would have appeared too improbable for belief. It only proves the necessity of allowing no latitude of action where the comforts of Asiatic emigrants are concerned, to the consciences of European officers.

A few words may be said here on the propriety of interfering to regulate an emigration forbidden by the laws of a quasi friendly country. The circumstances of this case are altogether exceptional, and render it the duty of our Government, either to prohibit the engagement of British vessels, or to enforce the principles of humanity which it has applied for the benefit of its own subjects in the Passengers Act. Because the officers of the Chinese Government dare not perform their duty, is a Christian flag relieved from the responsibility by which all who sail under it are entitled to humane treatment? Slight political inconvenience may perhaps be the result, inasmuch as we could not then pretend to ignore the matter altogether; but any very complicated or serious difficulty is not to be apprehended.

The opium trade, and the recent abandonment by the English Consular authorities of all superintendence over the collection of the tariff customs, have fully accustomed the Chinese mandarins to the existence of silence on regulations which they are unable or unwilling to enforce; and when we reflect, that at a certain definite time our own duty to the Chinese emigrant commences,—namely, the moment he embarks,—it is surely to be regretted that the character of the English nation should be allowed to suffer under the imputations which the awful mortality on board some vessels has cast upon it. It appears that the best way of effecting these objects would be an extension, by Act of Parliament, of the power allowed the Governors of colonies by the Passengers Act to the Superintendent of Trade quoad the ports open to foreign trade, or the dominions of the Emperor of China generally. A local ordinance valid within 100 miles of the Chinese coast would only grant protection to the emigrant for a minute portion of his stay under our flag, and provide for the punishment of the offender nowhere else except in China. By the Passengers Act he would be liable to the superintendence of the English Consul, if bound to a foreign colony;—in an English colony he would be amenable to the usual colonial courts for infringement of the law.

Inclosure 4 in No. 8.

Consul Alcock to Dr. Bowring.

Sir,

Shanghai, September 1, 1852.

I HAVE the honour to submit the following answers to the set of questions inclosed in your despatch of the 5th instant, on the subject of emigration from China, together with such suggestions as have occurred to me in connexion with the important objects contemplated by the Earl of Malmesbury.

1. The only emigration from Shanghai which has taken place since the opening of the port has been of a very partial kind. In 1849 some 200 coolies were shipped by the "Amazon," for California. The vessel "Regina" took some 20 or 30 to Australia last year, and more recently a few Chinese have taken passages for California on their own account, I believe, tempted by the accounts received of the golden harvest; many of these were servants in the employment of foreigners, and this has been the only instance of a strictly voluntary or spontaneous emigration.

2. Connived at and undisturbed emigration, even upon a large scale, would probably attract neither notice nor interference from the authorities, unless a question arose as to the maintenance of a large number of families left behind destitute. This, however, might be prevented by provision being made for the payment to them of a portion of the wages of the emigrants monthly.

3. Yes, fairly so. The summer at Shanghai is not very long, but quite tropical, the thermometer varying from 90° to 100° in the shade, and the people bear the heat well, though pretty constantly working in the fields. Of Asiatic origin, they seem constitutionally adapted to a warm climate, and their ordinary food consisting chiefly of rice, vegetables, and fruit, is the food of nearly all the inhabitants of tropical climes, and of course easy to be obtained in the West Indies. The labourers here are chiefly employed in the cultivation of rice, cotton, and wheat; those from the ports of Fokien and Quangtung would be more familiar with the culture of the sugar cane.

4. The field labourer in the villages receive 100 cash per diem, and find themselves; that is, two dollars per month, which at 5s. per dollar, would be 4*d.* per day. Their usual wages are 75 or 80 cents a month, with food, or three halfpence a day; that is five-eighths less in money. Chair coolies or other outdoor workmen, when employed by foreigners, and finding themselves, get 5,000 copper cash per month, equal to 3.33 dollars, or 16*s.* 8*d.*; and carpenters and plasterers also get from 150 to 180 cash a day, say 6*d.* to 7*d.*, without food.

5. They are fairly industrious, and can get through a good day's work, not equal to European labourers in temperate climates, but much more than the latter could accomplish under a tropical sun; they do not, however, bear being kept very closely to it, or to be driven forward at a faster pace than is habitual to them. Being an agricultural people, field work finds more favour in their eyes than any other; but a Chinaman does not bear worrying, and would rather give up the best place in the world than be subjected to a continual fret. In their own country they require both patience and management in their employers, whether native or foreign, to be well looked after, and firmly but kindly dealt with. They have many good points. They are good-humoured upon the whole; patient and temperate as a class; yet often hasty in temper, and with strong feelings. If they do not like their work, or their employer, they leave their situation at once, however advantageous it may be in other respects. Living is cheap, and they never care therefore to serve in a place that does not suit them. If in circumstances where they cannot or dare not leave, and they are dissatisfied with either their work or their treatment, they are apt to become sulky and very impracticable. They are fond of a sort of gossiping relaxation; and will often leave off for a few minutes in the middle of their work, however well disposed to do it fairly, while they smoke and chatter. Their own people, who may be supposed to know by practical experience how they may best get a good day's work for their wages, do not attempt to prevent this, unless the licence is much abused, when a sense of justice among the workmen would not be wanting to give effect to the master's remonstrance or threat of applying a remedy.

The Chinese labourers are fond of holidays, and manage in their own country to make a good many. They spend much of their spare time in tea shops; and wherever they may be in any number, it would be essential, I conceive, to establish some, where they could resort, drink their national beverage, gossip away their leisure time, and get, if desired, their frugal meal of rice and vegetables. They have the great advantage of being a very temperate race, and upon the whole are very easily contented, if well and discreetly treated, with some regard to their national habits and customs.

6. Yes, if due care were taken by competent persons on the spot to make the selection. Able-bodied workmen of the agricultural class might be readily obtained, and in considerable numbers, not of course of the class of peasant proprietors (very numerous here), nor of those who found no difficulty in making a living, who would see little inducement in hard work abroad, even with higher wages than they could obtain at home among their own people. The fear is, that as they are very superior to the negro race, they would deteriorate by contact with these, if a large body of men without wives were to emigrate to the West Indies.

7. Not in the first instance, nor is it the usual course with Chinese emigrants. Their matrimonial ties are very slender. Those who go to the Straits and adjoining islands for the most part never return, but get wives where they settle and remain. The great difficulty in the way of a permanent and improving emigration to the West Indies is not so much the great distance, though that must be taken into account, but the impossibility of their finding fit wives in those islands. If they either marry or cohabit with the inferior race of negroes, deterioration would follow; but even this option would scarcely exist, for the repugnance of Chinese to a negro is something unconquerable. "Hih Quei tsze"—"a black devil," is the worst form of opprobrious abuse in a Chinaman's mouth, and there would be no little prejudice to be overcome in reconciling them to the prospect of living among, and working with, a black race. By proper means the difficulty of getting the wives and families of the Chinese emigrants to follow the levies might probably be overcome. Upon the success of such measures, however, would depend, in no small degree, the issue of any attempt to promote emigration hence upon a large scale, and with a view to the permanent improvement of the labour market in the West Indies.

If the first Chinese emigrants were well treated and made contented, and some fair inducement were held out to them to settle permanently, they would no doubt engage their families to follow them. It would probably be necessary to offer facilities to two or three of the emigrants sent in the first and second ships to return after a few months' sojourn, in order that they might remove all doubt or suspicion from the minds of the women whose husbands were absent, and report favourably of the locality and treatment they had received.

8. From Amoy, I understand, coolies have been shipped for the West Indies at 10*l.* 5*s.* 6*d.* a head, to be found in wood and water only; but it is difficult to estimate the expense by Cape Horn, as the voyage would be of doubtful length, and captains would charge more for the venture. It is a long way through the Pacific, and ships would find such variable winds, that the length of the voyage would be difficult to calculate. By the Cape of Good Hope, it would be about 75 dollars per head.

9. A contract of some kind would be necessary. The men themselves would require a pledge for the amount of wages, and the means, within a stated time, of returning. These contracts should be made out both in Chinese and English. A small deduction from their monthly wages, specified in the contract, might provide the funds for their return, and perhaps tend to give them greater confidence. The parties to whom they were to be assigned might be left blank. Some well-known firm here, or the Consular authority, would be required to guarantee the terms to the men, otherwise few would be found willing to embark. And the option of assigning a portion of their wages, to be paid by such agent here to the families, would in many instances be desired.

10. No good or accurate account, based upon experience, of a vessel's chance for wind between here and Cape Horn can be obtained, as it is almost an unknown route in this monsoon, when they must first run to the north and west. In the north-east monsoon ships would probably go by that route, if desired, and charge no more. By the Cape of Good Hope it would be nearly as follows:—The clipper ships from November to March, 80 days; from April to

October, 100. The good sailing vessels from November to March, 100 to 110; from April to October, 120 to 130 days; which is probably a very full allowance of time.

11. Little remains to be said on the question of emigration generally to the West Indies. All the important points will be found embraced in the answers to the preceding queries. The final success of any scheme of emigration on a large scale to the West Indies will mainly depend upon the following conditions:—

1st. The confidence the Chinese can repose on the shipping agent, or party entering into contracts with them here, and the facilities he may be authorized to guarantee for the payment of assigned portions of wages to the families, for the return of the emigrants within a given time,—say three years,—and for the transport of their wives and families, if, after the arrival of their husbands, the latter should desire to have them.

2nd. The treatment they receive at the place of their destination. Without some knowledge of the habits of thought and action, the character, and customs of the Chinese, as a people, on the part of some one having a voice in the arrangements for their final location in the West Indies, it will be very difficult to prevent misunderstandings and dissatisfaction on both sides; the consequence of which will certainly be the failure of the scheme. On the other hand, with kind and judicious management, there is probably no race of people more orderly, tractable, and easily satisfied than the Chinese of these northern provinces. They are little prone to attach themselves to foreigners, and yet they will serve well, and often more faithfully than Europeans, who may be supposed susceptible of personal regard for their masters; but, on the other hand, they require a great deal more of tact, temper, and discretion in their management, or good service is not to be got out of them.

Hence I should deem it essential, among other arrangements, that wherever they are located in any numbers, they should be allowed to open one or more tea shops, and all reasonable facilities afforded them to spend some of their leisure time there, as a place of resort for Chinese. And it would also seem very essential, if Her Majesty's Government desired to contribute effectively to the promotion of a large and systematic emigration, that some agent on their behalf should be entrusted with the control and superintendence of the arrangements made at the Chinese port, for the selection of the men, the conditions of their contracts, and the providing of good ships, accommodation, and provisions. Several ships freighted with coolies have been lost, by the latter rising upon the officers and crew, and, in some instances at least, there has been good reason to believe the calamity had been provoked by want of judgment in the management of the passengers, and of proper care in providing for their accommodation and good treatment. The Chinese will often bear a great deal for a time, and unrepiningly; but when roused at last to impatience or resistance, they know no restraint, and have no value for human life. In other cases again, there has been great mortality among the coolies, from bad provisions and want of room. These are things, therefore, that should be looked to by some agent responsible to the Government, and whose sole duty it should be to secure the success of any large scheme of emigration. Experience has shown that this duty cannot be left to the Commission agents and mercantile houses in China, who have other and larger interests to occupy their time and attention, interests, too, not always to be reconciled with the requirements of such an emigration.

I have, &c.

(Signed) RUTHERFORD ALCOCK.

No. 9.

Dr. Bowring to the Earl of Malmesbury.—(Received December 20.)

My Lord,

Hong Kong, October 1, 1852.

I HAVE now the honour to inclose Mr. Officiating-Consul Backhouse's answers to the questions respecting coolie emigration, conveyed to me by your Lordship's despatch dated 12th June last. Mr. Backhouse's despatch conveys

also a memorandum from Mr. Acting-Interpreter Pedder on the same subject, which I likewise forward.

The report which I sent to your Lordship last mail from Dr. Charles Winchester (in my despatch dated 25th September) will, however, supply many of the deficiencies of Mr. Backhouse's communication respecting coolies from Amoy. I have also to inclose Mr. Vice-Consul Hague's replies, as regards Ningpo, to the same list of queries. The return to the district of Amoy of a great number of coolies who have escaped from the "Robert Bowne" and other vessels, and who have reported to their countrymen the ill-usage and cruelties to which they and their companions were subjected, will, I have no doubt, greatly augment the difficulties of obtaining a supply of labourers, and not less deteriorate the quality of those who will be now disposed to leave China.

I have been somewhat surprised by an application from the house of Turner and Co., stating that their correspondents in London have contracted with Her Majesty's Government for the supply of 1000 coolies for Trinidad, to be shipped from Amoy before the end of the present year. Messrs. Turner and Co. say they are unable to supply them from Amoy, where there are more contracts for coolies for the Island of Cuba alone than can be furnished for sixteen months to come, and inquire whether in case of their shipping these coolies from Whampoa, Macao, or Cumsingmoon, I will consent to furnish "a small guard to sail with any ships they may load." The coolies which would be shipped at the places mentioned, would be probably the veriest dregs of the Canton population, and would very probably require a guard to preserve subordination; but as I have no knowledge whatever of any contract for coolies to which Her Majesty's Government has been a party, and should exceedingly deprecate the shipment to any British colonies of that class of men who at the present moment would be possibly the only candidates for emigration from this neighbourhood, I have given no sort of encouragement to the application of Messrs. Turner and Co., who inform me they expect "to have considerable orders for shipment of agricultural labourers to all the West Indian Islands, and should be glad if some plan could be arranged to insure the safety of ships and their crews from any outbreak." I venture to assure your Lordship that if fitting agricultural labourers can be now properly selected (which I doubt), the protection required will not be against their outbreak, but against the cupidity and ill-usage of those who are concerned in their shipment and conveyance to the places of their destination. But the misconduct of many of the captains and adventurers engaged in the coolie trade, and the changed feelings of the Chinese population on the subject of hired emigration generally, have altogether altered the position of things in this country. The pressure of want, such as would be created by famine and inundations, may again produce a supply of necessitous emigrants; but mismanagement and rascality in many shapes, both in China and out of it, have produced and are producing their natural effects upon the minds even of the Chinese peasantry, who are much bound together by clanship, and who communicate very freely on all that concerns the community.

I have, &c.
(Signed) JOHN BOWRING.

Inclosure 1 in No. 9.

Acting-Consul Backhouse's Answers to Queries.

1. Q. HAS any emigration taken place within the last few years from the port of Amoy? If so, to what extent?—A. In 1847, 632 coolies went to Cuba; in 1848, 120 to Sydney; 1849, 280 to Sydney; 1850, 422 to Sydney; 1851, 1,438 to Sydney, and 200 to Honolulu; and in 1852, 478 to Sydney, 101 to Honolulu, 404 to Peru, 465 to Demerara, and 300 to Cuba; making a total of 4,840 coolies.

2. Q. Is the emigration from Amoy sanctioned or connived at by the local authorities? Are any obstacles thrown in the way of intending emigrants?—A. Tacitly sanctioned.

3. Q. Are the inhabitants of the districts adjoining to Amoy, in your opinion,

well fitted for labour in a tropical climate like that of the West Indies?—
A. Yes.

4. *Q.* What is the average rate of pay per diem for agricultural labour in and near Amoy?—*A.* For a permanent engagement, from 25 to 45 cash per diem, with food. For job work, 75 to 100 cash per diem, without food.

5. *Q.* What is the general character of the people of Amoy as regards industry and capacity of labour?—*A.* Good.

6. *Q.* In the event of an emigration taking place on a large scale, is it likely that men of respectable character and industrious habits would join it, or only the refuse of the population?—*A.* None but the destitute will go to an unknown country; but a deserving man in such circumstances will emigrate as freely as a worthless character.

7. *Q.* In the same event, is it likely that emigrants would take with them their families, and settle altogether out of China, or would they go alone, and with a view of returning?—*A.* Under any circumstances Chinamen would not be likely to remove their families from China.

8. *Q.* What would be the expense, at present rates, of shipping male adult emigrants for the West Indies *viâ* Cape Horn, per man?—*A.* 17*l.* per man; vessels always go round the Cape of Good Hope.

9. *Q.* Would emigrants going out enter into contracts pledging themselves to work at certain rates for the same parties; or, in your judgment, would it be more desirable to leave them wholly free and unfettered?—*A.* Coolies always enter into contracts previous to starting. I consider it would be inexpedient for a different course to be pursued.

10. *Q.* What would be the average time required for a passage from Amoy to the West Indies?—*A.* About 4½ months.

11. *Q.* State generally any facts bearing on the question of Chinese emigration to the West Indies which may occur to you as important, and which are not mentioned in the preceding queries.—*A.* No observations to make.

(Signed) J. BACKHOUSE.

Inclosure 2 in No. 9.

Memorandum by Acting-Interpreter Pedder.

THE local authorities apparently take no official notice of the emigration of coolies. They are of course cognizant of all that goes on, and on two or three occasions I have known them remark, in the course of desultory conversation, that such or such a vessel had taken away a better or worse lot of men than usual; but beyond such remarks I have not known them say anything in relation to the subject.

The rate of pay per diem earned by agricultural labourers varies so much according to circumstances, that it is hard to say what might be considered the average. Where people are engaged for a permanency (say a year), the pay given, with food, might be anything from 25 to 45 cash per diem; but where men are employed by the day, or by the job, the rate of remuneration is even more various, as it is much influenced by the probable length of the engagement, the nature of the job, the season of the year, &c. Probably the most common pay, without food, is between 75 and 100 cash per diem. From 37 to 30 cash are equivalent to 1*d.* sterling.

The food of agricultural labourers, and of the poorer classes generally in and about Amoy, is of the most inferior kind; sweet potatoes, a sort of turnip, and indeed roots of all kinds, form, with various descriptions of greens, the bulk of their food. Of the greens, a vast proportion seems hardly deserving of being considered food for human beings. Rice is a luxury.

None but the destitute will leave for a long time to come; and it may fairly be considered that the bulk of the people in such circumstances are neither the most respectable nor industrious of the community. But as even good character and industrious habits are not certain of securing a living in hard times, it is possible that a proportion of deserving men may occasionally be found amongst those compelled to emigrate.

These latter remarks would not apply to people emigrating to the Straits Settlements or to Manilla; but the West Indies is to Chinamen a *terra incognita*.

British Consulate, Amoy, September 3, 1852.

(Signed) W. H. PEDDER,
Junior Assistant and Acting Interpreter.

Inclosure 3 in No. 9.

Vice-Consul Hague to Dr. Bowring.

Sir,

Ningpo, September 14, 1852.

REFERRING to your Excellency's despatch of the 5th of August, transmitting a paper of questions on the subject of emigration from China, and requesting I would furnish replies to the same, together with any suggestions which might occur to me, I have now the honour to reply to the questions seriatim.

1. Q. Has any emigration taken place within the last few years from the port of Ningpo? if so, to what extent?—A. No emigration has taken place from Ningpo to my knowledge since the opening of this port to foreign trade in 1844.

2. Q. Is the emigration from Ningpo sanctioned or connived at by the local authorities? Are any obstacles thrown in the way of intending emigrants?—A. No emigration having taken place, experience has not shown whether the authorities would either sanction or connive at it: but from the apathy Chinese officials generally exhibit to all matters which do not cause them trouble, I do not think they would notice in any way emigration, particularly if carried on in foreign vessels.

3. Q. Are the inhabitants of the districts adjoining to Ningpo, in your opinion, well fitted for labour in a tropical climate like that of the West Indies?—A. I should give it as my opinion, from the similarity of the climates one-half of the year, that natives of this district are as well suited as any other Chinese from the north of China to bear the climate of the West Indies, as from my own observation the mortality in the winter months is about the same as what it is in the summer months.

4. Q. What is the average rate of pay per diem for agricultural labourers in and near Ningpo?—A. About two dollars a month, besides which an agricultural labourer is given his food by his employer, which costs about one dollar more; in many instances, also, agricultural labourers live in the house with their employer, but three dollars a month, or five pence per diem, is as much as an agricultural labourer receives in this neighbourhood.

5. Q. What is the general character of the people of Ningpo as regards industry and capacity of labour?—A. The inhabitants of Ningpo, as far as the labouring class is concerned, are a very industrious, civil, well-disposed, and painstaking people, and being in general very robust, they would, I am sure, make good labourers in any part of the world.

6. Q. In the event of an emigration taking place on a large scale, is it likely that men of respectable character and industrious habits would join it, or only the refuse of the population?—A. The Ningpo people to all appearances are not at all disposed to emigrate, as they seem attached to their native place, and are content with a very little; and even if inducement was held out to them to emigrate, I am of opinion it would be only the very poorest and lowest who would take advantage of it, but it is of course difficult to answer this question until an attempt should actually be made by some enterprising person.

7. Q. In the same event, is it likely that emigrants would take with them their families and settle altogether out of China, or would they go alone and with a view of returning?—A. Even if emigration did take place from Ningpo, I do not suppose the emigrants would take their families with them, or that the emigrants would, except in isolated cases, settle altogether out of China. I am of opinion if the people of this district did emigrate at all, it would be alone, and with the intention of returning in a few years to their families.

8. Q. What would be the expense, at present rates, of shipping male adult

emigrants to the West Indies, *via* Cape Horn, per man?—*A.* There not having been any emigration, I am unable to reply to this question.

9. *Q.* Would emigrants going out enter into contracts pledging themselves to work at certain rates for the same parties; or, in your judgment, would it be more desirable to leave them wholly free or unfettered?—*A.* My reply to this question must be again supposititious. I should say, that if emigration did take place from Ningpo, at its commencement at all events the emigrants would enter into contracts to work for certain individuals at certain rates: the latter part of the query would, I should say, depend entirely upon circumstances, as, of course, when emigration had commenced, future contracts and emigration would be based upon the advices the friends here received from those who had emigrated.

10. *Q.* What would be the average time required for a passage from Ningpo to the West Indies?—*A.* This would depend altogether upon the time of year the vessels left Ningpo.

11. *Q.* State generally any facts bearing on the question of Chinese emigration to the West Indies which may occur to you as important, and which are not mentioned in the preceding questions.—*A.* I have thus replied to each query as far as I am able; but with the limited information I possess on this subject, and without a personal knowledge of the West India Islands, I feel great diffidence in presenting any suggestions of my own to your Excellency; wishing, however, your Excellency should have as correct information on this head as it is possible, I may state it to be my decided opinion, viewing solely the very great reluctance with which natives of this district leave their homes, that, unless some extraordinary inducements should be offered, I do not suppose emigration, to any extent worth mentioning, will ever take place from this port.

I have, &c.
(Signed) P. HAGUE.

No. 10.

Dr. Bowring to the Earl of Malmesbury.—(Received December 20.)

My Lord,

Hong Kong, October 1, 1852.

THE knowledge which Mr. Interpreter Parkes possesses of the Chinese people is very considerable, and as I deemed that knowledge likely to be useful in reference to the question of coolie emigration, I requested him to state his opinions on the subject, and I have now the honour to inclose to your Lordship his report, which is valuable and interesting in many respects.

In order to turn the migratory disposition of the Chinese labourer to the best account, the closest attention should be paid to his habits of thought and feeling, his domestic and social usages; and the amount of our success and of our security will depend upon the adaptation of our arrangements to Chinese customs and education.

I have lately had the advantage of much personal intercourse with the Chinese headman who is one of the principal instruments by which the Chinese settlers in Java are governed. He has amassed a large fortune during a residence of more than thirty years in that colony, and has lately returned to China with a view, he tells me, of marrying again, and continuing his race (his former wife being dead). He comes from the neighbourhood of Amoy, where his family is still located. He said he had made up his mind to a squeeze by the Mandarins to the extent of two lacs of dollars (40,000*l.* sterling), by which your Lordship will judge of his opulence. I recommended him to abandon his intention of hiring steamers and going ostentatiously either to Canton or Amoy, and he has returned from Canton (not having been squeezed), thanking me for my counsels, and has now quietly proceeded to Amoy.

His name is Beh Ingtjoe, and he bears in the official almanack of the Netherland Indies the title of the Samarang Titular Major of the Chinese. He inhabits Samarang, in which place he tells me there are 10,000 Chinese settlers. Immediately under him is an officer bearing the rank of Captain of the Chinese, named San Tjong-wai, and there are five Chinese lieutenants subordinate to the major and the captain. The whole of these officers, with the addition of a Chinese Secretary, and an Adjunct Secretary, form a sort of Municipal Board to

which magisterial and police authority is entrusted, and who are thus made responsible for the conduct of the Chinese settlers, whom they govern as far as possible according to the laws and usages of China. In all the towns or districts of Java in which there are any considerable number of Chinese settlers, as for example in Batavia, Buitenzorg, Cheribon, Tagal, Pehalongan, Japara, Rembong, Surabaya, &c., a similar body is appointed consisting of a greater or less number of Chinese officers and of higher or lower grades according to the extent of their duties, and to these bodies or boards the Government looks for the administration of justice and the preservation of the public peace among the Chinamen.

The frequent and easy intercourse between China and the Indian Archipelago no doubt gives to the latter great facilities for obtaining the best class of Chinese settlers, and for supplying the most appropriate instruments for their proper guidance and governance. Family associations are not broken by the emigration. Parents, wives, children, and relatives still attach the emigrant to his native soil, the hope of a return to which is invariably present to his mind, and habitually impelling his exertions.

The main difficulty as regards the permanent location of respectable Chinese in regions so remote as the West Indies, is the impracticability of inducing their wives or any of the female branches of their family to accompany them. So intensely strong and so universal is the sentiment that no female with any sense of propriety or modesty could consent to quit her native home, that it would be impossible to induce any but women of low and lost character to emigrate. A few females have indeed left China both for England and the United States, but they have been generally slaves purchased by adventurers in the brothels of Canton or Amoy, or furnished by the professional procuresses of those places, and have been clandestinely conveyed on board the foreign ships.

The less respectable portion of the Chinese emigrants in the Indian Archipelago no doubt cohabit and sometimes intermarry with native Malay women, but such connections would scarcely be avowed by Chinamen who wished to preserve the higher degrees of respectability.

It is impossible to overestimate the extent to which the family relations influence the whole organization of Chinese society. They are the cement of the entire social and political edifice, and their ramifications are carried out into wide fields of detail.

Two invaluable elements for the good government of the Chinese will be invariably found among them—the habit of association, and respect for authority; but these associations will be invariably connected with their national habits, and the only authority they will really respect must also have its foundation in their system of ethics and education, which invariably teaches reverence for old age and for the parental relations: with which will be always linked great respect for literary acquirement and knowledge of their classical books. I have myself witnessed examples where a turbulent mob, wholly regardless of the presence of armed military Mandarins and their accompanying soldiers, have listened to and dispersed at the suggestions of a solitary literary Mandarin, appearing only with his fan, and quoting to them some aphorisms from the books of their sages. A race more docile under proper discipline, and more likely to become unmanageable if misunderstood and misgoverned, than the Chinese, is certainly nowhere to be found. Amalgamation with the races among whom they fix themselves, if ever to be accomplished, must be the work of ages; for, mean and poor though he be, it will not be easy to eradicate from the mind of a Chinaman his exalted notions of the greatness of his country, and the superiority of his country's learning, literature, and institutions, to those of any portion of "the outer world."

I have, &c.

(Signed) JOHN BOWRING.

Inclosure in No. 10.

General Remarks on Chinese Emigration.

EMIGRATION from this Province and the adjoining one of Fuhkien, dates from a very early period, and it is these two provinces alone that have sent forth the myriads which have reclaimed the Islands of Formosa and

Haenan ; introduced industry and various of the most useful arts into the countries of Cochin China, Camboja, and Siam ; settled many of the islands of the Indian Archipelago ; and contributed more than any other race to the rise and prosperity of the European settlements in Java, the Philippines, and the Malayan Peninsula.

Various circumstances, the most obvious of which are the redundant population and the poverty of the districts from whence this emigration has chiefly proceeded, have contributed to this result. But as several provinces of China are more densely peopled than either Kwangtung or Fuhkien (portions of which remain uncleared at the present day), and yet find means to support their population, it is evident that this tide of emigration is partly attributable to other causes than those quoted. It is to be accounted for by the different character of the Southern Chinese to that of their countrymen of the Centre and North. The restless and refractory disposition inherited by the former, and so condemned by the Chinese of the other provinces, is coupled with a spirit of enterprise which the latter do not possess ; and hence their eagerness to avail themselves of the field for speculation and remunerative labour, which the luxuriant but thinly peopled countries of the Archipelago afford them.

The districts, or rather departments, which have furnished the largest amount of emigration, are those of Chaouchow and Keaying, in Kwangtung, and Changchow and Tseuenchow, in Fuhkien. Their relative positions are shown in the accompanying outline, and a few remarks on the several characteristics of their population may serve to illustrate the subject.

1. Chaouchow, or, in the local dialect, Tié-chin, has supplied more emigrants than any of the other departments named. The "Tie-chin men" are known to preponderate in the Straits, and in Formosa they equal in number the Fuhkienese. Owing to the clan strifes which run high among them, they form under a weak Government a combative and unruly class ; but it is these very qualities which induce the Chinese Government to accord them the preference as volunteers to serve against the insurgents in these provinces. At the same time, however, they are excellent agriculturists, and their native talent as growers of sugar and indigo, which are largely produced in Chaouchow, particularly adapts them for plantation labour, the occupation they generally prefer to follow.

2. Keayingchow is a very poor department, with a dense agricultural population, parties of which are to be met with all over the province, and are known here by the name of Kihkhas or Akhas. They leave their own homes in search of employment, and are engaged by the month or year as labourers, or for a longer period as cultivators, on the owner's account, of small farms, for which service they are paid by a per-centage on the produce. Being noted as skilful clearers of jungle, their services are sure to be called into requisition whenever new ground has to be broken up, or a hill to be stripped of its cover. They are accompanied by their wives and families, who work with them in the fields. The ordinary knowledge of mining which they have acquired in the mines of their native districts, stands them in good stead in those of the Straits ; and they are also reputed to be skilful blacksmiths.

3. Changchow, or in the local dialect, Téongchin, resembles Chaouchow in its fertility and productions, and the people of the two departments are much alike in disposition. The men of Changchow are more subordinate, perhaps, than their neighbours of Chaouchow.

4. Tseuenchow, or "Chinchew," compared with the others, is a very barren department ; to which circumstance may be attributed the essentially maritime and commercial character of its population, who look to the sea in great measure for the means of livelihood. Portions of the soil are, however, productive, and on such spots tobacco of a quality much valued by the Chinese, is reared in considerable quantities. Many labourers from Fuhkien emigrate to other provinces, and are there employed in clearing and breaking waste grounds, in hill cultivation, consisting chiefly of sweet potatoes and ground nuts, and also as manufacturers of crockery, and burners of lime and charcoal.

The absorbing aim of the Chinese emigrant is to better his condition. Of this object he never loses sight ; and as he often continues to retain it, even after he has gained the competency for which he first commenced to strive, it frequently follows that he finally adopts as his permanent home the locality in which he has reaped his profits, if adapted, by climate and the presence of other of his countrymen, to his native habits and mode of life. Unlike the negro, who

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M' Parkes' Remarks on Chinese Emigration.



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works and denies himself for a time, and with a view only to gain the means of maintaining himself for a corresponding interval in ease and idleness, the labour of the Chinese knows no cessation, and his savings are formed into a stock, which he is always endeavouring to increase, but never to exhaust. Different again from the coolie of Hindostan, the Chinese is ignorant of the blighting effects of caste, and is as strongly bent on raising himself to a higher position as he is on acquiring wealth.

Instead, however, of their laboriousness being attended with servility, a feeling of independence enters strongly into the character of the lower orders of the Chinese, and is particularly noticeable in that of the agriculturists, who, from the estimation in which their calling is held at home, and the native system of tenure which divides the land into small holdings, are often led to consider themselves, in their own country, as on an equality with the proprietor of the soil they till, and in no way beholden to him for furnishing them employment, from which he derives equal or more benefit than themselves.

It is curious, that whilst in their own land they seldom quit the particular calling they adopt in early life, to which they are often born and bred for successive generations, the Chinese evince, when abroad, a remarkable talent, for Asiatics, of adapting themselves to any circumstances, readily quitting one trade or occupation, if they find it does not yield the remuneration they had expected, for another of a wholly different nature.

A strong commercial spirit rules all their proceedings, even of those who emigrate as agriculturists. From husbandmen they become planters, and often change this vocation for that of the merchant, or perhaps combine the two. This course can be traced in all their numerous settlements. Formosa, comparatively unknown to them three centuries ago, is now supposed to contain 3,000,000 of Chinese; and the amount of sugar, rice, hemp, and indigo which they export from thence is immense. Nearly an equal number is spread through Annam, Siam, and the Straits Settlements, where they are the principal cultivators, traders, miners, and artisans. The gambier plantations of Singapore—employment on which is attended with danger, on account of exposure to tigers—are entirely in the hands of Chinese, chiefly men of Tiéchin. In Java they are large indigo and coffee-planters; and the extensive sugar and tobacco cultivation of this island was at one time wholly in their hands, until European capital and machinery were brought to compete with their industry. Elsewhere, as in their own land, they are growers of cotton; and their delicacy of touch peculiarly fits them for the occupation of sorting the different qualities. In Manilla, Singapore, the ports of Java, &c., almost the whole of the foreign trade passes through the hands of Chinese, who, in the capacity of middlemen or brokers, conduct the transactions between the European merchants and the Indians, Bugis, Arabs, and Malays, changing the huckstering traffic of the latter into wholesale dealings, more suited to the means and time of the former.

The tropical regions of the East and West resemble each other, it is presumed, in their main features; in both there are lofty mountain-ranges, dense jungles, swampy savannahs, and a heated, humid atmosphere. Experience has shown that climates of this description agree with the Chinese, who, like the negroes, prefer to fix their habitations in low plains. But if the report be true, that the 800 coolies, shipped from Amoy to Cuba in 1847, have thriven, and realized the expectations formed of their labour, all doubt as to the suitability of the climate is satisfactorily removed.

There can be little question, therefore, that much advantage would result from the introduction into the West Indies of a class of labourers who, in similar latitudes in the East, have proved themselves proficient in growing sugar, coffee, cotton, indigo, tobacco, pepper, rice, or dry grains, and many minor articles; and are also adepts at felling timber, clearing jungle, constructing bunds or dams, and opening irrigation.

The following remarks bear more particular reference to certain of the queries of the Right Honourable the Earl of Malmesbury.

Emigration from Canton, both in junks and foreign vessels, to the countries and settlements above named (not including California), has continued to increase during late years, although the average number of emigrants—3,000 to 4,000 annually—is much below that of the other departments. For deck-passages in foreign vessels, which they prefer to their own junks, they pay from 5 to 10 dollars, and always provide themselves with food. The greater part of

them proceed under contract to join planters or tradesmen ; in the former case, their engagements are for five or six years, at a fixed rate of pay, with advances ; or they receive, instead of regular pay, a share in the profits of the plantation. Terms differ considerably ; and in many cases emigrants are relations or friends of the parties they go to join. They generally travel in small parties of twenty or thirty, sometimes in charge of a man of respectability, who has perhaps come from the south on purpose to engage them.

The late extraordinary emigration to California should be viewed as an exception to the general mode. It was in the hope of gathering gold, or participating in the high remuneration paid for labour of any kind, that caused the Chinese to flock there in such numbers, not as settlers, but merely as sojourners for a brief term of one or two years. Many of the poor emigrants started with the purpose of returning as soon as they had netted, exclusive of expenses, two or three hundred dollars ; which, to the common field-labourer, whose united gains for twelve months do not amount to more than a tenth of that sum, is sufficient inducement for the venture. The dispatch of men of this class was largely undertaken by monied parties, quite as a matter of speculation. They paid the passage of the coolies, which rose as high as 50 dollars, and other expenses amounting to about 20 more, on the condition of receiving from the latter, upon their return, the sum of 200 dollars. Emigration to the gold-fields of Australia, if ever commenced in this quarter, might, probably, be conducted in a similar manner ; but a wholly different system would have to be pursued in obtaining coolies for the West Indies. Passengers, rather than coolies, would be the better name for Chinese emigrating under these circumstances—the former term being reserved to denote labourers who are engaged to serve for a number of years at an uniform rate of pay. The only Chinese of this class hitherto contracted with at Canton or its vicinity by Europeans, have been shipped to Callao, or the coast of Peru. That they were composed of men of bad character, and of others in most indigent circumstances, is evident from the harshness of the terms on which they consented to engage, and the frequent tragedies which occurred on board the vessels transporting them.

China sanctions by law the emigration of its subjects for purposes of trade, or as hired labourers ; but it is necessary that each person should be furnished with a pass on leaving his country, as without one he is liable to heavy punishment, graduated according to the extent of the intercourse he may have held with the foreigners whom he visited unauthorisedly. But the law in this respect, involving, as it does, even capital punishment, is far too severe for a weak Government to carry into execution ; and thus a pass from the authorities is the last thing that a Chinese emigrant ever thinks of procuring ; not because it would be refused him, but on account of the cost of the application, perhaps ten or twenty dollars, by which sum may be estimated the extent of the risk incurred by the omission.

The following case, recorded in the laws, shows that instances of their enforcement have occurred :

“ Chin Eshe, a native of Fuhkien, went by stealth to Java, where he intrigued with foreigners, and was publicly employed by them as a *capitan*. He sought gain with insatiate greed, presumed to ally himself to a foreign woman, and purchased ground and men and women slaves. In the same stealthy way he returned again to his native country ; and in accordance with the law regarding intercourse and trade with foreigners, which regulates the punishment of those offenders who, by the employment of fraud and artifice, occasion troubles on the confines of the State, he was banished as a slave to the army beyond the frontier. His wife (not the foreign one) was banished with him, and all his property, together with his men and women slaves, were confiscated to the Government.

“ *Käenlung*, 15th year (1750).”

The law alluded to is to the following effect :

“ All those who hold (unauthorised) intercourse with foreign nations, or stealthy communication with aboriginal tribes, who trade with them, borrow from them, or fraudulently deprive them of their property, and thereby endanger the peace of the frontier ; or those who steal away to and reside with the aborigines, and incite or allure them to revolt, thereby occasioning trouble to the country, shall be punished, the principals, including those who shall have crossed the frontier into foreign territory, or have taken out of the country men, arms,

or sulphur, with death, the accessories with banishment to the army beyond the frontier."

Thus it will be seen that at one time the Chinese Government viewed commercial communication with the European settlements of the Straits as a crime analogous to treasonable correspondence with wild aboriginal tribes. Now, however, their policy is altogether changed, and emigration to any region, in all vessels, whether native or foreign (an old local law, infringed since its institution, forbids Chinese taking passage in the latter), has their complete connivance though not their expressed sanction. Still the mere existence in the statute book of the prohibitions referred to, is an additional inducement to men of property, who have rendered themselves amenable to them, to remain at a distance entirely removed from their reach.

Large landholders in China seldom cultivate their own estates, but lease and sublet them in such small portions, that the labour of a family with the assistance of their neighbours, often given and received, will sometimes suffice for the cultivation of an allotment. Labour, when required, is either hired by the year or merely as occasion renders necessary; in the former case the labourer receives three full meals of rice per day, and a ration of wine, or its value if he prefer it, which does not amount however to more than six cash, say a farthing English. At the close of the year he receives his pay in kind. This varies from five to ten "stone" (the last is considered a high rate) of grain or rice unhusked—a "stone" weighs about a pecul and a half, or not quite 200 lbs., and its usual value is a little under two dollars; thus, therefore, the average rate of pay per diem, exclusive of food, ranges from $1\frac{1}{2}d.$ to $3d.$ To this is added, in the shape of a bonus, a small share of potatoes or garden produce, deemed of second rate importance in Chinese husbandry. Labourers are allowed to cut grass or fuel, or do other work on their own account in leisure hours. Sometimes they are hired by the season, implying about three months' labour, near and at the time of the harvest, for which they are paid three or four "stone" of grain. At harvest time, or whenever important work is required, labourers can often get employment at the rate of 200 cash, or $8d.$ per diem, but without food, which is valued, in the case of agriculturists, at one-half of this amount.

The remarks already given on the fitness of Chinese generally for labour in a tropical climate, are as applicable to the people of Canton as to those of the other departments named. Whether the same numbers could be procured in this vicinity as easily as elsewhere, and at the same advantageous rates, may, however, admit of some question. Experience has hitherto proved that coolies of better character than those obtainable in the South, can be procured at Amoy more readily than at Canton. Labourers from this neighbourhood are more athletic, perhaps, than those from other quarters; and as carpenters or builders, they excel all others: still, they are not so strictly frugal as their countrymen of Fuhkien, are possessed of overweening pride, and entertain considerable contempt for foreigners, to whom they owe their increased means of subsistence. The absence of this spirit and its attendant hostile feeling in the districts further north, accounts for the more submissive and subordinate disposition of the coolies of Amoy, who have already been sent to Australia to the number of 3,000, and are now being shipped to the West Indies to a much greater extent.

Men of good character, and also of capital, would be found ready to proceed to the West Indies in the same manner as to the East, if assured of freedom and security, and of good means of trading or investing their money. The success of the first emigrants must, however, be proved, and the accounts they bring back be satisfactory, before they would be followed by monied individuals; nor could permanent settlers of this class be soon looked for in a place so far removed from their own country, and so entirely foreign to them as the West Indies.

One of the Chinese laws regarding subjects going abroad, forbids them to take their families with them; and this seems to be almost the only one on the subject to which due effect has been given. Inquiry, however, will show that the chief reason of its observance exists in the strong repugnance of the Chinese to remove their families, not only to foreign regions, but even to different places in their own country. Women, in Chinese opinion, ought never to quit their homes; and even men are not wholly free from the bias entertained against wandering. Necessity in the case of the latter has overcome prejudice; but whilst they have emigrated by millions, women of respectable character are

nowhere to be met with, not even in Siam or Cochin China, where the tastes and habits of the people are in many respects akin to, and are influenced by those of the Chinese. Although when abroad they may live with native women, they never regard them as their legal wives; but their objections do not extend to the daughters born to their countrymen by these concubines, with whom they freely intermarry. Since, however, the Chinese have had greater command of the superior travelling accommodation of foreign vessels, slight indications of amelioration have been observed even in this deeply-rooted prejudice. At Amoy several instances have been known of stern cabins having been engaged by Chinese passengers for themselves and Chinese wives, and one occurred lately at this port also.

Married persons either return to or constantly revisit their homes in China, but those who go out young and single are often induced, by their connection with native women, and the greater liberty they there enjoy, to stay abroad. The naturalized or Straits-born Chinese of Singapore, &c., are ever ready to assert their privileges as British subjects, and a little too apt to presume upon them when their business brings them to China.

Contracts of this nature would be indispensable to protect the interests both of the emigrants and their employers. It is only the pledged promise of regular pay and provision which induces the coolies to proceed to an unknown locality. They object, however, to any contract which binds them to labour at a fixed rate for more than five or six years; after which time they should be free to make their own arrangements. A contract system has been pursued with them on sugar plantations at Singapore, and found to answer; the proprietor gives the ground to the Chinese, who plant and cultivate the cane at their own expense, and deliver to him the raw sugar at a certain rate. In such case, the great interest which the cultivators have in the production naturally prompts them to do their utmost to secure a good crop.

In shipping coolies, it would be well to avoid, during the voyage, the services of linguists, or of Chinese speaking English from foreign colonies, as they have been found to contribute to insubordination rather than to peace. The presence of a headman respected by the coolies, and charged to watch over both their interests and behaviour, would be productive of good results; he should be treated with deference by the officers and crew, and encouraged to bring with him some of his relations or friends, who would assist him in the task of maintaining order. The emptier the ships are of cargo, and the smaller the advances paid to the coolies, the better. They have no prejudices in regard to food, and complain only when it is unwholesome or insufficient; they are orderly, if not injured, but are apt to resent a blow. The emigrant ships from Amoy have been supplied with Chinese doctors, in addition to European practitioners, which has added materially to the confidence of the coolies; for, however ignorant the former may be of their profession, the coolies naturally incline to attach most faith to the nostrums of their own physicians.

Lastly, it may be observed, that although the Chinese will submit to and require a strict system of control, they become impatient under vexatious and unnecessary restrictions; being accustomed in their own country to a system of government which interferes little with the mass, however arbitrarily and unjustly it may deal with individuals.

Canton, September 1852.

(Signed)

HARRY PARKES,
Interpreter.

No. 11.

Dr. Bowring to the Earl of Malmesbury.—(Received January 17, 1853.)

My Lord,

Hong Kong, November 26, 1852.

AS your Lordship has requested I would communicate any information and convey any suggestion which I might deem useful in reference to the emigration of coolies from China, I beg to state that the senior naval officer in China, Captain Massie, has communicated to me a letter from Commander Fishbourne, of Her Majesty's steamer "Hermes," lately returned from Amoy; in which he states that he has been informed the coolies were penned up in numbers from ten to twelve in a wooden shed, like a slave barracoon, nearly naked, very filthy, and room only sufficient to lie; the space 120 by 24 feet,

with a bamboo floor near the roof; the number in all about 500. That many had been induced to come into the town by Chinese, and then confined. That the words "No admittance," in English, were over the doors. That many of the men appeared not to be free agents, but escaped when they could. On the other hand, it was stated that some who refused to embark were allowed to leave; that others objected to the treatment, but stated that anything was better than starvation.

Amoy affording no adequate supply for the immense demand, one of the captains of the opium ships at Namoa has, it is reported, provided 1,000 coolies, on account of the Demerara contract.

There is, I am informed, an unusual proportion of lads, whose families are reported to have claimed them in vain. Large numbers have escaped from the boats on the way to the emigrant ships.

Might it not be worthy the consideration of Her Majesty's Government, whether, on the arrival of an emigrant ship in a British colony, a strict investigation should not take place, in order to ascertain whether the coolies are *bonâ fide* voluntary emigrants; that they have not been seduced by falsehoods or kidnapped by force; and in every occasion where such a case is established, that the improperly-obtained emigrant should be sent back to China at the expense of the colony, giving the colony the means of redress against the misdoers?

I have, &c.

(Signed) JOHN BOWRING.

No. 12.

Dr. Bowring to the Earl of Malmesbury.—(Received February 14, 1853.)

My Lord,

Hong Kong, December 20, 1852.

I HAVE to acknowledge your Lordship's despatch dated October the 20th, on the subject of the immigration of Chinese labourers into the colonies of Great Britain, and to express my great satisfaction that Her Majesty's Government have seen fit to appoint an emigration agent, especially charged to secure a proper selection of emigrants, to provide for them kind and becoming treatment on board the vessels that transport them, and to ascertain the fairness and legality of the contracts entered into between them and the colonists. I inclose copy of the circular I have addressed to the Consuls, embodying, I hope, your Lordship's views as conveyed in the communication under acknowledgment.

As many of the abuses which exist in the manner of collecting, contracting for, shipping, and conveying these emigrants do, notwithstanding their multiplicity and their magnitude, escape all official cognizance and control, and the authority possessed or exercised by the Consuls has been wholly inoperative to check such abuses, I cannot but hope that Mr. White's presence will serve to prevent much of the crime and misery which have undoubtedly received a great impulse from the sudden and competing demand, arriving at the same time from many quarters of the globe, for supplies of labour from China.

There can be little doubt that too many of the Chinese officials have been sharers in and profitters by the abominations which unhappily have been so rife; and as of late the public tranquillity has been so seriously compromised at Amoy, in consequence of the misdoings of parties connected with coolie emigration, it is by no means impossible, should accounts reach Peking of what has taken place, that the whole subject may change its position and its character. It is true that the Chinese Government, the local authorities, and the peaceful people, may be willing and desirous to get rid of a miserable, suffering, surplus population, but nothing is so likely to alarm the Government, nothing could be more fatal to our interests and prospects in China, than that the shipment of emigrants should be connected with breaches of the public tranquillity, that it should make foreigners odious to the Chinese people, and interfere with that growing disposition to friendly intercourse which was so remarkable at Amoy and its neighbourhood, and was producing such an extension of our commercial relations until interrupted by the irregularities which have had their origin in the cupidity of the collectors and shippers of coolies.

In another despatch your Lordship will receive such particulars as I have been able to collect, with respect to the riots and bloodshedding at Amoy. I hold myself excused from observing on some paragraphs of the correspondence inclosed

in your Lordship's despatch, attributable to the imperfect knowledge possessed by the colonies of the real state of matters in China, not doubting that Mr. White, with whom I have had the advantage of much intercourse, not only here, but in India, will convey all requisite and useful information to the departments concerned.

I concur in the opinion that Hong Kong may be made, under judicious arrangements, a position where the most desirable portion of voluntary candidates for emigration can be collected; and that, when it is known among the Chinese that in Hong Kong efficient measures are taken to prevent those emigrating from being the victims of misrepresentation, fraud, or force, Hong Kong may become the resort of such labourers as would be most acceptable to the colonies; but I doubt if any amount of superintendence here would, looking at the instruments which must be employed in China, remove the desirableness of a thorough investigation as to the circumstances of every individual case of emigration when the emigrant ship arrives at its destination.

I have, &c.
(Signed) JOHN BOWRING.

Inclosure in No. 12.

Circular to Her Majesty's Consuls in China.

Sir,

Hong Kong, December 16, 1852.

THE subject of Chinese coolie emigration for the supply of labour to the British colonies, has, as you are aware, lately occupied the attention of Her Majesty's Government, and after due consideration of the various suggestions as to the means of securing the best selection of labourers, their proper treatment on board during their outward voyage, and the fairness and the legality of the contracts to be entered into between the colonists and the emigrants, it has been determined to appoint a Government Emigration Agent, and Mr. White has been selected for the service, under instructions from the Colonial Department.

Her Majesty's Government, while desirous to encourage the voluntary emigration of Chinese labourers to the British colonies, is quite alive to the possible difficulties of the question in reference to our position in China; for while on the one hand the expatriation of Chinese subjects is not authorized by the laws of the country, on the other, a most extensive emigration has been taking place from certain districts of China, without any the slightest attempt on the part of the authorities to interfere with or prevent such emigration. There is even reason to believe that the removal of a surplus and often suffering population has been looked upon with complacency, alike by the mandarins and the people.

At the same time Her Majesty's Government, applying the same general principles to our relations with China which would direct its conduct towards the Government of other countries with which Great Britain has entered into Treaties of friendship, could not consent that any agent of the Government of Great Britain should, within the territories of a friendly State, be engaged in the organization of any system opposed to the laws of the land, or in opposition to the lawful authorities.

The state of things in China appears, however, in the question of emigration, to justify an exception to the general rule; for whatever may be the written or unwritten law of China as to emigration, the emigration of the subjects of China is daily and repeatedly taking place, without any interference on the part of the authorities to prevent or discourage it. The law is dormant, or a tacit consent is given to its violation.

The emigration, therefore, being an established fact, unprohibited and unchecked by Chinese authority, and the interests of British as well as Chinese subjects being deeply concerned therein, Her Majesty's Government feels it is a duty imposed upon it to place as much as possible the system on a healthy footing, by directing the stream of emigration into the most useful channels, and doing the utmost to protect the interests of the emigrants themselves.

Such objects being evidently to the advantage of the emigrants, and intended to prevent the recurrence of those lamentable events on board emigrant vessels to which public attention has so frequently of late been called, cannot be made a fair subject of complaint from the Chinese authorities, while the emigration of Chinese labourers is unchecked by official interference.

You will clearly understand that Her Majesty's Government would not authorize the Emigration Agent to engage labourers within the Chinese territories, should the Chinese Government alter its policy of non-interference, and give effect to the dormant prohibitions against the emigration of its subjects. In such case, the action of the Emigration Agent must be confined to the colony of Hong Kong, where undoubtedly the securities which his presence would afford, for the protection and comfort of Chinese labourers disposed to emigrate, might induce them to resort as a central station to the spot where such securities are provided.

In fine, should the Chinese Government object or offer impediments to the emigration of Chinese subjects to British colonies, you are required to act in strict conformity to Treaty, and not directly or indirectly to aid or abet the shipment of Chinese emigrants to the colonies of Great Britain. But if Chinese subjects, of their own free will, should prefer to risk the penalty attached to the transgression of the law, and to embark without the aid of the Consul or of the Government Agent, for any place within Her Majesty's dominions, you are not bound to prevent or even to be ostensibly cognizant of such acts; for it is the duty of the Chinese Government to enforce its own laws.

I have, &c.
(Signed) JOHN BOWRING.

No. 13.

Dr. Bowring to the Earl of Malmesbury.—(Received February 11, 1853.)

My Lord,

Hong Kong, December 24, 1852.

I HAVE the honour to inclose to your Lordship copy of Mr. Acting-Consul Backhouse's despatch, dated $\frac{2}{3}^{\circ}$ November, giving some particulars of the shipments of coolies from the port of Amoy.

Your Lordship will observe in this despatch a reference to a subject of extreme gravity,—namely, the shipment of coolies in large quantities from ports and places (principally the opium stations) where, by Treaty, we are prohibited from trading.

Your Lordship has, in the despatch dated 20th October on the subject of coolie emigration, laid down an important principle, that the Chinese Government is bound to enforce the laws of China. But it must not be forgotten that a Government, impotent, corrupt, and disorganized, as is the Government of China, whatever may be its desires, is wholly unable to maintain its own authority and give effect to its own legislation; and it should be remembered that our Treaties with China are part and portion of the law of England, so that it becomes a matter for serious reflection as to how far we may be authorized to allow or to sanction (as, for example, by the superintendence of an official emigration agent out of the five ports) the violation of our own engagements. Associated with these questions are the immense interests, both British and Anglo-Indian, involved in the opium trade, giving at the present moment more than three millions sterling of revenue to India, and furnishing the means of payment for a large portion of the exports from China to Great Britain, her colonies, and the United States. The whole topic is surrounded with the most serious difficulties; difficulties attaching alike to interference and non-interference. I propose addressing your Lordship further on this subject by an early mail, being unwilling to commit myself by hasty suggestions; but I beg respectfully to convey to your Lordship an opinion, that either very distinct and ample instructions should be given to Her Majesty's Plenipotentiary, or he, in conjunction with Her Majesty's naval forces in these regions, must be entrusted with a considerable amount of authority to protect the legitimate interests of commerce and our present and future amicable relations with the Chinese functionaries and people from the consequence of abuses, many in number and great in amount, connected with the irregular and fraudulent shipment of coolies, abuses which even now are not far from placing the coolie emigration in the category of another Slave Trade.

I have, &c.
(Signed) JOHN BOWRING.

Inclosure in No. 13.

Acting-Consul Backhouse to Dr. Bowring.

Sir,

Amoy, November 20, 1852.

I HAVE the honour to report to your Excellency that since my despatch bearing date 23rd September last, three British vessels have cleared from this port with coolies, all bound to Havana.

Two other British vessels, the "Inchinnan" and "Eleanor Lancaster," have cleared from Amoy in ballast, with the intention of taking coolies on board at Namoa, or some place in its vicinity. The first named vessel proceeds to Havana, the other to Sydney. Should it be found that coolies can be readily obtained at Namoa, I have no doubt other vessels will follow the example of the above-named ships.

There are now in harbour seven British vessels, of an aggregate tonnage of upwards of 4,200 tons, taking or preparing to take coolies on board intended for Demerara, Havana, and Australia.

Further particulars respecting the vessels that have left I shall obtain from the consignees ere I close this despatch, and before I meet with an opportunity of forwarding it to your Excellency I shall probably be able to report the clearing of two or three of the vessels now loading.

November 30.

The circumstances in which we are all placed (reported in my despatch of the 27th instant) will sufficiently account for my not being able, at present, to make a fuller report on the subject in hand. I trust that my next report will contain more matter for your Excellency's consideration.

Since the date of the present despatch, the "Samuel Boddington" had cleared for Demerara, the "Royal Saxon" for Sydney, and the "Lady Amherst" for Havana. These vessels, as well as those previously named, took on an average 350 coolies each, for whom the usual amount of accommodation, provisions, &c., were provided.

I have, &c.
(Signed) J. BACKHOUSE.

No. 14.

Dr. Bowring to the Earl of Malmesbury.—(Received February 14, 1853.)

My Lord,

Hong Kong, December 27, 1852.

I AM sorry to have to report to your Lordship that Amoy has been the scene of much disturbance and disorder, accompanied with loss of life, the result of the irregularities and abuses connected with coolie emigration. The very imperfect accounts I received from the Consulate, and the gravity of the interests compromised, induced me, after consultation with the senior naval officer on the Chinese station, to send up Mr. Secretary Harvey, in Her Majesty's steamer "Hermes," in order thoroughly to investigate the causes of an outbreak which I found, from many private communications, had caused much anxiety, and to examine into the more general question as to the manner in which coolie emigration was carried on at Amoy; it having been represented to me from several unofficial quarters that the public peace was seriously compromised, large amounts of property placed in jeopardy, and the amicable relations between the subjects of Great Britain and China likely to be interrupted by the misdoings of the instruments and agents engaged in the collection and exportation of Chinese labourers. Mr. White, who had not then received official notice of his appointment as Emigration Agent, applied for permission to proceed in the "Hermes," and I most readily complied with his wish.

I have the honour to inclose copy of a despatch from Mr. Vice-Consul Backhouse, dated 27th November. That despatch was accompanied by a private letter, stating that he believed the riots were attributable to an attempt made by Mr. Syme (of the house of Syme, Muir, and Co.), to rescue a coolie broker from the hands of the Chinese authorities. I have the honour to inclose copy of my

reply to Mr. Backhouse's despatch, dated December 9th, and of my instructions to Mr. Secretary Harvey of the same date.

The "Hermes" returned to Hong Kong on the 21st instant, and I have now to inclose to your Lordship copy of a communication and its inclosures from Mr. Acting-Consul Backhouse, stating that Mr. Syme has been fined 200 dollars, and his assistant Mr. Cornabé 20 dollars, payable to Her Majesty, according to the provisions of the Treaty of Amity between Great Britain and China, the finding being that Mr. Syme (who was accompanied by Mr. Cornabé) visited a police-court at Amoy on the 21st November, on the subject of a coolie broker, with a view to obtaining his release, and thereby, according to the charge, caused a riot, in which two British subjects were assaulted.

I have received from Mr. Harvey, and have now the honour to inclose, an interesting report, accompanied with a mass of depositions and documents throwing much light upon the whole subject; and I beg to express my thorough and hearty approval of the manner in which Mr. Harvey has discharged the serious and delicate duties of his mission. I am persuaded that the arrival of the "Hermes," the investigations consequent thereon, the punishment of the guilty British merchants, and the assurances given that Her Majesty's Government will rigidly inquire into and severely chastise the offences of which Her Majesty's subjects may be guilty against the subjects of China, will do much to restore that amicable and extending intercourse which had been placed in peril.

I beg to state to your Lordship, with reference to the barracoon in front of the foreign hong, that I completely concur with Mr. Harvey's opinion that it must be taken down; that its removal is alike demanded for the security of British persons and property, and for the preservation of the public peace. I have desired private intimation to be given to Mr. Syme that he had better quietly remove this cause of offence, and I hope that this may be effectual. If not, I shall desire Mr. Backhouse to come to some understanding with the Mandarins on the subject, and if the plea is urged that the property is Spanish, to call upon the Spanish Consul Mr. Tait, who is a subject of Her Britannic Majesty, to interpose his authority. The large amount of British property at Amoy is uninsured, and though I understand a circular has been sent to their constituents by some of the merchants at Amoy, stating that the Mandarins will be called upon to give compensation for any damage done to British property by the violence of the mob, I have not been applied to to authorize, nor have I authorized, any such statement to be made, especially under present circumstances.

I have no report from Mr. Backhouse respecting the claim of 5,000 dollars made by Mr. Vallancey on the Chinese authorities, for injuries done to his person during the riots, and of counter claims made by those authorities on account of the loss of life by innocent persons. I may state, however, that such claims are rigidly enforced by Chinese laws against Chinamen who are the cause of the accidental death of others, of which a case has occurred within the last month at Canton, where an opulent Chinese merchant has been compelled to give compensation to, and make provision for, the families of a number of persons killed or wounded by the accidental explosion of a gunpowder manufactory, though the gunpowder was to be employed against the rebels. The immediate departure of the mail necessitates the closing this despatch. There will be no time to copy Commander Fishbourne's report, which will no doubt be sent to the Lords of the Admiralty; but I must not omit to state that the co-operation and assistance afforded by Commander Fishbourne have been of the greatest value.

Mr. Pedder having obtained three months' leave of absence from Amoy, in consequence of ill health, and the departure of Dr. Winchester for England, having left the Consulate without adequate strength, I have, in the existing state of things, thought it desirable to despatch Mr. G. S. Morrison from Canton thither, and to invest him temporarily with the duties of first assistant. I am glad to say that he has lately been diligently and successfully attentive to the study of the Chinese language.

I have, &c.

(Signed) JOHN BOWRING.

Inclosure 1 in No. 14.

Acting-Consul Backhouse to Dr. Bowring.

Sir,

Amoy, November 27, 1852.

I HAVE the honour to report to your Excellency an atrocious outrage, committed on the evening of the 21st instant, by an armed party of Chinese soldiers.

The soldiers in question seeing Mr. Mackay, a clerk in the house of Messrs. Tait and Co., passing the street in front of their station, attacked him with stones—some of which struck him on the head—and drove him into an alley from which there was no exit, and having penned him in there whilst they held some converse with him, they eventually allowed him to repass, after giving him a blow over the head with the sharp edge of a spear, which inflicted a wound about two inches in length.

Soon after, Mr. Vallancey, the chief mate of the English ship "Australia," was passing the same place in company with a friend, when they too were at once attacked by the soldiers. The friend managed to effect his escape, but Mr. Vallancey was not so fortunate, and, being first brought to the ground by a spear-thrust in his thigh, was, whilst in that helpless state, treated in a most savage manner, receiving cuts over each temple, one spear-thrust in the upper part of his left arm, five or six wounds in his right thigh, one in the abdomen, and some others, besides sustaining much injury from the blows inflicted on his head with sticks or stones. So seriously was he injured, that his life was at first despaired of; and his state is still very precarious.

On hearing of this affair, I proceeded to the foreign hong to ascertain the particulars. On arriving there I found Captain Ellman and a strong party from Her Majesty's steam-sloop "Salamander," with whom and a party of the residents several of the streets were patrolled without finding anything calculated to increase our anxiety.

The next day, the news of this matter having spread over the town, the uneasiness of all the inhabitants who had anything to lose was very great, and all the shops were shut. At the same time the town became flooded with vagabonds from the neighbourhood, who, uniting with the bad characters of the town, soon evinced their determination of plundering the hong of the foreign community, as well as of robbing their own countrymen.

For some time they were held in check by the sight of the preparations made to receive them; but at length, on the forenoon of Wednesday, the 24th instant, the aspect of things was so threatening that a very strong party of men was landed from the steamer to prevent the sacking of the hong. Their presence awed the mob for a short time, but at length the crowd, which was rapidly increasing, made a most determined attack on the hong occupied by Messrs. Syme, Muir and Co. The men-of-war's men behaved with great forbearance, though, on their interfering, the mob transferred their attack from the hong to them, pelting them with heavy stones, which many of them did not throw until they had run nearly up to the bayonets of the marines. These latter more than once cleared the ground, which was a narrow strip, by pushing the mob off it without using their bayonets, but were as often compelled to retire again, and twice were driven for refuge into the hong they were guarding. Their forbearance was naturally misconstrued by the plunderers, whose numbers and daring increased momentarily. At length Lieutenant Smith, who was in command of the seamen and marines, and who himself had twice been struck down by stones, finding that further delay on his part to act would seriously compromise the safety of his men, and consequently, that of the lives and property of the foreign residents, reluctantly gave the order to fire. As soon as the rabble found they were opposed by force they at once decamped, and no attack has since been made. As many of the men did not fire, and a number of the muskets were discharged over the heads of the people, the loss of the crowd in killed and wounded was not very great.

Yesterday, matters wearing a somewhat better appearance, Mr. Pedder and the Haifang went on board the "Australia" to see the wounded mate, and thence proceeded to view the bodies of the Chinese killed by the fire of the "Salamander's" men. He reports that they viewed four bodies, and saw three wounded people. Two more wounded men are on board the steamer under the care of

her medical officers ; so that the total number of killed and wounded may be estimated at from ten to twelve.

The local authorities state that they fully approve of what has been done on our part, and hope we shall keep fully prepared against attack for some days longer, as thousands of men are pouring in from all the country round for the purpose of plundering, and that, until they retire, it would be in the highest degree imprudent for our men to be withdrawn from the hong.

We all have been, and still are, so fully occupied with the measures necessary for our defence, and for obtaining redress for the outrage perpetrated on Sunday last, that your Excellency will hardly expect a fuller account of this occurrence at present.

The local authorities express their readiness to make an example of the soldiers (whose culpability they attempt not to deny) so soon as the restoration of order shall leave them at leisure to bring the culprits to trial.

I am sorry to state that Mr. Pedder, who is slowly recovering from a severe attack of fever, has suffered so much from the continued bodily and mental exertion which unavoidably devolved on him as interpreter during the last few days, combined with want of rest for five nights, that he yesterday sunk under it. Happily the prompt and judicious measures adopted by Dr. Foster, of the "Salamander," prevented a return of fever ; and Mr. Pedder, being somewhat recovered to-day, has insisted on returning to his work, a determination which I cannot oppose, since, pending the arrival of Mr. Sinclair, his services are indispensable.

In conclusion, I have only to state that I do not think we require any further assistance, as now that the mob finds that we are determined to defend ourselves, no more attacks are likely to be made, and, if there should be another, the "Salamander" and merchant-ships in harbour could furnish enough men to protect the residences of the merchants. The authorities have been held responsible for the safety of the store-hongs situated in the town ; and the missionaries, possessing nothing to tempt the cupidity of marauders, are safe from attack.

I have, &c.
(Signed) J. BACKHOUSE.

Inclosure 2 in No. 14.

Dr. Bowring to Acting-Consul Backhouse.

Sir,

Hong Kong, December 9, 1852.

I HAVE received your despatch dated the 27th of November, communicating particulars of an outrage committed by Chinese soldiers on British subjects, reporting the dangers to which the hong of the merchants have been exposed, the interference of Her Majesty's naval forces, and the loss of life which ensued.

As it appears by your private communication to me, and by sundry letters I have received from other quarters, that these tumultuous proceedings had their origin in the interference of a British merchant with some of the authorities at Amoy, and an attempt to rescue from their custody a person engaged in obtaining coolie immigrants ; and as it is equally the duty of Her Majesty's officers to protect the Chinese against the aggressions of any of her subjects, as to protect the persons and property of our own countrymen ; I have thought it desirable to dispatch Mr. Harvey on board Her Majesty's steamer "Hermes," in order to assist you in any inquiries which may be desirable, not only to throw light on the causes of the late disturbances, but to investigate generally the subject of coolie emigration.

Mr. Harvey will not interfere to control you in the exercise of your Consular jurisdiction, nor do I desire to lay down special instructions for your guidance ; but it will be satisfactory to me that you should determine on instituting a formal judicial investigation as to what has occurred, both for my own information and that of Her Majesty's Government.

Mr. Harvey is authorized to show you the instructions I have given him.

I have, &c.
(Signed) JOHN BOWRING.

Inclosure 3 in No. 14.

Dr. Bowring to Mr. Harvey.

Sir,

Hong Kong, December 9, 1852.

THE events which have taken place at Amoy are of so grave a character, and the interests involved are so important, that I have decided on sending you to Amoy on board Her Majesty's steamer "Hermes," Captain Fishbourne, in order that you may thoroughly investigate and report on all the circumstances connected with the late outrages.

Though I do not wish, with the imperfect information we possess, strictly to mark out the course of proceedings, it appears to me that if Mr. Acting-Consul Backhouse have not already summoned a Consular Court, such a step would be most desirable, in order that all the facts connected with the late disorders may be submitted to a judicial inquiry.

It is stated in sundry letters which have reached me, and some of which I have communicated to you, that the riots at Amoy had their origin in some proceedings of a British merchant claiming from the Chinese authorities a man whom they held in custody, and who had been connected with the collector of coolies for foreign shipment. To the circumstances associated with these proceedings you will give your special attention.

I am desirous you should avail yourself of the opportunity you will possess on this occasion of instituting a searching investigation as to the manner in which this coolie emigration has been carried on, especially with reference to British ships, British subjects, and British colonies. You are well aware that many non-official statements have reached the Superintendency as to the abuses which have taken place; that persons are stated to have been kidnapped by fraud and force, seduced by false representations, and otherwise conveyed on board emigrant ships without their own consent and in ignorance of the conditions of their shipment. I need not tell you that any such proceedings would be the object of the utmost abhorrence, and meet with the gravest censure from Her Majesty's Government, and that any British subject who should be a willing party to such malpractices would be responsible to every pain and penalty of the law.

You will use, in co-operation with Her Majesty's Acting-Consul, all diligence consistent with the thorough investigation of the matters in question, so as to avoid any unnecessarily prolonged absence from the Superintendency.

Captain Massie will have given the needful instructions to Commander Fishbourne, of Her Majesty's steamer "Hermes," on all matters connected with Her Majesty's navy, and I have no doubt you will find his presence in every respect useful and valuable.

As there have been several vessels dispatched with coolies from Namoa, it is probable Captain Fishbourne will call at that station on her way down, and you will also obtain all information as to the proceedings in that locality.

I have, &c.

(Signed) JOHN BOWRING.

Inclosure 4 in No. 14.

Acting-Consul Backhouse to Dr. Bowring.

Sir,

Amoy, December 18, 1852.

I HAVE the honour to acknowledge the receipt of your Excellency's despatch of the 9th instant, by Her Majesty's steamer "Hermes," which arrived here on the 12th. Mr. Harvey and Captain Fishbourne came up on Monday, and with me held a Court of Inquiry respecting the disturbances which took place here on the 21st and 24th ultimo, and it lasted until yesterday the 17th. As Mr. Harvey takes down all the evidence obtained on that occasion, and my being very shorthanded at present, I trust that your Excellency will pardon me for not inclosing it in this despatch.

Mr. Syme, Mr. Cornabé, a clerk in his house, and Mr. Connolly, a partner in Messrs. Tait and Co's., appeared at the Consulate, in accordance with their summonses issued yesterday; the two former stood their trials for a breach of the Treaty on the 21st ultimo, by going to a police station and rescuing a

coolie-broker, who was in their employ, from the hands of the Mandarins; the latter was not tried, owing to the absconding of the coolies, who were to appear against him, for misprision in confining them against their will on board the "Emigrant" depôt ship; but I gave him a warning as to his future conduct, and impressed on his mind that if he were again complained of, I should visit him with the utmost rigour of the law.

Mr. Syme having been, in open court attended by two assessors, clearly proved guilty of the charge preferred against him, I have fined him the sum of 200 dollars, payable to Her Majesty the Queen; and Mr. Cornabé, pleading guilty to the offence charged against him in the prosecution, has been sentenced to pay a fine of 20 dollars to Her Majesty the Queen, in conformity with Ordinance No. 5 of 1844.

The rapid departure of Her Majesty's steamer "Hermes" prevents me from entering into further details at present, and I confine myself to inclosing copies of the examination, defence, and judgment, elicited during the trial.

I have, &c.
(Signed) J. BACKHOUSE.

Inclosure 5 in No. 14.

Minutes of Consular Court at Amoy.

QUEEN *versus* SYME.

MINUTES at a Consular Court held at the British Consulate at Amoy on the 18th of December, 1852, to try Francis Darby Syme, merchant, for a breach of the Treaty between Her Britannic Majesty and the Emperor of China, signed on the 29th day of August, 1842, and the supplement thereto, signed on the 8th day of October, 1843.

PRESENT :

John Backhouse, Esq., Her Majesty's Vice-Consul in charge ;
Rev. William Young ; and
Dr. J. H. Young, Assessors.

CHARGE.

First. For that the said Francis Darby Syme, merchant, of Amoy, did on the 21st ultimo visit a police-court in Amoy, on the subject of a Chinese coolie-broker, then under punishment by the authorities for a breach of Chinese law, thereby causing a riot, in which two British subjects were assaulted.

Second. For that he the said Francis Darby Syme did on the 21st ultimo assault a subject of the Emperor of China.

Francis Darby Syme called and placed at the bar.

By the Vice-Consul in charge :—Mr. Syme, from the evidence given before a Court of Inquiry into the cause of the late riots at Amoy, I have deemed it my duty to bring you to trial on the charges just read. They are supported both by your own statement and the evidence of William Alexander Cornabé, your clerk, and partly by a letter from his Excellency the Taoutee of Amoy, an extract from which I now read : say, are you guilty or not guilty ?—*A.* Not guilty.

Mr. William Alexander Cornabé called into Court.

Mr. F. D. Syme.—I object to the evidence given at the late court of inquiry by Mr. William Alexander Cornabé being read in this Court, and also object to his being called as a witness against me; first, he is my servant; and secondly, he is here on his own defence.

The Vice-Consul.—The objection cannot stand good.

William Alexander Cornabé being duly sworn, is examined.

Q. Is the evidence which I now read, and which you gave before a court of inquiry on the 13th instant, the truth, the whole truth, and nothing but the truth ?—*A.* It is.

The evidence given before the court of inquiry by William Alexander Cornabé on the 13th December, 1852, was read.

Mr. Syme.—I object to the evidence given by me before the court of inquiry on the 13th December, 1852, being read in this Court.

Q. Why do you object to your evidence being read?—*A.* I object to having that evidence produced in this Court, because, before giving it on oath at the court of inquiry, I was not previously warned that such evidence would be used against me, either there or in any other Court.

William Alexander Cornabé recalled, and sworn.

Q. In your former evidence just read, you state, “We went to the police-court”: whom did you mean?—*A.* I meant Mr. Syme and myself.

Q. Did Mr. Syme communicate personally with the Mandarin?—*A.* No.

Q. Who did?—*A.* I did.

Q. You state in the evidence before referred to, “We inquired”: whom did you mean then?—*A.* I was used as interpreter, and I only spoke.

Q. Then Mr. Syme had communication through you with the Mandarin?—*A.* Yes.

Q. State what passed.—*A.* I have before given it in evidence.

Q. On your second visit to the police-court you have stated you were attacked: was this before or after the coolie-broker was liberated from the mob?

—*A.* I did not see the coolie-broker liberated at all.

By Mr. Syme.—Was there any other European present with us at the police-court?—*A.* No.

At this time a translated copy of a deposition made before the Haefang by the coolie-broker referred to in the charge, was handed in and read:

“On the 22nd of November, previous to the receipt of these despatches [the Taoutae here alludes to Mr. Backhouse’s two letters, dated 23rd November, 1852, complaining of an assault upon two British subjects], the report had reached me, that one of a party of three Englishmen, being excited by liquor, had on the evening of the 21st (November) commenced bullying some soldiers and others, who were standing outside of the Chungting’s Yamun, about Chinese coolies whom they (the English) had purchased, and that a scuffle had ensued.”

True Translation,

(Signed) CHARLES A. SINCLAIR, *Interpreter.*

Mr. Syme.—I object to this deposition being received as evidence.

Q. Upon what grounds do you object to the deposition being received as evidence?—*A.* Because it has not been deposed to before a magistrate or any proper authority, and that the party so deposing has not been confronted with me, or brought into this Court to give me an opportunity of testing the truth of his deposition. The document further does not appear to have been sworn to according to the custom usual among the Chinese.

Q. Have you anything farther to say, any witnesses to call, or any defence to submit?—*A.* No.

FINDING.

From the evidence brought before them, the Court find that you, Francis Darby Syme, did, contrary to the Treaty existing between Her Majesty the Queen and the Emperor of China, visit a police-court in Amoy, on the 21st ultimo, on the subject of a coolie-broker, with a view to obtaining his release, as stated in the charge, and that you have been therefore guilty of a breach of the aforesaid Treaty.

SENTENCE.

That you, Francis Darby Syme, having been found guilty of a breach of the Treaty existing between Her Britannic Majesty and the Emperor of China, are hereby fined in the sum of 200 dollars to Her Majesty the Queen, subject to the approval of his Excellency Her Majesty’s Plenipotentiary in China.

(Signed) J. BACKHOUSE,
Her Majesty’s Vice-Consul, in charge, for Amoy.

Assessors:

(Signed) W. YOUNG.
J. H. YOUNG, M.D.

Inclosure 6 in No. 14.

*Minutes of Consular Court at Amoy.*QUEEN *versus* CORNABÉ.

MINUTES at a Consular Court held at the British Consulate at Amoy, on the 18th day of December, 1852, to try William Alexander Cornabé, an English resident in this place, for a breach of the Treaty between Her Britannic Majesty and the Emperor of China, signed on the 29th day of August, 1842, and the Supplement thereto, signed on the 8th day of October, 1843.

PRESENT :

John Backhouse, Esq., Her Majesty's Vice-Consul, in charge ;
Rev. William Young ; and
Dr. J. H. Young, Assessors.

CHARGE.

For that the said William Alexander Cornabé did, on the 21st ultimo, visit a police court in Amoy, on the subject of a Chinese coolie broker, then under punishment by the authorities for a breach of Chinese law, thereby causing a riot, in which two British subjects were assaulted.

William Alexander Cornabé called and placed at the bar.

By the Vice-Consul in charge: William Alexander Cornabé, from a deposition made and evidence given by you at a court of inquiry into the cause of the late disturbances in Amoy, I have deemed it my duty to bring you to trial on the charge just read: say, are you guilty, or not guilty?—Answer, Guilty, and I admit my former evidence.

SENTENCE.

That you, William Alexander Cornabé, having by your own plea been found guilty of a breach of the Treaty existing between Her Britannic Majesty and the Emperor of China, are hereby fined in the sum of 20 dollars to Her Majesty the Queen, subject to the approval of his Excellency Her Majesty's Plenipotentiary in China. You will understand that the smallness of your fine is in consequence of its appearing that you had in a manner been acting under the influence of Mr. Francis Darby Syme, the head of the house by whom you are employed.

(Signed) J. BACKHOUSE,
Her Majesty's Vice-Consul, in charge, for Amoy.

Assessors :
(Signed) W. YOUNG.
J. H. YOUNG, M.D.

Inclosure 7 in No. 14.

Mr. Harvey to Dr. Bowring.

Sir,

Hong Kong, December 22, 1852.

IN compliance with your Excellency's instructions, I embarked, on the 9th instant, on board Her Majesty's steam-sloop "Hermes," Commander Fishbourne, and arrived at Amoy on Sunday morning, the 12th. Having dispatched a message to Mr. Acting-Consul Backhouse, this gentleman came on board, and a consultation was then held with Commander Fishbourne as to the best and speediest mode of proceeding, in order to arrive at a thorough understanding of the causes of the late riots at Amoy, and of the manner in which coolie emigration has been carried on during the past months at that port: these two points forming the basis of the instructions with which I had been furnished by your Excellency.

We arrived at the conclusion that a preliminary but formal investigation, in

which the witnesses should be examined upon oath, would be the most satisfactory course to pursue, as there could be no doubt that out of such an inquiry much valuable and reliable information, both on the subject of the riots and on the coolie emigration system, as at present carried on at Amoy, would be elicited; and in this expectation I may say that we have not been disappointed.

Summonses were accordingly issued to the greater portion of the community to attend at the Consulate; and I now have the honour to inclose to your Excellency the minutes of the investigation in question, which, commencing on Monday, the 13th, was protracted to the 17th, during which time the whole of the British mercantile community were examined, independently of English and American missionaries, and several Chinese. The evidence which has thus been obtained is of so complete and so satisfactory a character, in so far as reliable and useful information is concerned, that I have but little to add in this report. I shall, however, trespass on your Excellency with a few observations and opinions upon the late events, which I hope your Excellency will not deem out of place.

I shall, in the first place, advert to the causes of the riots. I am of opinion, after a patient inquiry, that they are to be attributed partly, if not wholly, to the unauthorized and irregular proceedings adopted by Mr. Syme: first, by going, on Sunday evening, the 21st of November, to the police-station to release one of his coolie brokers, then under punishment by his own authorities; and, secondly, by harbouring in his own house this very broker, after he had, by Mr. Syme's intervention, made his escape from the hands of the people, to whom he appears somehow to have been handed over by the inferior Mandarin, before Mr. Syme's second visit to the police-station. It is idle for Mr. Syme to say that he did not go to the station with the view of releasing this man. He went there, upon his own admission—and not only once, but a second time—on hearing from his Shroff, whom he met on his way home, that he had been deceived by the Mandarin, and that the man under punishment was really Mr. Syme's broker. And it was during this second visit that the people who then had possession of the broker, upon recognizing Mr. Syme, made that assault upon him and his clerk, the particulars of which appear in the evidence. These two gentlemen, as well as the broker, made their escape with some difficulty, in which they succeeded, owing to the confusion and twilight; but the anger of the people was aroused, and it was, I regret to add, with the connivance, if not assistance, of the Chinese military, that that anger was displayed upon the persons of Mr. Mackay, a clerk in Tait and Co.'s firm; of Mr. Vallancey, the chief officer of the "Australian" (whose life was for a time despaired of); and of Mr. Walthew, a passenger in the same ship; the two latter being at the time totally ignorant of what had taken place at the police-station, and quietly returning to their ship. There is every reason to suppose, from Mr. Walthew's personal appearance, that he was mistaken by the populace for Mr. Syme. Be that as it may, he escaped, comparatively speaking, unhurt; but Mr. Vallancey's wounds are of a very serious nature; and, as I verbally informed your Excellency, he has sent in a claim of 5,000 dollars, to be pressed by Her Majesty's Acting-Consul upon the Chinese authorities, as compensation for the serious injuries which he has received. I may add, that the Amoy Haefang (marine magistrate) went on board the "Australia," and visited Mr. Vallancey; but notwithstanding this Mandarin's visit, and his consequent knowledge of Mr. Vallancey's injuries, I think it will be very difficult to obtain the compensation in question.

On Monday morning, the day following the release of the broker, the shops of Amoy were all closed; great excitement prevailed in the place; but it was not until Wednesday morning that the people assembled around Mr. Syme's hong with threatening gestures, and showing every disposition to attack his premises. The crowd thus assembled was composed partly of respectable persons claiming the broker then located in Mr. Syme's hong, and partly of vagabonds who, having heard of the excitement prevailing in the city, had come from the neighbouring villages in the hope of plunder. Before they had proceeded to any length, the broker was removed from the house under an escort sent by the mandarins; but his surrender was unfortunately somewhat tardy, for the rabble, who had only assembled for booty and plunder, and cared little if anything for the broker, were not to be balked in their expectations. They therefore commenced their attack upon Mr. Syme's premises, and would certainly have proceeded to extremities had they not been repulsed and driven off by the fire from the party of marines and sailors from Her Majesty's steam-

sloop "Salamander." The rabble then totally dispersed, and tranquillity was once more restored.

The above is an outline of what took place on Sunday and Wednesday, and I imagine your Excellency will not fail to perceive the link which connects the two days, and to agree with me in thinking, that Mr. Syme did, by his two visits to the police-station on Sunday evening (thereby causing the release of the broker) give rise to the disturbances and consequent assault which immediately followed, and that by harbouring this broker until Wednesday morning, (thus screening him from the application of the laws of his country, which the people of Amoy loudly demanded), Mr. Syme became guilty of a violation of one of the provisions of our Treaty, and instrumental in bringing about that excitement in the public mind, followed by the attack on his hong, which led to circumstances of so distressing and painful a nature.

From the inclosed evidence, obtained from many disinterested eye-witnesses, it is quite clear that the party of marines and sailors from the "Salamander" did not fire on the people until several of the former had been struck by stones and brickbats, and their commanding officer had been twice knocked down by missiles. The fury of the mob was then at its height, the foreign hong were in absolute danger of pillage and destruction, and it became necessary to act in self-defence by firing on the assailants. It is impossible to ascertain accurately the number of killed and wounded, but from all that I could learn I estimate the former at seven or eight, and the latter at between twelve and sixteen. Independently of these I must not omit to say that four others, who were not mixed up or had anything to do with the rabble, were accidentally killed by stray shots; amongst these a child, at her mother's breast. For these the authorities told me that they were prepared to send in claims for compensation, if Mr. Vallancey's demand be pressed upon them.

Now, with respect to the mode in which coolie emigration has lately been carried on at Amoy, I think, and my opinion will be corroborated by the evidence, that some of our merchants have been much to blame for the reckless manner (to say the least of it) in which coolies have been obtained. Ships arrive in port subject to a heavy demurrage; coolies are therefore immediately wanted; they must be had at any cost; that is the principal point; the means adopted in obtaining them are of an entirely secondary consideration. Men of the lowest possible character are employed to supply the wants of the merchants; these men, called coolie-brokers, go about in every direction in search of coolies. As they receive so much per head, it requires but a very superficial knowledge of the Chinese mind and character to foresee what the result must be; that is, that abuses, fraud, deception, and, in some instances, kidnapping (but not many cases of the latter, as men are not easily kidnapped after 17 or 18 years of age), are the natural consequences of the premium so paid for every man. It is very well to declare that the coolies thus obtained are free agents, by their own admission. But would it not be well for the merchants to ascertain thoroughly how such and such a coolie has been induced to emigrate? whether he has not, for example, pawned himself to the broker, who makes him declare whatever he pleases? These are considerations which ought not to be neglected. And until more care and attention is given to the mode in which coolies are obtained and shipped, abuses will creep into all arrangements, and no healthy or beneficial system of emigration can possibly be established at Amoy.

There are in the inclosed evidence too many cases in support of the above opinion and statements, and to them I would refer your Excellency for further information as to the mode in which coolie emigration has been lately carried on at Amoy; and also respecting the abuses, and worse than abuses, which have been the natural result of the recklessness and cupidity of shippers, and the employment of rascally brokers. There is, however, one point which I must bring to your Excellency's particular attention, and that is the existence of a disgusting and obnoxious shed, in front of Mr. Syme's hong, built for the reception of coolies. A rough sketch of this shed, or rather barracoon, is appended to the evidence. Into this shed are huddled together what Mr. Syme calls "Applicants for Emigration," until such time as they are ready to be shipped off. As regards the degree of freedom and comfort which they enjoy in this den, I must again refer your Excellency to the evidence. Therein will, I think, be seen, that the boasted-of freedom possessed by these poor wretches is about on a par with the comforts and attention which they enjoy. I think it my duty

to state explicitly, that I look upon this barracoon as a disgrace to the British name and character at Amoy, and I am happy to say that it is the only one now standing; but it is a blot which should by every possible means in our power be obliterated. This measure I have urged in the strongest terms on Mr. Backhouse, and I trust that something may be done at once to remove this obnoxious building. I was given to understand at Amoy that Mr. Syme had made, or intended to make, over this barracoon to a Spaniard (thereby apparently removing his own interest therein). It is however to be hoped, that notwithstanding this transfer Mr. Syme will be made to pull it down. It is situated right in front of his dwelling, part of it over the water, and so long as it stands in its present position, so close to the other British hong, there will be no safety of life or security of property to British subjects in the vicinity, because this barracoon is an eyesore and a source of irritation and annoyance to the people, and will be the cause sooner or later of some serious disturbance at Amoy. In corroboration of this opinion I have only to refer to Mr. Connolly's evidence. I would therefore press on your Excellency the adoption of every legal means for its removal. It would indeed be a neglect of duty on our part if the tranquillity and security of property hitherto enjoyed at Amoy by foreigners of all classes were allowed, for the gratification of one solitary individual, to be imperilled by the continuance of this public nuisance.

Whilst upon the subject of the relations between the Chinese and foreigners at Amoy, I may state that up to the late disturbances the most friendly and amicable feelings have existed between them. Your Excellency is well aware that the port has latterly become very important as a place of trade, and promises before long to increase in importance to a considerable extent. It is necessary, therefore, to watch narrowly that no counteracting influence be allowed to work against the common good.

The late riots, I am sorry to say, have left a very bad impression on the minds of the people. There is an under current of bad feeling directed against foreigners which it will take months, if not years, of forbearance and honest dealings thoroughly to eradicate. I would therefore recommend the non-removal at the present moment, even temporarily, of the protection afforded by a man-of-war. I saw enough of the people to perceive that they have not yet recovered from the late ferment and excitement; therefore it will be necessary for foreigners to use the utmost discretion in their dealings with them, and to make every effort to allay the excitement and remove the bad impression which the late events have naturally left on the minds of the Amoy population: particularly at the present moment, when we are approaching to the end of the Chinese year, great forbearance and caution should be exercised.

I would now advert to my proceedings with the authorities whilst at Amoy. I twice visited the Haefang, unaccompanied by Mr. Backhouse, whose bad health did not permit him to move about much. On my first visit I had obtained with some difficulty permission to examine the broker whose release was caused by Mr. Syme's visit to the police-station; but the police mandarin himself was not to be seen—he was reported to have left Amoy, though we ascertained that he was quietly ensconced in the city. The authorities would not allow me to take the broker to the Consulate, for fear the Amoy people would "tear him to pieces" on his way thither; but having agreed to allow me to question him at their Ya-mun (dwelling-house and office), I proceeded there next day, accompanied by Commander Fishbourne and two of his officers. When, however, the man was carried into the hall, he had been so mutilated and starved that he was on the point of death, and it became impossible to proceed to any interrogation.

I beg to inclose minutes of my two visits. With reference to the indignation affectedly expressed by the mandarins as respects coolie emigration in general, and coolie brokers in particular, I really believe that there is not, and has not been, a man shipped from Amoy without their full knowledge; and that, if report speaks true, they have not been without their share of the profits derived by the brokers from coolie shipments. I dare say that for some time to come they will endeavour to put a stop to irregularities by proclamations, because the last lesson has been a somewhat severe one to them personally, and they have the people against them and the brokers; but these proclamations will not affect free emigration, notwithstanding what they state with regard to the laws of the Empire.

The people however have now taken the law into their own hands, by assaulting every broker they meet in the streets; hardly a day passes that some broker is not assailed by the populace, by whom he would undoubtedly be killed if he were not rescued and sent to the authorities. Commander Fishbourne and myself rescued a man under these circumstances, and I was personally witness to two or three cases of this nature.

After a careful review of the whole of the evidence, and an attentive consideration of the causes which led to the late events, I am of opinion that much mischief might have been avoided had the parties concerned in coolie emigration acted with more prudence and consideration.

Your Excellency will learn from the minutes of my meetings with the authorities that they complained most bitterly of a habit (which will surprise your Excellency as much as it did myself) the merchants have adopted at Amoy, of sending messages to them, and occasionally of going in person to their public offices to obtain the release of Chinese brokers, &c., then in the hands of those authorities; an unauthorized and irregular mode of proceeding unheard of at any other port. I trust means will be found to put a stop to such practices as soon as possible. Beyond this complaint, which the mandarins made with great bitterness, as lowering, they said, their position and dignity in the eyes of the people, they expressed great delight at the arrival of the "Hermes" and of an officer sent by Her Majesty's Plenipotentiary, as it showed the interest the British Government took in the late events, and the importance it attached to a good understanding between the two people. On my informing them of the Court of Investigation which I intended holding with Commander Fishbourne and Mr. Backhouse, they appeared to be much pleased, and there is no doubt that upon their own minds, as well as upon the minds of the Amoy people, all of whom knew well the object of our investigation, the visit of the "Hermes" will have a most salutary and beneficial effect. I may further add that the facts which have been elicited during the inquiry, and the knowledge that such facts will be generally made public in China, will tend to render the coolie emigration trade more respectable than it has hitherto been, owing to the manner in which it has been carried on; and if even this is the only result obtained, your Excellency can but have to congratulate yourself on having decided in sending up the "Hermes" to Amoy.

After the inquiry had terminated, Mr. Backhouse having been convinced that there was sufficient evidence to bring Mr. Syme and his clerk before a Consular Court for offences committed on Sunday evening, if not for what took place on the Wednesday following, these gentlemen were tried before two assessors, and Mr. Syme fined 200 dollars, and his clerk Mr. Cornabé 20 dollars. A summons had likewise been served on Mr. Connolly, a partner in the firm of Tait and Co., who was to have been tried for misprisonment; but unfortunately the witnesses in this case made their escape from the Consular jail. Owing to the absence of these witnesses, the case fell to the ground, and Mr. Connolly was informed of it in court, when Mr. Backhouse read to him the inclosed paper, in which he was warned as to his future proceedings in regard to the shipment of coolies.

In addition to the above-mentioned documents, I beg to inclose translation of a proclamation furnished to me by the Amoy Haefang, warning the people against the malpractices of the coolie-brokers, and of two additional proclamations by the same officer; also translation of the deposition made before the authorities by Mr. Syme's coolie-broker, and copy of survey held on three vessels loading with coolies at Amoy. These papers, with those appended to the inclosed minutes, will throw much light upon the whole subject, and complete the series of documentary evidence had in the investigation in question.

The day after the Consular Court above referred to, the "Hermes" left Amoy, and the following morning we arrived at Namoa, an opium station 160 miles to the northward of Hong Kong, where Commander Fishbourne and myself examined Mr. Gerard, commanding an opium vessel at that station. From what we learnt from Mr. Gerard, it appears that coolies are easily obtained in the vicinity of Namoa; two vessels had loaded there, and the supply exceeded by far the present demand. Mr. Tait, of the firm of Tait and Co., has been at Namoa for some time collecting coolies, and was there when we called at that station. I apprehend that if coolies are so plentiful and so easily obtained at Namoa, that place will be visited by other merchants, and in that case we must not be surprised if we hear of disturbances before long, especially if the same

system of brokers, barracoons, and competition, as carried on at Amoy, becomes in full force at Namoa. The fact of such a trade being carried on at a port unrecognised by Treaty, is not more singular than the connivance and assistance which, I am informed, the local authorities lend to it. This state of affairs becomes, however, a subject for deep consideration, if not anxiety, for all parties; for, with a turbulent, grasping, and covetous set of men like those employed at Amoy as coolie-brokers, I am afraid that before long we shall hear of some catastrophe at Namoa.

We left Namoa after a short stay, and arrived at Hong Kong the next morning, the 21st instant.

Having thus given to your Excellency, as briefly as I could, a sketch of my proceedings, which I trust will meet with your approval and that of Her Majesty's Government, it only remains for me to express the high sense which I entertain of the ability, judgment, and highmindedness exhibited by Commander Fishbourne during the whole of our toilsome and not very agreeable task. I am thus particular in expressing my opinion of the high moral tone and honesty of purpose displayed throughout by that officer, not because such praise coming from me can possibly be of any benefit to him, but because there have not been wanting false reports and rumours, and even declarations in our presence, as to the one-sidedness of our inquiry; reports which even went the length of stating that we proceeded to Amoy with biassed minds, and with the full determination of exhibiting the coolie-trade in its worst possible light. In refutation of such a charge, I would merely refer your Excellency to the inclosed minutes. Commander Fishbourne and myself are perfectly ready and willing to abide by its contents and to be judged by its merits; and I am satisfied that no unprejudiced person will rise from the perusal of this evidence without having formed a favourable opinion of our motives, and of the manner in which the inquiry had been conducted, and glad, for the sake of our good name in China, that such an inquiry has actually taken place.

Allow me, in conclusion, to bring to your Excellency's particular notice, in order that you may communicate with Captain Massie, the senior naval officer on this station, the zealous and willing services rendered during the proceedings in court by Mr. T. J. Ley, passed clerk on board Her Majesty's steam-sloop "Hermes." Mr. Ley attended at the Consulate, and rendered every assistance in his power on all occasions, but particularly in taking down one copy of the whole of this voluminous evidence, which copy has been left with Mr. Backhouse, whose establishment, as your Excellency knows, was in a state of great inefficiency, Mr. Backhouse himself not being at all well, Mr. Sinclair having only been one week in the place, and Mr. Pedder absent on sick leave at Hong Kong. Under these circumstances I need not add that Mr. Ley's services were very acceptable, and I am happy in having this opportunity of bearing testimony to the cheerful alacrity with which they were placed at our disposal.

I have, &c.

(Signed) FREDERICK HARVEY.

Inclosure 8 in No. 14.

Minutes of Evidence taken at a Court of Inquiry held at Amoy to investigate the Causes of the late Riots, and into the manner in which Coolie Emigration has been lately carried on at that Port.

Depositions taken during an investigation held at Her Britannic Majesty's Consulate at Amoy, into the causes of the riotous proceedings which took place at that port on the 21st, 22nd, 23rd, and 24th of November, 1852.

Monday, December 13, 1852.

PRESENT:

John Backhouse, Esq., Her Majesty's Officiating Consul.
 Frederick Harvey, Esq., Secretary to Her Majesty's Plenipotentiary in China.
 Commander E. Gardiner Fishbourne, R.N., Commanding Her Majesty's steam-sloop "Hermes."

The *Rev. William Chalmers Burns*, British subject, missionary in China, called in, and being duly sworn, is examined :

Q. You have heard of the disturbances which have recently taken place on the occasion of which some lives were lost. Can you state the causes, or any of them, from which these arose?—A. I have heard of these disturbances, and believe that they have arisen from excitement produced in the public mind by the trade which has been for some years past, but especially during the past few months, carried on in exporting coolies. I am not aware, from my own personal knowledge, that persons have been carried away as coolies against their will, but I am fully aware of the fact that a general impression to this effect prevails among the Chinese community, and to this cause solely would I attribute the origin of the late disturbances.

Q. Do you know of any difference in the mode of obtaining coolies and of the treatment they receive during the last few years and that adopted more recently?—A. As to the mode of obtaining coolies, in its details, I am entirely ignorant; but in regard to the mode of treating them, I am fully aware of the fact that, while previously those engaged to go as coolies enjoyed their unrestrained liberty, I think, until the time of their embarkation, there have been established of late, both on shipboard and on shore, depôts where the coolies have lived.

Q. Do you know of any specific case where a coolie has been held in confinement contrary to his own wish or that of his friends?—A. I think about a fortnight before the disturbance arose, my own servant mentioned one morning to me that he had been down at the shed in front of Mr. Syme's hong, along with the relatives of a young man from his own village who wished to have him released, as, according to their statement, he had been deceived and was confined against their will, if not his own will. My servant also stated, that on going to the shed they could find no mode of communicating with the young man, and he also stated that there were the friends of several others at the same time in attendance there for like objects and with no better success. He was much affected by the circumstance, and begged of me to do what I could to have the young man released and restored to his friends.

Q. Did you adopt any means, and what, to obtain the liberty of this young man?—A. On the afternoon of the same day, when passing at the front of Mr. Symes' hong, I accidentally met with Mr. Cornabé, in Mr. Syme's employ, and mentioned the case to him. He said that the coolies had perfect liberty to go in or out, and also spoke to the effect that any such person on being applied for would be immediately allowed to go. On the evening of the same day I met with Mr. Wardrop, who had been here for some time as an agent in exporting coolies to Cuba, and mentioned the same case to him. His observations in regard to the case were to the effect, that he was not the proper party concerned, but that he would speak to Mr. Syme about the case, and that he thought the proper course for me to take would be simply to send a note with the young man's friends to Mr. Cornabé, with whom I had already spoken on the subject. He doubted not, if this were done, that the young man would be immediately released. The following day, accordingly, I wrote a note to Mr. Cornabé, describing the young man's name and native village, &c. This note was taken to the hong by the young man's relations, accompanied by my own servant, who was anxious to go with them. A short time after my servant returned with a note from Mr. Cornabé, mentioning that the young man had been released (for the actual terms used I can refer, if requisite, to the note still in my possession). My servant was accompanied on this occasion by the brother of the young man, who warmly thanked me for what I had done in the matter.

Q. Would you be good enough to put the note referred to in evidence, and allow your servant to be examined?—A. The note I believe I have, and if so will be happy to produce it. My servant I should think also will be willing to give his evidence.

Q. Do you know of any placards that would identify this coolie emigration with the disturbances, and what was the substance of them?—A. Several months ago I read a Government proclamation in reference to this subject to the effect that persons described as "Kheh Shaon," or in the colloquial of the hong "Coolie Brokers," were leading away and selling poor people. The proclamation threatened such with severe punishment, and also added that local constables

who knew of such persons and yet did not give information would be held equally guilty with them. More lately, on Tuesday the 23rd November, passing through a street in the middle of the town, I found a crowd of people reading two placards put up by the people, the one of them in the name of the scholars and merchants, the other in the name either of the 18th Poo, or of the 18 Pooos (the whole number comprized within Amoy.) (*Vide* Appendix, papers marked A and B.) That by the scholars and merchants was longer and more general; it made general reference to the existence of a trade in coolies (described as buying and selling men) carried on at this port for a number of years, and said that the persons thus exported had been poor people without relations, but went on to say that of late several tens of persons (natives) had joined together for the purpose of obtaining persons to be exported, that they had several hundreds in their employ who were going in all directions, using every pretext by which they might get hold of persons to suit their purpose; that these persons thus obtained were the members of families in the community (not as before, friendless persons); and that they were shut up so that they could have no communication, even by speech; that they were afterwards carried to foreign countries and there subjected to toil only ended by their death. The placard then strongly warned the people against being imposed upon by such persons. The other placard, which was of a more violent character, was shorter, and was to the effect that the persons issuing it had resolved, in consequence of this trade in coolies, and especially because the coolie broker, who had been arrested on the 21st November, had been again released, that they would not buy and sell with the hong of Syme, Muir and Co., and Tait and Co., and that if persons among themselves should trade with these hong their houses would be pulled down, their goods plundered and their lives taken. The placard ended by saying that if the above-mentioned coolie broker was given up to their authorities to be punished, they would then be willing to deal with the said hong as before. These placards have been generally posted up throughout the town.

Q. What hour was it that you read these placards?—A. I should think about 4 o'clock P.M.

(Signed) WM. C. BURNS.

Wu-tsang, servant to the Rev. Mr. Burns (native of a village in the Island of Amoy), called in, and being duly sworn, through Mr. Burns, also duly sworn as interpreter, is examined:

Q. You went to the shed of Messrs. Syme, Muir, and Co., together with the brother of the young man said to be detained there. Was he really in confinement?—A. I went to get the young man out. The first time I went with the brother of this young man we went to the door leading into the shed, and spoke to the Chinese there, with the view of seeing this young man and of getting him out; but we were not allowed to go in, and we were not allowed to see him. The man at the door said that we could not get in. Afterwards, when I got my note to Mr. Cornabé, I went, and Mr. Cornabé took me and the brother of the young man into the inner part of the shed, where the men were kept, and took the young man out.

Q. In what kind of place, and in what state did you find the young man?—A. The place was a very bad place; the men had nothing but the damp ground, with mats spread upon it, to lie upon. They were all found with trousers, but otherwise naked, and I believe that they had no other clothes to put on. They could not go out if they wished.

Q. Did the young man state that he was in confinement, and express a wish to be released?—A. This young man told me that he was deceived, and that, from the distress of being thus confined, he still more wished to be released.

Q. Did he state the kind of deception that had been practised on him?—A. The man was deceived by promises of work. The person who thus deceived him brought him to Amoy and made him over to the coolie broker at the hong.

Q. Did he give you to understand that they were under a contract to give him so much money, and that he was to work for a given period; or was any contract at all spoken of?—A. If there was anything of this kind, he did not tell me of it.

Q. Are you positive that they were not free to go in and out as they pleased?—A. Certainly; they could go in, but they could not come out.

Q. When did these circumstances occur?—A. It is fully more than a month ago, but I cannot recollect the precise day; but I am sure that it was about the end of the 9th Chinese month.

Q. Have you any knowledge of the cause of the late disturbances?—A. It was owing to the “Kheh Shaon” deceiving the people; some were willing to go abroad as coolies, and some were not.

Q. You say that some were willing to go, and some were not. Do you mean to say that some were sent away unwillingly?—A. With regard to the people generally I cannot speak with certainty; I can only speak positively of the case with which I was connected.

Q. Did you ever hear of the escape of some coolies from the boats in which they were being embarked?—I did; I understand that they forced the boatmen to go close to the shore, so that they might land.

Q. Did you know any of them?—A. I did not.

(Signed)

WU-TSANG.

(In Chinese character.)

Dr. Young, British subject, missionary in China, called in, and being duly sworn, is examined:

Q. The Rev. Mr. Burns states that you had interested yourself in the case of a young man about to be embarked as a coolie; state what you did in the case?—A. My Chinese teacher stated to me one morning that he had a female relative from the country making application to him for the release of a nephew from the coolie ship. She had been to the vessel, and had obtained information from the man in charge that her relative would be set free if an order from Mr. Tait was given to him to that effect. All that my teacher requested me to do in the case was to speak to Mr. Tait on the subject, which I did, taking my teacher with me. I saw Mr. Connolly, Mr. Tait's partner; he at once said that there would be no difficulty, and that he would give orders respecting him to the man in charge. Mr. Connolly gave my teacher his card, and told him to come back to the office the next morning, when one of the clerks would visit the ship. My teacher went accordingly the next morning, and proceeded to the ship along with Mr. Tait's clerk. He came to me with his relative about 12 o'clock in the day.

This young man stated that some men told him to come to Amoy, and thence to proceed to Mr. Tait's with some potatoes which he was selling, which he did. While waiting at Mr. Tait's he said a Chinese broker suggested that he should go with him on board the “Emigrant” coolie depôt, and that he would give him wages for working on board his ship. He went with him, and he was there for some eight days without doing any work, at which time there was a draught of coolies from the “Emigrant” coolie depôt to a ship lying outside, taking in a cargo of coolies. He was requested by the broker to go along with him, and he went. After being there for some time, he found out that it was intended to send him away with the coolies; he thereupon got a man to write a letter to his friends, which information was the cause of his female relative coming to Amoy to prefer the request previously mentioned.

(Signed)

J. H. YOUNG.

Francis Darby Syme, British merchant, established at Amoy, called in, and being duly sworn, is examined:

Q. It has been stated that the late disturbances which took place here arose out of the coolie emigration. Will you state what took place on the occasion of your visit to the police-station relative to a coolie-broker?—A. On Sunday evening the 21st of November last I had information that one of my brokers had been seized and was detained at a small police-station near our own house. As I had received similar information on previous occasions, and had been deceived, I determined to go there to ascertain whether the party seized was, as he was stated to be, my own servant or not, for the purpose of making an official complaint the succeeding day to the Consul. I was accompanied by Mr. William Cornabé, an assistant in my office, to act as interpreter, and two Chinese coolies, each carrying a lantern with the name of the hong in Chinese characters written

on it. When we got to the police-station the police-officer himself was not there, but an inferior officer was busily employed in superintending the infliction of corporal punishment on a man who was tied to a pole hand and foot. He stopped the proceedings when we arrived, and then inquired, as far as I could understand, the object of our visit. We told him that we came with the intention of ascertaining whether one of the men belonging to the Hoke (Syme, Muir, and Co.'s hong) Hong was then being detained. He asked whether the man then under punishment was the party inquired for. Both Mr. Cornabé and myself were unable to recognize the man as being one of our servants, his features being disfigured by the treatment which he had received. We applied to the two servants who accompanied us to see whether they knew the man, but they seemed so frightened that they refused to give us any answer. About this time the police officer in charge repeatedly said, "This is not your man; he is a bad man." Mr. Cornabé then inquired what the man had been guilty of? The answer was that he had been going about the streets with a knife. I then suggested that it would be as well to inquire of the man himself whether he really belonged to the Hoke Hong, and he said not, but that he belonged to a foreign hong, with a garden in front of it. About this time a Chinaman speaking Malay came up with others, and said, amidst a good deal which I could not understand, that he was not the man we were in search of, but a bad man. I then asked Mr. Cornabé to ask of the man himself what his name was, so as to obtain in that way some kind of clue to the man's identity. He replied that his name was Hwan, which name answered to him we were in search of. I asked the police officer whether he had anybody else in custody. He said, "No man but that man, and he is not your man, but a bad man." After this, seeing we could do no good, we left the police station as quietly and peaceably as we had entered it. When I had arrived about half way home, I met one of my Chinese servants, who stated that the police-officer had imposed upon us, and that the man was really the broker we were in search of, and offered to accompany us back again to identify the man, which we did; and on arriving at the door of the outer court we found the man in the hands of the rabble, who had him on the ground, and were maltreating him. I stooped down for the purpose of looking at the man's face, and I received a blow on the right shoulder. I then struck the man who held the tail of the man who was being beaten with a slight cane which I was then carrying in my hand. After that I cannot speak to particulars, having been knocked down three times. I endeavoured to find my way home, but not being able to do so, took refuge in the Shroff's house. A quarter of an hour after the gentleman living in my house came down to the Shroff's house to seek for me.

Q. Were you cognizant of any riots, or disposition to riot, on Tuesday the 23rd ultimo?—A. A number of people collected on the road in front of the hong with an evident intention of assaulting any foreigner that might pass. A German gentleman, Mr. Menfing, who is living with us, and myself, when standing quietly at the door, were stoned and brickbatted; also a gentleman living with Mr. Helms, next door. Such was the excitement of the people that when I was speaking to Lieutenant Smith and Mr. Hooper, I advised them not to go from my house to Mr. Jackson's through the mob, as they would probably be stoned. They passed through safely enough in going, but coming back I believe they were both stoned. The mob then dispersed when it became dark. On Wednesday morning, the 24th, the crowd began at an early hour, shortly after the guard was withdrawn, all being quiet previously, to assemble both in front and at the back of our hong. I wrote off to Captain Ellman, stating that our hong was then besieged by the rabble, that I had no means of protecting it, and requesting that assistance might be sent from the ship to defend it. Lieutenant Smith then landed with a party of marines and sailors, some of whom he quartered in our house. Being at breakfast Lieutenant Smith came and told me that the rabble were breaking into my outhouses, and asked me to come out and look at it. He sent marines down to guard the doors, and ordered part of the men to remain in front of the outhouses. These men were pelted by the rabble with stones, bricks, &c., and in order to clear the lane he led the men through the house to the rear of the mob. He partially dispersed it on the way down without any firing having taken place. The mob had then congregated near Mr. Jackson's hong, and were still continuing throwing brickbats, &c. I saw Lieutenant Smith, who was then standing on some stone

steps, struck twice by these missiles. The marines then fired and the mob dispersed.

Q. Did the mob, or any of them, state why they made this attack?—
A. Not to my knowledge.

Q. Did you, or any person in your house, have any conversation with the mob, or any of them?—A. To the best of my knowledge and belief, not.

Q. Can you assign any reason for their having attacked your house?—
A. Nothing further than a desire of plundering.

Q. Was there any statement made to you, or any of your house, that the riot would cease if the coolie-broker was given up to the authorities?—A. It was on Tuesday evening that a Missionary, Mr. Talmage, called upon me, and stated that he had been deputed by some persons to say, that if the coolie-broker was given up the affair would then be quiet.

Q. Was this not a reasonable request, that this coolie-broker should be given up to the authorities, seeing that the mob would otherwise create a riot?—
A. It was a reasonable request, and I was willing to comply with it on application being made by the authorities.

Q. What exasperated the people so much against the coolie-broker?—
A. I have no idea.

Q. How does your answer, that the people congregated for the purposes of plunder, consist with the message brought by Mr. Talmage from the people, that they would be quiet on the delivery of the broker?—A. I fancy that there were two parties; those from whom Mr. Talmage came I have no knowledge of. He said that they had called upon him, and thought this would be the best mode of proceeding. The rabble who were surrounding the house, I imagine, were there for the mere purposes of plunder.

Q. Did Mr. Talmage assign any reason for the exasperation of the people he represented?—A. Not to the best of my recollection.

Q. Did they attack anybody else's hong besides your own?—A. Not to my knowledge, I not having left the house during the day.

Q. You said that they were congregated towards Mr. Jackson's; was it for the purpose of attacking it?—A. I have no idea.

Q. It has been stated in evidence that a young man was induced to enter your shed, and was not again permitted to leave it; on his brother making application to see him, he was not allowed; but that finally, on Mr. Burns writing a note to Mr. Cornabé, he obtained his release. Do you know anything connected with the circumstance of his confinement and release?—A. I know nothing of his confinement; and heard nothing of the application for the release, till through Mr. Burns.

Q. Then are you prepared to say that the coolies who were assembled in your sheds were (a month since) at liberty to go in and out at pleasure.—
A. Yes; I consider they were, most decidedly, free agents.

Q. Will you kindly explain this note from Mr. Cornabé to Mr. Burns:

“My dear Mr. Burns,

“I've received your kind note, and in accordance have delivered over the man to his relation, who came in search of him.

“Yours truly,

(Signed) “WM. A. CORNABÉ.”

A. I never heard of the note before, and I believe it is improperly worded; my directions, when I heard of the application of Mr. Burns to Mr. Cornabé, were to see if the man was in the shed, and to take him away immediately.

Q. What are the general circumstances under which these men are in your shed?—A. They come there as applicants for emigration; they are provided with food and lodgings until there is some vessel ready to take them away.

Q. Previous to embarking, do they enter into a contract?—A. Yes; there is a legal contract, attested before the Consul for Spain, a copy of which in Chinese is given to each emigrant. I have not shipped any to a British port for many years.

Q. By what instrumentality is the contract made known to the emigrants?—A. By forwarding these Chinese copies into the country and into the towns and villages, the contract containing the terms upon which they are engaged.

Q. At the time of executing this contract, are they free agents?—A. Yes,

perfectly ; and any emigrant who does not wish to proceed on the voyage is a liberty to leave at once.

Q. How do you reconcile this degree of freedom with the fact stated in the Chinese placard, that they are not free, but that they are entrapped under false pretences, placed in confinement, prevented from holding intercourse with their relatives even by speech, and, finally, carried to foreign countries without the prospect of returning?—A. The existence of the said placard described I was not aware of, and, as far as I am concerned, I can safely say there was no detention or anything of the kind ever came to my knowledge, and that if any intending emigrant ever expressed any unwillingness to me to go abroad, on his representing the same, which they have both time and opportunities of doing, I make a point of dismissing them.

Q. Are you aware that there was another placard, which stated that if the coolie broker, who had been arrested on the 21st and was released, was not given up to the authorities for punishment, they would not buy and sell with the hong of Syme, Muir, and Co., and Tait and Co., and that if any among themselves should deal with them, their houses should be pulled down, their property plundered, and their lives taken?—A. I was not aware of the existence of this placard until after the disturbance, and then only in a very vague manner. I tried to get a copy of the placard but was unable, because the placard had been already torn down by orders of the mandarins.

Q. Do you not think that these placards, and the circumstances and the exasperation of the people against the coolie broker, are sufficient to identify the riots with the coolie emigration as lately carried on?—A. Not entirely ; it may be partly.

Q. Are you aware that it has been stated that there was a coolie, a coolie broker, or other Chinese, taken from your hong and his throat cut?—A. I heard a report of the same, but the removal was not effected from my premises, neither did anything of the sort take place with parties connected with us in any respect, but I am rather inclined to disbelieve the story altogether.

Q. How do you account for the fact of your house and that of Tait and Co. being mentioned in the hostile placard?—A. I cannot account for it.

(Signed) F. D. SYME.

William Cornabé, British subject, assistant in the house of Syme, Muir, and Co., called in, and being duly sworn, is examined :

Q. You went to the police office with Mr. Syme ; will you be good enough to state shortly what took place?—A. I remember going up on Sunday night the 21st ultimo to the police station, to see whether it was really the man that they had stated to us to be the broker. When we got up there, we inquired of the mandarin if he was the man ? He told us that he was not the broker, but quite a different person. We then quietly left, and had almost got home when we were met by a Chinaman, one of our hong-men, who told us that the mandarin had deceived us, that he was the broker in question. He further stated, that he would go up with us and identify him ; consequently we went up a second time, and we found that the Court had closed and the man was in the hands of the mob, who no sooner saw us than they began to pull me by the hair and drag me on the ground, besides which I received wounds on the head and bruises about the body. I then did my best to escape, in which I succeeded with some difficulty.

Q. Can you account for the beating you received?—A. I cannot account for it.

Q. Is it the usual manner in which Europeans are treated at Amoy?—A. No.

Q. Then as it was an unusual proceeding, it must have had an unusual cause?—A. Yes.

Q. Why were they exasperated against the Chinese broker. It is not usual to treat brokers in that manner ; and therefore I suppose there must have been some reason for the treatment he received?—A. There must have been something wrong in the manner of his conducting his business.

Q. Did you hear of a man having been removed from your hong and murdered?—A. I did not.

Q. Are the coolies now, and have they always been, at perfect liberty to go in and out of your hong?—A. They are, and always have been.

(Signed) WM. A. CORNABE.

Seaton Lhin, a native of Amoy, is called in for examination; and being duly sworn through Dr. Young, also duly sworn as interpreter, makes the following statement:

His relative having been to his house, said that her nephew named "It" had been deceived by certain men to carry some things to Amoy. Afterwards they again told him that the foreign ships were inviting men to do work, and said, "Will you go or not?" he answered, "I will." Then he asked them, "Will I get wages?" they said, "Yes." Then he went. He was in this ship eight days; afterwards they told him they wished him to go to another ship which was going abroad, to do work, and to return in eight months or a year. He afterwards heard on board that they would be a long time in getting home, and he thereupon got a man to write to his friends. Then his relative came to him, and he went to Dr. Young.

Q. Did you visit the ship?—A. Yes.

Q. Was your relative prevented from leaving the ship?—A. He was.

Q. Did you ever visit the place where the coolies are kept at the foreign hong?—A. No.

(Signed) SEASON LHIN.
(In Chinese characters.)

Tuesday, December 14, 1852.

William Hugh Nurse, acting-mate of Her Majesty's steam-sloop "Salamander," called in, and being duly sworn, is examined:

Q. You were present at the disturbances that took place on the 24th ultimo?—A. Yes.

Q. State shortly the circumstances.—A. About 9 o'clock A.M., on the 24th November, I was sent with a party under Lieutenant Smith, to aid in quelling a disturbance near the premises of Messrs. Syme, Muir, and Co. Lieutenant Smith shortly after this left me with a party to disperse the mob surrounding the hong of Messrs. Tait and Co., after which he returned, by which time the mob had commenced to throw stones and brickbats; and leaving me with eight men to protect the premises of Messrs. Syme, Muir and Co., he went away with the remainder of his party by the back way, and shortly reappeared again in front from the lane adjoining Mr. Jackson's house. He then commenced an attempt to disperse the mob by beating them with muskets. Failing in his endeavours to disperse the mob, several of his men having been struck by their missiles, he had recourse to fire-arms; seeing which, and that the mob did not appear to disperse immediately, I ordered my own party to fire on those farthest from our men engaged below. I saw several Chinese fall, and the mob then dispersed.

Q. What were those men in the act of doing upon whom you fired?—A. Throwing stones and brickbats at Lieutenant Smith's party.

Q. By this you mean to say that you merely fired in defence of your party; is it so?—A. It is.

Q. Do you know what the mob were about to do: if you do not, what is your opinion?—A. They had plundered the outhouses in front of Mr. Syme's.

Q. What did these outhouses contain?—A. Different utensils for the use of coolies.

Q. In fact, these outhouses were the coolie sheds; is it not so?—A. Yes.

Q. Did you see any attempt made to break open the dwelling-houses and go-downs in order to plunder?—A. No direct attempt; stones were thrown into the rooms.

Q. Would you say that those stones were thrown with a view to break open the houses, &c., from personal hostility to the inmates?—A. I believe the men there assembled were intent on plunder, but still had a personal dislike to Mr. Syme.

Q. Have you been in the coolie sheds from time to time?—A. Yes, I have been, I think, twice.

Q. Were there coolies in them, and were they, or any of them, subject to restraint, physical or moral?—A. There were coolies; and I believe they were under some restraint; but of what nature I cannot say.

Q. You would say they were not free agents?—A. They appeared to be detained.

Q. Did you see, on any occasion, personal violence used towards these, or treated otherwise than Englishmen are entitled by law to be treated?—A. I did not see any actual personal violence, but they appeared to be greatly crowded.

(Signed) W. H. NURSE.

Robert Jackson, British merchant, established at Amoy, called in, and being duly sworn, is examined :

Q. Were you present on the 24th, when these disturbances took place?—A. Yes, I was at the hong.

Q. Will you state what you saw on that occasion?—A. Towards the morning of the 24th, about 9 o'clock, I observed a crowd collecting between my hong and Mr. Syme's; a couple of hours later the crowd had amounted to about 1,500 men, to the best of my knowledge. A little while afterwards, the foremost of them commenced to use the brickbats at Mr. Syme's house and coolie-shed. After that, I saw a party of men from Her Majesty's steam-sloop "Salamander," in the balcony of Mr. Syme's house; the crowd seeing this, ceased for a time throwing. The guard then went in the space between the coolie-shed and Mr. Syme's house. The rabble, upon seeing this, commenced to pelt the guard; the latter were then obliged to run into the house for shelter. The brickbats were then renewed, double the quantity. About ten minutes after that, I saw the guard come through a little narrow street on the side of my hong, and attack the rabble with intent to disperse them, the rabble meantime throwing stones at the guard. This continued, I suppose, for about five minutes, during which time several were knocked down. There was then a volley fired; the rabble kept retreating, but still using their brickbats. I saw one man take up three or four brickbats, and throw them with very great violence at Mr. Smith, who was knocked down. They then continued loading and firing till they had dispersed the mob.

Q. Can you say, of your own knowledge, what was the cause of this disturbance?—A. To the best of my knowledge, derived from respectable persons, it originated from Mr. Syme having gone to a small military station to release a crimp of his who had been arrested by a small military Mandarin.

Q. Would you be good enough to name two or three of your informants?—A. The Chinese Colonel's Aide-de-Camp is one of them.

Q. Do you believe that it was the intention of the assembled rabble to plunder generally?—A. Their object I consider was two-fold: vengeance against the outrage (in their estimation) committed by the foreigner, and plunder.

Q. Did you know any of those amongst the rabble, and of what class were they generally composed?—A. I did not recognize any amongst the rabble, but there were amongst them principally Amoy people.

Q. Did they attack Captain Mc Murdo's, Captain Helms', or any other place but Syme, Muir, and Co.'s, and Tait and Co.'s; and if not, how could it be that their object was general plunder?—A. They did not at all appear about Captain Helms' hong, or Captain Mc Murdo's hong, or any of the other hong, with the object of making those hong the object of attack. The feelings of the rabble seemed to centre towards Mr. Syme's only; and therefore plunder generally could not have been their object.

Q. Did you hear any remarks by the rabble; and if so, state two or three of the most pointed?—A. I did not distinctly hear any remarks by the rabble; it was all tumult and uproar; I could not distinguish anything.

Q. It has been stated that the shops were shut from the 22nd until the dispersion of the mob. Can you state whether this arose from the fear of the rabble, or from any other cause?—A. My information on this subject is from respectable sources: I have learnt that the object for which the shops were closed during the time mentioned was with a view to exonerate this small military Mandarin from blame, in regard of the circumstances which occurred

between him and Mr. Syme; the people having, in a large body, said to be from 3,000 to 6,000, petitioned the Taoutae that this small military Mandarin should not be degraded; and that they were resolved to keep their shops closed till he was restored to his former position, and until the coolie broker, who had been released by the intervention of Mr. Syme, had been given up to the authorities.

Q. Have you seen a public proclamation, of which I will read you the substance in English? (The substance thereof is read to Mr. Jackson.)—A. I have; what you have read to me is the substance of it.

Q. Did you see the placard of which I will read you the substance in English? (The substance thereof is read to Mr. Jackson; *vide* Appendix, paper marked A.)—A. I have; what you have read to me is the substance thereof.

Q. In the placard (marked A) which I have just read to you, it states that recently persons have been going about using every pretext to obtain persons of a better description "to buy and sell," as the placard states. Do you know the difference between the modes adopted more recently for obtaining coolies and that employed in former years?—A. I cannot speak as to what took place formerly, not having been engaged until lately in the business. When I first began to procure coolies I got a man whom I thought conversant with the business, and requested that he would make arrangements to get me coolies. I gave him to understand at the time that I should not receive any but those who were perfectly willing to emigrate. Some time afterwards he commenced bringing them down from the country. Whenever the captain of a ship that wanted them went over to inspect those who were brought down, being able to speak the language, I always made it a point to question them as to their willingness to go. The captain of a ship marked those who were eligible. Before, however, I got the number wanted for the first ship, several men were claimed by their friends, and I always made it a point to give them up. A week before the sailing of a vessel I issued placards all over the town, stating that these men were about leaving the place, and requesting their relations or friends to claim them if they did not wish them to go. As to the crimps getting these men from the country, I have not the slightest doubt that in some instances they have made use of false pretences to entice them to Amoy.

Q. Do you think that the evil of this employment of false pretences was corrected by your placards to the public; and that no coolie was really sent against his will?—A. It was prevented so far that the coolie-broker said I would not receive any but willing emigrants. The placards, copies of which I beg to hand in (*vide* Appendix, papers marked C and D), moreover had the effect of showing the people about Amoy generally, that I did not wish to resort to any but fair means for the obtaining of coolies.

Q. How do you pay your coolie broker? so much per head upon those brought down or those accepted?—A. Three dollars per head for those accepted for embarkation.

Q. Are they free agents after having been accepted and until the contract is signed?—A. They are perfectly free agents even after the contract has been signed and after they have received advances.

Q. Have you had any cases where they have run away after having signed the contract and received an advance?—A. I have not, as I have only had one vessel to do with.

Q. Will you have the goodness to put in a copy of your contract? (*Vide* Appendix, paper marked E.)—A. Herewith I deliver it.

Q. Who is responsible for the provisions and water being sufficient?—A. The captain is responsible.

Q. Do you recollect a circumstance of personal violence on the part of some Chinese occurring on the occasion of the "Hermes" last visit to Amoy? Will you be good enough to state the circumstances, and the people engaged therein, if you know them?—A. I saw from the balcony of my house a crowd armed with sticks seizing and beating a man who had apparently run from the direction of Mr. Syme's house; on questioning them, and telling them to forbear beating him, I learnt from the coolies, lookers-on, that they were Messrs. Syme, Muir, and Co.'s crimps beating a man who had run away from their shed. Very shortly afterwards they carried him to Mr. Syme's shed.

(Signed) ROBERT JACKSON.

The Rev. J. Doty, American missionary at Amoy, called in, and being duly sworn, is examined :

Q. A Chinese coolie, said to have escaped from confinement somewhere, took refuge with your servant ; will you be good enough to state the particulars ?
—A. On a certain Thursday in November, previous to the 21st, the day of the outbreak, at two o'clock, just as we were sitting down to dinner at home, there was a commotion in the street, in front of my house. I went out to see what it was, and found my servant contending with a Chinaman, whom I recognized as a person whom I had frequently seen at the hong of Messrs. Syme, Muir, and Co. I directed my servant to go into the house and attend to his business, and I told the other man to go his own way, and leave the place. While we were at dinner, Mr. Cornabé, a clerk in Syme, Muir, and Co.'s, came in and inquired of me why I had apprehended and kept in confinement one of their coolie brokers. I answered that I knew nothing of their coolie brokers, and had no one in confinement ; and then stated to Mr. Cornabé what had just taken place in the street. Mr. Cornabé mentioned that some person had returned to the hong, and had stated that, while their coolie broker had come down in order to obtain a coolie that had run away, I had apprehended this broker and put him in confinement. I of course denied that ; then turned to my servant and inquired of him the cause of the commotion in the street. He stated that it was in consequence of a coolie having escaped from Mr. Syme's shed, and that he had taken refuge in the servants' house ; and that the party he had been contending with had come to claim the release of this person, and that he and others in the house had declared that they were unwilling that he should take him away ; also stating that the coolie broker after whom Mr. Cornabé was inquiring, was then sitting in the house, waiting for an opportunity to seize the coolie that had run away. Mr. Cornabé then went out, and in two or three minutes he just looked into the door and told me he had found the coolie broker. That evening I met Mr. Syme in company, when, after a desultory conversation, he asked me respecting the affair that had taken place in my street, and stated that one of his brokers had returned to his hong with his face mutilated, and stated that I had beaten him. I embraced that opportunity of stating to Mr. Syme what I then knew concerning the affair, and the cause of that coolie's attempting to escape ; but unfortunately I made an erroneous statement as to the manner in which this coolie had been obtained by the coolie broker—confounding two stories in my mind ; but after the interview with Mr. Syme I made inquiries of my servant, and found that the particulars of the obtaining of this coolie were as follows : He was a native of a village distant somewhere about two days' journey from Amoy, engaged in selling ground-nuts as a livelihood ; that a coolie broker met him, and, expressing a warm interest in his welfare, urged him to accompany him to Amoy, where he would secure for him a more lucrative employment. That the young man, thus induced, came to Amoy, and was confined in Mr. Syme's coolie-shed, where he for the first time learnt he had been brought to Amoy to be shipped to some foreign place, and being unwilling to go, he, by means of an opening in the water-closet, let himself down into the water and mud of the river, and thus made his escape. On the occasion of the interview with Mr. Syme, this gentleman declared it to be a great piece of injustice that any one should interfere to prevent his retaking the coolie, after having fed him, perhaps, a month.

Q. Did you ever visit any of the coolie-sheds ?—*A.* No, I never have.

Q. Were you present at the disturbances on the 24th ?—*A.* I was at Mr. Tait's hong when this disturbance commenced.

Q. Did they attack Mr. Tait's hong ?—*A.* Not when I was there.

Q. Did you see them make any attack ?—*A.* The only attack I saw was on the coolie-shed of Messrs. Syme, Muir, and Co.

Q. Did you see any firing ?—*A.* Yes ; all the firing I saw was firing high, not effective firing.

Q. Are you of opinion that fire-arms were not used before they were necessary ?—*A.* My own impression is that, even before they did, the marines were perfectly justified in firing on the people.

Q. Do you think that it was the intention of the mob to plunder ?—*A.* It is my opinion ; and such is the expressed opinion of respectable Chinese, that their principal object was plunder.

Q. How do you, then, account for their not attacking all the hong's ?—

A. The probability is that, while the mass of the rabble carried their attack on Messrs. Syme, Muir, and Co.'s, it was because of their being more ired against that hong than against any other; and if that hong had been plundered, I have no doubt the others would have met with the same fate.

Q. Can you say what was the cause of the riot?—*A.* No, I cannot.

Q. Do you think the friendly relations between the English and the Chinese at Amoy have been injured by the modes lately adopted in obtaining coolies?—

A. Judging from the reports of respectable Chinese from various quarters, stating the unfair manner in which some coolies, in certain instances, have been decoyed down to Amoy, and then placed in confinement, I think that injury is done to the friendly relations that ought to exist; and in my opinion it will take a long period of friendly and honest dealings to re-establish the amicable relations which have hitherto existed between the Chinese and the English.

(Signed)

J. DOTY.

Acting-Lieutenant H. Smith, of Her Majesty's steam-sloop "Salamander," called in, and being duly sworn, is examined:

Q. Is that your name and handwriting (referring to a letter of the 25th ultimo, to the address of Commander Ellman), and are the contents of it true? (*Vide* Appendix, paper marked F.)—*A.* Yes.

Q. Did these rioters attack main building and hong where the property is lodged, as well as the outhouses, with a view to plunder?—*A.* They did not offer to enter the house.

Q. Would you say then that their throwing stones and brickbats at the dwelling-house arose from hostility to the inmates or some of them?—*A.* Yes.

Q. Can you form any idea as to what was their object in attacking the outhouses instead of the go-downs in which the valuable property was placed?—

A. Because the outhouses were not protected at the time.

Q. Was it your opinion that the sole object of the attack was for plunder?—*A.* Yes, for plunder.

Q. Did they attack Mr. Tait's, Captain Mc Murdo's, Captain Helm's, and Mr. Jackson's hong?—*A.* No.

Q. And yet there was property in these hong. How can you then reconcile the fact of their not attacking these houses while there was plunder to be had, if their sole object was plunder?—*A.* I can give no reason.

Q. Perhaps you will be able to give your reasons for thinking that their object was plunder?—*A.* I can give no reason.

Q. Do you not think it reasonable to suppose that if their sole object was plunder, they would have attacked those houses that were undefended first, whatever they might have done afterwards?—*A.* I think they seemed determined to attack Mr. Syme's hong first, also to take Mr. Syme. I had a Chinese interpreter with me the night before the 23rd, when the mob was collected, and he told me it was the wish of the mob to make a rush at the house and to take Mr. Syme out of it; others said, "No, let him come out of his own accord."

Q. Have you ever been in any of the coolie sheds?—*A.* I have been on several occasions into Mr. Syme's coolie shed.

Q. Were there coolies in the shed?—*A.* There were Chinese in the shed.

Q. Were they under restraint or free to go in and out?—*A.* Under no restraint at all.

Q. Are you prepared to say that there was no coolie broker who would have prevented them from going out had they attempted to do so?—*A.* I am not prepared to say.

Q. Then are you prepared to say that there was no one, at the time of your visits, that was under a moral or physical restraint?—*A.* I am not prepared to say.

Q. Might there have been, or not, many under such circumstances?—

A. Not many; I may add here that I speak only of the period from the 21st ultimo.

Q. Did you ever see any instance of personal violence in the coolie sheds?—*A.* Yes.

Q. By whom?—*A.* By Mr. Syme.

Q. To whom?—*A.* To a Chinaman.

Q. Will you state the circumstances as far as you know them?—*A.* One night, after the disturbance, there was a row in one of the coolie sheds. I went over with the guard to the shed. I went inside myself and saw Mr. Syme come into the shed, and he pointed out to me one man of a very bad character; and I

saw him try to turn the man out by striking him with a stick, and it is the only instance I ever saw.

Q. Did he drive him out?—A. Yes, he did.

Q. Did he inflict any injury or bruises on him?—A. No.

Q. It was reported that a man was rescued from one of the hong's, and that his throat was cut, and that you saw the man previously to his throat being cut?—A. Yes, I saw him.

Q. Were they beating him?—A. Not at the time, but he was a prisoner in the hands of the mob.

Q. Did you learn what he was, whether a coolie-broker or not.—A. No, I did not learn.

Q. It is stated by the mandarins that though the mob did attack Mr. Syme's outhouses for the purpose of releasing the coolies, that they did not throw brickbats till they had been fired upon; is it so?—A. No, certainly not. I was stoned even the day before.

Q. On the 24th, when the rabble attacked the outhouses and took away the property from thence, did the coolies leave the sheds?—A. There were no coolies in the shed that morning that I saw. If there had been any previously left with the mob that broke down the outhouses.

Q. Were there any coolies in the sheds the night before?—A. There were some Chinamen in the sheds.

(Signed)

C. H. SMITH,

Acting Lieutenant.

Joseph Purkis, gunner of Her Majesty's steam-sloop "Salamander," called in, and being duly sworn, is examined:

Q. What day did you come on shore for the first time?—A. On Sunday evening, the 21st ultimo.

Q. Was there any conflict on that day, or Monday, or Tuesday?—A. Not until Wednesday.

Q. Did you fire immediately on landing?—A. Not until after being attacked, and most of the party had been struck. I was not present when the firing commenced, as I was washing the blood from my face in Mr. Syme's house, having been wounded by a brickbat.

Q. What was, in your opinion, the object of their attack?—A. Plundering the coolie sheds.

Q. Was it for the value of the plunder, or from hostility to the sheds?—A. Hostility to the sheds.

Q. Did they show any disposition to attack the hong's for the sake of plunder?—I do not know what they might have done ultimately, if they had not been checked, as they were closing on the hong's.

Q. Did you visit the sheds the night before, and were there coolies in it?—A. I did not visit the interior of it, but there were Chinese in it other than servants; they made a great noise.

Q. Did you ever, previous to the riot, visit the sheds?—A. No.

Q. Did you visit them during the riot?—A. Yes, ten minutes before the firing.

Q. Were there any Chinese in the building after the mob were dispersed?—A. No, only the servants of the house.

Q. In what number?—A. About twenty.

Q. Then either the mob liberated the people that were in it, or the people availed themselves of the opportunity during the riot to go out.—A. Yes, that must have been it.

Q. Did they attack any other hong but Mr. Syme's?—A. Not to my knowledge.

Q. How do you account for that?—A. Their enmity was directed to a coolie-broker supposed to be in Mr. Syme's house, but he was removed by the mandarins previous to the throwing of brickbats and firing.

Q. Would you then say that the sole object of these people could not have been plunder?—A. No, the origin could not; it was only the blackguard part of the mob that were plundering.

(Signed)

JOSEPH PURKIS.

James Humphrey Singleton Hooper, clerk of Her Majesty's steam-sloop "Salamander," called in, and being duly sworn, is examined:

Q. You were present at a disturbance which took place at Amoy on the 23rd; will you state briefly what you know on the subject?—A. Between 4 and 5 o'clock in the afternoon of the 23rd, I was standing outside of Mr. Syme's hong, talking with Mr. Syme and Mr. Menfing, who were then being pelted by the mob assembled between Mr. Syme's and Mr. Jackson's hong, when Acting-Lieutenant Smith came up and asked me what was the matter; there being at the time a large crowd assembled between Mr. Jackson's hong and Mr. Syme's. I informed him that the mob had been pelting Mr. Syme and Mr. Menfing. Mr. McMurdo was also present, and said he would go over to his hong to see what was going on there. He passed through quietly. Lieutenant Smith then said to me, "Will you go over with me, as I wish to see if the captain has returned from the Consulate, and to know if the ladies wish any assistance." I said, "Certainly;" and we went together. On our return, which was about ten minutes afterwards, and when we were about two-thirds of the way over, we were stoned by the mob on Mr. Jackson's wharf; one stone striking me on the neck, and a brickbat striking me on the right shoulder-blade. On seeing one of the mob throwing a stone at Mr. Syme's windows, I seized him by the neck, and immediately drawing my sword, I was in the act of using it, when Lieutenant Smith peremptorily ordered me to desist, which I immediately obeyed, and returned into Mr. Syme's hong quietly.

Q. Will you state the circumstances attending the commencement of the attack upon Mr. Syme and Mr. Menfing?—A. My first observation of the attack upon them was from Mr. Helm's verandah. They at the same time were amusing themselves with some ponies in front of the hong, and on hearing a great cry or yell, I ran down and asked what was the matter. Mr. Syme said, "You see what is the matter." The mob were then pelting them and Mr. Cornabé, who had, I believe, by that time joined them.

Q. Were they all three indiscriminately the object of attack?—A. I do not know.

Q. Were you present at the disturbance on the 24th?—A. No.

Q. Have you ever been in any of the coolie sheds belonging to the merchants, and whose?—A. I have; Mr. Syme's.

Q. Previous to the disturbance?—A. Yes.

Q. Were there coolies in the shed?—A. Yes.

Q. Were they under any restraint, physical or moral?—A. In my opinion, no, as I am myself aware that there are three or four outlets by which I have seen the coolies going in and out, and my impression is whenever they pleased.

Q. Are you prepared to say that you never saw any of them locked up?—A. I am.

Q. Are you prepared to say that there were no coolie-brokers walking round the inclosure who would have prevented some of the coolies leaving if they had attempted to do so?—A. I am not prepared to say.

Q. Did you ever see personal violence used towards any Chinese in these coolie sheds?—A. I have on one occasion only.

Q. State the circumstance.—A. One evening I heard a disturbance in the shed opposite Mr. Syme's hong. I went in with Mr. Helms to see what was the matter, and I found Mr. Syme having hold of a coolie man by his Chinese jacket, and although I did not see the blow myself, yet from the appearance of the coolie whom he was holding at the time, whose mouth was bleeding, he evidently must have struck him; and on asking Mr. Syme why this violence was used towards this coolie, he told me that he had been hanging about his hong for the last three or four months, being fed by him, but on going on board the ships he turned out such a great blackguard that the captains had been glad in every instance to get rid of him, and that only a few hours before he had been turned on shore from one of the emigrant ships about to sail, and that the reason of his attack was that he had found him gambling in his shed, where he had strictly forbidden his entrance.

Q. What did he strike him with?—A. I do not know.

Q. Had he a stick in his hand?—A. He had.

Q. Do you not say it was not with that?—A. I could not say.

Q. Were there many coolies in the sheds previous to the disturbances when

you visited them ; and can you state the probable number ?—*A.* I have visited the sheds three or four times previous to the disturbances of the 24th, and I should say as near as I can remember from 70 to 100 generally.

Q. You say that you caught a man in the act of throwing a brickbat at Mr. Syme's windows. Does this lead you to suppose that there was a personal hostility to him or some of his firm ?—*A.* Yes.

(Signed) JAMES S. HOOPER.

David Ormond West, Assistant-Surgeon of Her Majesty's steam-sloop "Salamander," called in, and being duly sworn, is examined :

Q. You were present on the occasion of the riots on the 24th ?—*A.* I was.

Q. Did you see any of your party struck ?—*A.* I saw Corporal Gravenor struck by the first stone I saw thrown.

Q. How many of your people were struck before they fired ?—*A.* I cannot tell ; but I should imagine from the number of stones thrown, the greater number of them were struck. It must have been.

Q. Are you prepared to say that the party did not fire previous to the stones being thrown at them ?—*A.* They did not fire until long after stones had been thrown.

Q. When they did fire, was it at the people or over them ?—*A.* Decidedly at the people.

Q. Did you visit the coolie sheds previous to the disturbances ?—*A.* No.

Q. Did you do so subsequently to the disturbances ?—*A.* I did, but found them empty, excepting house-servants.

Q. From which you would be led to suppose, that if there had been inmates, they took advantage of the disturbance to escape, and that therefore they were not voluntary inmates ?—*A.* They did escape ; but I cannot say whether they were voluntary or otherwise.

Q. Did they attack anything but the sheds ?—*A.* Yes, the hong.

Q. For plunder ?—*A.* Yes.

Q. Which did they attack first ?—*A.* The outhouse.

Q. Was it for the value of the plunder that they attacked the outhouse ?—*A.* Yes ; which would lead me to suppose that they would have attacked the house for greater plunder.

Q. How is it they only attacked Mr. Syme's hong, when they could have attacked the other hong's quite as well ?—*A.* The only way I can account for it is, that the popular feeling seemed to be directed against that hong, and naturally I would suppose the mob would commence their attack there.

Q. Do you think the original gathering of the mob was for the sake solely of plunder ?—*A.* No, certainly not.

Q. Will you state, as far as you know, the reasons of their assembling ?—*A.* To obtain the delivery of a coolie-broker, the prominent in which object appeared to be a superior description of people. On the delivery of the coolie-broker to the mandarins, a mob at the front of the hong, of a different and of the lowest description, assembled and commenced throwing stones.

Q. Then you think from that that the people wished to resent the manner in which coolies had been obtained ?—*A.* I think so.

(Signed) D. O. WEST,
Assistant Surgeon.

Wednesday, December 15, 1852.

Thomas Harvey Fraser, master of Her Majesty's steam-sloop "Hermes," called in, and being duly sworn, is examined :

Q. Is this a ground plan of Messrs. Syme, Muir, and Co.'s coolie shed (referring to a plan prepared by Mr. Fraser) ? (Vide Appendix, paper marked G.)—*A.* Yes ; a rough ground plan, but generally accurate.

Q. How many doors are there opened to the public thoroughfare ?—*A.* Three to the public thoroughfare, but only one open from where the coolies are collected to a common house thoroughfare.

Q. Therefore, you would say that a man at the opened door, and that another at the other door if that were opened, would be sufficient to prevent any of the coolies that were so disposed from going out?—A. Yes, I would say so. Two would be sufficient to restrain individuals going out, but not sufficient to prevent a combined attempt to escape.

(Signed) THOS. H. FRASER.

James Harvey, chief engineer of Her Majesty's sloop "Hermes," called in and being duly sworn, is examined :

Q. Is this a rough sketch of Messrs. Syme, Muir, & Co.'s coolie shed (referring to the sketch prepared by Mr. Fraser)?—A. Yes.

Q. How many doors did you find opening from where the coolies are collected together?—A. Two.

Q. How many sentries or coolie brokers would be required to prevent free egress of the coolies?—A. Two would be sufficient.

Q. Would it be easy for a small number to prevent a large number from escaping?—A. A small number could easily do so.

Q. Did you visit it previous to this?—A. Yes, when Her Majesty's steam-sloop "Hermes" was here before.

Q. Did you find the compartments different to what they are now?—A. To the best of my recollection, in the central space there was a square divided off by bamboo posts, to which there was no door, and the only means of ingress or egress would be only effected by the removal of these posts.

Q. Is it your opinion that the coolies or some of them were in confinement there?—A. Yes, I am strongly of that opinion.

(Signed) JAMES HARVEY.

Alexander Crago Yule, Acting-Paymaster of Her Majesty's steam-sloop "Salamander," called in, and being duly sworn, is examined :

Q. Have you any knowledge of personal violence being used by any British subject to Chinese at Amoy, and if so be good enough to state the fact?—A. I have not witnessed any violence on the Chinese, but I have seen a man bleeding from the mouth at Mr. Syme's coolie sheds, and I saw Mr. Syme standing by him.

Q. Do you think it probable that it could have been any other person but Mr. Syme who could have done it?—A. I say certainly not. I have no reason to suppose that any one else could have done so.

Q. Had Mr. Syme a stick in his hand?—A. Yes.

Q. Is it your opinion that the blow was inflicted by that stick?—A. I cannot say.

(Signed) A. C. YULE.

Sanhee, Chinese linguist to the Amoy Consulate, called in, and being duly sworn through Mr. Sinclair, also duly sworn as interpreter, is examined :

Q. Do you know Le Tsai, the coolie broker now before you? (Referring to a man in court.)—A. Yes, I saw him keeping the doors to prevent coolies coming from the shed of Messrs. Syme, Muir, & Co., on the 14th instant.

Le Tsai,* a native of the Island of Amoy, called in, and being duly sworn through Mr. Sinclair, also duly sworn as interpreter, is examined :

Q. Who are you employed by?—A. Messrs. Syme, Muir, and Co.

Q. Did you ever stop or prevent anybody from going out of Mr. Syme's shed?—A. I am only cook to Mr. Syme's shed coolies.

Q. What did you come to the coolies' witnesses, now in the Consulate, for?—The witness in answer to this question stated at first that he had been sent to the Consulate by a cook from Mr. Syme's shed, to entice the coolies'

* *Le Tsai*, a Coolie broker, having been recognized by the people whilst walking in front of the Consulate, was being beaten by them, when he was rescued by the Consulate servants, brought in and examined.

witnesses now in the Consulate, to go into the country, but having now denied this statement, he is dismissed without further interrogation.

Charles A. Sinclair, Interpreter to the Amoy Consulate, called in, and being duly sworn, is examined :

Q. Do you identify these as the men you brought up from Mr. Syme's sheds (Referring to six Chinese in court)?—A. I believe them to be the same.

Q. Were they in confinement?—A. I cannot say they were; but on questioning them they said that they were there against their will, and wished to come out.

Chin Po, a native of the province of Fuhkien (one of the six brought by Mr. Sinclair from Mr. Syme's sheds), called in, and being duly sworn through Mr. Sinclair, also duly sworn as interpreter, is examined :

Q. Were you confined against your will in Mr. Syme's sheds?—A. Yes, I was, and was not allowed to come out.

Q. For how long were you confined?—A. Sixteen days.

Q. Were you allowed to see your friends?—A. I have no friends in Amoy.

Q. What promises were made to you?—A. The coolie broker deceived me by telling me that there were houses building and labour to be had.

Q. Do you wish to emigrate or go back to your native town?—A. I do not wish to emigrate. I wish to go home.

Q. How were you prevented from going out of the sheds?—A. The doors were bolted.

Q. Did you apply to go out?—A. I asked but was refused, and on reiterating my request I was beaten.

Q. Who beat you?—A. The doorkeeper and a coolie broker.

Q. Did any Englishmen beat you?—A. No.

Shaon Tung Keung, a native of the Island of Amoy (one of the six brought by Mr. Sinclair from Mr. Syme's sheds), called in, and being duly sworn through Mr. Sinclair, also duly sworn as interpreter, is examined :

Q. Were you prevented from leaving Mr. Syme's sheds?—A. I was prevented from coming out.

Q. How were you prevented?—A. The doors were closed, and when I wrote letters to my relations I was not allowed to send them.

Q. Have you been beaten?—A. I have; I was stripped of my good clothes, and when I asked for them I was beaten by the coolie broker.

Q. What is the name of the coolie broker?—A. Chin Kee, and the coolie broker Le Tsai, who has just gone out, was the doorkeeper at the sheds.

Q. Were you beaten by an Englishman?—A. No.

Q. Did you wish to go home or to emigrate?—A. I have relations at home. I wish to go back to them.

Q. What has become of your clothes?—A. They are still in the hands of the coolie broker, and consist of five pieces and a pair of shoes.

Q. What promises did they make to you?—A. I was offered work; I asked what sort of work, and was told that I should know on arrival at Amoy, when I was pushed into Mr. Syme's sheds and the door closed.

Chin Choo She, a native of the province of Fuhkien (one of the six brought by Mr. Sinclair from Mr. Syme's sheds), called in, and being duly sworn through Mr. Sinclair, also duly sworn as interpreter, is examined :

Q. Were you confined in Mr. Syme's sheds?—A. Yes, and was not allowed to come out.

Q. Did you ask to come out?—A. I did, but the broker refused, saying that he had paid me money and I belonged to him.

Q. Did the broker pay you money, and how much?—A. The money was not paid to me; it was paid to the man who induced me to come down to

Amoy, who promised me, I being a shoemaker, to give me work at shoe-making.

Q. Did you ever receive any personal violence?—A. No beating and no ill-treatment of any kind.

Q. Do you wish to emigrate, or go home?—A. I wish to go back home to my work.

Chin Gan, a native of Fuhkien province (one of the six brought by Mr. Sinclair from Mr. Syme's sheds), called in, and being duly sworn through Mr. Sinclair, also duly sworn as interpreter, is examined :

Q. Were you confined in Mr. Syme's sheds?—A. Yes; I was not allowed to come out.

Q. Did you express a wish to come out?—A. I did not ask, but on trying to go out I was forced in again by blows.

Q. Who beat you?—A. The door-keeper.

Q. Do you know his name?—A. I know the man, but not his name.

Q. Did you see him to-day?—A. I saw him to-day.

Q. Did you speak to him?—A. No, nor any of my party.

Q. What promises did they make to you?—A. The coolie broker told me there was a situation at four dollars per month in English employ.

Q. How did you come into Mr. Syme's hong?—A. The broker told me that he had to sweep the floor, and when he got me near the entrance of the coolie compound I was pushed in.

Q. Have you received any money?—A. No, I have not.

Q. Do you wish to emigrate, or to go home?—A. My mother is above seventy years of age, and I wish to go back home.

Q. Were you ever beaten?—A. In the beginning, being reluctant to stay in, I was beaten.

Sen Shan, a native of Fuhkien (one of the six brought by Mr. Sinclair from Mr. Syme's sheds), called in, and being duly sworn through Mr. Sinclair, also duly sworn as interpreter, is examined :

Q. Were you in confinement in Mr. Syme's sheds?—A. Yes, I was, and not allowed to come out, and was beaten when endeavouring to do so.

Q. Did you receive any money?—A. No.

Q. How did you come to be in Mr. Syme's sheds?—A. I was promised work in a boot-shop with inducement of gain, and on coming here I was pushed into Mr. Syme's sheds.

Q. Do you wish to emigrate, or to go home?—A. I am here against my will, and naturally want to go home to my father and mother. I was deceived and taken in.

Q. Who beat you?—A. The coolie broker, with a bamboo, on the thigh, because I got restless and impatient at being so long confined.

Chang Fang, a native of the Island of Amoy (one of the six brought by Mr. Sinclair from Mr. Syme's sheds), called in, and being duly sworn through Mr. Sinclair, also duly sworn as interpreter, is examined :

Q. How did you lose your tail, and where?—A. From disease; it was cut off when my head was shaved, and the hair has not yet grown.

Q. Were you confined in Mr. Syme's sheds?—A. I was confined and not allowed to come out by a man named Kee, a coolie broker.

Q. Did you receive any money?—A. No.

Q. Did they say why they would not allow you to come out?—A. They gave me no reason, but would not allow me to do so, being intended to be sent to foreign countries.

Q. What promises did they make to you?—A. No promises but those of work and trade.

Q. How came you to be in Syme's sheds?—A. I was promised work at Amoy, and on arriving at Syme's hong I was pushed into the coolie sheds by three men, who told me that if I refused to go in they would beat me.

* This witness was found to have no tail.

Q. Do you wish to emigrate, or to go home?—A. No; my mother being aged, I want to go home.

Mr. Sinclair's evidence continued.

Q. Did you bring the seven witnesses now present and just sworn from the emigrant depôt of Messrs. Tait and Co.?—A. Yes, I did.

Chin Sin, a native of Fuhkien province (one of the seven men brought by Mr. Sinclair from the "Emigrant" depôt), called in, and being duly sworn through Mr. Sinclair, also duly sworn as interpreter, is examined:

Q. Did you go of your own free will to the emigrant ship?—A. I did not go of my own free will; I was compelled to go.

Q. Who compelled you?—A. A coolie broker called Keen, who induced me to go with a promise of return.

Q. Did you ask to leave the emigrant ship?—A. No, I did not, except from the broker, who told me that since I was already on board I could not leave.

Q. Do you wish to emigrate?—A. No, I do not.

Q. How came you to Amoy?—A. I was coming to Amoy, and fell in on the road with an acquaintance of mine named Kew, who took me to a man's house named Keen, where he left me. On inquiring for him, I was told by Keen that I was sold to him and belonged to him, and could not go.

Q. Is this Keen on board the emigrant?—A. No; I have not seen him since the day I was sold to him.

Q. Were you in confinement on shore, and where?—A. Only the evening of my arrival in Keen's house till next morning, when I was shipped.

Q. Have you received any money or clothes?—A. I was offered 30 cash as a present (a little more than a penny), which I refused, and it was afterwards left on my bed; a Nankin jacket and a pair of Dungaree trousers were given me, but my own were thrown into the sea.

Q. What promises were made to you?—A. They spoke about emigrating, holding out fair promises.

Q. Have you been ill-treated on board?—A. No, well treated.

Seang Tsoo Sang, a native of Fuhkien (one of the seven men brought by Mr. Sinclair from the "Emigrant" depôt), called in, and being duly sworn, through Mr. Sinclair, also duly sworn as interpreter, is examined:

Q. Did you go willingly to the "Emigrant" depôt?—A. No, not willingly; the broker promised me work there in the shape of landing goods, at the rate of 120 cash per diem.

Q. Did you wish to leave the ship when you found you had been deceived?—A. I wanted to go on shore, but there was no one to ask; I could not speak to the captain, he not understanding Chinese.

Q. How many days were you there, and why did you not come on shore?—A. I was on board four days, and when I wanted to come on shore I was told to wait for the arrival of the broker, to go off with him.

Q. How did you come to Amoy?—A. The broker went to Chin Chew, and called at my house, promising me wages; and when there was no cargo to land, that I should wash the decks.

Q. Do you wish to emigrate?—No; I have a son at home, and being myself an only son, wish to go home.

Q. Have you received any money?—A. I left home with 400 cash, and borrowed 200 on the road from the broker; and that is the only sum I ever received.

Q. Were you in confinement on shore?—A. No; as soon as I arrived, I was shipped.

Q. How were you treated on board?—A. Well treated.

Wang ho, a native of Fuhkien province (one of the seven brought by Mr. Sinclair from the "Emigrant" depôt), called in, and being duly sworn through Mr. Sinclair, also duly sworn as interpreter, is examined:

Q. Why did you go to the "Emigrant" depôt?—A. I was seeking a passage

from Chin Chew to Amoy, when I met a man (a broker), who told me to come along with him; that there was labour at 120 cash per diem on board of an English ship, when I was taken on board by him.

Q. How many days were you there?—A. Three days.

Q. Did you ask to leave?—A. I was well fed and well treated; and having no work, I did, after three days, when I was told for the first time that I was to emigrate. I was prevented from going, but I did not understand what was said, and was afraid of a foreign sailor.

Q. Did you receive any money?—A. No.

Q. Do you wish to emigrate?—A. No; I have my aged parents, and am an only son.

Hung Tsaon, a native of Fuhkien province (one of the seven brought by Mr. Sinclair from the "Emigrant" depôt), called in, and being duly sworn through Mr. Sinclair, also duly sworn as interpreter, is examined:

Q. What took you to the "Emigrant" depôt?—A. I was coming from Chin Chew to Amoy, and met a coolie broker on the road, who promised me work at 80 cash a-day and three meals; and I then went on board.

Q. Were you well treated on board?—A. Yes, and enough to eat: but when I commenced to work, which I thought I was hired for, one of the sailors beat me.

Q. How many days were you on board?—A. Five days.

Q. Have you seen anybody else beaten on board?—A. No.

Q. Have you received any money?—A. No.

Q. Do you wish to emigrate?—A. I do not wish to emigrate; I have a wife at home.

Chin Kinfung, a native of Amoy Island (one of the seven brought by Mr. Sinclair from the "Emigrant" depôt), called in, and being duly sworn through Mr. Sinclair, also duly sworn as interpreter, is examined:

Q. How came you in the "Emigrant" depôt?—A. I came from my native place to Amoy, to inquire after a brother who is abroad. I met a man on the road (who turned out to be a coolie broker), who took me to his house for the night, and told me he would help me to find out my brother in the morning. Next morning the broker told me my brother was in a foreign country, and the best plan would be to inquire for him on board an English ship. I then went on board the "Emigrant" with the broker, who would not allow me to land when I wished to do so, on finding out that my brother was not on board.

Q. Were you well treated on board?—A. Yes.

Q. Do you wish to emigrate?—A. No, I do not wish it.

Q. How many willing emigrants were there on board?—A. I do not know, I never asked.

Hwang Chuen, a native of Fuhkien province (one of the seven brought by Mr. Sinclair from the "Emigrant" depôt), called in, and being duly sworn through Mr. Sinclair, also duly sworn as interpreter, is examined:

Q. How did you come on board the "Emigrant" depôt?—A. I came to Amoy in search of my father, and met a man whose name is Chao, a coolie broker, who told me he would help me to find him out. He took me first on board to look at the vessel, saying he would go with me afterwards on shore. I then said to the broker that I suspected I had been deceived; but the broker told me not to be alarmed, and that he would take me on shore with him; but instead of doing so, he left me on board, and saying he would look for my father. I was on board four days.

Q. Did you receive any money?—No; but food.

Q. Were you well treated?—Yes; well treated.

Q. Do you wish to emigrate?—A. No; I do not wish to emigrate. I have relations at home.

Hwang Peih, a native of Fuhkien province (one of the seven brought by

Mr. Sinclair from the "Emigrant" depôt), called in, and being duly sworn through Mr. Sinclair, also sworn as interpreter, is examined:

Q. How did you come on board the "Emigrant"?—A. I came to Amoy to inquire after my uncle, who I heard was sick. I met a man on the road who told me that if I did not find my uncle he had work to give me. On my arrival I was taken on board by the broker, who left the ship and came on shore. He is an Amoy man, whose name is Heuleen, and he lives a day's journey from hence.

Q. Were you well treated on board?—A. Yes. I was well treated.

Q. How many days were you on board?—A. Two days.

Q. Do you want to emigrate?—A. No; I do not.

Q. Did you receive any money?—A. No.

Q. On board were there willing emigrants?—A. I do not know.

Thursday, December 16, 1852.

John Connolly, partner in the house of Tait and Co., called in, and being duly sworn, is examined:

Q. Were you present on the occasion of the assault said to have been made on Messrs. Vallancey and Walthew?—A. I was not present; but beg to put in an authenticated copy of the declaration of Mr. Vallancey as regards the injuries which he received on the occasion, and a medical certificate respecting the nature of his wounds. (*Vide* Appendix, papers marked H and I.)

Q. Were you present on the 24th at the disturbances?—A. I witnessed them from my own house.

Q. What place, or places, were attacked; and which first?—A. The attack was made on Mr. Syme's premises by throwing stones, and the rabble entering the coolie-sheds in front of the house and plundering the property contained therein.

Q. Are you aware at what period of the riot the "Salamander's" people were called in?—A. When the riot had already proceeded some lengths.

Q. At what period did the firing commence?—A. After the "Salamander's" men had been assaulted several times with brickbats and other missiles.

Q. Do you think it would have been safe to have deferred any longer the application for assistance from the "Salamander"?—A. I think not. It would not have been safe to have left the property any longer unprotected.

Q. In your opinion what would have been the consequences of the "Salamander's" men not having fired when they did?—A. In my opinion the rabble would have plundered Mr. Syme's house; and it is more than probable that they would then have plundered all the European hong.

Q. Have you any reason for supposing that, in selecting Mr. Syme's hong for their first attack, they had any personal hostility to the firm, or any one of them?—A. Yes; I think there was such a feeling shown against Mr. Syme.

Q. Do you believe it; or have you any reason for knowing that it arose out of the manner in which the coolie emigration had been carried on by that house or any of its people?—A. Yes, I think so; because the rabble demanded a coolie-broker employed by the house.

Q. Are you of opinion that that riot would not have taken place if there had not been a shed with coolies in front of Mr. Syme's house?—A. I think not; in all probability there would have been no riot if there had been no sheds.

Q. Do you think that the lives and property in the adjacent hong are imperilled by the existence of those sheds?—A. I was in fear for my property, but not for my life, on that occasion; and still think that the sheds are liable to produce a riot, which would endanger property.

Q. Do you think that the discontinuance of that as a coolie-shed would tend to a more amicable relation between the people and the English, and thus save property from peril?—A. Yes; I am of that opinion.

Q. There were two occasions on which coolies in numbers escaped from

these sheds. Did you witness either of them?—*A.* I heard of them; but did not witness them.

Q. Were you witness to any personal violence used by any coolie-broker or Chinese in capturing any coolie running away from the sheds, or in pushing them back into them?—*A.* I was not a witness to anything of that sort.

Q. The emigrant depôt belongs to your house?—*A.* Yes.

Q. It has been stated in evidence here that there are many, and some still kept in confinement on board, who have been entrapped, and others who gave witness to that effect. Are you aware of it?—*A.* I am not aware of anything of that kind. I believe there are no coolies kept on board against their will.

Q. Are you prepared to produce all your coolie-brokers?—*A.* No; we have not the custody of them, and are not able to obtain them whenever we like.

Q. What guarantee have you that these people shipped by you will not be sold in slavery?—*A.* With respect to Spanish possessions, we have the guarantee afforded by a Government contract. With regard to those shipped for Sydney, we have no guarantee but the usual responsibilities which bind captains of ships to go to their place of destination: and as respects Peru, we have no guarantee as to their fate on arrival there.

Q. Would you put in a copy of the contracts usually entered into?—*A.* I will do so. (*Vide* Appendix, papers marked K and L.)

Q. Has personal violence been used by any of your firm or men in your employ, coolie-brokers and others, to any of your coolies?—*A.* Not to my knowledge.

Q. Are you aware of a placard which states (the substance thereof is read to Mr. Connolly, *vide* Appendix, paper marked B.) Can you account for the hostility expressed in that placard to your firm?—*A.* No; I cannot account for our name being associated with it, except from the general feeling against coolie-brokers on that particular occasion.

Q. Do you recollect the circumstance that occurred just before the first visit of the “Hermes” to Amoy, of coolies embarking from your house, overpowering the boatmen, and escaping?—*A.* I am aware that certain coolies did make their escape on that occasion, but I cannot state whether they overpowered the boatmen or not.

Q. How do you reconcile that fact of those that escaped, with your statement that in every case the coolies were willing to embark?—*A.* I think that their object was to go back and live longer on board the depôt, because a portion of them returned the next day.

Q. The question applied to those that did not return; how do you account for their not doing so?—*A.* I cannot account for it.

Q. But surely you will admit that their not returning was proof that they were unwilling to embark under the circumstances in which they were going?—*A.* Yes, I will admit so; but may add that I heard that they sold the clothing which had been given to them.

Q. What was the value of a suit?—*A.* About one dollar.

Q. It is stated in evidence, that on a placard stuck on the walls of Amoy, that this coolie-trade is a “buying and selling of men.” Are you aware that if you receive men from coolie-brokers who have thus been bought, you render yourself liable to the penalties enforced by the Slave Trade Act?—*A.* We have not received coolies under those circumstances that I am aware of.

Q. It has been stated by the Haefang, that Mr. Tait and I think yourself by name, but certainly some one from your house, have on several occasions gone to his office, and have sent your cards demanding Chinese coolie-brokers as your servants. Do you know of any such case?—*A.* I went once to the Haefang to ask after two brokers who were then in his custody, but did so with Mr. Consul Sullivan’s permission.

Q. Do you know any case of Mr. Tait having done so without the Consul’s permission?—*A.* It is my belief that cards have passed between him and the Haefang respecting coolie-brokers.

Q. If he has done so, you are aware that this is illegal in the capacity of a British subject?—*A.* I do not know whether it is illegal or not.

Q. The Consul informs you it is illegal.—*A.* Yes, Mr. Backhouse has done so now.

Q. Do not you think, then, that such illegal acts will account for the

hostility evinced by the people against your house, as shown in a placard?—*A.* No; Mr. Tait has been on visiting terms, and there has been no angry feeling between them that I am aware of.

(Signed) JNO. CONNOLLY.

Aeneas James Mackay, clerk in the house of Messrs. Tait and Co., called in, and being duly sworn, is examined:

Q. It is reported that you were assaulted on the 21st of November; will you state the circumstances?—*A.* A man whom I had known as a coolie-broker came into the hong, and told me that there was some fighting going on outside. He was so much agitated that I could not distinctly make out what he said; so I went out to see what it was, taking a boy with me to show me the place. I went up to the square opposite to the police-station, and as I came up there, I saw a large concourse of people assembled. They began calling out "foreigner" in Chinese, and a great many of them ran away. Then I saw a number of Chinese policemen drawn up, armed, who advanced towards me and called out to the people, "Don't be afraid." At that moment a brickbat struck me on the head, which was immediately followed by several others, some of them striking me on the head, and others falling beside me, the policemen at the same time advancing with their pikes as if to attack me. I, being stunned by the brickbats, ran away, but mistaking the road, I went straight forward and was stopped by a gate. On turning back I found that the policemen had followed me, and were presenting their pikes at me. I spoke to them in Chinese, and asked them what all this was for? I told them I belonged to Tait and Co.'s hong; they then let me pass through the pikes, and a man who seemed to command them came to me and I spoke to him to the same effect. He said, "Don't be afraid," and at the same moment I got a blow over the head with a pike; he was just going away, when I caught hold of him by the shoulder, and got away along with him from this lane, when I ran away alone. I was followed, and heard several brickbats flying about me. I then reached home.

Q. Do you think it possible that they may have mistaken you for one of those whom the Haefang states came to assist Mr. Syme in the rescue of the coolie broker, since it was at this police-office where an altercation took place between Mr. Syme and this police officer?—*A.* I am inclined to think from what I have since heard that I was mistaken for Mr. Syme.

Q. Have you any reason to suppose that they had any disposition to treat Mr. Syme as they treated you?—*A.* Yes, they had already done so, and I presume I was mistaken for him returning.

Q. Seeing that one of the authorities was defending you, would you not say that the attack was made by the populace?—*A.* Most decidedly not; I consider that if there had not been Chinese soldiers there, no attack would have been made, as the people who threw brickbats were standing behind the troops and seemed to be encouraged by them. The Mandarin, though he said, "Don't be afraid," took no active part to protect me.

Q. Do you know of any case wherein Mr. Tait has gone himself to the Haefang to obtain the release of a coolie broker?—*A.* I remember having heard of his having gone.

Q. Do you know of any case where coolies have been embarked against their will by Tait and Co., or any of their servants?—*A.* No, I do not know. I have been on board the vessels, and whenever any one expressed a disinclination to go, no attempt was made to force him to stay.

Q. How do you account for the fact of so many escaping about a month or six weeks since?—*A.* By the eagerness which exists amongst the coolie-brokers to outbid each other, and from the circumstance that the coolies are sometimes in debt to the coolie brokers, and that they wish to escape to evade payment of that debt.

Q. Then you assert that they are held in custody for this debt, and are desirous to escape from it?—*A.* No, not so; because if they wished to go away they might do so without paying that debt.

Q. But why should they desire to escape in the manner they did, which was a *bond fide* escape, if they were allowed to go quietly and voluntarily?—*A.* It is very difficult to account for the acts of a large body of men, acting

simultaneously on the spur of the moment ; but I think it likely that some of them would have felt ashamed to come forward and say they wished to go away, having no reason to give for the wish.

Q. Do you know of any case of any treatment used by any one in Messrs. Tait and Co.'s employ, coolie brokers or others, towards Chinese that would not be tolerated to an Englishman ?—A. No, I do not remember any case.

Q. Did you see the escape, or attempt at escape, of coolies from the sheds of Messrs. Syme, Muir, and Co., about a month since ?—A. No.

Q. Did you ever witness any attempt at escape from thence on the part of coolies ?—A. No.

Q. Did you ever see any personal violence used in coolie brokers or others in Mr. Syme's employ, in preventing the escape of coolies or in capturing them after they had escaped ?—A. No.

Q. Have you heard of any attempt at escape ?—A. Yes, I have heard.

Q. Do you think that their attempting to escape argued that they were free agents or the reverse ?—A. I cannot say, not knowing the circumstances.

Q. Did you hear of a Chinese notice that was over the doorway of Mr. Syme's coolie-shed a month since, and do you know what the substance thereof was ?—A. I understand that the Chinese was the translation of the English words "no admittance" marked over the door.

(Signed) Æ. J. MACKAY.

Richard Du Bois Agett, chief officer in charge of "Emigrant" depôt, called in, and being duly sworn, is examined :

Q. It has been stated in the evidence, by six or seven of the Chinese, that they were enticed on board the "Emigrant" by Chinese brokers, and there left ; and that they were detained on board against their will. Will you state what you know about this ?—A. I know nothing of the coolies prior to their appearance on board the "Emigrant." My orders are not to detain any against their will ; I am not aware that any have been so detained.

Q. Are you prepared to state, not knowing Chinese, that the coolies did not ask you, or any of your crew, to be landed, seeing they had been deceived by the coolie brokers ?—A. I am not prepared to state so ; but when applications have been made known to me, they have been complied with.

Q. It has been stated in evidence by Mr. Connolly that the coolies, before being placed on board the "Emigrant," have been examined at their house ; the witnesses state they have been taken direct to the "Emigrant." State what you know on this point ?—A. I have always understood that such examination did take place, but have never been present. All coolies have been marked prior to coming on board the ship ; in fact, I cannot receive them unless they are marked.

Q. Under what circumstance did the coolies escape from the boat when being conveyed from the "Emigrant" to the "Samuel Boddington ?"—A. I did not see them escape ; and they appeared to leave the "Emigrant" contentedly enough.

Q. Have you had any riot on board ?—A. There have been disturbances among themselves.

Q. Have you had many attempts to escape ?—A. No.

Q. What allowance do you give them ?—A. As much as they can eat of fish, rice, vegetables, &c.

(Signed) R. D. B. AGETT.

Lin San,* a native of Fuhkein province, called in, and being sworn through Mr. Sinclair, also duly sworn as interpreter, is examined :

Q. Do you wish to emigrate ?—A. I do not wish to emigrate ?

Q. Were you confined in Mr. Jackson's hong against your will ?—A. I was prevented from going out by the doorkeeper.

Q. Did you ask to come out ?—A. I saw others beaten when asking to come out, therefore did not ask.

* *Lin San* was brought from Mr. Jackson's coolie depôt in the city by Mr. Harvey and Commander Fishbourne, to whom he had stated his unwillingness to emigrate.

With regard to this witness, the evidence above given varies a little from the statement he made that morning to Mr. Harvey and Commander Fishbourne in Mr. Jackson's depôt.

Henry Helms, Esq., in charge of Messrs. Dent and Co.'s business at Amoy, called in, and being duly sworn, is examined :

Q. You were present at the riots on the 24th?—*A.* Yes.

Q. Upon what places was the attack made?—*A.* Principally upon Mr. Syme's house, and his coolie-sheds.

Q. Do you think the "Salamander's" men were called in before it was absolutely necessary?—*A.* No, certainly not; they were wanted at that time.

Q. What consequences would have occurred had they deferred longer to call in assistance?—*A.* I think Mr. Syme's hong would have been plundered; and, not content with that, they would then have proceeded to plunder the other European hong's.

Q. Did you witness the commencement of the firing; and at what period of the riot did it take place?—*A.* Yes, I witnessed it; the firing commenced after some of the party had been knocked down by brickbats, and it became necessary in self-defence. The rabble had, previous to the firing, plundered the sheds, which made them more bold.

Q. Are you or have you been employed in the coolie emigration?—*A.* No, not at all.

Q. Do you intend to embark in it?—*A.* No, I do not.

Q. Do you infer from the attack being made upon the sheds where there was so little property that the people were much excited by the sight of them?—*A.* No, I do not. It was a safe object by which to commence a riot.

Q. Why do you think they directed their attention primarily and almost entirely to Mr. Syme's sheds?—*A.* Because he had been so unfortunate as to come in collision with the authorities some days before.

Q. How did he come in collision with the authorities?—*A.* It originated from the arrest of one of his coolie-brokers.

Q. Do you think the people were exasperated about the manner in which emigration had been carried on, and against coolie-brokers?—*A.* Yes, very much. Many complaints had been made against it. Brokers having been seized by the authorities and punished, the law being allowed to take its course, no disturbance arose.

Q. Do you think it will tend to greater harmony and greater safety to life and property of foreigners, if these sheds were removed?—*A.* My personal feelings may influence my judgment, and induce me to take an exaggerated view of its evils; but I do think it would tend to a better feeling and to greater safety of property if they were discontinued as a depôt for coolies.

Q. There were two or three occasions in which the coolies escaped from Mr. Syme's sheds. Did you witness either of these?—*A.* I did.

Q. Did you see any personal violence used towards those who escaped?—*A.* No, I did not.

Q. Were they pursued?—*A.* I did not see them pursued.

Q. Were you ever witness to personal violence used towards these coolies by any in Mr. Syme's employ?—*A.* No, I was not.

Q. Have you never seen coolies endeavour to escape, recaptured and brought back?—*A.* No, I have not.

Q. Do you know whether they have been under restraint in those sheds?—*A.* I think formerly they were.

Q. Do you know of any case of kidnapping?—*A.* I cannot speak from personal knowledge, but have reason to think such to have been the case from the parents coming to the sheds to claim their children.

Q. In your opinion how has the coolie trade affected the regular trade of the port?—*A.* Very unfavourably of late.

Q. Do you think it would affect it unfavourably if a proper system of emigration were adopted?—*A.* I cannot say; but I think from a large concourse of men being brought in together, there are always bad characters, and evils and insecurity of property, which must always affect trade injuriously, to be apprehended.

Q. Do you not think if people were allowed to come voluntarily, and not entrapped and deceived as they have been, the evils would be much less?—A. I think the evils would be much less.

(Signed) H. HELMS.

Robert McMurdo, in charge of Messrs. Jardine, Matheson, and Co.'s business at Amoy, called in, and being duly sworn, is examined :

Q. You were present during the riots on the 24th?—A. I was.

Q. Did you hear the firing commence?—I did.

Q. Can you say whether any of the party had been struck by stones and brickbats, previous to the firing?—A. Yes, I can say so. Many were struck, and many brickbats were thrown.

Q. What in your opinion would have been the consequences of deferring to fire?—A. The consequences would have been most serious; general plunder of the British hong, if not murder. I may add I saw a blow aimed at Mr. Thompson, my assistant, with an axe. He was passing in front of the hong at the time when the excitement was greatest. He escaped only by tripping, and got safely into Mr. Syme's hong.

Q. Do you think it would conduce to the safety of property if Mr. Syme's sheds were discontinued as coolie-sheds?—A. Yes; I think it would be beneficial, and would conduce to the safety of property.

Q. What has been the effect of the coolie trade upon the general trade of the port?—A. It has had a depressing tendency since the commencement of this riot.

Q. Do you think a well-regulated system of emigration would affect the trade injuriously?—A. Not the least, I think.

Q. Do you think there is any indisposition on the part of the people to a well-regulated system of emigration?—A. I do not think so.

Q. Are you of opinion that the evils arising out of the existing system arise from exceptional cases?—A. I do not know.

Q. Did you see any coolies escape from Mr. Syme's or Mr. Tait's hong at any time?—A. No.

Q. Were you witness to any personal violence in Mr. Tait's, Mr. Syme's, or Mr. Jackson's hong, at any time?—A. No.

Q. Why in your opinion did the people direct their attack upon Mr. Syme's shed premises?—A. I cannot account for it; except that the coolie-broker who was so obnoxious to the people was on those premises.

Q. Did you hear why the people shut their shops?—A. I think it was from the excitement at the time.

(Signed) RT. Mc MURDO.

Friday, December 17, 1852.

The *Rev. John V. N. Talmage*, American missionary at Amoy, called in, and being duly sworn, is examined :

Q. State the substance of a conversation which you are said in evidence to have held with Mr. Syme on the subject of coolie-brokers?—A. There were half a-dozen respectable Chinese on Monday and Tuesday who came requesting me to intercede with the merchants, asking them to give two promises in order to satisfy the people. One promise was, that the coolie-broker who had been arrested on Sunday evening, and was said to be then at Mr. Syme's hong, should be delivered up to the Chinese authorities. The other promise was, to secure against any future decoying of men by these brokers. In my conversation with Mr. Syme on this subject, I stated these requests of the Chinese. I told Mr. Syme, that respectable Chinese assured me that these two promises would be sufficient to satisfy the people. They would then again commence their business as formerly. I also stated to Mr. Syme some reports I heard respecting some placards (above alluded to, lettered A and B).

Q. Did you think Mr. Syme was a party to the deception practised on the people?—A. I did not think so.

Q. What, in your opinion, was the immediate cause of riot?—A. The immediate cause was, in my opinion, the reports in circulation that coolie-brokers

were decoying men to go off as emigrants. These reports centered, mostly on Mr. Syme's hong, a few also on Mr. Tait's hong.

Q. Do you believe it to be true, that the people are generally tempted to leave home for Amoy by false promises?—A. The number so dealt with is not great.

Q. Do you not think there is a moral obligation resting on the employers of these coolie-brokers to feed those so brought down, or pay their expenses back?—A. If brought down under false pretences, certainly.

Q. And therefore the employer can have no claim to confine such persons upon the ground that they had fed them a fortnight or three weeks?—A. Certainly not these; and I am doubtful whether they have the right to confine any.

Q. And still less, you would say, have they a right to expatriate them against their will?—A. They can have no right to expatriate them against their will.

Q. Is it your opinion that various attempts of the coolies to escape have arisen principally from an unwillingness to emigrate?—A. It is my opinion; but I suppose some of those who have attempted to escape originally entered principally for the sake of food, without having been decoyed.

Q. Do you not think that a contract to be just should be entered into before either of the parties was brought under obligation, and while they were still free agents?—A. I think the substance of the contract should be explained to them previously.

Q. Do you think a well-regulated system of emigration would be acceptable to the people here, and beneficial?—A. There would be many objections to it, but still I think there are very many people who would be willing to go.

Q. Is it your opinion, founded upon your own knowledge, or on statements made to you by the Chinese, that the coolies have been under undue restraint in the sheds?—A. I think they have been under undue restraint; but know not how much of this is chargeable to the merchants. I may add that, formerly, they might have been ignorant of the evils perpetrated by their servants; but now, after the late disclosures, a solemn responsibility rests upon them to see that the coolies are not unjustly dealt with.

Q. Do you think it would tend to improve the feelings between the Europeans and Chinese if these sheds were dispensed with, or thrown open to the public view?—A. If thrown open to the public view, there would probably be no need to dispense with them. The attack made upon them I believe to have arisen from a disposition to plunder by a bad description of people, taking advantage of the hostility shown by the respectable portion of the community to coolie emigration in general, and to the coolie brokers for their deceptions in particular. Various meetings were held by the respectable Chinese, at which suggestions were made for the destruction of the English hongs, the attacking the coolie-ships, and various other extreme measures with a view to mitigate the evils of the system; but these were all repudiated, as likely to be injurious to their own interests, because their successes could only be temporary, as in two or three days steamers would be up from Hong Kong, and the rabble, after plundering the foreign hongs, would plunder indiscriminately among the natives.

(Signed) JOHN V. N. TALMAGE.

Arthur L. H. Walthew, passenger on board the "Australia," called in, and being duly sworn, is examined:

Q. On what day were you attacked by the rabble, and state the circumstances?—A. On Sunday evening, the 21st, the chief officer of the "Australia" and self, while coming from the comradore of the ship, met a number of Chinese, who appeared to be in a state of excitement. They were talking very loudly, but of course we did not understand what they said, and therefore proceeded onwards. When we came to the square in which the police-office is said to be placed, we were surrounded by a mob, who pointed at us, and appeared to be drawing the attention of some other party towards us, and were extremely violent both in language and action, but did not attempt to molest us at the time; when suddenly a number of men with spears advanced from the direction of the police-office, and drove the crowd before them, which carried me along, and by this act separated me from Mr. Vallancey; and immediately after, being pushed down a

flight of steps, stones and brickbats were thrown at me. By this time it was quite dark. After about a couple of minutes, seeing that return to seek for my friend was impossible, owing to the crowd, I proceeded to Messrs. Tait and Co.'s, and finally to the ship for assistance.

(Signed) ARTHUR L. H. WALTHER.

William Cornabé, British subject, assistant in the house of Syme, Muir, and Co., called in, and being duly sworn, is examined :

Q. It has been stated that Mr. Syme went to the police-office with the intention of liberating a coolie-broker. Can you state that he did not go for that purpose?—A. No, I cannot.

Q. It has been stated that Mr. Syme has frequently gone to the Haefang, and has also sent his card, claiming the delivering up of coolie-brokers, stating that they were his servants. Has he done so?—A. He may have done so, but not to my knowledge.

Q. Do you recollect the circumstances under which coolies escaped from the shed of Messrs. Syme, Muir and Co. through the roof and water-closet?—A. I recollect hearing of some escaping through the water-closet.

Q. Can you explain why, if these men were not in confinement, they should prefer escaping through the water-closet in preference to coming out through the door?—A. I supposed they escaped in that way because they were afraid of the brokers.

Nothing further that was satisfactory could be elicited from this witness. He was young, and his evidence became so confused that it could not be relied upon. He was therefore desired to withdraw.

British Consulate, Amoy, December 17, 1852.

(Signed) J. BACKHOUSE, *Her Britannic Majesty's Vice-Consul in charge.*

FREDERIC HARVEY, *Secretary to Her Majesty's Plenipotentiary.*

E. GARDINER FISHBOURNE, *Commanding Her Majesty's steam-sloop "Hermes."*

APPENDIX (A).

Proclamation issued by the Scholars and Merchants of Amoy.

NOTICE, being an exposure of, for the purpose of counteracting, the artifices of hardened miscreants, who impose on the people and seduce them to their destruction.

From the time that the barbarians began to trade at Amoy, they have had the practice of buying people to sell again; subjecting those guiltless of crime to cruel treatment, and employing evil-disposed and traitorous natives to entice away peaceable people. These agents, styled brokers, consisting of some scores intimately leagued together, would attach to themselves several hundreds of others, and removing all restraint from their inordinate cupidity, would follow the course of their interest wherever it might lead, without any scruple. They have daily in the country, along the coast, sought about in all directions for persons whom they might entice away, with the end of making gain for themselves by the detriment of others. By the prospect of minute advantage they drew away lonely and destitute persons, while they held out alluring baits to seduce the younger members of settled families. Their tricks were innumerable, and they would dexterously conceal their real designs. They would pretend to hire their victims for employment by which they might realize a livelihood, and then drive them into the pits prepared; or they would cheat them with promises of advantage (here some Malay words are used which are unintelligible) and thus get them within their power; or perhaps would invite them to travel and divert themselves, and so urge men to destruction. Every kind of abomination they were addicted to. The ignorant country-people have many times thus been lost in numbers. From souls so abandoned to covetousness every spark of innate right feeling must have departed.

The men being inveigled to the barbarian houses and ships, are publicly sold. When once amongst them they cannot understand their gibberish, and

they are kept in close confinement. They may implore Heaven, and their tears may wet the earth, but their complaints are uttered in vain. When carried to the barbarian regions, day and night they are impelled to labour, without intervals even for sleep. To advance or retreat is equally impossible to them; death is their sole relief.

Moreover, they can transmit or receive no intelligence; none knows whether they be alive or dead, and the hearts of their parents and families are torn with anxiety. The succession of their families is cut off, an injury for which nothing can atone. Alas! those who living were denizens of the central flowery country, dead, their ghosts wander in strange lands. O, azure Heaven above! in this way are destroyed our righteous people.

Our present suggestion is, that the benevolent and respectable public shall unite in exercising their influence to repress these practices. Let fathers caution their sons, and elder brothers their younger brothers, for seeing the evil, and guarding against it. Let none misguidedly lend themselves to promote the schemes of wicked traitors. Let us mutually warn each other, and point out to all men the roads which, while of life to one, are of death to ten thousand. We venture, as above, to express our humble but sincere and heartfelt sentiments, trusting that they may receive the consideration of the public.

Notification by the scholars and merchants of Amoy.

A true translation,

(Signed) M. C. MORRISON.

APPENDIX (B).

Proclamation issued by the Inhabitants of the Eighteen Wards.

THE barbarians are ungovernable in the extreme, and their only motive of action is desire for gain. We, the people of the eighteen wards (the town of Amoy), have now agreed that we will have no dispute with the barbarians, but will concert measures for the regulation of our conduct amongst ourselves. From this time, if any persons transact business with the Te-ki and Ho-ki honges (Tait and Co., and Syme, Muir, and Co.), they shall be put to death, their property seized, and their houses destroyed without mercy. None shall be permitted to establish firms for foreign trade. Any brokers who are caught shall not be carried before the authorities, but shall be at once killed. Hereby we express the public indignation, and do not employ words of course. All are warned therefore to abstain from testing the truth of them. If Tait and Syme give up to the authorities, that he may have justice dealt on him, the broker whom one day they carried away, it will then be permitted for them to do business again.

A true translation,

(Signed) M. C. MORRISON.

APPENDIX (C).

Notice.

JACKSON is desirous of temporarily engaging the services of coolies to go to foreign countries, as labourers on wages, verily higher than any obtainable at Amoy; the firm is, however, not plotting to realize profits at the expense of well-disposed people. The 7th or 8th of this month is about the time fixed for departure. Should any persons, victims of abduction, be unwilling to proceed, their parents or brethren must come to the premises of the firm, and procure an order to the vessel for their restoration, and their delivery shall on no account be denied. This notice is given for general information.

Heenfung, 2nd year, 10th month, 6th day.

(November 17, 1852.)

True translation,

(Signed)

W. H. MEDHURST,
Chinese Secretary.

APPENDIX (D).

Notice.

JACKSON is desirous of temporarily engaging the services of coolies to go to foreign lands, as labourers on wages, verily higher than any obtainable at Amoy; the firm is however not plotting to realize profits to the injury of well-disposed people; they harbour no such intention. Any indigent persons in the neighbourhood, who have no relations dependent upon or connected with them, may come forward and offer their services. Should any become the victims of abduction, a word spoken to Jackson at the time of telling off, and payment of all expenses, will secure their being returned* to their homes; this promise may be depended upon. A notice for general information.

Heenfung, 2nd year, — month, — day.
(, 1852)

True translation,
(Signed) W. H. MEDHURST,
Chinese Secretary.

APPENDIX (E).

Form of Agreement.

MEMORANDUM of agreement made and entered into this
day of , in the year of our Lord one thousand eight
hundred and fifty , between a native
of China of the one part, and of
in the colony of of the other part: witnesseth that
the said agrees to serve the said
his executors, administrators, and assigns, and such person or persons whom he
or they may place in charge over the said ; in the
capacity of shepherd, farm and general servant, and labourer in the said colony,
for the term of five years, (to commence from the date of this agreement,) and
to obey all his or their lawful orders, and the orders of such persons as may be
placed in charge over him. And the said agrees to
pay the said at the end of every three months,
wages at the rate of dollars per month, the said amount to be paid
in sterling British money, at the exchange of four shillings per dollar. And
also to provide the following weekly rations, namely,—

1 lb. of sugar,
8 lbs. of flour, or 10 lbs. of rice, at the employer's option,
8 lbs. of meat,
2 ozs. of tea.

The wages to commence fourteen days after the arrival of the said
in the said colony. And the said
agrees to pay to the said out of the first monies or wages
to be received by him, by four equal quarterly payments, the sum of six dollars
now advanced to him.

Signed in the presence of

APPENDIX (F).

Lieutenant Smith to Commander Ellman.

Sir,

"Salamander," Amoy, November 25, 1852.

AGREEABLY to your orders at 8:30 A.M. of yesterday, I proceeded with an armed party of five officers, eight marines, and thirty-seven seamen, to protect the house of Syme, Muir, and Co., merchants, and placed the men in the balcony, when I observed the mob make a rush at the outhouse, and carry away every-

* My native assistant reads this "will secure their being returned, expenses paid;" a rendering which, though perhaps not intended, the original will likewise bear.—W. H. M.

thing they could lay their hands upon. I went down with the party and drove them out of the building. While I was there, I was requested by Mr. Connolly (belonging to the house of Tait and Co.) to bring a party to his house, as a large mob was collecting there. I proceeded with ten men and drove the mob back into the town and placed Mr. Orr (acting mate) and eight men as a guard at the upper end of the street, being then informed by a Mr. Wardrop, who came for that purpose, that the mob was collecting very fast round the house of Messrs. Syme, Muir, and Co., I returned and found our men being stoned by the mob, and Mr. Purkis (gunner) much cut about the face. I gave the order to retreat into the house, finding that the mob was determined to attack it, leaving Mr. Nurse (acting mate) with a guard of eight men. I proceeded with Mr. West (assistant surgeon) and Captain Mc Murdo (agent of Jardine, Matheson, and Co.) as a guide through the back of the hong into the street, and marched the rest of the party through the alley leading down by Mr. Jackson's hong, and charged the mob with fixed bayonets; but finding them determined to hold their ground, and myself and Mr. West being knocked down by stones and other available missiles, I gave the order to commence firing in self-defence. The mob finding some of their party fall began to retreat, but not before they had well contested the ground, and violently struck most of our party. When I found we had regained the ground round the hong, I gave the orders to cease firing, and everything remained quiet after the ground was cleared, when there was one Chinese found lying dead and three wounded, but how many were injured altogether I had not the means of ascertaining.

I remain, &c.

(Signed) CHAS. H. SMITH.

APPENDIX (G).

Plan of Messrs. Syme, Muir, and Co.'s Coolie Shed.

APPENDIX (H).

Deposition of Mr. Vallancey.

I, RICHARD VALLANCEY, mate of the ship "Australia," Noble, master, now lying in the port of Amoy, believing myself to be in a dying state, make the following declaration.

I was walking with a companion last night through a narrow lane, where we met a great number of people, walking in the direction opposite to that which we were pursuing. At the bottom of this lane there was a flight of steps, which we descended; and then turning the corner to our left, found ourselves in an open space with a building with a large door, at the end of which we entered. There were a great number of people in this place. Those I saw at first were not armed. They appeared to be trying to draw the attention of some parties towards us; and on getting partly through the unarmed mob, I saw a body of men armed with spears, who rushed upon us directly we appeared in sight. I was driven a short distance up one of the turnings leading from the small square in which we were attacked, when I was brought to the ground by something which I believe to have been one of the wounds which I have received in my thigh. After I was down I received the remainder of my wounds. They ran their spears into me, and cut me with them several times, besides beating me over the head. At this time I fainted, and on recovering, found myself in the hands of people, who were robbing me, but who offered me no violence. I eventually reached the water side, followed to the last by people feeling my pockets for money, &c.

The men who were armed did not wear the same head-dress as the unarmed mob. They wore what appeared to be a kind of turned-up cap. I also think their dresses were longer than usual.

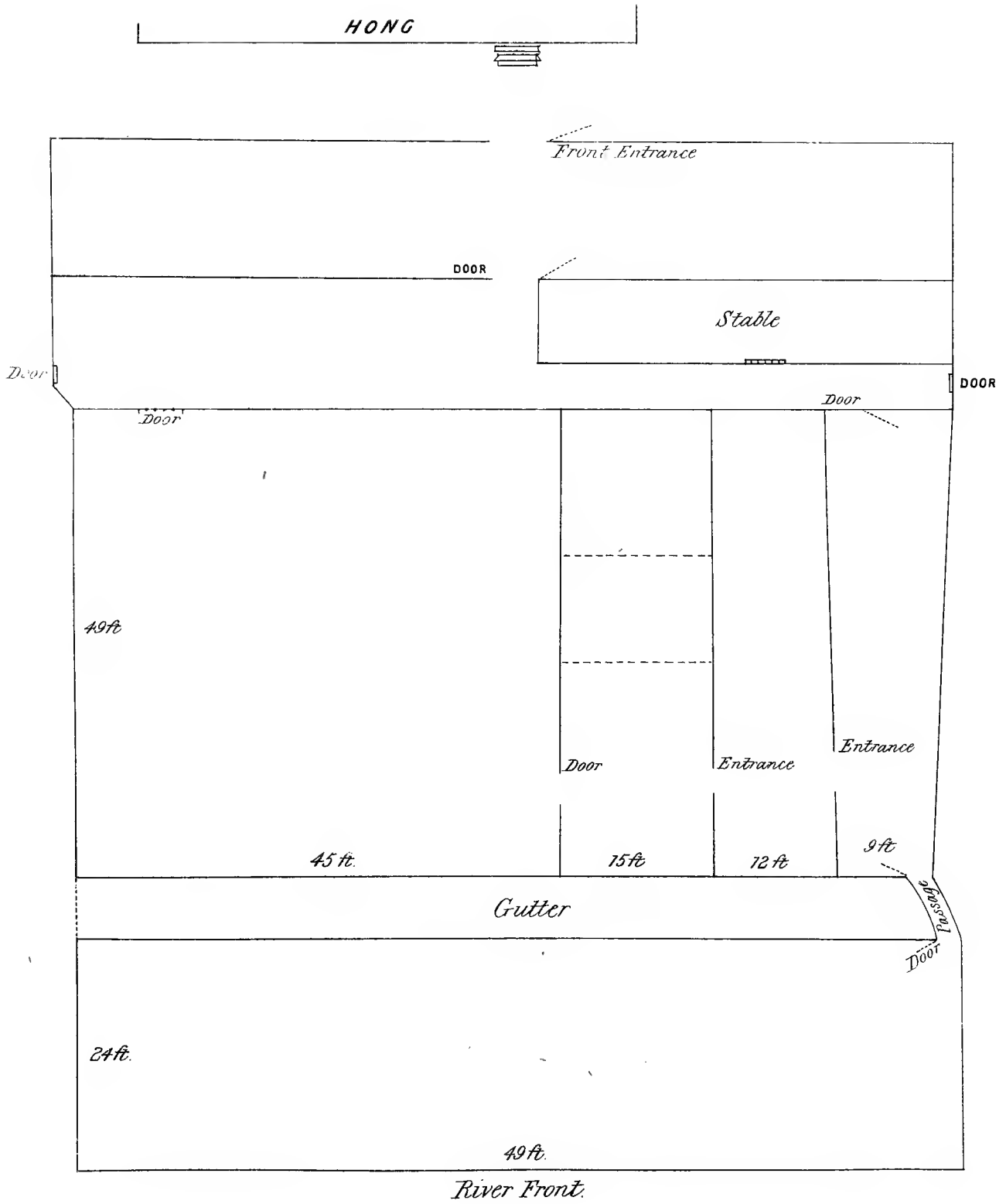
(Signed) RICHARD ^{his} VALLANCEY.
mark.

Witnesses :

(Signed) JOHN CONNOLLY.
ROBERT WARDROP.

APPENDIX.

G.



APPENDIX (I).

Certificate by Mr. Bland.

WAS called off shore about seven o'clock in the evening of November the twenty-first, one thousand eight hundred and fifty-two; on my arrival on board the ship "Australia" found the first-mate of the aforesaid ship in his berth, in a state of insensibility, through excessive hemorrhage produced by wounds and contusions received in the city of Amoy, China. On examination found on left temple a punctured wound, deep, half inch in length, extending from the ear upwards; on right temple, punctured wound not so deep as on left temple, but similarly situated. On anterior part of left upper arm, punctured wound, deep and one inch in length, extending across the humerus. On abdomen a punctured wound situated on umbilical region, one inch above the navel; on right groin a punctured wound, deep and one inch in length; on superior part of right thigh, two punctured wounds, situated anteriorly one inch in length. On inner part of right thigh, two deep wounds one inch in length; on posterior or under part of right thigh, one punctured wound very deep and one inch in length; extending across tibia or shin bone, punctured wound about one inch in length. Four superficial wounds on hands and fingers; on left radial or shin bone, superficial wound; on head and face several contusions, on left arm and hand contusions, the left side of face, arm and hand very much enlarged in consequence of the wounds and contusions.

Applied the usual dressings necessary in a case of punctured wounds, or wounds inflicted with a sword, bayonet, spear, or other pointed instrument.

It is my opinion from the situation and extent of the wounds, contusions, &c., received from Mr. Vallancey, the first-mate of the ship "Australia," that he will remain unfit for sea service for some months, should he recover.

(Signed)

HENRY JOHN BLAND,

Amoy, December 6, 1852.

Surgeon, ship "Australia."

APPENDIX (K).

Form of Agreement.

YO natural del Pueblo de
 provincia de Fokien en China, de edad de
 años y de oficio Labrador, declaro que he convenido con
 en que me embarcaré en el Buque
 con objeto de trasladarme á la Habana en la
 Ysla de Cuba, obligándome desde mi llegada á dedicarme en ella á las ordenes
 de aquella Junta de Fomento á cualesquiera clase de trabajo que se me destine
 yá en los Yngenios ú otras fincas durante las horas acostumbradas en las mismas;
 yá fuera de ellas segun convenga á la Junta ó las Personas á quienes sea tras-
 pasado este contrato, y á ejecutar los trabajos espresados por pesos
 fuertes de salario al mes (que empezará á correr á las cuarenta y ocho horas de
 saltar en tierra en la Habana) la manutencion de ocho onzas de carne salada:
 una y media libra de platanos, boniatos ú otras raices alimenticias, asistencia de
 medico y enfermeria, dos mudas de ropa y una frazada anuales y una camisa de
 lana; conviniendo en que en los casos de enfermedad, si esta escediese de quince
 dias, se me suspenda el salario hasta que vuelva á trabajar, continuandoseme
 entre tanto la asistencia de enfermeria, cumpliendo con estas obligaciones por
 espacio de ocho años continuos que se fijan por termino á este contrato, durante
 los cuales no me será permitido ausentarme de la Ysla de Cuba ni negar mis
 servicios á la espresada Junta ó á las personas á quienes sea traspasado este
 contrato, cumplido el cual quedaré en libertad de obrar como mejor me parezca.
 Mi pasaje y manutencion á bordo del espresado buque sera de cuenta de
 de quien confieso he recibido la cantidad de
 pesos en plata para mi habilitacion al viaje que voy á emprender,
 y dos mudas de ropa nueva para saltar en tierra importantes
 pesos; á condicion de que ambas partidas, ó sean pesos fuertes los
 pagaré en la Habana al Cambio de á la orden de los Señores

Villoldo, Wardrop, y Compañía con un peso al mes que se me descontará de mi salario por la precitada Junta de Fomento ó las personas á quienes fuere traspasado este contrato; entendiendose que por ningun otro concepto podrá hacerse descuento alguno. Y en fé de que cumpliré puntualmente con las obligaciones que quedan espresadas firmo en Emuy, el de 185

(Firmado)

Ante mi
(Firmado)

APPENDIX (L).

Form of Agreement.

I _____, native of the village of _____, in the province of Fokien, in China, of the age of _____ years, have agreed to embark in the vessel _____, with the object of proceeding to the colony of British Guiana, obliging myself from and after my arrival to dedicate myself there to the orders of the Honourable the Immigration Agent of that colony to whatever class of labour I may be destined, whether in plantations or other estates, during the customary hours of work in that colony, or even at other than plantation labour, as may be most convenient to the Honourable the Immigration Agent, or whoever may become the holder of this engagement, and to perform said work for four dollars of salary monthly, maintenance of 8 ounces of beef, 1½ lbs. of other alimentary food daily, medical assistance and medicines, two suits of clothes, one blanket and one flannel shirt annually; it being agreed that in case of sickness, should it exceed fifteen days, my salary will be suspended until I return to work, continuing in the meanwhile to receive medicines and medical attendance; or in place of all the foregoing that I shall receive six dollars per month, and find myself in all provisions and other necessaries, fulfilling these obligations for the space of five years continuous, which are fixed for the term of this engagement, during which it shall not be permitted me to leave the colony, nor deny my services to the persons to whom this engagement may be transferred; at the end of that period I shall be at liberty to act as may seem to me best. My passage and maintenance on board of said vessel shall be on account of Messrs. Hyde, Hodge, and Co., from whom I confess having received by Messrs. Tait and Co. the sum of nine dollars in silver for my outfit for said voyage, and also two suits of new clothes with which to land, amounting to two and a-half dollars, on condition that both sums, eleven and a-half dollars, I shall pay in Demerara to the order of Messrs. Hyde, Hodge, and Co., by one dollar monthly, which shall be deducted from my salary by the Honourable the Immigration Agent, or the persons to whom this engagement may be transferred, it being understood that on no other plea whatever shall anything be deducted from my wages; and in faith of fulfilling punctually the said obligation, I signed in Amoy this the _____ day of _____ 1852.

It is understood that the salary agreed shall commence to run from within twenty-four hours after landing at Demerara, unless both parties agree to cancel this agreement after arrival there.

Witness to signature, the contents being fully understood by the said

Inclosure 9 in No. 14.

Mr. Sinclair to Mr. Harvey.

Sir,

Amoy, December 18, 1852.

HAVING at the desire of Mr. Vice-Consul Backhouse, accompanied you to the marine magistrate's, I beg at your request to furnish you with as circumstantial an account as I can of the nature of that interview. I recollect that on the purpose of the approaching investigation being explained to the marine magistrate, he was requested to produce the coolie-broker, then in his custody, to give his evidence as to the origin of the scuffle between Mr. Syme and the

soldiers at the police-station, and that the magistrate recognizing the importance of his evidence, said he regretted he could not, on his own responsibility, comply with your request, because the whole matter had been submitted for the decision of the authorities at Foochowfoo, but that he would mention the subject to the Taoutae.

On the merits of the riot being entered into, he expressed not only hopes that the traffic in Chinese coolies would be put a stop to, but that the persons who had fired on the people and killed and wounded four or five Chinese, would be punished by the British authorities. It was, however, observed to him that the rabble had to all appearances collected at the gate of the English hong for plunder, and that therefore the English soldiers had been justified in protecting British life and property. The magistrate denied that the people were come to plunder, for that they were unarmed and empty-handed, but that their hatred was directed against the coolie brokers who had done so much harm, and who were ensconced inside the shed (opposite the Ho-ke hong); he, however, admitted, on the question being put to him, that the English would have been justified in shooting down those men, had they been plunderers or murderers; but that they were inoffensive persons of respectable condition, whilst others a far way out of the crowd, some in their boats, others on their balconies, and in particular a babe still in arms, had been innocently involved. He again repeatedly denied that the people there assembled before the hong were for plunder. He said that it was the intention of the Chinese authorities to punish the men who had speared and wounded the English mate, but he also required from the British Government the trial and punishment of the individuals who had killed four or five of their Chinese subjects.

He thought the present occasion that a man-of-war was sent up, propitious for putting an end to the illegal traffic carried on by British merchants in Chinese coolies for emigration to foreign lands; whilst on their side they were actively employed in securing the persons of these nefarious brokers, in order to make them suffer for the evil they were the cause of.

These appear to me, Sir, to be the main points of the conversation which passed.

I have, &c.
(Signed) CHAS. A. SINCLAIR,
Interpreter.

Inclosure 10 in No. 14.

Account of the Interview at the Marine Magistrate's on the 14th instant.

THE interview was opened on the part of Captain Fishbourne, R.N., by expressing to the marine magistrate the desire which the British Government evinced to correct certain abuses which had crept into the system of emigration at this port, and anxiously wished for the co-operation of the Chinese authorities in effecting their purpose, so as to deal, in the investigation which was now being held, as justly by the Chinese as would be done by the English themselves. The marine magistrate did not conceal his admiration of the spirit of justice which animated the British Government, and expressed much satisfaction at the decisive steps which the British Plenipotentiary had thought proper to adopt for the suppression of the present train of evils, and that he was equally sanguine in the same cause; that he had already several of these nefarious Kih-tows or coolie-brokers in his custody, and that he would proceed with unmitigated rigour against the whole of them, and would not rest quiet until the entire class of them had suffered for the evil they had wrought; but he strongly protested against the interference of the merchants, who, he said (naming Messrs. Tait and Syme), had, on every occasion of an arrest, either sent in their cards with messages for the release of such or such a broker, or else come themselves to get them out. The marine magistrate consequently took this opportunity of formally complaining, and thought the present occasion a favourable one of putting a stop to such proceedings, hoping that the necessary orders would be given for their discontinuance. He said he felt that it was fully time to stop the evil, which had assumed a criminal tendency, and that the coolie-brokers, being the wicked parties, ought to be severely punished and made an example of; and

he desired not to be interfered with in the performance of his magisterial duties.

The coolie-broker, whose evidence was required, was then carried into the room in a dying state: his legs bore the marks of severe bruises and gashes, scarcely healed; near the kneecap still left the bone bare. He was evidently on the brink of death, and speech seemed of difficult utterance. The magistrate said that he had thus been ill used by the exasperated mob who had captured him, and who had handed him over to him in that condition. The coolie-broker being too far gone to give his evidence, only one single question, "whether he was the same broker of the Ho-ke hong?" was put to him, to which he nodded his head, and said yes, and was then removed. It was then asked whether the military mandarins or any of his soldiers present when Mr. Syme went to get the broker out of their custody, and on the occasion of that scuffle, could be produced and sent to the Consulate in the morning to give their evidence. The magistrate, acknowledging the importance of these witnesses, said he would make an application for them at the military station, and send word in the morning; but that he knew the mandarin alluded to was away on duty with the Admiral.

The marine magistrate then begged, now that the British Government had ordered an investigation, that the merchants might be strictly prohibited from carrying on any longer their traffic in Chinese coolies, for he was convinced it would sooner or later cause serious disturbances and endanger life and property, when the support of the Chinese mandarins would no longer have effect; these were apprehensions looming in the future, which he considered his duty at present distinctly to state for the future peace and welfare of the community.

To the proposal whether a petty officer might not be appointed by the Chinese officials to inspect each emigrant ship as she left, for the purpose of satisfying himself that no coolies were carried out of the country against their will, the Haefang (marine magistrate) smiled at the idea, and stated that there was a general prohibition in the code of laws against the emigration of Chinese subjects. He bitterly complained of the wickedness of these coolie-brokers, who were doubly culpable. He was told that he should seize all those brokers who kidnap and deceive, and then emigration would go on smoothly. He replied to this that they were all inside English hong, and that when he got hold of any of them a merchant would come forward and claim them; to wit, the last instance, when the Hoke hong merchant went to the station and got that man out, against whom the people bore such a bitter hatred.

The ill-treatment of the mate of the English vessel ("Australia") was then complained of; he had been speared in several places, and his body otherwise bruised by Chinese soldiers, whilst he was passing by in a most inoffensive manner; he was an injured man for life, and by the custom of England he claimed an indemnity of 5000 dollars. The marine magistrate said it was not the usage in China to pay money as compensation for wounds inflicted, but that by the laws the case should be minutely investigated, and the offenders punished; that they had similar cases of innocent persons having been shot or wounded—persons who were at a distance out of the crowd—one a boatman in his boat, another an unfortunate child—and still the Chinese did not claim compensation for the serious injury sustained by them; but he required the trial and punishment of those persons who fired upon the disarmed people and shot four men, wounding two or three others.

He was made to understand that the fire-arms had been discharged in self-defence upon the rabble, who presented a very menacing attitude and seemed intent on plunder, having actually begun to enter Mr. Syme's hong; that it was not till after the English soldiers had been brickbatted that they fired.

The magistrate denied that the people were there for plunder, but said they were collected there to revenge themselves on the coolie brokers who had been carrying on a course of kidnapping; that not one of the people then present was armed, but all were empty-handed; he, therefore, denied that they had come for the sake of plunder: he added, had the four men who had been killed been either vagabonds or thieves the soldiers would have been justified in firing; but that the victims were respectable people of Amoy, and that their relatives were daily harassing him with petitions for redress, and for the punishment of the offenders; he was told that by the Treaty regulations whenever Chinese have to complain of English subjects their duty is to state their grievances to their

authorities, who will communicate on the subject with the British Consul and get the grievance redressed. But in this instance the people had not done so, they had taken the law into their own hands; they had attacked an English hong, and if any had innocently suffered it was but only what happened in every riotous case where troops are called upon to do their duty. He was told that he should have written to the Consul about the coolie broker being obnoxious, which the magistrate said he did by verbal messages, and that the Taoutae had written on the whole matter to the British Consul.

To the best of my recollection, I believe the above to be the substance of the proceedings and conversation which took place at the marine magistrate's on the 14th instant.

Amoy Consulate, December 18, 1852.

(Signed)

CHAS. A. SINCLAIR,
Interpreter.

Inclosure 11 in No. 14.

Paper read in Court by Vice-Consul Backhouse to Mr. Connolly.

MR. CONNOLLY, I summoned you to appear before this Court to answer to a charge of misprision, preferred against you by certain coolies. It was my intention to have referred the case to his Excellency Her Majesty's Plenipotentiary, as one coming under the Slave Act, but from various circumstances that have transpired in the evidence given before the Court of Inquiry into the late disturbances in Amoy, I find that there is no direct evidence you were aware of the illegal means used by your coolie brokers to obtain emigrants, and that the ignorance of yourself and the servants of your firm of the Chinese language, prevented your understanding any objection that might have been raised by those brought to you as applicants for emigration. In consideration of this I had determined to treat the case as one of misprision; this I am, however, prevented from doing, as the coolies themselves have either absconded, or have been taken, from the Consulate.

I now deem it my duty to point out to you the very dangerous position in which you have placed yourself in not having taken some sure measures for ascertaining the willingness or otherwise of those brought to you and stated to be willing applicants for emigration. I must also warn you that you are responsible for the acts of those employed by you as coolie brokers, so far as respects those coolies accepted by you as emigrants. And again, that any visit from you to the Chinese authorities on such a subject as a coolie broker, renders you liable to be dealt with in a summary manner for a breach of Treaty. I must also remark that the appearance of the name of your firm in a Chinese placard relative to the buying and selling of men mentioned in Mr. Burns' evidence, would naturally lead me to infer that the alleged acts of your firm were, in a measure, the cause of the disturbance on the 24th ultimo.

For want of evidence the case is dismissed.

(Signed)

J. BACKHOUSE,
Her Majesty's Vice-Consul in charge.

Inclosure 12 in No. 14.

Official Notice by Wang, Acting Sub-Prefect at Amoy.

KIH-TOWS (or brokers), who delude poor people to make a traffic of them, commit a serious breach of the law which prohibits it.

Strict orders have consequently been given to the police for the apprehension of these guilty persons, whom it is necessary to proceed against with all the rigour of the law.

Such of the constabulary as shall be cognizant of their wicked acts, and not denounce the offenders, shall alike be legally tried and punished with them.

Ye all whom this concerns, make haste to reform and repent, and thereby avoid incurring the heavy penalties of the law.

True translation,
(Signed) CHAS. A. SINCLAIR, *Interpreter.*

Inclosure 13 in No. 14.

Proclamation.

WANG, Sub-Prefect of Amoy, &c., with a view to the restoration of quiet, hereby issues a proclamation to reassure the native population, to calm all foreign merchants, and rigorously to prohibit ill-disposed persons from seeking occasion to foment disturbances.

The broker Lin Hwan, who lately produced a commotion by practising abduction, and employing stratagem to dispose of his victims, having now been delivered up to justice and punished, all animosities are at an end, tranquillity is restored to its former basis, and trade will proceed as of old. Yet, as I am apprehensive that some ill-disposed vagabonds may create occasion of disturbance, and so excite the mob in the streets as to cause general fighting and tumult—a result truly unseemly and disgraceful—I make this proclamation for the information of all shopkeepers and householders throughout the town, and hereby call upon you all to rest quietly occupied with your own avocations. Should any vagabonds raise a commotion of any kind, I certainly shall forthwith proceed to take them into custody, and visit them with condign punishment.

I require implicit obedience from every one; let none oppose. A special Edict.

Heenfung, 2nd year, 10th month, 14th day.
(November 25, 1852.)

True translation,
(Signed) W. H. MEDHURST,
Chinese Secretary.

NOTE.—The characters which I have translated in the preamble “to calm the foreign merchants,” are objectionable, as implying a relation to foreigners in which the authority proclaiming cannot stand, and attaching to them a term which is generally considered opprobrious.

W. H. M.

Inclosure 14 in No. 14.

Further Proclamation.

WANG, Sub-Prefect of Amoy, &c., hereby issues a proclamation rigorously prohibiting the irregular publication of placards, with a view to putting an end to the circulation of fabricated tales, and the inflaming of men's minds thereby.

Whereas natives and foreigners reside together in Amoy in mutual peace and harmony, I have already issued an edict prohibiting, on pain of severe penalties, all vagabonds from seeking occasion to create disturbances. Of late, however, I have been informed that the streets and lanes of the town are constantly being placarded with anonymous statements, falsely purporting to have been indited by scholars and mercantile bodies, and containing all kinds of fabrications, a practice which constitutes the worst form of endeavour to excite the multitude. Considering that all my conduct is infallibly based upon justice, and invariably dictated by prudence, and that the dispositions of my people have ever been characterised by gentleness and moderation, application should be made, when occasion requires, to the authorities for judgment and decision; how is it then that you have attempted thus irregularly to thrust upon me your views, and to misrepresent right and wrong?

I now make this proclamation for the information of all shopkeepers, &c.;

if any anonymous placards be stuck up, come forthwith and report the matter to me, and I will certainly punish the parties concerned with the utmost penalty of the law, and without a particle of mercy. Such is my edict.

Heenfung, 2nd year, 10th month, 16th day.
(November 27, 1852.)

True translation,
(Signed) W. H. MEDHURST,
Chinese Secretary.

Inclosure 15 in No. 14.

Deposition of Lin Hwan, Broker.

LIN HWAN deposeth as follows :

I am a broker ; I have deceived and entrapped people. Because that day I had entrapped a man in the Chuh-tsae street, I was seized by the people, who took and gave me over to the Chung-ting.

— Foreigners from the Ho-ke and Tih-ke hong with their clerks came to claim me. A riot then took place on this account ; I took this opportunity to escape into the Ho-ke hong ; on the 24th of November I was removed from the hong to the magistracy.

This is the truth.

True translation,
(Signed) CHAS. A. SINCLAIR,
Interpreter.

Inclosure 16 in No. 14.

Copy of Survey held on Three Vessels loading with Coolies at Amoy.

Pursuant to an order from E. G. Fishbourne, Esq., Commander of Her Majesty's steam-sloop "Hermes," we, whose names are hereunto subscribed, have held a strict survey on the several vessels undermentioned, contrasting them with a vessel equipped under the Passengers Act, on the points stated in the heading of the several columns.

Name of Vessel.	Dimensions of Vessel, in Tons.	Passengers' Space, in Feet.	Number of Passengers allowed to be conveyed under the Act.	If Passengers' Decks are part of the permanent structure of the Vessel, and of adequate strength.	Dimensions of Berths and number of Tiers on each Passenger-Deck.	Quantity of Hospital Space.	Number of Boats, &c.	Number of Men (Natives).	Dietary Scale per week per Adult.	Whether they have Interpreters, and how many.	Whether they have a Qualified Medical Man.
Required by Passengers Act	600	4,500	300	Yes	2	120 in 8 berths	1 long-boat 1 life-boat 2 other boats 2 life-buoys	26	3 quarts of water, daily; 2½ pounds of bread or biscuit; 1 pound of flour; 6 pounds of oatmeal; 2 pounds of rice; ½ pound of sugar; 2 ozs. of tea, or 4 ozs. of cocoa or coffee; 2 ozs. of salt.	2 speaking Chinese and English	Yes.
Sir Thomas Gresham ..	594	2,990	199	Yes	None	108 in 8 berths	1 long-boat 1 life-boat 2 other boats 2 life-buoys	14 Europeans and 7 foreigners	3 quarts of water, daily. Other dietary not known at present	One	No.
Columbus ..	467	2,579	171	Yes	None	80 in 8 berths	1 long-boat 3 other boats No life-buoy	18 Europeans, 1 Chinese	Not known at present	One	Yes.
Spartan ..	364	2,300	153	Yes	None	86, no berths	1 long-boat 3 other boats 1 life-buoy	17 Europeans	3 quarts of water, daily; 10½ pounds of rice, weekly; 1½ pounds of beef, preserved meats, or fish	One	No.

(From the Captain's information, the last four columns.)

And we certify as to the correctness and accuracy of our report.

Dated on board Her Majesty's steam-sloop "Salamander," Amoy, December 18, 1852.

(Signed)

J. G. ELLMAN, Commander.

E. GARDINER FISHBOURNE, Commander, Her Majesty's steam-sloop "Hermes," and Senior Officer present.

(Signed)

C. H. SMITH, Acting Lieutenant,

D. H. WILDER, Master,

WM. OAVEY, Acting Carpenter;

H.M.S. "Salamander."

No. 15.

The Earl of Clarendon to Sir George Bonham.

Sir,

Foreign Office, February 24, 1853.

I HAVE had under my consideration the particulars respecting the riot which took place at Amoy between the 21st and 24th of November last, detailed in Dr. Bowring's despatch of the 26th of December; and I have to acquaint you that I entirely approve of Dr. Bowring's conduct in despatching Her Majesty's ship "Hermes" to Amoy, and in sending to that place Mr. Harvey, the Secretary and Registrar in the Superintendency, for the purpose of investigating the causes of the riot.

Mr. Harvey appears to have displayed great judgment in executing the commission which was entrusted to him, and he has made a report which exhibits much ability.

I cannot close this despatch without strongly expressing the disapprobation with which Her Majesty's Government view the conduct of Mr. Syme and other British subjects at Amoy, with reference to the emigration of Chinese coolies, as set forth in the minutes of the inquiry inclosed in Dr. Bowring's despatch. Those persons have brought disgrace on the British name, and have endangered British interests in China.

I am, &c.
(Signed) CLARENDON.

No. 16.

Dr. Bowring to the Earl of Malmesbury.—(Received March 2.)

My Lord,

Hong Kong, January 5, 1853.

IN reference to my despatch of 24th December, per last mail, by which I expressed my intention of submitting to your Lordship some observations on coolie emigration from this country, I now beg leave to resume a topic to which the sad occurrences at Amoy, not wholly unanticipated by me, have given additional interest.

The coolie emigration may be divided into two categories, that which takes place at the five ports where by Treaty we have a right to trade, and that which is carried on from ports and places where we have no right, and where trading must be deemed a distinct infraction of Article IV of the supplementary Treaty with China.

Vessels lading with coolies may be considered under three classes: British vessels conveying coolies to British colonies; foreign vessels conveying coolies to British colonies; foreign vessels conveying coolies to foreign countries or colonies.

Under each of these divisions I purpose to make a few remarks.

Any considerable inquiry for coolies, any competition for obtaining them, indeed, any demand for a single human being beyond the spontaneous supply of volunteers, will in China lead to abuses. Such are the venality and profligacy of public officers, such the passion for gain among multitudes of the people, that the coolie trade will inevitably be associated with irregularities and cruelties. Let it only be understood that men are wanted and they will be obtained, obtained by collusions, crimpings, frauds, falsehoods, violences, understandings with the Mandarins, and the abominations will of course be maximized where authority is most feeble and the demand most active.

The opium stations were early fixed upon as convenient places for the shipment of coolies. A large force is always there; a system of non-interference has become a usage and almost a necessity. No authority is present to check any amount of misdoings; and Cumsingmoon, the opium station which supplies the Canton demand and that of the districts to the west of Canton, has, next to Amoy, become one of the principal places of shipment. Since the disturbances at Amoy, Namoa, another opium station, has furnished two cargoes of coolies, one for Demerara and the other for Australia, and preparations are making there, I am informed, for the erection of barracoons and for carrying

on the coolie-trade on a very extensive scale. I have reason to know that the great opium houses are somewhat alarmed by the adjacency of these coolie depôts, and that the opium vessels at Namoa are ordered to quit the neighbourhood of these coolie congregations: I cannot conceal from your Lordship my apprehension that the gathering together, under the existing circumstances, of coolies in these remote places, may lead to immense evils, to robbery and bloodshed on a large scale.

As regards shipments from places where trade is absolutely interdicted by Treaty, Her Majesty's Government may have to consider how far the principle laid down in your Lordship's despatch of the 20th October, is to be observed as regards localities. It is true the Chinese do not enforce their own laws as to emigration, and it is quite intelligible that not doing so when they are able, we can hardly be blamed for conveying emigrants to our colonies, and taking steps for their protection and comfort. But as regards shipments of coolies from places where the Chinese authorities are wholly helpless, from places where we have pledged ourselves that Her Majesty's subjects shall not trade, and that British ships shall not load or discharge, shall we, ought we, to extend the opium indulgence to another species of traffic, wholly unprotected by the guarantees which the wealth, position, and high character of the great opium houses offer? As regards British ships loading or discharging at unlawful places, it appears to me that Her Majesty's Government possesses ample and plenary power, should it see fit to exercise it. Then comes the objection so loudly and so constantly heard, "If you prohibit British ships and British merchants, you merely transfer a valuable trade to foreign vessels and foreign adventurers." The argument would justify any profitable abominations permitted by the laws of one nation and prohibited by the laws of another. But if Her Majesty's Government, having Treaties of Amity and Commerce with China, saw fit distinctly to prohibit all trading with illegal places, it would clearly have an absolute right to demand from the Chinese Government that nations having no Treaty whatever should not be allowed to enjoy benefits from which we are excluded; and might it not be a question whether the Chinese Government, in consideration of its own weakness, is not entitled to expect us to assist them in maintaining their authority, in the assertion of the principle that no other nation shall be allowed to enjoy privileges in China which are denied to us? This indeed opens a vast question as to whether the non-observance of the Treaty on the part of the Chinese, be it from ill-will or weakness, may not sanction our seeking other ports than those which are now legally accessible to us. The only Governments in the same position with ourselves, as having Treaties with China, are those of the United States and France. The United States want no coolies, and the Chinese emigration to California is now almost wholly confined to independent emigrants who pay their own passage money, and are in a condition to look to their own arrangements. A French merchant-ship is seldom seen in these seas, and I do not imagine the special interests of either the United States or of France would be any impediment to friendly arrangements, in order to protect the common interests of peace, commerce, and humanity. As regards our own colonies, whether the importation of coolies ought to be permitted from places where it is illegal for Her Majesty's subjects to trade, may be a grave question for the consideration of Her Majesty's Government.

With respect to the legal ports, Amoy and Canton are at present the only two from whence any supply of coolies can be expected. There can be little doubt if the same state of things had existed in Canton which led to the late disturbances at Amoy; if the people of Canton suspected that foreign merchants employed crimps to inveigle and seduce, or, still worse, to kidnap the inhabitants, that the factories would be burnt down and foreigners exposed to extreme danger. I do not think the shipment of coolies by any means safe from Whampoa, where a cargo has just left for Trinidad (of whose condition the Emigration Agent reports very favourably), but the power of the Mandarins in Canton is great enough to be some security against abuse, and a prohibition would immediately follow any peril to the public peace.

While the premium paid on coolies continues at anything like its present rate, no Consular authority, no interference of any emigration agent, will make the trade anything but one of great irregularity and abuses. Coolies will be seduced by falsehoods—kept by violence; ships will be exposed to great danger from the revolt of deceived coolies, who, unaccompanied by interpreters (for I

am sorry to say there are few instances in which any person is to be found on board the emigrant ships who can state their wants or explain their grievances), have, in a great many instances, subscribed engagements, under the pressure of extreme want, and often in ignorance of their meaning. One of the most common methods of obtaining coolies is to make them some small advance in food, clothes, or money, which being unable to repay, they become pawned to the creditor, who is probably the crimp himself, or some of his agents. I do not believe the foreign coolie merchants are directly cognizant of, or would be willing to authorize, the inevitable iniquities of the system. They examine, or cause to be examined, the physical condition of the men whom the crimps and coolie brokers have gathered together. The profits are large, and no sagacious merchant would jeopardize them by directly sanctioning gross outrages against honour and honesty; but the instruments he is compelled to use are of the vilest character; they are almost wholly Cantonese men (among whom will be always found the vagabonds most notorious for insubordination and recklessness), uncontrolled by the public opinion of the locality, in which they are mostly strangers.

An hour's successful hunt—for they are paid, I am told, at the rate of 3 dollars per man—may give them more profit than they could obtain from a month of honest labour. Even, therefore, as regards British ships bound to British colonies, and departing from legal ports, it appears to me desirable that a rigorous investigation should take place, on the arrival of the emigrants' ship, into the circumstances under which they have been engaged; and I mentioned in my despatch dated the 1st of October, that the house of Turner and Co., which I understand has the Trinidad contract for coolies, had, in apprehension of the revolt of the emigrants, applied to me for military force to be employed against them, should any rising take place on board.

Nothing is, withal, more likely to assist a voluntary future emigration than a knowledge in China of the fact that the emigrants are transferred to countries where justice is strictly administered, rights protected, and wrongs punished. And with a view to this, the return of some Chinese emigrants to their country, who should report favourably of the prospects of agricultural labourers in our colonies, would be of the highest importance. The exportation of Chinese women, unless absolutely bought as slaves, is out of the question; so that nothing but a succession of emigrants will keep up the supply of labour.

If foreign ships convey emigrants to British colonies, it is clear no sufficient protection can be given to the coolies, either before their embarkation or during the outward passage. Interference is a matter of much delicacy and difficulty; for though I have little doubt, were the facts accessible and the proofs at hand, that many of the proceedings in China come under the provisions, and would subject the malfesants to the penalties of the Slave Trade Acts, I cannot shut my eyes to the impracticability—the impossibility rather, of furnishing judicial proofs; and the embarrassments of the question would be greatly augmented by the general worthlessness of Chinese testimony, as my experience leads me to the sad conclusion that the securities for veracity in any of the grades of society in China are weak and few.

But the field where the amount of misery and misdoing in connexion with Chinese emigration will be by far the widest, is where foreign agents and foreign ships are employed in collecting and conveying Chinamen to foreign countries and colonies. There is every reason to fear that iniquities scarcely exceeded by those practised on the African coast and on the African middle passage, have not been wanting. The statements which have reached China of the condition of the coolies in the Guano Islands—the reported sale of coolies in the public market-places of Peru—the deceits practised in order to obtain labourers for the railways of the Isthmus of Darien, are rather subjects of general conversation than of official cognizance. I cannot, however, but think that there may be serious dangers, not yet developed, in these inconsiderate transfers of such multitudes of Chinamen to distant lands. In a conversation with Mr. Wardrop, who has a contract for conveying 8,000 coolies to Cuba, I ventured to ask him whether it had not occurred to the Spanish Government that the settlement of so many thousands of Chinamen in that island, in its present condition, might be an element of no small peril should the spirit of insurrection spread. I reported to your Lordship in my despatch of October 1, some of the arrangements by which the Chinese are kept in a state of discipline and obedience in the

island of Java; without such arrangement their presence would be a source of habitual anxiety and alarm to the authorities. I am told that Mr. Wardrop has returned to Europe with views somewhat changed as to the facilities with which vast supplies of labour are to be obtained from China; and I suspect Mr. White, now nominated the Government Emigration Agent, and whose primary duty I now conceive to be that of the protection of the coolies, perceives much more difficulty in the honest discharge of his mission than he had before anticipated before the reckless rush of coolie collectors in China had so interfered with that over-supply of agricultural labourers which might have been profitably and even benevolently turned to account.

Whether, or when, matters will revert to a state in which the superfluous labour of China can be safely and properly diverted to the demands of Her Majesty's colonies, must depend upon the development of events. I have thought it my duty to communicate the facts within my knowledge to Her Majesty's Government, hoping that in the painful and often embarrassing position in which Her Majesty's servants are placed in this country, and looking to the immense interests involved in the trade with China, we may be favoured with such instructions for our guidance as the circumstances of the case allow. I understand from Mr. White that he proposes to confine his action to the colony of Hong Kong, where, of course, more ample powers of inspection and control exist than in any portion of the dominions of China.

I have, &c.
(Signed) JOHN BOWRING.

No. 17.

Dr. Bowring to the Earl of Malmesbury.—(Received March 2.)

(Extract.)

Hong Kong, January 6, 1853.

IN continuation of my despatch dated 27th ultimo, concerning the disastrous events at Amoy, I have now to forward to your Lordship copy of Commander Fishbourne's (of Her Majesty's steamer "Hermes") report to the naval senior officer in China, which has been communicated to me by Captain Massie, and of my acknowledgment thereof. I likewise inclose copy of my letter to Captain Massie respecting the services rendered by Mr. Ley during the investigation at Amoy.

I beg also to transmit copy of my despatch to Mr. Acting-Consul Backhouse, dated 29th December, by which your Lordship will perceive I have expressed a strong opinion as to the impropriety, which I regret to say has become almost habitual in that port, of allowing the merchants to communicate directly with the Chinese functionaries, thus setting aside and superseding that Consular authority which it is of the highest importance to maintain, and through which alone do the Treaties provide for access to the mandarins.

It is only from the report of Mr. Secretary Harvey that I have heard of the claim of 5,000 dollars, put forward by Mr. Vallancey, chief officer of the "Australia," which vessel was taking in coolies at Amoy and afterwards at Namoa; but I have received four several applications from the widow, the mother, and brothers of four persons who were shot by the marines of Her Majesty's steam-sloop "Salamander," and who are stated to have taken no part in the disturbances. I forward to your Lordship translations of these four petitions, respecting which I have no communication from Mr. Backhouse, and have therefore come to no determination as to the course I shall take in the matter. But I have instructed Mr. Backhouse, in co-operation with the authorities, to distribute the amount of the fines levied on Messrs. Syme and Cornabé (being 220 dollars) among the families of the sufferers.

Inclosure 1 in No. 17.

Commander Fishbourne to Captain Massie.

Sir,

"Hermes," Hong Kong, December 21, 1852.

IN obedience to your orders, I proceeded to Amoy and complied with his Excellency's expressed wish that I, in conjunction with Mr. F. Harvey, Secretary to Superintendent, should assist Mr. Consul Backhouse in inquiring into the causes of the late disturbances there.

2. After a careful and extended investigation (yet not without the usual obloquy where there is anything to conceal or defend, that it was all on the one side when in reality it was all on the other), I have come to the conclusion that the immediate cause of the disturbance was the illegal visit of Mr. Syme to the police-office, and the general cause the injustice of the coolie emigration as conducted.

3. Our national character has suffered in the estimation of the Chinese; for the written guarantee of Consul or naval captain that the liberty of witnesses should be respected, conveyed no assurance to the Chinese authorities or their employés.

4. Nothing could divest their minds of the idea that we wished to get the police officer and soldiers who were at the police-office when Mr. Syme presented himself, to the Consulate, that we might seize and carry them to Hong Kong; indeed, so great were their apprehensions, that they would not allow myself and the interpreter to visit these witnesses at the colonel's, to take their evidence, and consequently the evidence is one-sided for want of their testimony; yet their statements, as drawn from the report of the Hae-fang, so interlaces with the confession of the defendants, as to leave no doubt as to their substantial correctness, and leaves no grounds for justification of the conduct of the defendants generally: and if the coolie-broker whose evidence was taken before the mandarin previous to his death, the result of his punishment and treatment by the people, together, be also taken, and the fact of his being found in Mr. Syme's house so soon after the riot of the 21st, seems to show the correctness of this statement, and that if he were not actually, he was practically, released by Mr. Syme, thus establishing a connection between the riot of the 21st and 24th, so far from the evidence being one-sided in the sense that some of the merchants and others would say, viz., in its bearing more hard on them than is due, I believe no dispassionate man but will say that it is impossible that an apathetic population more likely to ask, "Am I my brother's keeper? then avenge a brother's wrong," could have been stirred to their very depths, unless still greater wrongs had been done them than appears by the evidence to have been.

5. For some few months the public mind, which has been festering under the accumulated wrongs perpetrated by savage Chinese coolie-brokers, with whom their employers were associated in the Chinese mind, to satisfy the inordinate demand for coolies, was at last brought up to the point of revolt by the illegal interference of Mr. Syme to stay the course of justice undertaken by the authorities at the instance of an indignant and outraged people.

6. Defeated in their legal remedy by the rescue of the obnoxious coolie-broker, who on his escape found his way to the premises of Mr. Syme, when he was found they determined to take the law into their own hands and right themselves.

7. Various meetings were held by the respectable inhabitants, at which attacking the English hong, the ships, and other extreme measures, were proposed, but all rejected because it would be against their own interest, as the sacking of the Chinese hong would follow upon that of the English, and though it were not so, their triumph would be short-lived, as steamers would be up from Hong Kong to revenge any attack upon British persons or property; and thus it would appear the navy tends to perpetuate practices at which every right-minded Englishman revolts.

8. Meanwhile the rabble, watching the progress of events, were assembling from the surrounding country to avail themselves of the first opportunity to plunder, seized upon the occasion of the respectable people assembling to demand of Mr. Syme the obnoxious coolie-broker, to make their attack; and in selecting the coolie-shed which offered so little to tempt their cupidity, I cannot

but believe, notwithstanding the opinions which have been given to the contrary, they marked their detestation of the system as conducted, by partially demolishing it and liberating its inmates: there were many in it before the riot, but not one immediately after.

9. On the giving up of the coolie-broker, I am assured the greater part of the respectable portion retired; the rabble, however, were not to be dispersed till after several had been killed and wounded, and though the riot was suppressed, I am informed an unwonted irritability and rudeness still remains.

10. On asking a missionary, a calm disinterested man evidently under a sense of responsibility to speak the truth, very recently about the state of public feeling, he said the irritation had much subsided; but I cannot answer for what is below the surface.

11. Mr. Syme has been fined, as also his clerk, for a breach of treaty, and I cannot but think he ought to be tried for misprision, if he were not prosecuted under the 2nd clause of 6 & 7 Victoria, cap. 98, of the Slave Act; and Mr. Tait's house has been warned against breach of treaty, and against permitting misprision by their servants.

12. Mr. Syme, I understand, is to be ordered to remove his coolie-shed away from the English hong. This I think ought to be done, as it is a nuisance, and as an offence and focus of discontent endangers the lives and properties of British subjects.

13. It is now practically under the protection of the men-of-war; remove it away from British property, and we should have some guarantee against the injustice said to have been perpetrated in it.

14. How far this will succeed in remedying the evils, I cannot say; but I have little hopes, as I find the moral perception of so many in this trade to be so much impaired that they are unable to see they are violating law as well as the commonest moralities.

15. Thus they argue that if they take one of these poor people into their sheds or ships, and feed him for a time, they have a right over him, in virtue of which they may keep him in confinement against his will, and this irrespective of the character of antecedent transactions. Let this claim of theirs be granted, and then they are justified in expatriating them against their will; and they violate neither law nor morality, if they only offer them a contract (fair in their own estimation) to sign previous to sailing: for the evidence goes to show that these contracts are not signed till the coolies are embarked on board the emigrant ship.

16. Admit this right, and the fact of a man not being a free agent at the time of executing a contract does not affect its validity.

17. Strange to say that these gentlemen, though they complain of some of the coolies as being dishonest in leaving their establishments after being fed for a short time, do not hesitate to avail themselves of the circumstances of the dishonesty of some of their neighbours' coolies, by accepting them at once into their establishments, on their being brought there, though they should have their neighbour's mark on them.

18. The impression on my mind from all I could learn of the manner in which the earlier steps are conducted is this.

19. The houses have coolie-brokers, to whom they give so much a-head for each man accepted, and they may employ others; these go out into the country and induce men by various means to come down to Amoy, some by fair promises (in the estimation of some), others by false; few, I venture to say, have had the terms of the contract explained till they have placed themselves under an obligation.

20. These coming to Amoy are taken away from all means of support, and having no means of support for their return, should they so determine, have no alternative but to accept the terms offered or starve. Many of them who come down under these circumstances after examination are found to be physically defective, and are rejected and turned adrift to die in the streets. Mr. Harvey and myself saw one, and one of the officers of this ship saw another, and I was told of several others during our short stay of seven days.

21. It was in vain to argue with these gentlemen, that a moral obligation lay upon them to return these poor creatures to their country, as well as feed the others, and not attempt to hold them by a fictitious claim.

22. On my previous visit to Amoy I saw a man escaping from what I now

learn to have been Mr. Syme's sheds; he was chased by a set of barbarous harpies who seized him by the tail, arms, and legs, as if he had been a wild animal. One savage was about to strike him over the head with a two-handed stick, when I begged Mr. Jackson, who spoke Chinese, to call on him to desist; thus far he did, but he then took deliberate aim for his arm, as if to paralyze his exertions, for he was struggling to escape, but as the others hurried him past, he merely struck him on the back; they then carried him off to Mr. Syme's shed. I do not think there is any approach even to this brutality in the establishments of Mr. Jackson or Messrs. Tait and Co.

23. On the last day of the inquiry, Mr. Syme, as being the only one whose conduct had been impugned, and that had not an opportunity given him of explaining, or producing rebutting evidence, was called up and told the substance of the evidence against him, and asked if he wished to do so; he said not. The evils of his manner of conducting business were then dwelt on—the evil to his own interest; to the trade; the peril to life and property; the fact that the deaths on the 24th arose out of his improper conduct was also dwelt on, and we had hoped with effect: but his defiant bearing in the Consulate Court; his conducting his case as if it were a mob riot case; no softening at the thoughts of the deaths; no serious thoughts that his coolie broker was then in *articulo mortis*; dispelled all such hopes, and left no impression but that life and property would continue insecure; if he did not eventually embroil the two countries, he would effectually destroy all friendly relations between our people and the Chinese at Amoy.

24. I may here answer the argument advanced against any restrictions to prevent the evils complained of, that it would drive the trade into other and less humane hands. If it did, justice demands and our merchants merit it for betraying their trust; but it is most improbable the members of any nation would dare demean themselves in the manner ours have done, since they have no such power as ours have to give them countenance, and therefore no nation could reap the undue profits which ours do.

25. As to the interference of the officers and men of Her Majesty's steam-sloop "Salamander," it is quite evident that they did not interfere one minute too soon to stay the progress of general plunder—if nothing worse; and they exercised a forbearance in the use of their fire-arms quite commendable. The Hae-fang complained of the deaths of the men killed in the affray; but I told him it was done in self-defence, and the populace had to blame themselves for attempting to take the law into their own hands, since the Treaties had made provision for the redress of all grievances.

26. I visited Namoa, or more properly the anchorage in the Shan-tow or Swa-tow river; but there were no vessels except the opium vessels; two, however, had been there, and they took about 500 coolies.

27. I was informed by Mr. Gerard, of Dent and Co.'s house, that there were no coolie brokers; that the coolies flock down in numbers to go, with the consent of the mandarins; and that it was necessary to have coolie sheds. He further said, that frequently in his walks he was accosted by men anxious to emigrate, and indeed we had not arrived many minutes when two men came off and offered themselves to us.

28. They appeared to be a much better description of people, and Captain Gerard said there was not nearly so much disease amongst them as amongst those at Amoy, and that they were quite astonished at the amount of provisions provided for them.

29. I have to thank Mr. Thomas J. Ley, my clerk, for assistance in taking the minutes, and take this opportunity of stating that his conduct has always been most exemplary and efficient.

30. Her Majesty's steam-sloop has been under steam 111 hours, and used 105 tons of coal and $14\frac{1}{2}$ of fire-wood.

I have, &c.
(Signed) E. GARDINER FISHBOURNE.

Commander Fishbourne to Captain Massie.

Sir,

"Hermes," Amoy, December 15, 1852.

YESTERDAY, I, accompanied by Mr. Sinclair, the interpreter to the Consulate at Amoy, called on the Hae-fang at the request of his Excellency the Superintendent of Trade, to assure him that Her Majesty's Government were anxious to put a stop to those illegal acts of British subjects that had, or were said to have, led to the unseemly conflicts of the 21st and 24th of November last.

He received me with every mark of respect, and begged to assure me that our Government could not be more anxious for peace and amity than his was; but that these conflicts arose from the improper conduct of individuals of our nation, and expressed a wish that they might be restrained, and complained of the conduct of Mr. Syme in, as he alleged, rescuing a coolie broker from the Chinese authorities, who was under punishment for breach of Chinese law, as that which led to the disturbances of the 21st and 24th; and further, of the conduct of Messrs. Syme and Tait in sending cards to him, or other Chinese authorities, demanding the release of coolie brokers, as their servants, when in reality they were not their servants, but Chinese under punishment by their own authorities for violation of law: I said that such conduct occurring a second time was his own fault, since had he applied to the Consul on the first occasion, as it was contrary to an express provision of the existing Treaties, they would have been punished.

I asked to see the coolie broker who was said to have been rescued by Mr. Syme, with a view to elicit something concerning the riot of the 21st and 24th; but on his being produced he was so frightened, and in such a miserably emaciated condition from the punishment he had received from the authorities and the ill treatment of the populace, I did not deem it useful, and scarcely practicable, to cross-question him.

I told him it would be proper that he should send the police mandarin and the soldiers that were present on the occasion of Mr. Syme's visit, to the Consulate to give evidence; he stated that he was fully aware of the propriety, but that as they were under the military mandarin, he could only apply to him to have them sent.

This morning he sent to the Consulate to say that the military mandarin could not comply with the request, as the officer and the soldiers were away from Amoy.

I then asked him if it were not possible for him to direct a minor mandarin to visit the coolie sheds and ships, to ascertain if any were in confinement or being expatriated against their will; he said, certainly not, as to regulate would be to recognize the propriety of emigration, which was contrary to Chinese law, and asked that our merchants should be prevented from encouraging more to emigrate: I said that we did not prevent men from emigrating from our country if they were so disposed, and that we could not prevent Chinese from doing so; all we could do would be, to prevent English subjects from sending Chinese subjects out of their country against their will, but that to do this effectually we must be informed by the Chinese authorities of any such circumstance.

He complained of the lives of four innocent men being taken; I said this was an accident, as respected one or two, but our people were not responsible since the shots were fired in self-defence against a mob who had met for an illegal purpose, who were met to take the law into their own hands, when they should have applied to their authorities to apply to our Consul, who would have taken steps to have the evil they complained of remedied.

He further said, that they were determined to put a stop to emigration, and would punish severely any coolie broker found enticing the people away.

I have, &c.

(Signed)

E. GARDINER FISHBOURNE.

Inclosure 2 in No. 17.

Dr. Bowring to Captain Massie.

Sir,

Hong Kong, December 30, 1852.

I HAVE to thank you for a copy of Commander Fishbourne's report to you on the distressing occurrences which have taken place at Amoy, and which led to the visit of Her Majesty's steam-sloop "Hermes" to that port.

It is with much satisfaction that I send to you the inclosed extract from Mr. Secretary Harvey's report to me, bearing testimony to the valuable services rendered by Commander Fishbourne on this occasion, and I beg you to convey to that officer an expression of the high sense I entertain of these services and of the co-operation which his zeal and ability brought to this painful investigation.

I have, &c.

(Signed) JOHN BOWRING.

Inclosure 3 in No. 17.

Dr. Bowring to Captain Massie.

Sir,

Hong Kong, December 29, 1852.

I HAVE much pleasure in conveying to you extract of the report of Mr. Secretary Harvey, expressing a strong sense of the services rendered by Mr. Ley, of Her Majesty's steam-sloop "Hermes," during the laborious inquiry into the disastrous occurrences which took place at Amoy, and generally into the subject of coolie emigration. I shall be gratified by your conveying to Mr. Ley the expression of my thanks, and if you think his services entitle him to be mentioned in your official despatches.

I have, &c.

(Signed) JOHN BOWRING.

Inclosure 4 in No. 17.

Dr. Bowring to Vice-Consul Backhouse.

Sir,

Hong Kong, December 29, 1852.

I HAVE delayed answering your despatch dated 18th instant, reporting the proceedings against Mr. Syme and Mr. Cornabé, until I could read the whole of the depositions and give the subject, which has been to me one of much anxiety and distress, such mature consideration as would enable me to lay down rules for your future conduct in the painful and very responsible situation you now occupy. As regards the proceedings of the Consular Court, I confirm the sentence you have pronounced, and the fines inflicted of 200 dollars on Mr. Syme and 20 dollars on Mr. Cornabé.

It appears to me that one of the primary sources of mischief, and of the abuses which have taken place, is traceable to the fact that merchants have been in the habit of disregarding and superseding your authority, and have established independently of the Consulate direct intercourse with the mandarins. I beg your attention to the distinct and unmistakeable provision of Article XIII of the General Regulations of Trade, which I insert at length:

"Whenever a British subject has reason to complain of a Chinese, he must first proceed to the Consulate and state his grievance; the Consul will thereupon inquire into the merits of the case, and do his utmost to arrange it amicably. In like manner if a Chinese have reason to complain of a British subject, he shall no less listen to his complaint, and endeavour to settle it in a friendly manner. If an English merchant have occasion to address the Chinese authorities, he shall send such address through the Consul, who will see that the language is becoming; and, if otherwise, will direct it to be changed, or will refuse to convey the address. If unfortunately any disputes take place of such a nature that the Consul cannot arrange them amicably, then he shall request the

assistance of a Chinese officer, that they may together examine into the merits of the case, and decide it equitably. Regarding the punishment of English criminals, the English Government will enact the laws necessary to attain that end, and the Consul will be empowered to put them in force; and regarding the punishment of Chinese criminals, these will be tried and punished by their own laws, in the way provided for by the correspondence which took place at Nankin after the concluding of the peace."

I desire therefore that you should request the Chinese authorities, if, in disregard and defiance of this Article, British subjects shall trouble them with their applications, to refer such applicants to you, as alone entitled to be the channel of communication; and you will, moreover, call the attention of the British community to the provisions of Article XIII, which you are required strictly to enforce by punishing its infraction.

As regards your right to abstract the subjects of China from the authority of their own tribunals and authorities, I beg to refer you to the circular of Sir George Bonham, dated 11th April, 1850, which conveys distinct instructions for your guidance.

It has been decided by the Crown lawyers that we have no right to interfere with the legal authority which the Chinese Government exercises over its own subjects; but if any case should occur in which a Chinese subject, having committed no offence, should be demanded of you for purposes purely vexatious, and you should decline to deliver him up when demanded by the Chinese authorities, you will then, in justification of your deviation from the general principles, report the circumstance in detail to me, and state to the Chinese officials that you have done so; but you are to exercise extreme caution in swerving from the rule laid down.

It has come to my knowledge (not officially) that assaults, sometimes of a brutal character, have been committed upon Chinese subjects by subjects of Her Britannic Majesty. If you shall have knowledge of such misdoings, they must not be passed over unnoticed; for if, on the one hand, we call upon the Chinese authorities to punish their people for their offences against British persons and property, it is equally our duty to see that no outrages committed upon the subjects of China go unpunished, of which proper evidence is brought before the Consulates; and as you are armed with the powers of summary jurisdiction, you have the means of enforcing the obligations of Treaties in this particular, and causing the law to be respected.

I have received four petitions from Amoy, calling on my interference in the case of innocent persons who lost their lives from the firing of the marines on the 24th November,—two from brothers, one from the widow, the fourth from the mother of persons shot.

The petitioners all state that they have applied to you for redress; but as this very grave matter is not referred to in your despatches, I wait the receipt of such information as you may have to communicate. I am also informed by Mr. Secretary Harvey that a British subject has called upon your interference to demand a large sum from the Chinese authorities on account of injuries done him by the mob, on which I am also without advices from you.

With reference to the fines of 200 dollars and 20 dollars, levied on Mr. Syme and Mr. Cornabé, you will, in consultation with the Chinese authorities as to the repartition, distribute the amount among the families of any innocent persons who have suffered from the unfortunate events with which the infliction of those fines is associated.

I have, &c.
(Signed) JOHN BOWRING.

Inclosure 5 in No. 17.

Petition of Læe Chinse.

PETITION of Læe Chinse, a Chinese woman, resident at Amoy, in the matter of her husband, causelessly implicated and murdered.

There is here a native of Canton, one Loo Kwanghung, who, originally a menial of the lowest class, has raised himself by his vile and selfish conduct to considerable wealth, and who avails himself of his riches and influence to an

extent unparalleled. This man came to Amoy as a purchaser of human beings on account of your honourable merchants the Ho-ke store (Messrs. Syme and Co.), with a view to shipping them to England for mercenary purposes. On the 10th day of the 10th month of this year (November 21st), this trade in men became the occasion of a disturbance, and Loo-kwang-hung, by releasing a broker, threw the whole town into such a ferment that the business of the place was at a standstill for three whole days. On the 13th day (November 24th), while petitioner's husband, Lae Ho, was engaged in carrying some fuel to a relative, a discharge of fire-arms suddenly took place from Messrs. Syme and Co.'s hong, which killed four men, her husband included, two iron bullets having entered and pierced his throat and left loin, so that he died instantly. Information was lodged with the authorities forthwith, whereupon the Sub-Prefect proceeded in concert with your Honourable Consul to make examination, and found the fact to be as reported, notwithstanding which nothing has up to this date been done by way of redress.

The petitioner, in her pitiably widowed condition, has therefore no resource left her but hastily to detail her case, and with tears to invoke his British Excellency, and entreat him in justice to call upon the Viceroy of Fuhkien and Chekeang to bring the guilty parties to trial and punishment; to pray him likewise, in condescending pity to a human being, though to him a foreigner, and in gracious consideration of the innocence of the unfortunate sufferer, to cause the said Loo-kwang-hung to be searched for at and summoned out of Messrs. Syme and Co.'s store, to stand his trial and pay the lawful penalty.

The petitioner feels bound further to state, that she yesterday addressed a petition of complaint to your Honourable Consul, but has received nothing in reply thereto.

Heenfung, 2nd year, 11th month, — day.
(December 1852.)

True translation,
(Signed) W. H. MEDHURST,
Chinese Secretary.

Inclosure 6 in No. 17.

Petition of Kwo Chin She.

THE petitioner, Kwo Chin She, a Chinese woman, living at Amoy,—in the case of an innocent person being deprived of life through the means of an English merchant, and traitors belonging to Canton,—prays that the offenders may be punished, and forfeit taken for the lost life.

The Canton traitor, named A-gan, otherwise Loo-kwang-hung, still employed in the Ho-ke hong (Messrs. Syme and Co.'s), having entered into combination with the kidnapping brokers Lin Hwan and others, for the purpose of treacherously enticing away harmless people, imposing upon the English merchants, in consequence of which it occurred that last month the trade was stopped for three days; on the 13th day of the said month the friends and relatives of the kidnapped people came together in a mass, and clamorously demanded their deliverance. Who could have supposed that thereupon Loo-kwang-hung and the others would head a party of English soldiers, together with their own accomplices in the house, and fire volleys of musketry? Your petitioner's son, Kwo Ching, was passing at the back of the Ho-ke hong, when he was struck by shot and killed. Your petitioner having made her complaint, the Sub-Prefect (magistrate of Amoy) communicated with the English Consul, and they together examined the wounds; but unless the perpetrators of the act are punished, your petitioner being in poverty, her son shot without cause, and a widow, will have none on whom to depend for support; she therefore details the circumstances of the case, and with tears calls upon the English Great Officer, praying that he will address the Governor-General of Canton and Fuhkien, in order that the guilty may be brought to justice; and the people of foreign countries being equally with those of our own, the offspring of heaven, that he will compel the English merchants to deliver up Loo-kwang-hung and the others, that according

to law, they may give forfeit for the lost life. Thus your Excellency's grace will be manifested, with respect equally to the living and the dead. She accordingly prays.

A true translation,
(Signed) M. C. MORRISON.

Inclosure 7 in No. 17.

Petition of Le Hien.

THE petitioner, Le-hien, a Chinese subject, in the grave matter of a death caused by gun-shot, prays that stringent measures may be taken to accord justice, and that the due forfeit may be given for the lost life.

It having happened that certain brokers employed by the foreign hong's Teh-ke and Ho-ke (Tait and Co., and Syme and Co.), namely, Loo-kwang-hung and his nephew Loo-chang-piao, Wang-wei-chang, Lin-kin-toan, Lew-shih-new, and others, had entered into combination with the English merchant Syme, for the purpose of kidnapping and selling men in order to enrich themselves, on the 13th day of the last month, through the conduct of the broker Lin-hwan, a great disturbance was produced, and volleys of musketry were fired by the English soldiers, when your petitioner's brother, Le-ko, an innocent person, was struck and killed, a ball having entered his left side, passing downwards. Having represented the case, the Sub-Prefect (magistrate of Amoy) communicated with the English Vice-Consul, and those officers proceeded together to examine and identify the body.

In this grave matter in which the death of a man is concerned, whereby his children are deprived of their parent, if the perpetrators of the offence are not brought to justice the laws will be set at nought. It is only for your petitioner to detail the circumstances and reverently pray that your Excellency, the British Great Officer, will address the Governor-General of Fuhkien and Che-kiang, that he may cause Loo-kwang-hung, Loo-chang-piao and the rest to be brought before his tribunal, and punish them for their crime, according to the laws. Thus dead and living will be tranquillized. Your petitioner so prays.

Heenfung, 2nd year, 11th month. (December 1852.)

A true translation,
(Signed) M. C. MORRISON.

Inclosure 8 in No. 17.

Petition of Chin Sha.

PETITION of Chin Sha, a native of Amoy in the Empire of China, praying for lawful redress in the matter of certain Canton vagabonds protected by British merchants, and unoffending persons killed by the discharge of fire-arms.

The petitioner had a brother named Chin-keang, who supported himself in business at Amoy. On the 10th day of the 10th month (21st of November) the following occurrence took place; a disturbance had arisen in consequence of the proceedings of two natives of Canton, Loo-kwang-hung and his brother Loo-chang-peaon, who are in the employ of Messrs. Syme and Co., a British firm, as contractors for the purchase of human beings with a view to their shipment to England for mercenary purposes: (this is a trade which commenced in the first instance with properly understood bargains agreed to by all parties concerned, but has lately been marked by a system of intimidation and abduction, carried to the length in some instances of plunder and forcible detention). The streets being in a state of ferment, the gentry and mercantile body petitioned the authorities to apprehend a broker named Lin-hwan and others. Loo-kwang-hung, relying upon his unbounded influence, proceeded openly to require the person of the broker that he might set him at liberty, whereupon the whole town stopped business for three days.

On the 13th day (24th of November), while the relatives of the abducted parties were each striving to be foremost in the demand for the production of the broker, and causing a great uproar by reason of their vehemence, the said Loo-kwang-hung by his misrepresentations persuaded your honourable merchants into the belief that the mob were collecting for the purpose of plunder, in consequence of which a volley of musketry was fired which killed four men, the petitioner's brother included, an iron bullet having entered the right side of his back, and struck him dead. Complaint was lodged forthwith with the authorities, and the Sub-Prefect thereupon proceeded in concert with your Honourable Consul to hold an inquest, the result of which was as above related; nothing, however, has since been done towards the punishment of the parties, although a full half month has elapsed.

Happily a convenient opportunity offers for entreating your Excellency to state the case fairly and equitably to the Viceroy of Fuhkien and Chekeang, and to cause the said Loo-kwang-hung and Loo-chang-peon to be delivered over to the Viceroy to stand their trial and pay the lawful penalty, to the comfort and quiet of both the living and the dead.

On the 5th day of this month (December 15th) the petitioner addressed your Honourable Vice-Consul on the subject, but he has not received any reply to his application; he begs therefore that directions may graciously be given to grant him the redress he requires.

Heenfung, 2nd year, 11th month, — day.
(December —, 1852.)

True translation,
(Signed) W. H. MEDHURST,
Chinese Secretary.

No. 18.

Dr. Bowring to the Earl of Malmesbury.—(Received March 2.)

(Extract.)

Hong Kong, January 10, 1853.

I HEAR from good authority that Mr. Tait, who is the largest shipper of coolies from Amoy, and the Consul for several nations, has erected barracoons on the Chinese continent at Swa-Tow, near Namoa, and that he is collecting coolies there, having come to an understanding with the local mandarins to allow them one tael, 6s. 8d., per head for every coolie shipped.

I think it desirable that Her Majesty's Government should be informed of these infractions of Treaty obligations.

No. 19.

Dr. Bowring to the Earl of Malmesbury.—(Received March 15.)

My Lord,

Hong Kong, January 18, 1853.

I HAVE the honour to inclose copy of an interesting despatch dated 11th instant, with its inclosures, from Mr. Officiating-Consul Backhouse, on the subject of coolie emigration from Amoy. I cannot doubt that the mission of Her Majesty's steamer "Hermes," and the investigation of Mr. Secretary Harvey and Commander Fishbourne, have had the happy effect of checking abuses, restoring the public tranquillity, and will tend to the security and extension of the legitimate trade of that important port.

Your Lordship will be prepared by my previous despatches on the subject to consider whether there should be any, or what, interference with a trade which seems, like the opium trade, gradually shifting to places and ports where trading is prohibited by Treaty, where it is placed beyond the reach of official control, and where no doubt the pressure of demand will bring with it the abuses of irregular and fraudulent supply.

I beg to inclose copy of the reply which I have sent to Mr. Acting-Consul Backhouse's despatch.

I have, &c.
(Signed) JOHN BOWRING.

Inclosure 1 in No. 19.

Acting-Consul Backhouse to Dr. Bowring.

Sir,

Amoy, January 11, 1853.

IN continuation of my despatches of the 20th, and 30th, and 27th of November last respectively, relative to coolie emigration and the disturbances arising therefrom, I have now the honour to report to your Excellency that affairs at this port have entirely resumed their former peaceful aspect, and that the foreign residents can, as heretofore, move amongst the native population without danger of molestation or insult.

This may partly be attributable to the main cause of excitement having itself in a great measure disappeared, as well as to the inoffensive disposition of the inhabitants, who were aroused to a display of anger and indignation at the hardships to which they were undoubtedly submitted.

From the inclosed Table, it will be seen that from the date of the late disturbance, November 21st, to the end of the year, only three vessels left this harbour with coolies, and their complement was complete, or very nearly so, when the outbreak occurred, while four have proceeded to Namoa to ship them there. Indeed, scarcely a single coolie is now to be obtained at this place, and I have reason to believe that the local authorities, although they have not moved officially in the matter, have taken means to deter the brokers, by fear of punishment, from the continuance of their malpractices.

There is not at this moment, I believe, one vessel in the harbour loading with coolies, but there are two Spanish and one English vessels which will shortly go to Namoa for that purpose; and there, I understand, coolies are to be obtained in abundance and without any difficulty. At Namoa, therefore, I have little doubt that this traffic will in future be carried on, unless the distrust and animosity of the people are excited by practices similar to those which were adopted at this port.

Amoy still furnishes a few emigrants to Singapore and Sydney, to which places many would flock, of their own accord, were they sure of obtaining a passage to the port for which they ship, the affluence of their countrymen who return hither from those places, and the favourable reports which they circulate, being a sufficient inducement for the poor labourer who can hardly earn a livelihood at home to try the change. A vessel has this day cleared for Singapore, having, besides her cargo, a hundred such passengers on board.

Hitherto the collecting of coolies, or emigrants, as they are termed, has been left entirely in the hands of brokers, who, their sole aim being to enrich themselves, have adopted means the most unscrupulous to that end. Their profits depending upon the numbers procured, they have not failed to do their utmost, by false promises and in other ways, which have at least afforded good foundation for many of the rumours on the subject, to secure as many as possible, and then appropriate to themselves, on the score of defraying expenses, the money, 6 dollars each, which is given to the coolies, as well as a further allowance of 2 dollars per head, given for the purpose of providing proper clothing, while the emigrants learn, perhaps after the vessel is under weigh, that Havana or Demerara is their destination, instead of Singapore or Sydney, as they had been led to suppose.

There is little wonder, then, that mutiny and outrage has been the result, for under such circumstances even the most peaceable and forbearing will be excited to resistance and the endeavour to right their own wrongs; but it is to be hoped that the late example of the errors of the present system, aided by the suggestions of an experienced emigration agent, may tend to the establishment of a better, which shall be to the advantage of all parties concerned.

I have, &c.

(Signed) J. BACKHOUSE.

Inclosure 2 in No. 19.

A TABLE showing the amount of Coolie Emigration from the Port of Amoy between October 12 and December 31, 1852.

Vessel's Name.	Tonnage.	Consignees.	No. of Superficial Feet.	No. of Coolies.	Space for each man.	Quantity of Water.	* Rice.	* Beef, Fish, or Pork, alternately.	Where bound.	Average length of passage.	Date of Departure.
Gertrude ..	605	Syme, Muir, and Co. ..	3,605	350	ft. 10-30	gallons. 49,000	each man. 1½ lb. per diem	each man. ½ lb. per diem	Havana ..	137	Oct. 12
Blenheim ..	808	Tait and Co. ..	4,721	442	10-68	45,000	1½ "	do.	Ditto ..	137	23
Samuel Boddington ..	669	Ditto ..	4,144	352	11-76	40,000	1½ "	do.	Demerara ..	137	Nov. 24
Royal Saxon ..	510	R. Jackson ..	3,136	330	9-50	24,000	1½ "	do.	Sydney ..	60	25
Lady Amhurst ..	446	Syme, Muir, and Co. ..	3,080	275	11-20	38,000	1½ "	do.	Havana ..	137	29

* The above vessels have further been sufficiently supplied with stores of every description, such as potatoes, sugar, oil, tobacco, tea, sulphur, vinegar, &c.

The under-mentioned vessels have proceeded during the above period to Namoa, for the purpose of shipping Coolies at that port.

Vessel's Name.	Tonnage.	Consignees.	Where bound.	Date of Departure.
Inchinnan ..	565	Tait and Co. ..	Namoa ..	November 12
Eleanor Lancaster ..	480	Ditto ..	Ditto ..	" 19
Australia ..	1,170	Ditto ..	Ditto ..	December 6
Sir Thomas Gresham ..	593	Ditto ..	Ditto ..	" 20

(Signed)

J. BACKHOUSE, Vice-Consul in charge.

Inclosure 3 in No. 19.

Dr. Bowring to Acting-Consul Backhouse.

Sir,

Hong Kong, January 18, 1853.

I HAVE received your despatch, dated 11th instant, on the subject of coolie emigration, and am glad to find that there is a restoration of the public tranquillity, and a prospect that the abuses which have been associated with the collection and shipment of emigrants at Amoy will be checked for the future.

You will continue to convey to the Superintendency such information as you can collect on this subject. Her Majesty's Government will be duly informed of what is taking place.

I observe that the emigrant vessels are now proceeding to Namoa. You are aware, no doubt, that Namoa is a port at which Her Majesty's subjects are prohibited from trading, both by Treaty and by Her Majesty's Order in Council of 24th February, 1843, of which I inclose you a copy. You will take especial care, therefore, in no way to sanction or to promise protection to any proceedings of an illegal character; and though, until instructions are received from home, I do not deem it necessary to request your official interference in order to prevent the shipment of coolies from interdicted and illegal ports, you will take care to avoid any steps which may serve to encourage the very questionable proceedings with which the subjects of Her Majesty have been concerned in this matter.

I have, &c.

(Signed) JOHN BOWRING.

No. 20.

The Earl of Clarendon to Sir George Bonham.

(Extract.)

Foreign Office, March 30, 1853.

I HAVE received Dr. Bowring's despatch of the 6th of January, inclosing Commander Fishbourne's Report of his visit to Amoy, and other papers upon the subject of the disturbance which occurred at that place in November last in connection with the emigration of Chinese coolies.

I have already apprized the Board of Admiralty of Mr. Harvey's acknowledgment of the valuable assistance afforded to him by Commander Fishbourne and Mr. Ley in carrying out the instructions with which he was sent to Amoy; and in addition to the approval which I signified to you in my despatch of the 24th of February, of Dr. Bowring's conduct in despatching Mr. Harvey to Amoy, and of Mr. Harvey's proceedings at that place, I have now to acquaint you that I approve of Dr. Bowring having instructed Mr. Vice-Consul Backhouse to take steps for putting a stop to the illegal and very mischievous practice which has been suffered to prevail at Amoy, of direct communication without the intervention of the Consulate between British merchants and the Chinese authorities.

No. 21.

Dr. Bowring to the Earl of Malmesbury.—(Received April 2.)

My Lord,

Hong Kong, February 7, 1853.

REFERRING to my despatch of the 14th ultimo, on the subject of coolie emigration from China, in which I called your Lordship's attention to the position of British ships and British subjects carrying on this trade from ports and places where trade is interdicted by Her Majesty's Orders in Council, and by Treaties with the Chinese Government; I beg to inclose copy of a despatch dated 3rd instant, from Mr. Officiating-Consul Backhouse, as exhibiting some new questions and embarrassments growing out of the existing state of things; and though the settlement of the misunderstanding between the captain and the crew of the "Medina," to which the despatch refers, was perhaps on the whole as satisfactory as could have been anticipated, there can be no doubt that very

many difficulties will continue to present themselves in connection with the emigration of hired labourers from China.

I understand the coolie trade is stopped at Amoy. The interference of the mandarins ; the state of public opinion ; the difficulty of finding emigrants ; all growing out of the abuses to which I have so often referred, have for the present put an end to the export of coolies. But Namoa and its neighbourhood is become the point of collection and shipment ; and Mr. Tait, the principal shipper, has, I understand, directed the removal to Namoa of his receiving-ship, the "Emigrant," of 599 tons burden, employed for the reception and safe keeping of coolies intended for exportation. I beg to repeat that Mr. Tait, a British subject, is Spanish, Dutch, and Portuguese Consul at Amoy.

The United States Commodore informs me that he has directed the United States' flag to be removed from the house of Syme, Muir, and Co., of Amoy, in consequence of their having been engaged in coolie shipments ; a gentleman connected with their house being the Acting United States Consul there.

I observe that the "Clarendon," of whose satisfactory state a report was made to me both by the Emigration Agent and the Acting Consul at Canton, and which left Whampoa for Trinidad on the 30th December, put into Singapore on the 12th January for a supply of wood and water.

Mr. Jackson is now here who provided the "Spartan" with coolies for Australia. They have risen upon the captain and crew, killed the mate, and were escorted into Singapore on the 22nd ultimo. Mr. Jackson informs me that he took every precaution against irregularities and frauds, against which he says it is impossible to guard. The agent for Syme, Muir, and Co., here, says they have abandoned the coolie trade.

I have, &c.
(Signed) JOHN BOWRING.

Inclosure in No. 21.

Acting-Consul Backhouse to Dr. Bowring.

Sir,

Amoy, February 3, 1853.

I HAVE the honour to make the following report to your Excellency of the circumstances of a case which for some days past has occupied my attention. It is now, I trust, finally settled, and I hope in a manner that will meet with your Excellency's approval.

On the 17th ultimo, the British ship "Medina," Sandford, master, having complied with all the regulations of the port, received her papers from this Consulate, and cleared out with the purpose of proceeding to Namoa, there to ship coolies for Havana ; a practice which, I have before had the honour of stating, has of late become general. But on the captain's returning on board his vessel, the crew, or the majority of them, refused to obey his orders to heave up the anchor ; upon which he applied to Commander Ellman, of Her Majesty's steam-sloop "Salamander," for assistance, and an officer, Lieutenant Smith, was sent on board the "Medina" to inquire into the matter. Having summoned the men before him, Lieutenant Smith examined each, separately, as to his grounds for refusing to proceed to sea, and the general complaint was, that the ship was short-handed ; and such Lieutenant Smith considered to be the case. Captain Sandford therefore exerted himself to the utmost to supply the deficiency, and in the course of a few days obtained two or three English sailors and about nine or ten Lascars. The ship being now sufficiently manned, he again prepared to weigh anchor, and gave the necessary orders, which again the crew refused to obey. He thereupon laid a complaint against them at the Consulate for disobedience of orders. I accordingly convened a Court, for the 25th ultimo, requesting the attendance of Commander Ellman and the master of Her Majesty's steam-sloop "Salamander," and a resident British merchant, to sit as assessors.

The general defence of the crew now was, that they had heard the ship was to carry coolies from Namoa to Havana, and in such a case they believed

their lives to be in danger. One or two of their number further endeavoured to establish, as an excuse for their conduct, a charge of cruelty on the part of the captain, but this they entirely failed to substantiate.

That from the tragedies which have been enacted, during the last few years, on board of vessels carrying coolies, they had some ground for their fears, is indisputable; at the same time it cannot be denied that they adopted an unjustifiable method of showing their unwillingness to proceed on such a voyage. The captain of the "Medina," however, having admitted that his object was to proceed to Namoa for the purpose of there shipping coolies, in itself an illegal act as being in contravention of the Treaties, and it transpiring, moreover, in the course of the evidence, that he had in some instances neglected to comply with the regulations for the guidance of shipmasters, and further that he had in a certain measure excited the insubordination of his crew by his own act, in endeavouring in the first instance to carry the ship to sea without a proper complement of men, it was decided, upon mature consideration, to dismiss the case, the men being warned to return to their duty, and the master being warned that in proceeding to Namoa, he subjected his vessel to the risk of confiscation by the Chinese authorities. In this decision of the Court the assessors unanimously concurred.

The men, now relieved of the charge against them, preferred their objection to proceed on the voyage for the last-mentioned reason, namely, that they considered their lives would be in danger. It was evident that they could not be discharged in Amoy, to the indefinite detention of the ship in the harbour, and the great loss to all concerned; but the agents, who had already sent to Hong Kong for another crew, undertook, on their working the vessel to Namoa, to provide them with a passage thence to Hong Kong. But presuming on the consideration that had been shown them, the men still persisted in refusing to return to their duty, urging that, once at sea, they were at the mercy of the captain, in whose promise they had no confidence; and that even should they be sent to Hong Kong, the captain might and in all probability would defraud them of their wages, for the payment of which they had no security. It being explained to them, with much pains, that they were no longer dependent upon the captain, but upon the agents of the vessel, against whom, if they were wronged they could claim redress, they urged fears, as puerile as groundless, that their lives might be in danger from the resentment of the captain, which they had incurred.

It was now evident that further reasoning was vain, and they were ordered on board their ship, a party of men from the "Salamander" being sent to get the vessel under weigh. The same evening, Saturday the 29th, they, to the number of seventeen, re-appeared at the Consulate, asking shelter, and, though otherwise orderly, refusing even to return on board. I allowed them the use of the prison for the night, and they remained there during the whole of the next day (Sunday) and the next night. On Monday morning early I despatched a request to Commander Ellman to furnish a party of marines to convey them on board of the "Medina," in charge of whom they were in the course of the forenoon removed.

Yesterday morning (Tuesday, the 2nd instant) they again returned to the Consulate, and expressed their willingness to work the vessel as far as the Straits of Namoa, could they be assured of their wages and of being provided with a passage thence to Hong Kong. I thereupon deemed it expedient to call upon the captain to render an account of the wages due to each man, and to draw bills upon the owner of the vessel for the various amounts; these, with the men's register tickets to be deposited in my hands, and giving them their wages bills, which would place it in their power immediately to desert the ship. Each man has been furnished with an account showing the balance of wages due to him, the bills for which, as well as their tickets, it is my purpose to forward to the Harbour Master in Hong Kong, by the first opportunity, from whom they will receive them on reaching that port. This has been explained to them, and they have been furnished with a letter to the Harbour Master on the subject.

The "Medina," I believe, will sail from Amoy to-night.

Trusting to find that your Excellency approves of my proceedings in this matter,

I have, &c.

(Signed) J. BACKHOUSE.

No. 22.

Sir George Bonham to the Earl of Malmesbury.—(Received April 20.)

My Lord,

Hong Kong, March 7, 1853.

IN continuation of Dr. Bowring's last despatch on the question of coolie emigration at Amoy, dated 7th ultimo, and in order to render the series of papers connected with this topic as complete as possible, I beg to submit for your Lordship's perusal copy of a despatch from Mr. Backhouse in reply to Dr. Bowring's communication approving of the fines inflicted on Messrs. Syme and Cornabé, which formed inclosure No. 4 in my despatch of 6th January last, to your Lordship's address.

I have, &c.
(Signed) S. G. BONHAM.

Inclosure in No. 22.

Acting-Consul Backhouse to Dr. Bowring.

Sir,

Amoy, February 16, 1853.

I HAVE the honour to acknowledge the receipt of your Excellency's despatch of December 29, 1852, confirming the sentence of a Consular Court, and the fines inflicted upon Messrs. Syme and Cornabé for a breach of the 13th Article of the General Regulations of Trade, as reported in my despatch of December 18 last.

In accordance with your Excellency's instructions I at once issued a circular, calling the attention of the British community to the provisions of the regulation in question, of which a copy was annexed, as well as an extract from your Excellency's despatch, wherein I am desired to request the Chinese authorities to receive no direct applications from British subjects, in disregard of the stipulations of the 13th Article, which I am required to enforce by the punishment of its infraction. This step, I trust, will be sufficient to prevent a recurrence of the offence for which Messrs. Syme and Cornabé were fined.

In the same despatch your Excellency is pleased to inform me that you have received four petitions from relatives of innocent persons who lost their lives from the firing of the marines on the 24th of November, all of which petitioners state that they had applied to me for redress. As these petitions were not forwarded to your Excellency through my hands, the only authorized method of which I am aware, I am of course unable to say whether they are from the persons who petitioned me on the same subject, although it is most probable that such is the case. In reply to your Excellency's observation I have to state, that I was not of opinion that the matter was of a nature to require a reference to Hong Kong. I informed the petitioners that supposing the innocence of the sufferers, their fate, however much to be lamented, was one for which Her Majesty's Government could in no way be held responsible; and that, if not partakers in the disturbance, their own temerity was alone to blame, in remaining spectators of an affray in which armed parties were opposed to each other, and when they must have been sensible of the danger which they incurred. And here I deemed the question as disposed of, for the petitioners expressed no desire for a further reference to your Excellency, and I was not myself disposed to recommend their case, being far from convinced of the innocence of those who suffered; indeed, as they must have been in the neighbourhood of the marines, who, it will be remembered, only fired when the same became absolutely necessary for the protection of their own lives as well as the property which they were placed to guard, the probabilities are that they were amongst the foremost of the rioters: but even granting that they took no active part, yet they formed part of the mob whose aggressions it was necessary to repel, and were present at their own risk. In this view I believe I am supported by the laws of our own country under similar circumstances.

On receipt, however, of your Excellency's instructions on the subject, I immediately requested the co-operation of the Chinese authorities in the distri-

bution, amongst those whose cases might be deemed worthy of consideration, of the amount of the fines imposed upon Mr. Syme and Mr. Cornabé, namely 220 dollars; but this being the season of the Chinese New Year, I have as yet received no reply. When the distribution of the money has taken place, I shall have the honour of reporting the same.

Your Excellency further observes in the despatch under acknowledgment, that you have been informed by Mr. Secretary Harvey that a British subject has called upon my interference to demand a large sum from the Chinese authorities, on account of injuries done him by the mob, but that you are without advices from me on the subject.

I presume the case referred to by your Excellency is that of Mr. Vallancey, chief mate of the British ship "Australia," who on the 21st of November last, while passing a police-office (the same I believe at which Mr. Syme had demanded the release of his servant), was attacked by men at the gate, supposed to be soldiers, and received some serious hurt. On his behalf the agents of the vessel have made a claim for compensation to the amount of 5,000 dollars; but considering this claim to be exorbitant I replied to that effect, at the same time stating that I should be willing to support any more reasonable demand, and I have consequently delayed reporting the circumstance to your Excellency until they shall see fit to submit a modified claim.

I have, &c.
(Signed) J. BACKHOUSE.

CORRESPONDENCE with the Superintendent of British
Trade in China, upon the subject of Emigration
from that Country.

*Presented to the House of Commons by Command
of Her Majesty. August 20, 1853.*

LONDON:
PRINTED BY HARRISON AND SON.

CHINESE EMIGRANTS.

RETURN to an Address of the Honourable The House of Commons,
dated 23 February 1857;—for,

“COPIES of any recent COMMUNICATIONS to or from the Foreign Office,
Colonial Office, Board of Trade, and any other Department of Her
Majesty’s Government, on the subject of MORTALITY on board the ‘Duke
of Portland,’ or any other British Ships carrying EMIGRANTS from *China*.”

Gr. Brit. Colonial Office, }
21 March 1857. }

H. LABOUCHERE.

(*Mr. Cardwell.*)

Ordered, by The House of Commons, to be Printed,
21 March 1857.

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13.	H. Merivale, Esq., to J. Booth, Esq.	14 March -	- Transmitting copy of Sir J. Bowring's Despatch to Lord Clarendon, with its Enclosures, and stating that further explanation will be demanded in reference to the space allowed each Passenger on the upper and lower deck under the Chinese Passengers Act - - - - -	18
14.	Right Hon. H. Labouchere to Sir J. Bowring.	14 March - (No. 28.)	- Enclosing the Correspondence that has passed with the Board of Trade; stating that a Report has been received from Her Majesty's Consul-General at the Havannah, exonerating from blame the master and parties connected with the Ship, and requesting to be furnished with a Report on the Numbers which both Ships were computed to carry, and the space allowed each Passenger, under the Chinese Passenger Act -	19

COPIES of any recent COMMUNICATIONS to or from the Foreign Office, Colonial Office, Board of Trade, and any other Department of Her Majesty's Government, on the subject of MORTALITY on board the "Duke of Portland," or any other British Ships carrying EMIGRANTS from *China*.

— No. 1. —

(No. 209.)

COPY of DESPATCH from the Earl of *Clarendon* to Sir *J. Bowring*.

No. 1.

The Earl of
Clarendon to
Sir *J. Bowring*.
18 October 1856.

Sir,

Foreign Office, 18 October 1856.

I TRANSMIT to you herewith a copy of a letter from the President of the Strangers' Home for Asiatics, enclosing an extract from the "Shipping and Mercantile Gazette" of the 3d instant, and directing attention to the cases of two vessels, the "Duke of Portland" and "John Calvin," which are therein stated to have arrived at Havana from Hong Kong with cargoes of Coolie labourers, of whom a vast proportion are said to have been lost on the voyage from natural deaths and suicides; and I have to instruct you to cause inquiry to be made into this matter and to report to me the result.

Sir E. Buxton,
14 October.

I have, &c.
(signed) *Clarendon*.

Enclosure in No. 1.

Encl. in No. 1.

My Lord,

Cromer, October 14.

I HAVE the honour to enclose for your Lordship's information an extract from the "Shipping and Mercantile Gazette," which gives a dreadful account of the consequences that result from the ill-treatment of Asiatics in their voyage from Hong Kong to Cuba.

Sub-Enclosure.

I have the honour to request, as President of the Strangers' Home for Asiatics, that your Lordship will cause an inquiry to be made into the truth of the facts stated, and as to the condition of the Coolies after their arrival in Cuba.

The Earl of *Clarendon*.

I am, &c.
(signed) *Edwd. N. Buxton*, President.

Sub-enclosure in No. 1.

EXTRACT from the "Shipping and Mercantile Gazette," Friday, 3 October 1856.

A NEW YORK paper mentions the arrival at Havana of four British ships with cargoes of Coolie labourers. One of the ships, the "Duke of Portland," is reported to have sailed from Hong Kong with 500 of these people on board, out of which number she has landed but 202; 130 are said to have died by natural death upon the voyage, and the residue to have drowned themselves. Another vessel, the "John Calvin," lost 110 by "natural death and suicide," in a passage of 185 days—making a total loss in both ships of 240 Coolies. If the information in our American contemporary be correct, the affair demands the prompt attention of the Foreign Office. The unfortunate survivors were, it appears, at once drafted upon estates or contracts of eight years' service. We take it for granted that these poor people were voluntary emigrants, and that they simply fell victims to brutal treatment on the voyage. But even this aspect of the affair, if correct, is bad enough, for more reasons than one. Great efforts have been made, more especially of late, to procure a supply of labour for our West India colonies. The scarcity of that commodity lies at the root of the West Indian difficulty. It is advisable by every means to encourage immigration from the East, or from any other quarter where it may be legitimately procured.

In a recent article we dwelt at some length upon the efforts which have been made to procure an adequate supply of labour, more especially in British Guiana—on the results which have followed those efforts—and on the interest attending the discussion of the labour question throughout the West India Islands. It is of the last importance that emigration to the West should not get into disrepute with the labouring classes of British India and

China,

China, from which countries large supplies have been heretofore drawn; and nothing is more likely to discourage it than the barbarities which seem to have attended the transport of these recent cargoes to the shores of Cuba. But what if it turns out that they were cargoes of veritable slaves, captured or kidnapped in the Bay of Bengal or the Bay of Hong Kong, instead of in the Bight of Benin or the Mozambique Channel, and conveyed by British vessels to the slave mart of Havana? So valuable is the trade which the Cuba planters are now driving at the expense of our colonies, that they can afford to pay almost fabulous prices for labour, and would risk almost anything to procure it. We take the report we have referred to for as much as it is worth, but we shall watch the progress of the necessary inquiry respecting it with some interest.

— No. 2 —

No. 2.

T. F. Elliot, Esq.
to the Emigration
Commissioners.
25 October 1856.

COPY of LETTER from *T. F. Elliot*, Esq. to the Emigration Commissioners.

Gentlemen,

Downing-street, 25 October 1856.

18 October 1856.

WITH reference to the extract of the "Shipping Gazette" contained in the enclosed copy of a letter from Sir E. Buxton, I am directed by Mr. Secretary Labouchere to request that you will report what information you may have respecting the two ships therein named, as having sailed from Hong Kong with Chinese passengers, viz., the "Duke of Portland" and "John Calvin."

I am, &c.

(signed) *T. F. Elliot.*

Encl. in No. 2.

Enclosure in No. 2.

* *Vide* page 3.

Dear Mr. Labouchere,

Cromer 18 October 1856.

I HAVE the honour to enclose an *Extract from the "Shipping and Mercantile Gazette," which describes the dreadful results which have arisen from the ill-treatment of coolies in the voyage from Hong Kong to Cuba. On behalf of some persons who feel an interest in the welfare of these poor people, I earnestly request that inquiry may be made at Hong Kong whether these coolies are *bonâ fide* voluntary emigrants, and whether any care is taken that they are well treated during the voyage.

I am, &c.

(signed) *Edward N. Buxton*

— No. 3 —

No. 3.

The Emigration
Commissioners
to T. F. Elliot,
Esq.
30 October 1856.

COPY of LETTER from the Emigration Commissioners to *T. F. Elliot*, Esq.

Sir,

Emigration Office, 30 October 1856.

WE have to acknowledge your letter of the 25th instant, enclosing one from Sir E. Buxton, with an extract from the "Shipping and Mercantile Gazette," and desiring us to report what information we may have respecting the two ships the "Duke of Portland" and "John Calvin," said therein to have sailed from Hong Kong to Havana with Chinese passengers, and to have incurred a most frightful mortality on the voyage.

2. In reply, we have to state, that we have received no information whatever on the subject of these ships. We have, however, communicated with the owner of the "John Calvin," with whom we are acquainted, and shall endeavour to communicate with the owner of the "Duke of Portland," to ascertain whether they have received any information on the subject.

We have, &c.

(signed) *T. W. C. Murdoch.*
C. Alexander Wood.

— No. 4. —

COPY of LETTER from the Emigration Commissioners to *H. Merivale*, Esq.

No. 4.

The Emigration
Commissioners to
H. Merivale, Esq.,
6 November 1856

Sir,

Emigration Office, 6 November 1856.

WITH reference to our Report of 30th ultimo, we have to state that Mr. Duncan Gibb, whom we had supposed to be the owner of the "John Calvin," has informed us that he sold his vessel of that name some time ago, and that the vessel reported to have arrived at Havana with Chinese immigrants, though bearing the same name, is not the same vessel. As there is no vessel of the name in Lloyd's list, we are unable to obtain any further particulars about her.

2. In respect to the "Duke of Portland," the other vessel mentioned in the New York paper, we enclose the copy of a letter which we have received from the owner. It will be seen from this letter that the whole number originally embarked was 330, and that of these, 130, or 2-5ths of the whole, died on the voyage. This is so shocking a mortality that Mr. Labouchere will probably think it right to endeavour to obtain through Her Majesty's Consul at Havana, as well as from the Governor of Hong Kong, some explanation of the causes which led to it.

1 November.

We have, &c.

(signed.) *T. W. C. Murdoch.*
C. Alexander Wood.

Enclosure in No. 4.

Encl. in No. 4.

Sir,

Greenock, 1 November 1856.

IN reply to your favour of 29th ultimo, received this morning, we beg to state that the "Duke of Portland" took on board 330 emigrants (not 500 as reported), of these 130 were lost from natural death (chiefly fever we understand) and *suicide*, but we have no particulars as to the number lost by each cause. The remainder, 200 were safely landed at Havana.

From what we know of the master, we feel certain, that no improper harshness would be used towards the passengers. The passage was a very protracted and severe one, besides the severe gales in rounding the Cape of Good Hope for three weeks, three hurricanes were encountered in the Carribean Sea, in as many days. Both master and crew were quite exhausted on their arrival, one or two of the latter died, and the chief mate was off duty two mouths.

We are, &c.

S. Walcott, Esq., Secretary.

(signed) *Thomas Hamlin & Co.*

— No. 5. —

(No. 130.)

COPY of DESPATCH from the Right Honourable *H. Labouchere* to Governor
Sir *John Bowring*.

No. 5.

The Right Hon.
H. Labouchere to
Governor Sir *J.*
Bowring.
14 November 1856

Sir,

Downing-street, 14 November 1856.

I TRANSMIT herewith the copy of a letter and enclosure from Sir E. Buxton, together with two reports from the Colonial Land and Emigration Commissioners, on the subject of the mortality reported to have occurred among the Chinese passengers on board the "Duke of Portland" and the "John Calvin," on the voyage from Hong Kong to Havana.

As the mortality on board these vessels appears to have been of deplorable extent, I request that you will furnish me with any information which may exist respecting them at Hong Kong.

I have, &c.

(signed) *H. Labouchere.*Sir *E. Buxton*,
18 October 1856,
page 4.
Emigration Com-
missioners,
30 October 1856,
page 4.
Ditto - ditto,
6 November 1856,
page 5.

— No. 6. —

No. 6.

H. Merivale, Esq.
to E. Hammond,
Esq.
20 Nov. 1856.

COPY of LETTER from *H. Merivale, Esq.* to *E. Hammond, Esq.*

Sir,

Downing-street, 20 November 1856.

I AM directed by Mr. Secretary Labouchere to transmit to you the copy of a letter and enclosure from Sir E. Buxton, together with two Reports from the Colonial Land and Emigration Commissioners, on the subject of the mortality reported to have occurred among the Chinese passengers on board the "Duke of Portland" and the "John Calvin," on the voyage from Hong Kong to Havana.

In laying these papers before the Earl of Clarendon I am to request that you will move his Lordship to instruct Her Majesty's Consul at Havana to furnish any information which he can obtain, respecting the cause of the great mortality on board the vessels in question.

I am, &c.

(signed) *H. Merivale.*

Sir E. Buxton,
18 October 1856,
page 4.

Emigration Com-
missioners,
30 October 1856,
page 4.

Ditto, 6 November
1856, page 5.

— No. 7. —

No. 7.

The Earl of
Shelburne to H.
Merivale, Esq.
30 January 1857.

COPY of LETTER from the Earl of *Shelburne* to *H. Merivale, Esq.*

Sir,

Foreign Office, 30 January 1857.

WITH reference to your letter of the 20th November last, I am directed by the Earl of Clarendon to transmit to you, to be laid before Mr. Secretary Labouchere the copy of a Despatch from Her Majesty's Consul-general at the Havana, stating the cause of the great mortality which occurred on board the Chinese emigrant ships "Duke of Portland" and "John Calvin."

I am, &c.

(signed) *Shelburne.*

No. 69,
26 Nov. 1856.

Enclosure in No. 7.

Encl. in No. 7.

(No. 69.)

My Lord,

Havana, 26 November 1856.

I HAVE the honour of acknowledging the receipt of Earl Shelburne's despatch, No. 26, of the 22d ultimo, transmitting copy of a letter from the President of the Strangers' Home for Asiatics, enclosing an extract from the "Shipping and Mercantile Gazette" of the 3d of October, directing attention to the cases of two vessels, the "Duke of Portland" and "John Calvin," which arrived here from Hong Kong with Chinese labourers, of whom a vast proportion were lost on the voyage, from natural deaths and suicides, and instructing me to cause inquiry to be made into the matter, and report the result to your Lordship.

I have to state, that the great mortality which took place on board the two vessels alluded to, did not escape my observation at the time, and I inquired most minutely respecting the causes which might have led to such fatal results.

I am enabled to report to your Lordship, that there was no blame whatever attached to the masters of either vessel, than whom it would perhaps be very difficult to find more humane or competent persons in our mercantile marine; both ships had experienced surgeons, and ample accommodation, sufficiently well ventilated for the number of passengers, which they carried.

There were few suicides, most of the attempts having been frustrated; but a fatal disease soon manifested itself, the coolies probably predisposed to infection, owing to their not having been well-conditioned when they were put on board. The disease, it appears, spread, became epidemic, and could not be got rid of even after they had taken in other water at St. Helena, so that of those on board the "John Calvin," 61 were landed sick, of whom 11 died here in the hospital, and two also of 27 who landed, and were sent to the hospital, from on board the "Duke of Portland." After that ship's arrival here, there was no want of good and wholesome provisions, and both ships had a plentiful supply of water taken in at Hong Kong; but this element, it is supposed, was not of a quality suitable for so long a voyage, and to that is attributed the sickness, and, consequently, unusually great mortality which occurred.

I beg leave to refer your Lordship to the medical report, which I have the honour of enclosing herewith. And with the greatest respect,

I have, &c.

(signed) *Jos. T. Crawford,*
Consul-General, Cuba.The Right Honourable the Earl of Clarendon,
&c. &c. &c.

Sub-Enclosure to Enclosure in No. 7.

TRANSLATION REPORT.

THE diseases which caused the mortality of 130 colonists were various; it appears that some of them committed suicide, by throwing themselves into the sea; which circumstance has been attributed to the extravagant use of opium. The doctor told me that some had died from the results of the Shanghai fever, with which I am not acquainted, nor could he describe it to me; others from affections of the liver, others from scurvy, &c., so that no affection of a contagious nature prevailed amongst these people. Amongst the 27 sick who came to the infirmaries of the *dépôt* on the 7th of September, there were various affections, but almost all were endemical, some with scurvy, others with affections of the liver, and one only with diarrhœa; two only died, the rest recovered quickly. The causes of this sickness have been principally owing to the quality of the water, and, probably, ought to be added, to the use of opium smoked to excess. The English frigate "John Calvin," Captain Thornhill, was still more unfortunate; this vessel, of sufficient capacity for more than 350 colonists, took on board only 297, she was provided with everything that could be wished for the good accommodation of the passengers; she left Hong Kong about the middle of March, and arrived at the Havana on the 2d of September; she lost during the voyage and the days of observation, in the quarantine, 122 colonists.

On the 9th day of September 61 sick entered the *dépôt*; the report which I had from the doctor on board was, that all those who had died had been affected with the same malady as that which the 61 who came to the infirmaries of the *dépôt* laboured under; it was easy for me to know that all had been affected, firstly with edema and then consecutively with asthenic dropsy, in fact all the 61 were in that state, and to this malady other affections were added, which complicated it, and superinduced a more speedy death.

Perchance it may be the first instance of this malady having appeared in an epidemic form; this affection is most frequently the result of organic injuries, but here everything proves that the organic injuries have been the consequence of the anasarisis, caused by a viciation of the blood which presented itself first in an endemical state, to which succeeded an edemis, and presently anasarisis; the scurvy should naturally present itself as a consequence of the affections originated at sea.

All the sick, as well as the healthy colonists, complained of the bad quality of the water, the former attributed to it their maladies; it is so easy to understand how this affection might have taken its origin from the imbibing of bad water, but we ought not neglect to observe, that others who drunk it were not sick; perhaps it ought to be added that the use of opium and little exercise, the temperature, &c., might have predisposed those who fell sick to be unfavourably prejudiced.

The anasarisis is considered by medical men to be one of the affections which in most cases causes death, but it is because the cases which are observed in practice are generally affections proceeding from an organic injury, here, on the contrary, the organic injuries, or, better said, the functional injuries, have been consequent on the disorganization of the hematous, and innervation, and it is indisputable that when the organic injuries were observable the malady resisted cure, as the principal elements of life, the hematous and innervation were attached in such a manner as to destroy the vital energies. Amongst the dead bodies which I have examined I have found the liver, the brain, and the lungs, &c. affected, but I have in all cases found that it was the effect of the serous infiltration of the cellular intermuscular, submucus and subserous membranes; so that the organ did not act, not owing to its being affected, but because the tumefaction which encompassed it, took from it the space in which to enlarge its movements. There was then *un arret de fonctions*, and not an organ injury. Of the 61 sick I lost only 11, the rest recovered, but all commenced by being paralyzed in the limbs; when they were getting better, they commenced by being able to move their arms, but they continued paralyzed in their lower extremities for a considerable time. I have used drastic purges, I have continued them even in a state of perapluis, which I considered as approaching convalescence, but at the same time I made use of *nox vomica* and iron together, and, in some cases, electro-magnetic currents appeared to have a favourable effect.

(signed) A. Dupierris.

Habana, 30 September 1856.

— No. 8. —

COPY of LETTER from the Earl of Shelburne to H. Merivale, Esq.

Sir,

Foreign Office, 25 February 1857.

WITH reference to my letter* of the 30th ultimo, I am directed by the Earl of Clarendon to transmit to you, to be laid before Mr. Secretary Labouchere, copy of a despatch from Her Majesty's Consul-General at the Havana, confirming his former opinion, that no blame is to be attached to the masters of the "Duke of Portland" and "John Calvin," on account of the mortality which occurred on board those vessels.

I am, &c.

(signed) Shelburne.

No. 8.

The Earl of
Shelburne to H.
Merivale, Esq.
25 February 1857.
*Page 6.

Enclosure

Encl. in No. 8.

Enclosure in No. 8.

(No. 73.)

My Lord,

Havana, 26 December 1856.

I HAVE the honour of acknowledging the receipt of the Earl of Shelburne's despatch (No. 28) of the 28th ultimo, transmitting to me a copy of a letter and its enclosure from Sir Edward Buxton, and also copies of two reports from the Colonial Land and Emigration Commissioners, which your Lordship had received through the Colonial Department, on the subject of the mortality reported to have occurred among the Chinese passengers on board the "Duke of Portland" and the "John Calvin," on their voyage from Hong Kong to Havana.

* Page 6.

In my No. 69,* dated the 26th ultimo, I did myself the honour of reporting to your Lordship upon this subject, in obedience to the instruction which I received in the Earl of Shelburne's despatch (No. 26), of the 22d of October, and with reference to the medical report of Dr. Dupierris, which I transmitted along with the despatch. I have not since been able to obtain any further information, consequently have no observations to add, and only state, that no blame can be imputed to the masters, or to the parties interested, the colonists having been treated with every care and humanity, and provided for as they ought to have been, on board of both vessels.

The Earl of Clarendon,
&c. &c. &c.

I have, &c.
(signed) *J. T. Crawford,*
Consul-General in Cuba.

— No. 9. —

No. 9.
J. Booth, Esq. to
H. Merivale, Esq.
3 February 1857.

COPY of LETTER from *J. Booth, Esq.* to *H. Merivale, Esq.*

Office of Committee of Privy Council for Trade,
Whitehall, 3 February 1857.

Sir,

I AM directed by the Lords of the Committee of Privy Council for Trade, to request that you will call the attention of Mr. Secretary Labouchere to the case of the mortality among Chinese emigrants on board the ship "Duke of Portland," on her voyage from Hong Kong to the Havannah, in the year 1856.

My Lords' attention was called to this case by proceedings in one of the police courts, reported in the "Times" of the 5th December. They immediately requested the Local Marine Board of London to inquire into the case. That Board has made its report, and a copy of the report, and of the evidence taken, is enclosed for Mr. Labouchere's information. The evidence given before the Board is confirmed by the entries in the official log, which has been examined at this office.

The report and evidence contain a full statement of all that happened during the voyage. They show that of 332 emigrants shipped, no less than 128 died on the passage, most, as it appears, from fever, and some by suicide. They give an account of the first appearance of discontent and mutinous conduct on the part of the emigrants in the port of Hong Kong, and they show the steps taken by the captain in the course of the voyage. My Lords have, however, been anxious to obtain further information upon one or two points, to which the attention of the Local Marine Board does not appear to have been specially directed.

These points are:—

1. By what persons, and on whose behalf the ship was chartered for the voyage in question.
2. How it happened that the ship left Hong Kong on such a voyage so late in the season.
3. The conduct of the emigration officer at Hong Kong, whose duty it was to enforce the provisions of the Chinese Passenger Act.

On these points Captain Seymour, who has shown willingness throughout to give a full account of the matter, will no doubt be able to give information. He is at present away from London, but if he returns, or if my Lords can obtain the information from other quarters, they will forward it for Mr. Labouchere's information.

In the meantime they request that you will call his special attention to the following points:—

1. This

1. This is a case in which the ship took in her emigrants at, and sailed from Hong Kong, and that there ought, therefore, to have been no difficulty whatever in applying strictly the provisions of the Chinese Passenger Act, 1855.

2. That if those provisions and the regulations adopted under them concerning room, ventilation, &c., were complied with, there is good reason for thinking that the regulations are wholly insufficient to effect the desired object at any rate for such a voyage in such latitudes, and commenced at such a time of year as that of the "Duke of Portland."

3. Mr. Labouchere will observe, that the first appearance of discontent or mutinous conduct on the part of the emigrants appears to have arisen from the belief on the part of those last shipped, that they had been cheated by those who had engaged them. It is therefore very important to learn whether the emigration officer did, according to the terms of the certificate given in Schedule (B.) of the Chinese Passenger Act, inspect the contracts between the emigrants and their intended employers, and satisfy himself that they were reasonable, and that no fraud was practised in collecting the emigrants.

Under the above circumstances my Lords would suggest for Mr. Labouchere's consideration, that instructions should be given to the Governor of Hong Kong to make the strictest inquiries concerning the circumstances under which the "Duke of Portland" left Hong Kong, and concerning the conduct of the emigration officer with respect to that vessel.

It will, as it appears to my Lords, be also necessary to have it considered whether the regulations already adopted by the authorities at Hong Kong under the Chinese Passenger Act, are sufficient for the purpose, or whether further and more stringent regulations are necessary.

I am to add, that my Lords have communicated the facts of this case to the Foreign Office.

I have, &c.
(signed) *James Booth.*

Enclosure in No. 9.

Encl. in No. 9.

Sir,

Local Marine Board, 71, Cornhill,
20 January 1857.

In compliance with your letter of 7th instant, this Board has caused inquiry to be made into the extraordinary mortality on board the ship "Duke of Portland," on a voyage from China to the Havannah with emigrants.

Every facility has been afforded by the owner and captain of the ship.

This Board are unanimously of opinion that no blame attaches to them, or any one connected with the ship; that Captain Seymour's conduct to the emigrants appears to have been kind and attentive, and that every possible precaution was used by him to decrease the mortality. Dr. Ludgatt appears also to have exerted himself for the same purpose.

The details of this unfortunate voyage will be found in full in the copy of Captain Seymour's letter to the owner, Mr. Hamlin, and the copy of the proceedings at the investigation, both sent herewith.

It appears to this Board that the mortality was greatly aggravated by the great heat and unusual length of the passage (150 days) caused by the sailing of the ship in an improper season; she sailed full one month later than she ought to have done, to enable her to get down the China Seas.

T. H. Farrer, Esq.,
Marine Department, Whitehall.

I am, &c.
(signed) *D. Dunbar,*
Chairman.

Sub-Enclosure to Enclosure in No. 9.

Local Marine Board, 71, Cornhill,
8 January 1857.

INVESTIGATION into circumstances attending the mortality of Chinese emigrants, whilst on board the ship "Duke of Portland," on her passage from Hong Kong to the Havana.

Present,—Messrs. Dunbar, Phillips, Green, Anderson, Ingham, and Captain Denny;
Duncan Dunbar, Esq., in the Chair.

Captain *G. N. Seymour*, master, and Mr. *Thomas Hamlin*, owner of the "Duke of Portland," attended before the Board.

The letter of the 7th instant from the Board of Trade, calling the attention of this Board to a statement in the "Shipping Gazette" of the 6th instant concerning the mortality was then read.

Captain *Seymour* stated—"We left Hong Kong with 332 Chinese coolies, we had been measured for 334. We had a surgeon who had been all the voyage from London to New Zealand, and thence to China. He had a diploma. He had been approved by Captain Lane, Government Agent. We took out the Bishop of New Zealand and other passengers. We were to be paid a lump sum per head for all the Chinese coolies landed alive at the Havana. We received nothing for those who died. The coolies appeared in good health when shipped; that was the general opinion on our leaving China. There were ample medicines put on board by the owner. We had water from China in excess."

Captain *Seymour* then read a letter which he had addressed to the owner; it was dated "Havana, 10th September 1856," in which he states, that the emigrants were all on board on the 31st March 1856. "On 2d April, when hove short and ready for sailing, the Chinese crowded aft, took belaying pins from the rails and armed themselves with fire-wood, yelling and shouting in a fearful manner, throwing every thing moveable overboard. He then had an interview with the Stipendiary Magistrate, at the Supreme Court, who came on board with a police force; the coolies laughed at them, and at length they were driven below at the point of the bayonet. Then planted my two guns inside the cuddy door, loaded them with grape and canister, had the carronades loaded and placed at the poop five rail, gave the men a cutlass each; Mr. May (magistrate) was then on board. He left a serjeant and five policemen on board, for sentries during the night. At daylight I was out of the Roads. When at sea they refused to cook; the third day I had the first suicide, and on an average I had three suicides daily between Hong Kong and until I passed the Straits of Sunda.

"On the morning of the 15th I discovered a plan among the Chinese to take the ship: the same afternoon they carried their plan out, but as I was quite prepared for them, a few well-directed blows from the flat of a cutlass prevented the rush, and J. Williams jumped overboard and saved the man who had been thrown from the forecastle; after the failure of the attempt they became quieter, but I had usually 12 to 18 in irons, for riotous behaviour or attempted suicide.

"On evening of 28th an attempt was made to rescue one of their ringleaders who I had put in irons; one of them threw a large bone at me when trying to pacify them: I then thought it time to clear the decks, and in the struggle one was wounded in the side. I called at the Cocoa Islands in hopes of getting vegetables, fresh meat, and fish for the invalids, but was much disappointed with the result of my visit."

(Above from the letter.)

Captain *Seymour* then stated—"We lost 128 Chinese before arriving at the Havana, chiefly from congestive fever; it is like the Hong Kong fever. We lost one of the crew. I think the coolies brought the seeds of the disease on board with them. When they would not eat, I have tried to force food down their throats. We were 150 days on our passage from China to the Havana. We remained three days at St. Helena. We had vegetables from St. Helena to within a few days of our arrival at the Havana. All the opium for the Chinese was consumed before we arrived at St. Helena. The Chinese mutinied before we sailed from Hong Kong, on account of their wanting more money. I believe one-third of them were kidnapped. They had spent the money they had before leaving China. The surgeon was kind to them; I was with them much more than the surgeon was; he saw them always twice a day. The Chinese were shipped under the direction of the chief magistrate; I have a document from him, stating that all required for them was shipped. The entries regarding the assistance rendered by the magistrate at Hong Kong, were made a day or two after in the official log. The opium required by law was put on board in China, and I got more at St. Helena. I gave the doctor full authority at St. Helena to get all the opium and medicines he required."

(Entries in the official log regarding the disturbance previous to sailing, the medical treatment, and the plan for giving more air to the emigrants, were then read.)

Captain

Captain Seymour then stated,—“The ship is 533 tons. The emigrants had the whole of the lower deck, excepting the cuddy. We could see the difference between those who died from congestive fever, and those who suffered from the want of opium. In April the thermometer in my cabin ranged from 82° to 90°. The season of the year was bad for them. The ship had scuttles. She has carried emigrants before. I was 100 days to St. Helena. The loss of the monsoon in the China Sea was caused by our detention in China. They could not get the people ready for shipping. We sailed from Hong Kong on the 2d April. Only one man was injured in the disturbance; he was wounded. The ‘John Calvin’ sailed about three weeks before me, and arrived after me. The scurvy was frightful on board that ship; we had none. I was told by the consul at the Havana, that I was the first ship arrived there without scurvy on board. I was without a chief mate for two months coming home; he was below, sick, and off the Cape too, in bad weather.”

The Interpreter, a Chinese, who came from China in the ship, was examined; he stated, “The first time come on board ship, Chinamen complain; had not money, wanted captain to pay them.”

Captain Seymour here stated, “They agree to serve for so long a period. They got food, clothing, and everything. They complained they had one dollar given to them instead of eight.”

The Interpreter then stated:—“Some sick jump overboard. I keep men always to look after sick. Don’t know why that man jump overboard. They had food prepared regularly. They wanted to get possession of the ship; said they would never get back to China; they wanted to set her on fire. Some men say, not tell me. They threatened to kill me and the captain. I believe the men only got one dollar. One ‘Portugal’ take money from them going down. The mandarin told them they would be paid more when they got on board. One day only at sea, in a gale of wind, they only had biscuits; could not cook. The doctor saw them two or three times a day.”

Captain Seymour also stated:—“I never laid down in my bed without a cutlass at my belt. I believe the men all received their eight dollars, because there had been a previous row about it, in the ‘John Calvin.’ We had 25 Chinese, from Hong Kong; all the others were from Macao.”

The inquiry was then adjourned until the 15th instant, for the purpose of obtaining the evidence of the surgeon.

Local Marine Board, 71, Cornhill,
15 January 1857.

Present, Messrs. Dunbar, Green, Ingham, and Anderson, and Captains Denny and Hunter.
Duncan Dunbar, Esq. in the Chair.

THE Board resumed the investigation into the circumstances attending the mortality of Chinese emigrants, whilst on board the ship “Duke of Portland,” adjourned from the 8th instant.

Captain *G. N. Seymour*, the master, and Mr. *Thomas Hamlin*, the owner, attended before the Board.

Mr. *David Ludgat*, surgeon of the “Duke of Portland,” was then called in; he stated: “A low typhoid fever generally prevailing among the low class of Chinese, was brought on board by them when shipped at Hong Kong. Sufficient food was provided for the coolies. The sickness was attributed to improper food used by themselves, such as onions and pickles. A number of suicides took place, but many more would have taken place, had not the boat been kept in readiness to pick those up who jumped overboard. The Chinese were kindly treated all the time, both as to diet and other necessaries of life, and were supplied with the usual quantity of opium. I have not seen any of the cases on shore, but had the symptoms of the peculiar fever which the Chinese are subject to, described to me by the medical officer of the hospital. The symptoms on board were the same as those described to me by the medical officer. I prescribed the same medicines and treatment as adopted in the hospital. The fever appeared among the coolies after they had been three days on board. Within a week after sailing as many as sixty cases had appeared. All the symptoms on board were the same as those described by Dr. Barton, the hospital surgeon. The berthing was in every way well fitted. The habits of the Chinese were very filthy. Every means was used to correct their habits, by taking every precaution to keep them as clean as possible. The length of the voyage aggravated the symptoms, and increased the number. The number of deaths were nearly the same all the voyage, but increased in malignity. The deaths after our arrival at Havana were much the same. No expedient to ensure carrying coolies such a long voyage can be put in force but to lessen the numbers. This disease would be infectious among persons of low habits, but with those more robust not so.

The coolies had food so regular on board that they had no occasion to complain. The boatswain was the only one of the crew that died. The mate and steward were seized with the disease, but they recovered; they were occupied more among the Chinese than others of the crew; I am disposed to think that the disease is infectious. When the disinfecting matter was all used, the 'tween-decks were fumigated with boiling pitch daily, when possible to do it. The coolies died from debility and affection of the liver and lungs, and exhaustion arising from the seeds of the disease. The chief mate was treated for the same disease previous to sailing from Hong Kong. As many of the coolies as could be allowed with safety were ordered on deck daily. Captain Seymour's conduct was attentive at all times to the Chinese in satisfying their wants and attending to their cleanliness. Those of the Chinese who attempted to commit suicide, and were picked up, generally made a second attempt; they were then more carefully looked after."

— No. 10. —

No. 10.
T. H. Farrer, Esq.
to H. Merivale,
Esq.
5 February 1857.

COPY of LETTER from *T. H. Farrer, Esq.* to *H. Merivale, Esq.*

Office of Committee of Privy Council for Trade,
Whitehall, 5 February 1857.

Sir,

REFERRING to Mr. Booth's letter* of the 3d instant, on the subject of the mortality on board the ship "Duke of Portland," I am directed by the Lords of the Committee of Privy Council for Trade to enclose, for Mr. Labouchere's information, the following documents.

Copy of questions addressed to the master of the "Duke of Portland," and of his replies.

Copy of a statement made by John Hagan, late chief officer of the "Duke of Portland;"

Copy of the Emigration Officer's Certificate.

Copy of the List of the Male Emigrants who embarked in the "Duke of Portland;"

Copy of a document in Spanish annexed to the certificate, with its indorsements. On the back of this document are Chinese characters, apparently a translation.

The statement made by Hagan, who my Lords have reason to believe to be a respectable and trustworthy man, was made in the presence of certain officers of this department, and subsequently taken down in writing.

Mr. Labouchere will observe that, if this statement be true, a large number of the emigrants were sick at the time the emigration officer granted his certificate; that he did not see them individually; and that he does not appear to have had that personal communication with each of the emigrants which would seem to be necessary, in order to ascertain that the agreements with them were properly made and understood.

My Lords wish it to be understood, that they are not considering a charge as proved, which the emigration officer has no means of rebutting, but they think it right to call Mr. Labouchere's attention to the statements made, in order that full inquiry may be made at Hong Kong.

I have, &c.
(signed) *T. H. Farrer.*

Encl. in No. 10.

Enclosures in No. 10.

No. 1.

QUERIES asked of the Captain of the "Duke of Portland."

- 30 January 1857.
1. How, and by whose orders did the ship happen to be engaged in the carrying of Chinese emigrants?
 2. Who were the charterers of the ship on the voyage from China to the Havanna; and on whose account were the emigrants shipped?
 3. If done through an agent in China, what was the name and address of the agent?
 4. How did it happen that with such a voyage in view the ship sailed from Hong Kong with such a cargo so late in the season?

5. Was

5. Was the ship duly surveyed by an emigration officer at Hong Kong; if so, what was his name; and when was the survey commenced, and when completed?

6. Can the captain furnish a copy of any certificate or document given by the emigration officer?

The Registrar of Seamen.

(signed) *T. H. Farrer.*

REPLIES of Master of "Duke of Portland" to the foregoing Queries.

1. FROM various contingencies, arising in the earlier part of the voyage, the ship was thrown out of the tea and silk carrying trade, in which it was first purposed to employ her, and it was optional with me to employ her as I considered prudent.

2. The charterer was a Don A. R. Ferran, of Havana, but at that time residing at Macao, and the emigrants were shipped on his account.

3. Messrs. Lyall Still, Hong Kong, were agents for A. R. Ferran, and through them the charter was negotiated.

4. The ship preceding the "Duke of Portland" experienced great difficulty in obtaining her emigration papers; and the charterers could not pay that attention in collecting the emigrants necessary in order to despatch the ship at an earlier date.

5. The ship was surveyed and measured by Captain Watkins, the harbour-master at Hong Kong, in February 1856, afterwards by the emigration officer, whose name will be found attached to the papers left at the registry office for copying on Saturday.

6. Yes, and left at the registry office on Saturday.

(signed) *Geo. F. Seymour.*

No. 2.

John Hagan (certificate of competency, 11,628) joined the "Duke of Portland" in London, as second mate, in March 1855, bound to New Zealand with emigrants, thence to Shanghai and Hong Kong, where the ship was chartered to convey Chinese emigrants to Havana.

Before receiving the emigrants at Hong Kong, the ship was surveyed and measured by the Emigration Officer; a deck-house was built, and other preparations made for their reception. In February 1856, 25 came on board from the shore; they had a small chest each, and a change of clothing. About a week after, 225 came alongside in a steam-vessel from Macao; they had bags with them, but no chests; afterwards four or five escaped to the shore. The steamer returned with another batch of 86,* about a week after.

These men were on board three or four days before we sailed, and about the second day, † the Emigration Officer came on board, and all the emigrants that were able assembled on the deck. The Emigration Officer addressed them in the Chinese language, not individually, but generally.

The Captain ordered me to go below and report how many were too ill to come upon deck. I found 38 were in their berths, and did not make their appearance on deck. Before this one of them had died, and his body had been sent on shore. This was the only time the Emigration Officer spoke to the men.

When we were about getting under weigh, the emigrants began to mutiny; the Captain was on shore at the time, but finding they were likely to be troublesome, we lowered the fore topsail. When the master came on board and found how matters stood, he returned again to the shore, and went to the Agents, and Messrs. Lyell and Co., ‡ the charterers. Some person from their office came on board, with eight or ten policemen, armed, and the emigrants were all sent to their berths. Three policemen remained on board all night. I understood from the interpreter, that the cause of the disturbance arose from the promised amount of advance in money not having been paid. On 3rd of March we sailed, and fortified the after-part of the ship, to keep the emigrants under. Before we had been many days at sea, the deaths became very frequent, and the sickness increased very much. The sickness arose from the loss of their opium, and some were so disposed when they came on board. § Some of the emigrants had a little opium with them; the doctor used all he had. Several times during our passage down the China Seas the emigrants were very troublesome; some slipped overboard during the night, || and were not missed till the next morning; those that went overboard during the day were all saved, excepting one man. By the time we arrived at St. Helena, more than 100 had perished. We remained there three days, took in fresh provisions, water, vegetables, and the medicine chest was, I believe, replenished; it was not short of anything before, as far as I know. Upwards of 30 died between St. Helena ¶ and Havana; but the remainder appeared in a better state of health, and very few committed suicide. ** When we arrived at Havannah, we laid eight days in quarantine; there were two deaths during this period, and the bodies were buried on shore. We put the emigrants on board the receiving ship, and I do not know what became of them afterwards. The charterer, I understood, was a Spaniard at Havannah, his agents being Messrs. Lyall, Still, and Co., of Hong Kong.

We remained at Havannah about 14 days, and then went to St. Cruz for mahogany and cedar for London. At Havannah the chief mate left, and I was appointed in his stead.

There was plenty of water, rice, and meat; the emigrants were not on short allowance during the voyage; provisions were served out to the ten cooks twice per day, and they

Marginal notes by
Captain Seymour.

Measured by harbour
master, who inspected
the ship twice.

* These 86 were in an
exhausted state from
sea sickness, having ex-
perienced heavy weather
on the passage from
Macao.

† I believe the day after,
and I believe he was on
board twice, if not more.

These were suffering
from the effects of sea
sickness principally.

‡ No person came from
Lyell Still's office on
this occasion. They
refused to assist or inter-
fere in any way.

I do not recollect the
number, but more than
that stated.

3d April,

For the deaths, &c. the
O. F. L. is an authority.
I do not recollect.

§ Incorrect, for I had
option of refusing any
that myself or surgeon
considered unhealthy or
unfit for the voyage, and
I know of but one man
that I could have ob-
jected to. Many had
skin diseases.

|| Several were picked up
during the night.

¶ Fewer deaths and a
larger number of suicides,
and those of the most
determined character.

** I cannot state num-
bers, having no papers
here to refer to.

At first under my own, afterwards under the superintendence of the interpreter and boat-swain.

*This I consider incorrect.

† Query: Could Mr. Hagan suggest an improvement? I could not.

‡ Soap and fresh water was issued to the sick, and soap was obtained at St. Helena for their use.

§ Taken ill the day after sailing; died about ten days after sailing.

|| The greater number suffering from venereal or its effects.

divided it among the men. The doctor went round twice every day to visit the sick men and of a night, when called upon. There was a great stench in the ship,* owing to the manner in which the Chinese used the water closet, one of which was within five feet of the ship's galley; they were not built in a proper manner† for the way in which they use them. The urine was not carried off, but run along the deck. The men slept on mats, but were very lousy; no soap was allowed by the ship,‡ and consequently they were very filthy, and were covered with vermin. Dead bodies were sewed up in rice bags and thrown overboard.

One of the crew died the day after we left St. Helena,§ and some of the crew were sick in the China Seas.||

February 4th, 1857.

(signed) *John Hagan,*
Late Chief Officer.

Signed in presence of Everard Home Coleman.

(signed) *J. H. Brown,*
Registrar General of Seamen.

No. 3.

EMIGRATION OFFICERS' CERTIFICATE.

I HEREBY authorize the Chinese passenger ship, "Duke of Portland," to proceed to sea for the port of Havana, in Cuba; and I certify that the said ship can legally carry 334 adults, and that there are on board 334 passengers, making in all 334 adults, viz., 334 men, no women, no male children, and no female children, such children being between the ages of one and twelve years; that the space set apart and to be kept clear for the use of such emigrants is as follows: On the upper deck, 1,140 $\frac{3}{12}$ superficial feet, being fore poop cabins, cabin before poop, and deck-house; and in the between decks 2,870 $\frac{5}{12}$ superficial feet, being the whole deck; that the ship is properly manned and fitted; and that the means of ventilating the part of the between decks appropriated to passengers are as follows: scuttles, air funnels and windsails; that the ship is furnished with a proper quantity of good provisions, fuel, and water, more than sufficient for the passage to St. Helena, for 168 days' issues to the passengers, according to the annexed dietary scale; and with a proper quantity of medicines, instruments, and medical comforts, according to the annexed scale of medical necessities; that I have inspected the contracts between the emigrants and their intended employers (the terms of which are annexed to this certificate), and consider them reasonable; that no fraud appears to have been practised in collecting the emigrants; and that there are on board a surgeon and interpreter, approved by me, and designated respectively David Sudgate and Sungto.

The master of the ship is to put into St. Helena for water and fresh vegetables.

Passage from Hong Kong to St. Helena estimated at 90 days; from St. Helena to Havana at 79 days.

(signed) *C. B. Hillier,*
Emigration Officer.

Dated at Hong Kong this 1st day of April 1856.

Annexed to this certificate are:

1. Passenger List, as supplied by master.
2. Copy of the Contract for Labour.
3. Schedule A of Chinese Passenger Act.

— No. 11. —

COPY of LETTER from *E. Hammond, Esq.* to *H. Merivale, Esq.*

Sir,

Foreign Office, 3 March 1857.

WITH reference to Lord Shelburne's letters* of the 30th of January last and the 25th ultimo, inclosing copies of Reports from Her Majesty's Consul-General at the Havana, relative to the mortality on board the British ships, "Duke of Portland" and "John Calvin," which conveyed Chinese emigrants from Hong Kong to the Havana, I am directed by the Earl of Clarendon to transmit to you a copy of a despatch from Her Majesty's Plenipotentiary in China, inclosing copies of Reports from the Emigration Officers' Department at Hong Kong, relative to the above-mentioned vessels; and I am to request that, in laying the enclosed papers before Mr. Secretary Labouchere, you will move him to inform Lord Clarendon, whether he would wish his Lordship to take any further steps either with Sir John Bowring, or with the Board of Trade.

I am, &c.
(signed) *E. Hammond.*

No. 11.
E. Hammond, Esq.
to *H. Merivale,*
Esq.

3 March 1857.

* Pages 6 and 7.

Sir J. Bowring's.
No. 5.
1 January 1857.

Enclosure in No. 11.

Encl. in No. 11.

(No. 5.)

Superintendency of Trade, Hong Kong,
1 January 1857.

My Lord,

IN reply to your Lordship's despatch,* No. 209, dated 18th October last, directing me to make inquiry into the cases of "John Calvin," and "Duke of Portland," British ships which conveyed Chinese emigrants from this colony to the Havana, a great mortality having taken place during the voyage, I have now to forward to your Lordship the information I have obtained from the Emigration Officer's Department through the Colonial Secretary.

* Page 3.

The Earl of Clarendon, K.G.,
&c. &c. &c.I have, &c.
(signed) J. Bowring.

Sub-Enclosure in No. 11.

Emigration Office, Victoria, Hong Kong,
29 December 1856.

Sir,

I do myself the honour to acknowledge the receipt of your letter dated the 26th instant, No. 975, transmitting a letter from the Superintendency of Trade, and also enclosing a copy of a communication from the President of the Strangers' Home for Asiatics in England, with reference to the mortality which is said to have occurred on board the emigrant ships "John Calvin" and "Duke of Portland," which vessels were cleared out from this port bound to Havana, by my predecessor (Mr. Hillier), on the 12th of March and 1st April last, respectively, and requesting me to furnish you with the fullest particulars in my power respecting them.

2. On reference to the records of my predecessor, I find that the ship "John Calvin" was authorised to carry 81 passengers only, whereas, by the slip of newspaper attached to Sir E. N. Buxton's letter to the Earl of Clarendon above mentioned, I find that 110 deaths occurred on the voyage! It would therefore appear that this vessel succeeded in going to sea with a much larger number of coolies than that authorised by the emigration officer, a copy of whose certificate is hereto annexed, and also an extract from the emigration record book, which purports to show, that a portion of the coolies originally shipped had declined to proceed on the voyage.

3. As regards the ship "Duke of Portland," I can only say, that the vessel was authorised to carry 334 passengers only, out of which number she appears to have landed 202. A copy of the clearance certificate of Mr. Hillier I also annex; I would, however, remark, that the requirements of the Chinese Passengers Act of 1855, appear to have been complied with at this port; that the vessel carried a surgeon, was supplied with medicines according to the scale prescribed in Schedule (A), and that the bonds in each case, copies of which are annexed, were duly entered into and executed.

4. It appears to me that the ship "John Calvin" was improperly allowed to clear inwards at Havana with a greater number of coolies on board than the emigration officers' clearance from this port permitted; and that had an inquiry taken place at Havana, the fraud in both cases, if any had been committed, would have been detected, and this Government would no doubt have been furnished with such evidence as would have enabled it to recover from the sureties the penalties for the non-fulfilment of the provisions of the "Chinese Passengers Act" of 1855.

The Hon. W. F. Mercer,
Colonial Secretary, &c. &c. &c.I have, &c.
(signed) C. R. Mitchell,
Emigration Officer.

No. 1.

No. 2.

No. 3.

No. 4.

No. 5.

No. 1.

EMIGRATION OFFICER'S CERTIFICATE.

I HEREBY authorise the Chinese passenger ship, "John Calvin," to proceed to sea for the port of Havana in Cuba; and I certify that the said ship can legally carry 301 adults, and that there are on board 81 passengers, making in all male statute adults*; that the space set apart and to be kept clear for the use of such emigrants is as follows:—On the upper deck, 895.5 superficial feet, being fore poop cabin, 337.7; after deck house, 99.4; fore deck house, 458.6; and in the between decks, 2,724.2 superficial feet, being the whole deck; that the ship is properly manned and fitted, and that the means of ventilating the part of the between decks appropriated to passengers are as follows:—Wind sails and ventilation trunks; a plank taken out on each side of the deck; that the ship is furnished with a proper quantity of good provisions, fuel, and water for 147 days' issues to the passengers according to the annexed dietary scale, and with a proper quantity of medicines, instruments, and medical comforts according to the annexed scale of medical necessities; that I have inspected the contracts between the emigrants and their intended employers (the terms of which are annexed to this certificate), and consider them, as now modified, to

*(sic in original.)

be reasonable ; that no fraud appears to have been practised in collecting the emigrants and that there are on board a surgeon and interpreter approved by me, and designated respectively, Le Chew and Laong Ahoy. The master of the ship is to put into St. Helena for water and fresh vegetables. Estimated length of voyage from Hong Kong to St. Helena, 79 days ; St. Helena to Havana, 68 days.

(signed) *C. B. Hillier,*
Emigration Officer.

Dated at Hong Kong this 12th day of March, 1856.

True copy.
(signed) *C. R. Michell,*
Emigration Officer.
Hong Kong, 29 December 1856.

No. 2.

This ship was despatched by Messrs. Lyall, Still, & Co., who applied for a clearance for 302 passengers (the ship had capacity for 301 and a portion) but on the passengers being mustered and the contracts explained by the emigration officer, all but 81 declined to go. Messrs. Lyall, Still, & Co. were told that a certificate could be granted for such passengers only as had signed their contracts and come on board willingly, with a full knowledge of the premises ; that this present refusal to proceed, made evidence of consent in each case necessary. They replied that they were not prepared with this evidence, as the contracts had for the most part been witnessed before the procurador of Macao ; they preferred, therefore, to receive a clearance for the number now consenting. There was no evidence of fraud or violence in collecting the men, but, on the contrary, proof of unusual care.

True copy.
(signed) *C. R. Mitchell,*
Emigration Officer.

Hong Kong, 29 December, 1856.

True copy.
(signed) *W. Woodgate.*

No. 3.

EMIGRATION OFFICER'S CERTIFICATE.

I HEREBY authorize the Chinese passenger ship, "Duke of Portland," to proceed to sea for the port of Havana, in Cuba ; and I certify that the said ship can legally carry 334 adults, and that there are on board 334 passengers, making in all 334 adults, viz., 334 men, no women, no male children, and no female children, such children being between the ages of one and twelve years ; that the space set apart and to be kept clear for the use of such emigrants is as follows :—On the upper deck, 1,140 $\frac{1}{2}$ superficial feet, being fore poop cabins, cabin before poop, and deck-house, and in the between decks, 2,870 $\frac{5}{12}$ superficial feet, being the whole deck ; that the ship is properly manned and fitted, and that the means of ventilating the part of the between decks appropriated to passengers are as follows : scutiles, air funnels, and wind sails ; that the ship is furnished with a proper quantity of good provisions and fuel ; water, more than sufficient for the passage to St. Helena, for 168 days' issues to the passengers, according to the annexed dietary scale, and with a proper quantity of medicines, instruments, and medical comforts, according to the annexed scale of medical necessaries ; that I have inspected the contracts between the emigrants and their intended employers (the terms of which are annexed to this certificate), and consider them reasonable ; that no fraud appears to have been practised in collecting the emigrants ; and that there are on board a surgeon and interpreter approved by me, and designated respectively David Ludgate and Sungto. The master of the ship is to put into St. Helena for water and fresh vegetables. Passage from Hong Kong to St. Helena, estimated at 90 days ; from St. Helena to Havana, at 78 days.

(signed) *C. B. Hillier,*
Emigration Officer.

Dated at Hong Kong this 1st day of April 1856.

Annexed to this certificate are :

1. Passenger List, as supplied by master.
2. Copy of the Contract for Labour.
3. Schedule (A) of Chinese Passengers' Act.

True copy.
(signed) *C. R. Michell,*
Emigration Officer.

Hong Kong, 29 December, 1856.

True copy.
(signed) *W. Woodgate.*

No. 4.

COLONY OF *Hong Kong* to wit.

KNOW all men by these presents, that we are held and firmly bound unto our Sovereign Lady Queen Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, in the sum of one thousand pounds of good and lawful money of Great Britain, to be paid to our said Sovereign Lady the Queen, her heirs and successors; to which payment, well and truly to be made, we bind ourselves and every of us, jointly and severally for and in the whole, our heirs, executors, administrators, and every of them, firmly by these Presents.

(L. s.) (signed) *A. Thornhill.*
 (L. s.) " *Geo. Lyall.*
 (L. s.) " *C. F. Still.*

Sealed with our Seals.

Dated at Hong Kong this 11th day of February 1856.

Whereas by the Chinese Passengers Act, 1855, it is enacted, that before any Chinese passenger ship shall clear out or proceed to sea on a voyage of more than seven days' computed duration, the master thereof shall, with two sufficient Sureties to be approved by an Emigration Officer, enter into a bond to Her Majesty, her heirs and successors, in the sum of one thousand pounds:

Now the condition of this obligation is this, that if (in respect of the ship "*John Calvin*," whereof Alonso Thornhill is master) all and every of the requirements of the said Chinese Passenger Act, and of the regulations contained in Schedule (A.) to the said Act annexed, or enacted by the Legislature of Hongkong, shall be well and truly observed and performed, then this obligation to be void, otherwise to remain in full force and effect.

Signed, sealed, and delivered by the above-bounden Alonso Thornhill, George Lyall, and Charles Frederick Still, in the presence of,

(signed) *C. B. Hillier,*
Emigration Officer.

(True copy.)

(signed) *C. R. Michell,*
Emigration Officer.

Hong Kong, 29 December 1856.

(True copy.)
W. Woodgate.

No. 5.

KNOW all men by these presents, that we are held and firmly bound unto our Sovereign Lady Queen Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, in the sum of one thousand pounds of good and lawful money of Great Britain, to be paid to our said Sovereign Lady the Queen, her heirs and successors, to which payment, well and truly to be made, we bind ourselves and every of us, jointly and severally for and in the whole, our heirs, executors, administrators, and every of them, firmly by these presents.

(L. s.) (signed) *Geo. F. Seymour.*
 (L. s.) " *A. C. Malcolm.*
 (L. s.) " *Geo. Lyall.*

Sealed with our Seals.

Dated at Hongkong this 28th day of March 1856.

Whereas by the Chinese Passengers Act 1855, it is enacted, that before any Chinese passenger ship shall clear out or proceed to sea on a voyage of more than seven days' computed duration, the master thereof shall, with two sufficient sureties to be approved by an Emigration Officer, enter into a bond to Her Majesty, her heirs and successors, in the sum of one thousand pounds:

Now the condition of this obligation is this, that if (in respect of the ship "*Duke of Portland*," whereof George Frederick Seymour is master) all and every of the requirements of the said Chinese Passenger Act, and of the regulations contained in Schedule (A.) to the said Act annexed, or enacted by the legislature of Hong Kong, shall be well and truly observed and performed (in like manner as the same ought to be observed and performed in case the said ship were a British ship, and the said* a British subject,) then this obligation to be void, otherwise to remain in full force and effect.

Signed, sealed, and delivered by the above-bounden George Frederick Seymour, Alexander Campbell Maclean, and George Lyall, in the presence of,

(signed) *C. B. Hillier,*
Emigration Officer.

(True copy.)

(signed) *C. R. Michell,*
Emigration Officer,

Hong Kong, 29 December 1856.

(True copy.)
W. Woodgate.

* (This blank was in the original certificate.)

— No. 12. —

No. 12.
H. Merivale, Esq.
to E. Hammond,
Esq.
14 March 1857.

COPY of LETTER from *H. Merivale, Esq.*, to *E. Hammond, Esq.*

Sir,

Downing-street, 14 March 1857.

I AM directed by Mr. Secretary Labouchere to acknowledge your letter of the 3d instant, transmitting a report from Sir John Bowring respecting the emigrant ships, "John Calvin" and "Duke of Portland," and inquiring whether there are any further steps which Mr. Labouchere would wish to be taken by the Foreign Office on this subject.

I am desired to transmit to you in answer, the enclosed copy of a despatch which has been addressed to Sir John Bowring, making some further inquiry into such measures as were adopted when these vessels sailed from Hong Kong; and I am to state that the Board of Trade has been informed of these inquiries. Nothing more appears to Mr. Labouchere to be required at the present moment.

I am, &c.

(signed) *H. Merivale.*

14 March 1857.
No. 28.
Vide page 19.

— No. 13. —

No. 13.
H. Merivale, Esq.
to J. Booth, Esq.
14 March 1857.

COPY of LETTER from *H. Merivale, Esq.*, to *J. Booth, Esq.*

Sir,

Downing-street, 14 March 1857.

WITH reference to your letter of the 3d, and to Mr. Farrer's letter of the 5th of February, I am directed by Mr. Secretary Labouchere to transmit to you the inclosed copy of a despatch, just received through the Foreign Office from Sir John Bowring, by which it would appear that the "John Calvin" and the "Duke of Portland," were both of them regularly cleared by Mr. Hillier, the Emigration Officer. Mr. Hillier himself is unhappily since deceased. Sir John Bowring will be called upon to inquire, as you have suggested, whether the passengers by the "Duke of Portland" were duly seen, and the correctness of their agreements ascertained; but it is to be observed that the evidence which the documents now received afford of the promptitude and vigour of action in this respect in the case of the "John Calvin," gives reason to hope that there was no undue neglect of the same matter in the case of the other ship, the "Duke of Portland," which sailed about the same time and under the same superintendence.

I am to acquaint you, however, that Mr. Labouchere notices another point which also requires to be cleared up. The rules appended to the Chinese Passengers Act, require that for every passenger on board there should be at least five superficial feet on the upper deck and 12 such feet below. The legislature of Hong Kong had power, under the Act itself, to substitute other rules, but Mr. Labouchere is not aware that the power has been exercised. Nevertheless, in the case of both these vessels the number of superficial feet allowed to each passenger is only about three on the upper deck, and eight on the lower. As the reduced space so nearly agrees in the case of each vessel, it may be that the Emigration Officer proceeded on some local rule which has escaped notice. But an explanation will be demanded on the point; and it is decidedly Mr. Labouchere's opinion that the space named in the rules appended to the Act of Parliament is not larger than sufficient.

I am, &c.

(signed) *H. Merivale.*

1 January 1857,
No. 5.
Vide page 15.

— No. 14. —

(No. 28.)

COPY of DESPATCH from the Right Hon. *H. Labouchere* to Governor
Sir *John Bowring*.

No. 14.
Right Hon. H.
Labouchere to
Governor Sir J.
Bowring.
14 March 1857.
* *Vide page 5.*

Sir,

Downing-street, 14 March 1857.

WITH reference to my despatch,* No. 130, of the 14th of November last, sending to you such accounts as had at that time been received at this office of the deplorable mortality on board of two Chinese emigrant ships named the "Duke of Portland," and the "John Calvin," I transmit herewith two letters from the Board of Trade. The first of these letters encloses an account of an inquiry into this case by the Local Marine Board of London. The second encloses some other documents, including a statement by the chief mate of the "Duke of Portland," with explanatory notes by the captain in the margin, and also a copy of the certificate granted to the "Duke of Portland" by the emigration officer at Hong Kong. I am likewise desired to enclose a copy of the answer returned from this department to the Board of Trade.

3 February 1857,
Vide page 8.
5 February 1857.
Vide page 12.

14 March 1857,
Vide page 18.

Accounts have been received from Her Majesty's Consul at Havannah, in which he agrees with the Local Board in London, in exonerating from blame the master and the parties interested in the ship. He states that there is no reason to doubt that the emigrants were treated with every care and humanity. He says, that a fatal disease manifested itself among the coolies, and that they were probably predisposed to infection from not being in good condition when they were put on board. Both the "Duke of Portland" and the "John Calvin" are stated to have had a plentiful supply of water taken in at Hong Kong, but the Consul remarks, that it is supposed that it was not of a quality suitable to so long a voyage, and that it was often complained of by the passengers.

From the enclosures to your despatch† to the Earl of Clarendon, No. 5, dated the 1st of January, it appears that the passengers embarked in the "John Calvin" were duly inspected, and the correctness of their agreements ascertained. In compliance with the concluding suggestion in the letter‡ from the Board of Trade, dated the 5th of February, I have to request that you will inquire what record or evidence may exist, that a similar course was pursued in regard to the "Duke of Portland."

† Page 15.

‡ Page 12.

With respect to both vessels, I wish an explanation upon the numbers which they were computed to be legally qualified to carry. The body of rules appended to the Chinese Passenger Act required for each passenger a space of five superficial feet on the upper, and 12 superficial feet on the lower deck. I am not aware that the Hong Kong legislature has exercised its power to substitute another set of rules; but the figures embodied in the Emigration Officers' Certificates would only allow about three superficial feet above and eight below, in proportion to the number of passengers declared admissible in the "John Calvin" and "Duke of Portland." I shall be glad to receive a report on this subject. The space prescribed in the rules annexed is, in my opinion, decidedly not larger than sufficient, and it ought not to be diminished. I may also remark, that no requirement of the Passengers Act is more important than the one limiting the numbers to be carried, and that it is additionally useful from its simplicity, and from the consequent ease with which this security for the good of the passengers can be enforced.

I have, &c.
(signed) *H. Labouchere.*

Note.—A correspondence between the Board of Trade and the Lord Advocate on the subject of the "John Calvin" (not included in the above return) is now taking place, and will be presented when the Papers are ready.

CHINESE EMIGRANTS.

COPIES of COMMUNICATIONS to or from the Foreign Office, Colonial Office, Board of Trade, and any other Department of Her Majesty's Government, on the subject of MORTALITY on board the "Duke of Portland," or any other British Ships carrying EMIGRANTS from *China*.

(*Mr. Cardwell.*)

Ordered, by The House of Commons, to be Printed,
21 March 1857.

CHINESE, &c., EMIGRANTS.

RETURN to an Address of the Honourable The House of Commons,
dated 26 March 1858;—*for*,

“COPIES of any Recent Communications to or from the Foreign Office,
Colonial Office, Board of Trade, and any other Department of Her
Majesty’s Government, on the subject of MORTALITY on board British
Ships carrying Emigrants from *China* or *India* (in continuation of
Parliamentary Paper, No. 147, of Session 1, 1857).”

Colonial Office, }
30 July 1858. }

CARNARVON.

(*Mr. Cardwell.*)

Ordered, by The House of Commons, to be Printed,
2 August 1858.

SCHEDULE.

CASES OF THE "DUKE OF PORTLAND" AND "JOHN CALVIN."

No. in Series.	FROM WHOM.	DATE.	SUBJECT.	PAGE.
1.	T. H. Farrer, Esq., Board of Trade, to H. Merivale, Esq.	1857: 1 April -	In continuation of the Correspondence respecting the "John Calvin;" inquiry instituted into case by Lord Advocate; question raised as to deck space allotted for Emigrants, and the number of Emigrants specified in the clearance certificate of the ship -	1
2.	H. Merivale, Esq., to T. H. Farrer, Esq.	8 April -	In reply, states the Governor of Hong Kong has been called on to supply information as to the clearance certificate of the "John Calvin" - - - - -	5
3.	The Right Hon. H. Labouchere to Governor Sir John Bowring.	6 April - (No. 41.)	Requesting that the Emigration officer at Hong Kong be called on for report respecting discrepancy in clearance certificate of numbers embarked - - -	6
4.	Sir J. E. Tennent, Board of Trade, to H. Merivale, Esq.	24 April	The master of the "John Calvin," supposed to have proceeded to China, should, if he has reached Hong Kong, be called on for particulars required - - -	6
5.	The Right Hon. H. Labouchere to Governor Sir John Bowring.	27 April (No. 52.)	Instructions in accordance with above - - - - -	6
6.	Governor Sir John Bowring to Right Hon. H. Labouchere.	7 March (No. 46.)	Forwarding communications received from Messrs. Jardine & Co. and Messrs. Lyall & Co., relative to the mortality on board the "John Calvin" and "Duke of Portland" - - - - -	7
7.	The Right Hon. H. Labouchere to Governor Sir John Bowring.	29 June - (No. 86.)	In reply to the above despatch, containing the conclusion arrived at by the Secretary of State on a consideration of the case - -	8
8.	The Right Hon. H. Labouchere to Governor Sir John Bowring.	18 June - (No. 83.)	Instructions on the mode of computing the space to be allotted to Emigrants under the Chinese Passengers' Act - - -	10
9.	H. Merivale, Esq., to the Emigration Commissioners.	19 June -	Recapitulating the main points for consideration in the cases of the "John Calvin" and "Duke of Portland," and requiring the preparation of a case for the Law Officers, as to the means of maintaining a suit against the parties concerned in the "John Calvin"	11
10.	Emigration Commissioners to H. Merivale, Esq.	25 June -	Submitting a case prepared for the consideration of the Law Officers; and noticing a point connected with the allotment of space in vessels sailing under the Chinese Passengers' Act - - -	12

No. in Series.	FROM WHOM.	DATE.	SUBJECT.	PAGE.
		1857:		
11.	Governor Sir J. Bowring to Right Hon. H. Labouchere.	20 May - (No. 82.)	Furnishing information respecting the inspection of, and agreements made with the Emigrants embarked in the "John Calvin" and "Duke of Portland," and the allotment of space for them under the Passengers' Act -	13
12.	T. F. Elliot, Esq., to the Emigration Commissioners.	7 Aug. -	Additional information forwarded -	18
13.	Right Hon. H. Labouchere to Governor Sir J. Bowring.	18 Aug. - (No. 101.)	Forwarding the above opinion, and containing directions for putting the bond in suit - - -	18
14.	Governor Sir John Bowring -	17 July - (No. 112.)	Result of inquiry after the master of the "John Calvin" - - -	18
15.	H. Merivale, Esq., to Sir Emerson Tennent.	5 Oct. -	Communicating the above information - - - - -	19
16.	Governor Sir J. Bowring -	9 Oct. - (No. 148.)	Forwarding report from the Superintendent of Police, on certain occurrences connected with disturbances on board "Duke of Portland," prior to sailing -	19
		1858:		
17.	Right Hon. H. Labouchere -	2 Jan. - (No. 1.)	In reply; explanation considered satisfactory - - -	21
18.	Governor Sir John Bowring -	27 March (No. 38.)	Reporting forfeiture at a recent trial, of the penalty bond, given by Messrs. Lyall, Still & Co., in the case of the "John Calvin," and recommending a mitigation of the said penalty - - - -	21
			Observations by Mr. Chisholm Anstey on the abuses in the Chinese Emigration system.	
19.	Governor Sir John Bowring -	12 April (No. 48.)	With letter from Messrs. Jardine, Matheson & Co., Messrs. Dent & Co., and others praying for a remission of the penalty recently inflicted on Messrs. Lyall, Still & Co., as sureties in the case of the "John Calvin" - - -	26
20.	Right. Hon. Sir E. Bulwer Lytton.	20 June (No 11.)	Acknowledging the preceding despatches, and conveying authority for inflicting only a mitigated penalty of 50 l. - - -	27

CASE OF THE "GULNARE."

		1857:		
1	Governor Sir John Bowring -	10 April - (No. 64.)	Reporting circumstances connected with a piratical attack of the Chinese passengers by the "Gulnare," previous to sailing - -	28
2	Right Hon. H. Labouchere -	15 June - (No. 81.)	Acknowledging the above despatch	29
		1858:		
3	T. H. Farrer, Esq., to H. Merivale, Esq.	23 Jan. -	With Report, received from the Registrar - general of Seamen, respecting the great mortality amongst the Chinese emigrants by the "Gulnare" - - -	29

No. in Series.	FROM WHOM.	DATE.	SUBJECT.	PAGE.
		1858:		
4.	H. Merivale, Esq., to the Emigration Commissioners.	29 Jan. -	Forwarding the preceding communications for consideration and report - - - - -	30
5.	Emigration Commissioners -	16 Feb. -	Reporting on the case of the "Gulnare"; suggesting that inquiries be instituted by Her Majesty's Consuls at Foreign Ports into the circumstances of the voyage; mortality, &c., in British ships arriving with Foreign emigrants; emigration officer at port of clearance to ascertain if emigrants proceed willingly; medical examination, &c. - - - - -	31
6.	H. Merivale, Esq., to T. H. Farrer, Esq.	25 Feb. -	Encloses the above Report - - -	32
7.	J. Booth, Esq., to H. Merivale, Esq.	8 March -	Acknowledging the same; and containing remarks on the steps to be taken for inquiring into mortality in British ships carrying Foreign passengers - - - -	32
8.	The Right Hon. H. Labouchere to Governor Sir John Bowring.	25 Feb. - (No. 20.)	Enclosing the Report of the Emigration Commissioners of 16th February, and calling attention to the suggested inquiries to be instituted by emigration officer on sailing of ships - - - - -	33
9.	H. Merivale, Esq., to E. Hammond, Esq.	25 Feb. -	Enclosing the Emigration Commissioners' Report of 16th February	33
10. 11.	W. L. Fitzgerald, Esq., to H. Merivale, Esq.	11 March - 19 "	Stating that Her Majesty's Consul at the Havannah has been instructed to institute the inquiries suggested in future cases - - - - -	34
12.	H. Merivale, Esq., to the Emigration Commissioners.	31 "	Transmitting the foregoing correspondence - - - - -	34

COPIES of recent COMMUNICATIONS to or from the Foreign Office, Colonial Office, Board of Trade, and any other Department of Her Majesty's Government, on the subject of MORTALITY on board British Ships carrying EMIGRANTS from *China* or *India*.

Cases of the "Duke of Portland" and "John Calvin."

— No. 1. —

COPY of LETTER from *T. H. Farrer*, Esq., to *H. Merivale*, Esq.

Office of Committee of Privy Council for Trade,
Whitehall, 1 April 1857.

Sir,

I AM directed by the Lords of the Committee of Privy Council for Trade to acknowledge the receipt of your letter of the 14th* ultimo, transmitting, with reference to former correspondence, copy of a despatch from Sir J. Bowring, relating to the Chinese emigrant vessels "John Calvin" and "Duke of Portland."

Before receiving that letter, my Lords had requested the Lord Advocate for Scotland to undertake an inquiry in the case of the "John Calvin" now in the Clyde; and I enclose, for the information of Mr. Secretary Labouchere, the Lord Advocate's reply, and the papers, showing the result of the inquiry, which I am to request may be returned.

Upon the facts as communicated by your letter and its enclosure, two points arise which call for notice, viz.:

1. The amount of the space below deck allowed for emigrants and approved by the emigration officer at Hong Kong, which appears to be less than is required by the Imperial Act. Upon this point you state that Mr. Labouchere has already written for further information, and has given directions for the guidance of the Hong Kong authorities in future cases.

2. As regards the ship "John Calvin," the fact that she cleared with a certificate for 81 passengers, and notwithstanding this sailed with 298. It is, however, to be observed that the emigration officer cleared the vessel as having room for 300 passengers, although the number who were engaged to his satisfaction was only 81.

On this point my Lords are endeavouring to obtain an explanation from the master of the "John Calvin," the result of which will be communicated to Mr. Labouchere. But it seems to them that it would be well to ascertain from the authorities at Hong Kong if they can learn how this evasion of the law took place.

I have, &c.
(signed) *T. H. Farrer*.

No. 1.
T. H. Farrer, Esq.
to *H. Merivale*,
Esq.
1 April 1857.

* Page 18, House
of Commons Paper,
No. 147, 21 March
1857.

Enclosure 1.

Enclosure 2.

Enclosure 1, in No. 1.

Encl. 1, in No. 1.

Office of Committee of Privy Council for Trade,
Marine Department,
Whitehall, 13 February 1857.

Sir,

I AM directed by the Lords of the Committee of Privy Council for Trade to transmit to you the enclosed copy of a letter which my Lords have received from the shipping master at Greenock, relative to the mortality on board the Chinese emigrant ship "John Calvin,"

Sub-enclosure.

Calvin," and to suggest the expediency of instituting a judicial inquiry if such a proceeding is compatible with the law of Scotland. If not, my Lords will make such inquiry as may be in their power.

The official Log and Form C. may be procured from the shipping master at Greenock.

My Lords desire me to call attention to the Chinese Passenger Act of 1855, as it will be desirable to learn how far the provisions of that Act have been complied with in the port from which the ship started.

The Lord Advocate of Scotland.

I have, &c.
(signed) *T. H. Farrer.*

Sub-enclosure to Enclosure 1, in No. 1.

REPORT concerning Deaths on Board of the Barque "John Calvin," of Hong Kong, as reported in the List of Crew C.

THE mortality, as will be seen by the annexed Form KK. has been very large. The vessel sailed from Hong Kong for Havannah, and from thence for Greenock; and during the voyage, out of a crew originally numbering 35, there were 13 deaths. I have made inquiry concerning the deaths, and so far as I can learn, the causes stated on the List C. are correct; they appear to have been all caused either by typhus fever or by anasarca or dropsy; these diseases are stated to have broken out first amongst the passengers, and to have spread from them amongst the crew.

I think it my duty at the same time to state that the mortality amongst the passengers appears to have been even greater than amongst the crew. The ship was employed in carrying Chinese emigrants from Hong Kong to Havannah; of these I am informed there were on board about 350, and that during the voyage, which occupied six months, about 120 or fully one-third of this number died. As there appears every reason to believe that a similar mortality has prevailed on board of other ships engaged in the same trade, I beg to bring this case under the special notice of the Board of Trade.

Greenock, 2 February 1857.

(signed) *John M^r Ivain,*
Shipping Master.

Encl. 2, in No. 1.

Enclosure 2, in No. 1.

The Lord Advocate's Chambers, Edinburgh,

12 March 1857.

Sir,

I HAVE to acknowledge your communication of 13th February last, transmitting copy of a letter from the shipping master at Greenock to their Lordships of the Committee of Privy Council for Trade, relative to the mortality on board the Chinese emigrant ship "John Calvin."

I beg leave to transmit, for the information of my Lords, a precognition taken by my order, by the Procurator Fiscal at Greenock, with the relative letters and orders by Crown counsel.

I have further to state, for the information of my Lords, that the master is in London, and it will be for the consideration of their Lordships whether proceedings should be instituted against him in England, or against the vessel in Scotland.

Thomas Henry Farrer, Esq., &c. &c.
Board of Trade, London.

I have, &c.
(signed) *J. Moncreiff.*

Sub-enclosures,
1, 2, and 3.

Sub-enclosure 1, in Enclosure 2, in No. 1.

Unto the Honourable the Sheriff of Renfrewshire or his Substitute.

The Petition of *Robert Blair*, Writer, in Greenock, Procurator Fiscal of Court for the Public Interest.

Humbly sheweth,

THAT the petitioner has received information that on or about the month of January last the barque "John Calvin," of Hong Kong, arrived in Greenock, and that during the voyage 13 out of a crew of 35 died.

That the petitioner has also received information, that prior to the commencement of the said voyage, and when said barque was engaged in carrying passengers from Hong Kong to Havannah, a great number of them died.

It is necessary that, in these circumstances, investigation should be made touching said unusual mortality; and the petitioner prays that it may please your Lordship to grant warrant

warrant to officers of court and messengers at arms to cite such witnesses as reside within your Lordship's jurisdiction, and best know the facts connected with the said case to be precognosced thereanent in common form.

Greenock, 17 February 1857. According to justice. (signed) *Robt. Blair, P. F.*

Greenock, 17 February 1857.
THE Sheriff-substitute, having considered the foregoing Petition, grants warrant as craved.

(signed) *H. L. Tennent.*

Sub-enclosure 2, in Enclosure 2, in No 1.

PRECOGNITION anent Mortality on board of the Barque "John Calvin" of Hong Kong.

Greenock, 20 February 1857.

John M^cIlvain, aged 48, says, I am shipping-master for the ports of Greenock and Port Glasgow, and I reside in Greenock. The barque "John Calvin," of Hong Kong, arrived in Greenock from Havannah on the 15th of January last, and on arrival, or shortly afterwards, the master, Alonzo Thornhill, delivered to me the ship's articles and lists of crew required by "The Merchant Shipping Act, 1854." He also delivered to me an official log-book. From the lists and the log-book, I found that 13 of the crew had died during the voyage from Hong Kong to Havannah, and thence to Greenock. For each of these the master gave me the Forms K K. All of said papers and documents I transmitted to the registrar of seamen in the regular course. As there had been such a large mortality, I made inquiry, and found that the vessel had been employed in carrying Chinese emigrants from Hong Kong to Havannah, and that disease had broken out amongst them shortly after leaving Hong Kong, and that more than one-third of them had died during the voyage. In all cases of death on board ship, my instructions are to make inquiry, and if I think the case requires it, to make a report to the Board of Trade. In the present case I thought it necessary, and did make a report to the Board of Trade. I have no reason to suspect that any blame attaches to the master in reference to the said deaths; but on the contrary, the inquiries which I have made have led me to believe that there was no want of attention on the part of the master.

I have never seen the Chinese Passenger Act of 1855, and have no knowledge of its provisions; but supposing I did know what the provisions of that Act are, it would be no part of my duty to ascertain whether those had been complied with. The "John Calvin," besides being a colonial vessel, was not entirely under the Merchant Shipping Act, 1854, nor was the master bound to produce to me an official log-book for the voyage from Hong Kong to Greenock; but as he handed me an official log, I received it, and transmitted it along with the other documents.

The official log and list of Crew C. are open for inspection, and can be procured at the General Register and Record Office of Seamen, London. This is truth.

(signed) *John M^cIlvain.*

Greenock, 23 February 1857.

ALL the crew who came from Hong Kong with the "John Calvin," and arrived here, left this port shortly after the vessel was discharged, excepting a man called Alfut, and another, Alles Loob, and a Lascar seaman, who can speak no English, and who was sent to the hospital on arrival here, and has now recovered. The captain or master has also left for London, and took with him the surgeon, who was a Chinaman. The address of the master, in London, as left with me by him is, "Captain Alonzo Thornhill, at Messrs. Broadwood & Barclay, 5, Idol-lane, Tower-street, London." This is truth.

(signed) *John M^cIlvain.*

Greenock, 9 March 1857.

FURTHER says,—My attention has now been specially directed to the Chinese Passengers Act, 1855. It is impossible to ascertain at Greenock whether the master of the "John Calvin" complied with the provisions of that Act, except in so far as the number of passengers carried in the vessel may be found from his own log, and this has been done by the witness, John Cameron, who is my clerk. With regard to section 4 of the Act, which provides that no "Chinese passenger ship shall clear out or proceed to sea on any voyage of more than seven days' duration until the master thereof shall have received from an emigration officer a copy of the regulations," referred to in section 3; and a "Certificate in the form contained in Schedule B." annexed to the Act: it cannot be ascertained in Greenock whether the captain received a copy of such regulations, or received the said certificate. I, as shipping-master, did not, and had no right to demand from the captain production of these documents, and he had left Greenock for London before I was called upon to be precognosced in this matter. Perhaps the witness Loob, who was steward of the vessel, and who is still in

Greenock,

Greenock, may be able to afford some information as to the issues of provisions, fuel, and water, &c., as provided for in section 5 of Schedule A. annexed to the said Act.

I observe from the captain's log, that the emigration officer was on board the "John Calvin" on the 8th day of March, and appears likewise, from an entry on the 12th, to have been on board that day, which was the day immediately previous to sailing. This is also truth.

(signed) *John M'Ilvain.*

9 March 1857.

John Cameron, aged 34, says, I am clerk in the shipping office at Greenock, and I reside in No. 4, Nicholson-street, there.

I have carefully examined the captain's log of the barque "John Calvin," and find that when she left Hong Kong on 13th of March 1856, bound for Havannah, she had on board 298 passengers.

Of these passengers it appears,—

7 were drowned on the passage,
128 died on the passage, and
163 were sent on board of a hulk at Havannah.

298

I have subscribed said log, which is in two manuscript volumes. This is truth.

(signed) *J. Cameron.*

20 February 1857.

David Elder Barclay, aged 30, says, I am managing partner of the company carrying on business in Greenock, as commission and shipping agents, under the firm of Robert Ewing & Co.

My firm acted as agents here for the barque "John Calvin," of Hong Kong, Alonzo Thornhill master; which vessel arrived from Cuba on the 15th day of January last, and we still take charge of her as she now lies in this port. I now exhibit the captain's log, in two manuscript volumes, and have subscribed my name upon them as relative hereto, which logs were committed to our care by the captain after the ship was discharged and jerked. The first date of the logs is Hong Kong, 19th November 1855, and, on reference to them, I perceive that the vessel proceeded to sea with emigrants for Cuba on 13th March 1856; that she arrived at Cuba on or about the 2d of September, and sailed thence to Greenock with a cargo of molasses on the 30th of November. This is truth.

(signed) *David Elder Barclay.*

7 March 1857.

Edwin Hanley, aged 53, says, I am measuring surveyor of the Customs at Greenock, and I reside there.

My attention has been called to the Chinese Passengers Act, 1855, Schedule A. s. 4, and I have measured the 'tween decks and also the upper deck of the barque "John Calvin," of Hong Kong. The result of that measurement I now produce, and have subscribed the same as relative hereto. In explanation, I have to state that the 1,823 superficial feet in the 'tween decks, shown in the measurement now produced, give 12 superficial feet of space to each of 152 adult passengers. The cubical feet in the 'tween decks amount to 12,152, which gives 80 cubical feet to each of the said 152 adult passengers. The 'tween decks is six feet eight inches from the upper part of the lower deck to the under side of the upper deck, and it is this extraordinary height which allows 80 instead of 72 cubical feet to each passenger; for had the 'tween decks been only six feet (the usual height) instead of six feet eight inches, the cubical space would have been only 72 feet, being the space prescribed in said Act.

The said measurement shows that there are, on the upper deck of the "John Calvin," 1,329 superficial feet, which give a space of five superficial feet per adult left clear on the upper deck for 266 passengers. This is truth.

(signed) *E. Hanley.*

20 February 1857.

Alles Loob, aged 35, says, I am a native of Goa, in Bombay. I joined the barque "John Calvin" in Hong Kong, in January 1856, as steward of the vessel. We sailed from Hong Kong to Havannah in March with Chinese coolies: there were 291 coolies on board, 109 of whom died on the passage. Disease broke in upon the coolies soon after we left Hong Kong. The barque called at St. Helena, and remained a week there. We had a Chinese surgeon on board, who gave medicine to the sick every day. In fine weather, all the passengers, including the sick, were on deck, and in rainy weather they went below. I don't know the nature of the disease, but it caused great swelling on the lower part of the body, and in some cases also up the arms. Some of the sick continued a week under the disease, and others as long as 15 days before death. The coolies lived on rice, sago and arrowroot, and they also got sugar, tea and beef, pork and fish. They also had cabbages, cauliflower, potatoes and pumpkins, but these vegetables they only received during the first week after leaving Hong Kong. At St. Helena a fresh supply of all kinds of provisions was obtained. The coolies slept in fitted-up berths between decks, and these berths were good and comfortable, and they had plenty of Chinese blankets; they had plenty of room, and

and were not at all crowded. Nine of the crew died between Hong Kong and Havannah, and the second mate was one of these. Four of the crew died on the passage between Havannah and Greenock. I intend to go back to Bombay as soon as I get a ship. This is truth, and I cannot write.

9th March.

DECLARES further,—An Englishman of the name of Tycol came on board of the barque at Hong Kong, and proceeded with her to Havannah, where he died. He took charge of the passengers and weighed out their provisions according to the dietary scale, and gave these to me, and I gave them to the passengers. Water and firewood were not supplied in the quantities noted in said scale, but the passengers had plenty of both, and they never made any complaints about anything, so far as I heard. None of the passengers were ill-used at any time, nor required to work the vessel. It was the Chinese doctor who prescribed the medicines, and gave them to the passengers with his own hands. This is also truth.

Schedule A., s. 4,
art. 4, of Chinese
Passenger Act,
1855.

Ibid. s. 5.

Greenock, 17 February 1857.

William Croll, or *Alfut*, aged 20, says, I am cook on board of the "Bangalore," of Greenock, now about to sail for Trinidad. I was cook on board of the "John Calvin," of Hong Kong, on her last voyage from Hong Kong to Havannah, and from thence to Greenock. We left Hong Kong in February 1856, and the passage to Havannah occupied about six months. Our crew consisted of 35 in all; 25 of them being Lascars, eight of them Europeans, and the captain and mate being English, and of course Europeans also. We had a Chinese surgeon on board, but no British doctor. We carried from Hong Kong to Havannah 335 male passengers. They all slept and got their victuals on the 'tween deck, which was floored. Some of the passengers got sick about a week after the ship left Hong Kong, and sickness and death continued to rage till the vessel arrived at Havannah, by which time upwards of 150 had died. The remainder were put ashore at Havannah, some of them being quite well, others complaining slightly, and some of them just dying. The sick were all swelled as if by dropsy before death. The surgeon attended to them, and sometimes administered medicine three times daily. The ship lay at quarantine for a fortnight at Havannah before any of the passengers were landed, and thereafter we lay three weeks at Havannah. I think 14 of the crew died on the passage to Clyde.

I am a Lascar, and have been at sea for six or seven years, but cannot speak English very fluently. This is truth, and I cannot write.

Sub-enclosure 3, in Enclosure 2, in No. 1.

Greenock, 6 March 1857.

MEASURED the Barque "John Calvin."

Space between decks for passengers.

				Ft.	in.	
Length	-	-	-	85	0	} 1,823 superficial feet; or 12,152 cubic feet.
Mean breadth	-	-	-	23	5	
Height	-	-	-	6	8	

Upper deck.

From point of poop to fore-castle bulkheads.

			Ft.	in.	
Length	-	-	67	7	} 1,513 superficial feet. ditto occupied by boat (deduct).
Mean breadth	-	-	22	5	
				1,329	

(signed) *E. Hanley*,
Measuring Surveyor.

Greenock, 7 March 1857.

Referred to in Precognition of this date.

— No. 2. —

COPY of LETTER from *H. Merivale*, Esq., to *T. H. Farrer*, Esq.

Sir,

In answer to your letter of the 1st* instant, respecting the "John Calvin," I am directed by Mr. Secretary Labouchere to acquaint you that the Governor of Hong Kong has been applied to, as suggested in your letter, for any explanation

tion which can be furnished from the Emigration Office there, of the difference between the number of passengers for which a certificate of clearance was granted, and the number of passengers which actually proceeded in the ship.

I am, &c.
(signed) *H. Merivale.*

— No. 3. —

No. 3.
Right Hon. H.
Labouchere, M.P.
to Governor Sir
John Bowring.
6 April 1857.

COPY of DESPATCH from the Right Honourable *H. Labouchere*, M.P., to
Governor Sir *John Bowring*.

(No. 41.)

Sir,

Downing-street, 6 April 1857.

MY attention has been drawn by the Lords of the Committee of Privy Council for Trade to the fact that the ship "John Calvin" was cleared from Hong Kong, whence she sailed in March 1856 with a certificate for 81 passengers, but that she would appear to have proceeded in reality with 298 passengers on board. Their Lordships are endeavouring to learn from the master of the ship, who is now in London, how this discrepancy or evasion of the law may have occurred. In the meanwhile, I have to request that you will inquire whether any explanation of the circumstance can be furnished from the Emigration Office at Hong Kong.

I have, &c.
(signed) *H. Labouchere.*

— No. 4. —

No. 4.
J. E. Tennent, Esq.
to H. Merivale,
Esq.
24 April 1857.

COPY of LETTER from *J. Emerson Tennent*, Esq., to *H. Merivale*, Esq.

Office of Committee of Privy Council for Trade,
Whitehall, 24 April 1857.

Sir,

WITH reference to the correspondence that has passed between the Colonial Office and this Department, on the subject of the mortality on board the Chinese emigrant ship "John Calvin," I am directed by the Lords of the Committee of Privy Council for Trade to request that you will inform Mr. Secretary Labouchere that my Lords have endeavoured to discover Captain Alonzo Thornhill, the late master of that vessel, with the view of obtaining his explanation of the circumstances under which the "John Calvin" sailed from Hong Kong with 298 passengers, when the certificate of the emigration officer authorised her clearance with only 81 passengers.

All endeavours to find Captain Thornhill have failed, but from recent information obtained by the registrar of seamen, it appears likely that he left this country for China by the overland route about a month since; and my Lords would suggest for Mr. Labouchere's consideration, whether it might not be advisable to acquaint the Governor of Hong Kong accordingly, in order that he may take advantage of Captain Thornhill's presence in China for the purpose of any inquiry which he may think proper to institute on the spot into the case of the "John Calvin."

I have, &c.
(signed) *J. Em. Tennent.*

— No. 5. —

No. 5.
Right Hon. H.
Labouchere, M.P.
to Governor Sir
John Bowring.
27 April 1857.

COPY of DESPATCH from the Right Honourable *H. Labouchere*, M.P., to
Governor Sir *John Bowring*.

(No. 52.)

Sir,

Downing-street, 27 April 1857.

WITH reference to my despatch, No. 41* of the 6th of April, requesting you to seek information respecting the circumstances under which the "John Calvin" was cleared, I have to acquaint you that the Board of Trade have apprized me that all endeavours to find Captain Thornhill, the late master of
that

* Above.

that vessel, have failed, but that from recent information obtained by the registrar of seamen, it appears likely that he left this country for China by the overland route about a month since. I apprise you of this probability in order that if Captain Thornhill should have reached Hong Kong, you may be able to make use of his presence in any inquiry which may be instituted on the spot into the case of the "John Calvin."

I have, &c.
(signed) *H. Laouchere.*

— No. 6. —

COPY of DESPATCH from Governor Sir *John Bowring* to the Right Honourable
H. Laouchere, M. P.

(No. 46.)

Government Offices, Victoria, Hong Kong,
7 March 1857.

No. 6.
Governor Sir J.
Bowring to the
Right Hon. H.
Laouchere, M. P.
7 March 1857.

Sir,

(Received 2 May 1857.)

I HAVE the honour to inform you that, on receipt of your despatch, No. 130 * of 14th November 1856, relating to the mortality which occurred on board the ships "Duke of Portland" and "John Calvin," I directed communications to be made on the subject to Messrs. Jardine, Matheson & Co., the agents for the "Duke of Portland," and Messrs. Lyall, Still & Co., the charterers of both ships. I have received the accompanying replies from these firms, and this appears to be the only information that can be collected here on these lamentable cases.

* Page 5 of
House of Com-
mons Paper, No.
147, 21 March
1857.

Enclosures 1, 2, 3,
and 4.

I have, &c.
(signed) *John Bowring.*

Enclosure 1, in No. 6.

Encl. 1, in No. 6.

Sir,

Hong Kong, 12 February 1857.

WE have the honour of acknowledging receipt of your letter of 9th instant, having reference to the coolie ships "John Calvin" and "Duke of Portland," and we shall have great pleasure in affording his Excellency the Governor every information which may be in our possession regarding the sad mortality which occurred amongst the emigrants on board those vessels.

Of the "Duke of Portland" we know but little, beyond the fact that in her case, as in the case of the "John Calvin," the greatest possible care was taken here in her despatch, both by ourselves and by the late Mr. Hillier, the emigration officer, who was on board repeatedly previously to her leaving, and who inspected the provisions very closely. From this vessel, since her leaving, we have had no communication; but we are aware that a great mortality did take place, and Messrs. Jardine, Matheson & Co., who were the agents for the ship, may probably have heard either from the master or the owners.

With reference to the "John Calvin," owing to the circumstance of our being the owners of that vessel, we are enabled to give you more information; and we have now the honour of handing you an extract from Captain Thornhill's letter to us, announcing his arrival at Havannah, and giving us the particulars of the sickness on board. Beyond this we know nothing, excepting that 225 *l.* were spent at St. Helena in the purchase of vegetables and other fresh provisions for the use of the coolies.

As we have said before, great care was taken both by Mr. Hillier and ourselves in the despatch of the vessel from this; and the master and officers were most efficient, the former particularly having had experience in carrying Chinese. It would appear, therefore, that the mortality arose from the length of the voyage, and from causes which were beyond all human control.

We have, &c.
(signed) *Lyall, Still & Co.*

The Hon. W. T. Mercer, Esq., Colonial Secretary,
&c. &c. &c.

Enclosure 2, in No. 6.

Encl. 2, in No. 6.

EXTRACT of Captain *Thornhill's* Letter to *Lyall, Still & Co.*, dated Havannah,
23 September 1856.

I BEG to inform you, by this opportunity, of my arrival here on the 2d instant, after a long and tedious passage of 171 days, and much regret being placed in quarantine immediately, having lost 111 coolies and 11 of my crew by death from fever, dysentery, anasarca, and

and from the effects of opium. After writing you from Anjer, the wind came from the south-west, with a current setting at the rate of three knots per hour to the eastward, which compelled me to anchor in the Straits of Sunda until the 15th April, during which time the typhus fever broke out and carried off 10 of them, cleared the Straits on the 17th, and arrived at St. Helena on the 28th June, having experienced light winds in the south-east trade, and heavy westerly gales off the Cape of Good Hope, and lost 55 coolies. After leaving there, they appeared to improve, and no death until the 10th day out, when the strongest went off suddenly, after a few hours' illness of anasarca; they were perfectly quiet and submissive during the whole passage. I received pratique on the 9th, having laid eight days in quarantine, during which time lost 11 coolies, and landed 175 alive.

(True copy.)

(signed) *Lyall, Still & Co.*

Encl. 3, in No. 6.

Enclosure 3, in No. 6.

To the Honourable *W. T. Bridges*, Esq., Acting Colonial Secretary, &c. &c., Hong Kong.

Sir,

Hong Kong, 21 February 1857.

WE beg to acknowledge receipt of your communication of the 17th instant, on the part of his Excellency the Governor, requesting information regarding the case of the coolie ship "Duke of Portland," from this to the Havannah, and asking for particulars of the mortality reported to have taken place.

In reply, we beg to state that we were mere agents for the ship which we chartered to Messrs. Lyall, Still & Co., who had afterwards everything to do with the shipment of the coolies, &c., and who are therefore much more likely to be in a position to afford you information regarding the voyage than we are; indeed we have not heard of or from the vessel since her departure, and consequently know nothing whatever of the mortality on board to which you allude.

We have, &c.

(signed) *Jardine, Matheson & Co.*

Encl. 4, in No. 6.

Enclosure 4, in No. 6.

Sir,

Hong Kong, 5 March 1857.

WE have the honour of acknowledging receipt of your letter, No. 213, of 23d ultimo, on the subject of the despatch of the "Duke of Portland," and in reply regret that we can only refer you to our former letter of 12th ultimo.

The vessel was despatched from this, as we have already informed you by the emigration officer, in the usual way, only with unusual care, and since her departure we have received no information regarding her.

We have, &c.

(signed) *Lyall, Still & Co.*

To Honourable *W. T. Bridges*, Esq.,
Acting Colonial Secretary,
&c. &c. &c.

— No. 7. —

COPY of DESPATCH from the Right Honourable *H. Labouchere*, M.P., to
Governor Sir *John Bowring*.

(No. 86.)

Sir,

Downing-street, 29 June 1857.

I HAVE had under my consideration your despatch, No. 46,* of the 7th of March, relative to the passenger ships "John Calvin" and "Duke of Portland."

This despatch shows that no further light is likely to be thrown upon the facts, and I shall therefore now proceed to convey to you such remarks as these cases appear to me to require.

The "John Calvin" sailed from Hong Kong for Havannah on the 13th of March 1856, with 298 emigrants on board, and lost 135; the "Duke of Portland" sailed from Hong Kong for the same destination on the 3d of April 1856, with 332 emigrants on board, and lost 128.

So deplorable a mortality occurring on board of two British ships despatched from the chief port of a British Government in China could not fail to excite both the deep regret of Her Majesty's Government, and also an anxiety to detect its causes, and endeavour to guard against its recurrence. The main points to be ascertained are, whether there was any inhumanity or culpable neglect on the passage; whether the numbers embarked were too large; and whether the emigrants had been deceived and were taken away against their will.

As

No. 7.
Right Hon. *H. Labouchere*, M.P.
† Governor Sir *J. Bowring*.
29 June 1857.

* Page 7.

As regards the first point, there appears no reason to suspect any want of humanity or care on the voyage. The British Consul at the Havannah, to which the vessels proceeded, instituted an inquiry at the moment of their arrival, and reported that the treatment of the passengers had been humane and attentive. This conclusion was confirmed in the case of the "Duke of Portland" by the report of the Local Marine Board of London. It has not been disputed in the case of the "John Calvin."

No reason has appeared for supposing that the unfortunate sickness on board these vessels was attributable to overcrowding, owing to a misconception of the late emigration officer at Hong Kong; the numbers which he declared the ships qualified to carry were larger than the Act really intended. According to the Chinese Passengers Act (18 & 19 Vict. c. 104), the number of passengers is not to be greater than after the proportion of 1 to every 12 superficial feet of the 'tween decks. The emigration officer did not confine his measurement of the "'tween decks" to the lower deck (which is the usual and real meaning of the term), but included all those parts of the upper deck which were housed over, and which thus formed a space fit for habitation. The particulars set forth in his certificates, and also the figures of his calculations, prove that this was the fact. You have received from me separate instructions, which will prevent the recurrence of this mistake. The persons concerned in the vessel, however, cannot be held responsible for the error of the emigration officer, nor, as already stated, has it been alleged that overcrowding was the cause of the illness and mortality in these vessels.

It remains to be considered whether the people were deceived or removed against their will. That kidnapping and various frauds are often practised by the Chinese brokers who procure emigrants, there can be no doubt. On the other hand, it appears unfortunately to be the case, that the people themselves who embark are frequently cheats. They pretend to be emigrants in order to live free of expense in the coolie ships, and then, at the last moment, when they have received an advance of wages, they endeavour to desert the ship, or to seize her by force, and effect a landing on the coast. This, of course, must multiply the risks of collision, and enhance the difficulty of doing justice.

The security provided by the Chinese Passengers Act against the use of frauds or violence in procuring emigrants is contained in the 6th of the Regulations annexed to the Act. The emigration officer is to muster the passengers, and ascertain that they understand whither they are going, and that they have not been improperly collected; and he may, if he think fit, detain the ship, and order all or any of the passengers to be re-landed.

In the "Duke of Portland" the emigration officer mustered the passengers, and gave his certificate that the ship was qualified to carry 334, and that the same number (two less than were finally taken) were on board, and that the ship might proceed. After he had gone, and when the ship was starting, a disturbance occurred, but was suppressed by the police, and the vessel proceeded on her voyage.

Here I have to call your attention to the apparent conduct of the police in the matter. The master of the ship states (at page 10 of the Parliamentary Paper,* of which some copies are sent to you herewith), that Mr. May, the superintendent of police, came on board, and that he left several policemen to act as sentries during the night, and that next morning at daylight the vessel was out of the Roads. The mate stated (page 13), that the policemen were accompanied by some one from the office of the charterers; but the master says that he is mistaken on this point, and it is evident that the master is the most likely to have known whom he brought from the shore. If these accounts are to be trusted, it appears strange that a superior officer of police, being a witness of the insurrection of a large body of passengers, should have taken no steps to ascertain the real cause of the disturbance. You will call upon Mr. May for an explanation on the subject, and you will give strict orders that in case of any tumult on board of a coolie ship at the time of sailing, no police or other force of the Government is on any account to facilitate her departure without re-summoning the emigration officer, with proper interpreters if necessary, to discover the grounds of complaint, and whether or not the ship ought to be detained.

It would have been far more prudent, to say the least, on the part of the master himself, to have waited until the nature and validity of the emigrants' discontent could have been ascertained; and he suffered the natural penalty of the

* *Vide* House of Commons Paper, No. 147 of Session 1857.

the opposite course by constant alarms and attempts at violence during the voyage. But still, having been regularly cleared by the functionary designated for the purpose by the Act of Parliament, who had assembled the passengers, and had been ready at that time to receive any complaints which they might have to prefer, he cannot be said to have committed any legal offence, and there appears no ground to sustain a prosecution against him or the owners of the ship.

The case of the "John Calvin" is different in this respect. The emigration officer certified that the ship was qualified to carry 301, but that only 81 were actually on board. It seems that all but 81 declined to go, and that he therefore refused to insert more in his clearance, but the ship nevertheless proceeded to sea with 298. In a letter from the master to the owners, written soon after reaching Havannah, and before he could have any knowledge of the inquiries which would take place in England, he mentions that the conduct of the emigrants was quiet and submissive during the voyage. Whether the excess beyond 81 consisted of the very persons who objected in the presence of the emigration officer, or whether of others picked up subsequently, is not stated; but the former case is the most probable. It also is not stated that the emigration officer ordered the passengers to be re-landed under the terms of the 6th Regulation, and he certainly did not detain the ship, for by granting his certificate he enabled the captain to put to sea. The proper course for the emigration officer would have been to withhold his clearance until he was satisfied that all the passengers whom he wished to be removed were re-landed. You will explain this carefully to the present emigration officer, and desire him to guide himself accordingly in any future case which may occur of the same nature. Although, however, the late emigration officer does not appear to have taken the best course for enforcing his views, there can be no doubt that the master of the "John Calvin" defeated the spirit of the Act in proceeding to sea with 298 emigrants, when only 81 had been approved of by the emigration officer; and I have, therefore, caused a case to be laid before the law officers of the Crown, to ascertain whether there may not have been such an infraction of the letter as will sustain a prosecution; and in that case the bond should, without fail, be put in suit against the master and his sureties. I shall lose no time in apprizing you of the result of the reference to the law officers of the Crown.

I have, &c.
(signed) *H. Labouchere.*

— No. 8. —

No. 8.
Right Hon. H.
Labouchere, M.P.
to Governor Sir
John Bowring.
18 June 1857.

COPY of a DESPATCH from the Right Hon. *H. Labouchere*, M.P., to Governor
Sir John Bowring.

(No. 83.)

Sir,

Downing-street, 18 June 1857.

In my despatch, No. 28,* of the 14th of March last, your attention was called to the requirement of the regulations appended to the Chinese Passengers Act, that for every passenger on board there should be a space of at least 12 superficial feet on the 'tween decks, and also a space of five superficial feet on the upper deck left clear for the use of the passengers, and you were informed that this space was in my opinion decidedly not more than sufficient, and that it ought not to be diminished. I trust therefore that any communications to the present emigration officer which you may have founded on that despatch from me will have precluded any future misunderstanding of the subject.

But since the time when I wrote to you, the nature of the misconception under which the late emigration officer acted in computing the capacity of the two ships, the "John Calvin" and "Duke of Portland," has become apparent on further examination of the figures and statements contained in his certificates of clearance, it is found that in computing the superficial feet of the 'tween decks, he did not confine himself to the lower deck, but included all those parts of the upper deck which were housed over. To prevent the possibility of further mistake, therefore, I have to request that you will apprise the present emigration

Encl. in No. 10.
* *Vide* p. 19 of
House of Commons
Paper,
No. 147 of Session
1857.

emigration officer that this is not the true intent of the regulations appended to the Act. The meaning of them is that for every passenger on board there shall be distinctly 12 superficial feet of the lower deck itself, and likewise five superficial feet of the upper deck available to them for air and exercise. You will enjoin it upon the emigration officer to carry this regulation fully into effect.

I am, &c.
(signed) *H. Labouchere.*

— No. 9. —

COPY of LETTER from *H. Merivale*, Esq., to the Emigration Commissioners.

Gentlemen,

Downing-street, 19 June 1857.

I AM directed by Mr. Secretary Labouchere to transmit to you the enclosed copy of a Parliamentary Paper presented on the 21st of March 1857,* containing the correspondence which had passed up to that time respecting the Chinese emigrant ships "Duke of Portland" and John Calvin." I am also desired to enclose copies of two letters from the Board of Trade, containing some further communications with respect to the "John Calvin," and likewise a despatch from the Governor of Hong Kong in reply to the demand which had been made upon him for some information regarding these two emigrant vessels.

The "John Calvin" sailed from Hong Kong for Havannah on the 13th of March 1856; the "Duke of Portland" sailed on the 3d of April. The "John Calvin" had on board 298 emigrants, and lost 135. The "Duke of Portland" had on board 332 emigrants, and lost 128.

The causes of so deplorable a mortality occurring on board of two British ships regularly despatched from the chief port of a British Government in China required to be carefully investigated. The main points to be attended to were, whether there had been any inhumanity or culpable neglect on the passage; whether the numbers embarked were too large, and whether the emigrants had been deceived, and were taken away against their will.

As regards the first point, there appears no reason to suspect any want of humanity or care on the voyage. The British consul at the Havannah, to which the vessels proceeded, instituted an inquiry at the moment of their arrival, and reported that the treatment of the passengers had been humane and attentive. This conclusion was confirmed in the case of the "Duke of Portland" by the report of the Local Marine Board of London. It has not been disputed in the case of the "John Calvin."

No reason has appeared for supposing that the unfortunate sickness on board these vessels was attributable to overcrowding. Owing to a misconception of the emigration officer at Hong Kong, the numbers which he declared the ships qualified to carry were larger than the Act really intended. According to the Chinese Passengers Act (18 & 19 Vict. c. 104) the number of passengers is not to be greater than after the proportion of one to every 12 superficial feet of the 'tween decks. The emigration officer did not confine his measurement of the "tween decks" to the lower deck (which is the usual and real meaning of the term), but included all those parts of the upper deck which were housed over, and which thus formed a space fit for habitation. The particulars set forth in his certificates, and also the figures of his calculations, prove that this was the fact. The persons concerned in the vessel, however, cannot be held responsible for the error of the emigration officer, nor, as already stated, has it been alleged that overcrowding was the cause of the illness and mortality in these vessels.

It remains to be considered whether the people were deceived or removed against their will. That kidnapping and various frauds are often practised by the Chinese brokers who procure emigrants, there can be no doubt. On the other hand, it happens unfortunately that the people themselves who embark are frequently cheats. They pretend to be emigrants in order to live free of expense in the coolie ships, and then at the last moment, when they have received an advance of wages, they endeavour to desert the ship or to seize her by force and effect a landing on the coast. This of course multiplies the risks of collision, and enhances the difficulty of doing justice.

The security provided by the Chinese Passengers Act against the use of fraud or violence in procuring emigrants, is contained in the sixth of the regulations annexed

No. 9.
H. Merivale, Esq.
to the Emigration
Commissioners.
19 June 1857.
* House of Com-
mons Paper, No.
147 of Session
1857.

1 April 1858,
page 1.
24 April 1858,
page 6.
No. 46, 7th March,
1857, page 7.

annexed to the Act. The emigration officer is to muster the passengers and ascertain that they understand whither they are going, and that they have not been improperly collected; and he may, if he think fit, detain the ship, and order all or any of the passengers to be re-landed.

In the "Duke of Portland" the emigration officer mustered the passengers, and gave his certificate that the ship was qualified to carry 334, and that the same number (two less than were finally taken) were on board, and that the ship might proceed. After he had gone, and when the ship was starting, a disturbance occurred, but was suppressed by the police (a matter into which further inquiry will be made), and the vessel proceeded on her voyage. The master would have behaved more correctly, and certainly with more prudence, if, on seeing a tumult, he had remained until the emigration officer could be re-summoned, with proper interpreters, to ascertain the cause of discontent. But still, having been regularly cleared by the officer designated for the purpose by the Act of Parliament, who had assembled the passengers, and been ready to receive any complaints which they might have to prefer, he cannot be said to have violated the law in proceeding on his voyage, and there appears no ground to sustain a prosecution against him or the owners of the ship.

The case of the "John Calvin" is different in this respect. The emigration officer certified that the ship was qualified to carry 301, but that only 81 were actually on board. It seems that all but 81 declined to go, and that he therefore refused to insert more in his clearance; but the ship, nevertheless, proceeded to sea with 298. Whether the excess beyond 81 consisted of the very persons who objected in the presence of the emigration officer, or whether of others picked up subsequently, is not stated; but the former case is much the most probable. It also is not stated that the emigration officer ordered the passengers to be re-landed, under the terms of the 6th Regulation; and he certainly did not detain the ship, for, by granting his certificate, he enabled the captain to put to sea. The proper course for the emigration officer would have been to withhold his clearance until he was satisfied that all the passengers whom he wished to be removed were re-landed. It is right to remark, that in a letter from the master to the owner, written soon after reaching the Havannah, he mentions the conduct of the emigrants as quiet and submissive during the whole voyage.

Such being the principal facts connected with these two vessels, it appears that there are no grounds, under the present law, for prosecuting the master or owner of the "Duke of Portland," since the vessel was duly cleared by the officer designated by the Act for carrying its provisions into effect; but the master of the "John Calvin," on the other hand, undoubtedly defeated the spirit of the Act, by going to sea with 298 passengers, when only 81 had been approved of by the emigration officer, and therefore the bond given under the Act ought to be enforced against him and his sureties if the law will admit of it; but it is open to serious question whether there has been such an infraction of the letter of the Act as will sustain a successful prosecution.

I am accordingly to desire that you will prepare a case for the consideration of the law officers of the Crown, in order to obtain their opinion, whether there are sufficient means of maintaining a suit against the parties concerned in the "John Calvin," under the foregoing circumstances.

I am, &c.
(signed) *H. Merivale.*

— No. 10. —

No. 10.
T. W. C. Murdoch,
Esq. to H. Merivale, Esq.
25 June 1857.

COPY of LETTER from *T. W. C. Murdoch, Esq.*, to *H. Merivale, Esq.*

Sir,

Emigration Office, 25 June 1857.

I HAVE to acknowledge your letter of 19th instant, enclosing the correspondence which has passed on the subject of the mortality on board the Chinese passenger ships "Duke of Portland" and "John Calvin;" and in compliance with the instructions contained therein, I have prepared, and enclose herewith, a case to be submitted to the law officers of the Crown, relative to the liability of the master of the "John Calvin," and his sureties, to be sued on their bond, on account of his having carried in that vessel a much larger number of emigrants than

than were included in the clearing certificate of the emigration officer at Hong Kong.

2. I take the opportunity of referring to an error which these papers disclose in the interpretation of the Chinese Passenger Act by the authorities at Hong Kong, which is adverted to in Mr. Labouchere's despatch of 14th March last. The Regulations (2 and 3) in Schedule A. require that the space appropriated to the passengers in the "tween decks" shall be in the proportion of 12 superficial feet per adult, and that a space of five superficial feet per adult shall be left clear on the upper deck "for the use" of the passengers. The effect is to prohibit the berthing of emigrants in a poop, roundhouse, or deckhouse, or anywhere but in the "tween decks," and to reserve on the upper deck a sufficient space for the use, *i.e.* for the exercise of the emigrants.

3. By the clearing certificate of the "Duke of Portland" and "John Calvin," it appears that the emigration officer had included the poop and deckhouse, which he designated (incorrectly) as the upper deck, in the space in which emigrants might be berthed, and that he omits altogether the statement of the space reserved on the "upper deck" for the use of the passengers. The effect was to authorise the "Duke of Portland" to carry 334 passengers instead of 239, and the "John Calvin" 301 instead of 227. The certificate, moreover, does not show that the space prescribed by law was reserved on the upper deck for the use of the passengers; or, in fact, that that point had been ascertained or inquired into in any way by the emigration officer.

I have, &c.
(signed) *T. W. C. Murdoch.*

— No. 11. —

COPY of DESPATCH from Governor Sir *John Bowring* to the Right Honourable *H. Labouchere*, M.P.

Government Offices, Victoria, Hong Kong,
20 May 1857.

(No. 82.)

Sir,

(Received, 20 July 1857.)

IN despatch No. 28, of 14th March,* relating to the passenger ships "Duke of Portland" and "John Calvin," you directed me to inquire what record or evidence exists, that the passengers embarked in the "Duke of Portland" were duly inspected, and the correctness of their agreements ascertained. You further desired an explanation upon the numbers which both the said ships were computed to be legally qualified to carry, and a report explaining how, when the Chinese Passengers Act requires for each passenger a space of five superficial feet on the upper, and 12 superficial feet on the lower deck, the emigration officer's certificate would only allow about three superficial feet above, and eight below, in proportion to the number of passengers declared admissible in such two ships.

I have the honour to transmit in reply the accompanying letters, with documents from the emigration officer, dated respectively the 29th December 1856, and 15th May 1857.

These will, I trust, prove to your satisfaction that no precautionary measure was omitted here to protect the passengers in the "Duke of Portland" and "John Calvin." The discrepancy as to the amount of room allowed, has, I conceive, arisen from an inaccurate copy of the emigration officer's certificate, as the full space in both instances appears to have been secured.

I have, &c.
(signed) *John Bowring.*

Enclosure 1, in No. 11.

Emigration Office, Victoria, Hong Kong,
15 May 1857.

Sir,

IN reply to your letter of the 13th instant, No. 457, requesting me to ascertain and report, for the information of his Excellency the Governor, whether there exists in my office any record of the passengers by the "Duke of Portland" having been duly inspected, and the correctness of their agreements ascertained, and informing me that the Secretary

No. 11.
Governor Sir John Bowring to the Right Hon. H. Labouchere, M.P.
20 May 1857.

* Page 19 of House of Commons Paper, No. 147, 21 March 1857.

Enclosure 1.

Enclosure 2.

Encl. 1, in No. 11.

of State for the Colonies is under the impression that instead of five superficial feet on the upper deck and 12 superficial feet on the lower deck for each passenger on board the ships "Duke of Portland" and "John Calvin," there was only three feet above and eight below allowed, and requesting me to ascertain, if possible, the proportionate amount of room allowed to each passenger on board of such ships; and also requiring a statement whether the regulations of the Chinese Passenger Act, with regard to passengers, are or have been in any way departed from; I do myself the honour to draw attention to my letter to your predecessor, dated the 29th December last, No. 13, and its enclosures, in reply to his letter to me of the 26th December, No. 975, enclosing for my report a copy of a letter from the President of the Strangers' Home for Asiatics in England, which I think will be found to contain nearly all the information now required.

2. I would, however, state, that each statute adult on board the ship "John Calvin" was allowed the full space prescribed by the Act, viz., 12 feet below and five feet above for exercise; and that the provisions of the Chinese Passengers Act have been, during my term of office, and are at present, so strictly carried out in this colony, that it will be in his Excellency's recollection that complaints have been made by the masters and agents of vessels thereof, and in one instance a protest was made by the master of the British ship "Gulnare" against me for so strictly enforcing the provisions of the Act with regard to space.

3. With regard to the ship "Duke of Portland," she appears to have cleared out with the number of passengers she was entitled to carry, although, upon the face of it, there appears to be some clerical error in the certificate of Mr. Hillier, my predecessor, inasmuch as I find, from the certificate of Captain Watkins, copies of both of which I beg to annex, that the full space was allowed to each individual on board the said vessel.

Hon. Dr. Bridges, Colonial Secretary,
&c. &c. &c.

I have, &c.
(signed) E. R. Michell,
Emigration Officer.

(1.)

EMIGRATION OFFICER'S CERTIFICATE.

I HEREBY authorise the Chinese passenger ship "Duke of Portland" to proceed to sea for the port of Havannah, in Cuba; and I certify that the said ship can legally carry 334 adults, and that there are on board 334 passengers, making in all 334 adults, viz., 334 men, no women, no male children, and no female children, such children being between the ages of one and 12 years; that the space set apart and to be kept clear for the use of such emigrants is as follows:—On the upper deck 1,140 $\frac{1}{2}$ superficial feet, being fore-poop cabins, cabin before poop, and deck-house; and in the between deck, 2,870 $\frac{1}{2}$ superficial feet, being the whole deck; that the ship is properly manned and fitted, and that the means of ventilating the part of the between decks appropriated to passengers are as follows; scuttles, air-funnels, and windsails; that the ship is furnished with a proper quantity of good provisions, and fuel; water more than sufficient for the passage to St. Helena for 168 days' issues to the passengers, according to the annexed dietary scale, and with a proper quantity of medicines, instruments, and medical comforts, according to the annexed scale of medical necessities; that I have inspected the contracts between the emigrants and their intended employers (the terms of which are annexed to this certificate), and consider them reasonable; that no fraud appears to have been practised in collecting the emigrants; and that there are on board a surgeon and interpreter approved by me, and designated respectively David Ludgate and Sungto.

The master of the ship is to put into St. Helena for water and fresh vegetables. Passage from Hong Kong to St. Helena estimated at 90 days, from St. Helena to Havannah 78 days.

Dated at Hong Kong, this 1st day of April 1856.

(signed) C. B. Hillier,
Emigration Officer.

Annexed to this certificate are,—

1. Passenger List, as supplied by Master.
2. Copy of the Contract for Labour.
3. Schedule A. of Chinese Passenger Act.

(True copy.)
(signed) E. R. Michell,
Emigration Officer.

(2.)

I HEREBY certify that I have measured the British ship "Duke of Portland," and report that she has capacity, under Act 18 & 19 Vict. c. 104, for the conveyance through the Tropics

Tropics of three hundred and thirty-four $\frac{3}{12}$ ($334\frac{3}{12}$) Chinese passengers, allowing 12 superficial feet for the accommodation of each passenger, as follows, viz. :—

On the main deck - - - - -	2,870·5	superficial feet.
In the fore-poop cabins - - - - -	343·10	" "
In the cabins before the poop - - - - -	539·5	" "
In the deck-house - - - - -	257·5	" "
	12)4,011·1	
	334 $\frac{3}{12}$	

I further certify that the "Duke of Portland" has a clear space of 2,674 superficial feet on the upper deck for the use of the passengers, viz. :—

On the poop - - - - -	863·7	superficial feet.
On the cabin before the poop - - - - -	565·6	" "
On the spar-deck - - - - -	756 6	" "
On the fore-castle - - - - -	488·6	" "
	5)2,674·1	
	534 $\frac{1}{2}$	

Being upwards of five superficial feet for each passenger.

Dated at Victoria, Hong Kong, 28 February 1856.

(signed) *J. V. Watkins*, Harbour Master.

(True copy.)
(signed) *E. R. Michell*, Emigration Officer.

Enclosure 2, in No. 11.

Encl. 2, in No. 11.

Sir,

Emigration Office, Victoria, Hong Kong,
29 December 1856.

I DO myself the honour to acknowledge the receipt of your letter dated the 26th instant, No. 975, transmitting a letter from the Superintendency of Trade, and also enclosing a copy of a communication from the President of the Strangers' Home for Asiatics in England, with reference to the mortality which is said to have occurred on board the emigrant ships "John Calvin" and "Duke of Portland," which vessels were cleared out from this port, bound to Havannah, by my predecessor (Mr. Hillier) on the 12th March and 1st April last, respectively, and requesting me to furnish you with the fullest particulars in my power respecting them.

2. On reference to the records of my predecessor, I find that the ship "John Calvin" was authorised to carry 81 passengers only, whereas by the slip of newspaper attached to Sir E. N. Buxton's letter to the Earl of Clarendon above mentioned, I find that 110 deaths occurred on the voyage; it would therefore appear that this vessel succeeded in going to sea with a much larger number of coolies than that authorised by the emigration officer, a copy of whose certificate is hereto annexed, and also an extract from the Emigration Record Book, which purports to show that a portion of the coolies originally shipped had declined to proceed on the voyage.

3. As regards the ship "Duke of Portland," I can only say, that this vessel was authorised to carry 334 passengers only, out of which number she appears to have landed 202. A copy of the clearance certificate of Mr. Hillier I also annex. I would, however, remark that the requirements of the Chinese Passengers Act of 1855 appear to have been complied with at this port; that the vessel carried a surgeon, was supplied with medicines according to the scale prescribed in Schedule A.; and that the bonds in each case, copies of which are annexed, were duly entered into and executed.

4. It appears to me that the ship "John Calvin" was improperly allowed to clear inwards at Havannah with a greater number of coolies on board than the emigration officer's clearance from this port permitted; and that had an inquiry taken place at Havannah, the fraud in both cases, if any had been committed, would have been detected; and this Government would no doubt have been furnished with such evidence as would have enabled it to recover from the sureties the penalties for the non-fulfilment of the provisions of the "Chinese Passengers Act, 1855."

I have, &c.
(signed) *E. R. Michell*,
Emigration Officer.

Hon. W. T. Mercer, Esq., Colonial Secretary,
&c. &c. &c.

EMIGRATION OFFICER'S CERTIFICATE.

I HEREBY authorise the Chinese passenger ship "John Calvin" to proceed to sea for the port of Havannah, in Cuba; and I certify that the said ship can legally carry 301 adults, and that there are on board 81 passengers, all male statute adults; that the space set apart and to be kept clear for the use of such emigrants is as follows: On the upper deck 895.5 superficial feet, being fore-poop cabin, 337.7; after deck-house, 99.4; fore-deck house, 458.6 and in the between deck, 2,724.2 superficial feet, being the whole deck. That the ship is properly manned and fitted; and that the means of ventilating the part of the between decks appropriated to passengers are as follows: windsails and ventilating trunks, a plank taken out on each side of the deck. That the ship is furnished with a proper quantity of good provisions, fuel and water for 147 days' issues to the passengers, according to the annexed dietary scale, and with a proper quantity of medicines, instruments, and medical comforts, according to the annexed scale of medical necessaries. That I have inspected the contracts between the emigrants and their intended employers (the terms of which are annexed to this certificate), and consider them, as now modified, to be reasonable; that no fraud appears to have been practised in collecting the emigrants; and that there are on board a surgeon and interpreter approved by me, and designated respectively Le Chew and Laong Ahoy.

The master of the ship is to put into St. Helena for water and fresh vegetables. Estimated length of voyage from Hong Kong to St. Helena, 79 days; St. Helena to Havannah, 68 days.

(signed) *C. B. Hillier*, Emigration Officer.

Dated at Hong Kong this 12th day of March 1856.

(True copy.)

(signed) *E. R. Michell*, Emigration Officer.

Hong Kong, 29 December 1856.

ENCLOSURE No. 2 in Emigration Officer's Letter to the Honourable *W. T. Mercer*, Esq., of the 29th December 1856, having reference to the Ship "John Calvin."

THIS ship was despatched by Messrs. Lyall, Still & Co., who applied for a clearance for 302 passengers (the ship had capacity for 301 and a portion), but on the passengers being mustered and the contracts explained by the emigration officer, all but 81 declined to go. Messrs. Lyall, Still & Co. were told that a certificate could be granted for such passengers only as had signed their contracts and come on board willingly, with a full knowledge of the premises; that this present refusal to proceed made evidence of consent in each case necessary. They replied that they were not prepared with this evidence, as the contracts had for the most part been witnessed before the procurador of Macao; they preferred therefore to receive a clearance for the number now consenting. There was no evidence of fraud or violence in collecting the men, but on the contrary proof of unusual care.

(True copy.)

(signed) *E. R. Michell*,
Emigration Officer.

Hong Kong, 29 December 1856.

EMIGRATION OFFICER'S CERTIFICATE.

I HEREBY authorise the Chinese passenger ship "Duke of Portland" to proceed to sea for the port of Havannah, in Cuba, and I certify that the said ship can legally carry 334 adults, and that there are on board 334 passengers, making in all 334 adults, viz., 334 men, no women, no male children, and no female children, such children being between the ages of one and 12 years; that the space set apart and to be kept clear for the use of such emigrants is as follows: On the upper deck, 1,140 $\frac{2}{3}$ superficial feet, being fore-poop cabins, and cabin before poop; and in the between deck, 2,870 $\frac{1}{2}$ superficial feet, being deck-house, the whole deck; that the ship is properly manned and fitted, and that the means of ventilating the part of the between decks appropriated to passengers are as follows: scuttles, air-funnels, and windsails; that the ship is furnished with a proper quantity of good provisions and fuel, water more than sufficient for the passage to St. Helena, for 168 days' issues to the passengers, according to the annexed dietary scale, and with a proper quantity of medicines, instruments, and medical comforts according to the annexed scale of medical necessaries; that I have inspected the contracts between the emigrants and their intended employers (the terms of which are annexed to this certificate), and consider them reasonable; that no fraud appears to have been practised in collecting the emigrants; and that there are on board a surgeon and interpreter approved by me, and designated respectively David Ludgate and Sungto.

The

The master of the ship is to put into St. Helena for water and fresh vegetables. Passage from Hong Kong to St. Helena, estimated at 90 days; from St. Helena to Havannah, 78 days.

(signed) C. B. Hillier,
Emigration Officer.

Dated at Hong Kong, this 1st day of April 1856.

Annexed to this certificate are—

1. Passenger List, as supplied by Master.
2. Copy of the Contract for Labour.
3. Schedule A. of Chinese Passenger Act.

(True copy.)

(signed) E. R. Michell,
Emigration Officer.
Hong Kong, 29 December 1856.

Colony of Hong Kong, to wit.

KNOW all men by these presents, that we are held and firmly bound unto our Sovereign Lady Queen Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, in the sum of One thousand pounds of good and lawful money of Great Britain, to be paid to our said Sovereign Lady the Queen, Her heirs and successors; to which payment, well and truly to be made, we bind ourselves and every of us, jointly and severally for and in the whole, our heirs, executors, administrators, and every of them, firmly by these presents.

(signed) A. Thornhill. (L. S.)
Geo. Lyall. (L. S.)
C. F. Still. (L. S.)

Dated at Hong Kong, this 11th day of February 1856. Sealed with our Seals.

WHEREAS by the "Chinese Passengers Act, 1855," it is enacted, that before any Chinese passenger ship shall clear out or proceed to sea on a voyage of more than seven days' computed duration, the master thereof shall, with two sufficient sureties to be approved by an emigration officer, enter into a bond to Her Majesty, Her heirs and successors, in the sum of 1,000*l.*:

Now the condition of this obligation is this, that if (in respect of the ship "John Calvin," whereof Alonso Thornhill is master) all and every of the requirements of the said Chinese Passenger Act, and of the regulations contained in Schedule A. to the Act annexed, or enacted by the Legislature of Hong Kong, shall be well and truly observed and performed, then this obligation to be void, otherwise to remain in full force and effect.

Signed, sealed and delivered by the above-bounden Alonso Thornhill, George Lyall, and Charles Frederick Still, in the presence of

(signed) C. B. Hillier,
Emigration Officer.

(True copy.)

(signed) E. R. Michell,
Emigration Officer.
Hong Kong, 29 December 1856.

KNOW all men by these presents, that we are held and firmly bound unto our Sovereign Lady Queen Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, in the sum of One thousand pounds of good and lawful money of Great Britain, to be paid to our said Sovereign Lady the Queen, Her heirs and successors; to which payment, well and truly to be made, we bind ourselves and every of us, jointly and severally for and in the whole, our heirs, executors, administrators, and every of them, firmly by these presents.

(signed) Geo. F. Seymour. (L. S.)
A. C. Maclean. (L. S.)
Geo. Lyall. (L. S.)
Sealed with our Seals.

Dated at Hong Kong this 28th day of March 1856.

WHEREAS by the "Chinese Passengers Act, 1855," it is enacted, that before any Chinese passenger ship shall clear out or proceed to sea on a voyage of more than seven days' computed duration, the master thereof shall, with two sufficient sureties, to be approved by an emigration officer, enter into a bond to Her Majesty, Her heirs and successors, in the sum of One thousand pounds:

Now the condition of this obligation is this, that if (in respect of the ship "Duke of Portland," whereof George Frederick Seymour is master), all and every of the requirements

ments of the said "Chinese Passenger Act," and of the regulations contained in Schedule A. to the Act annexed, or enacted by the Legislature of Hong Kong, shall be well and truly observed and performed (in like manner as the same ought to be observed and performed in case the said ship were a British ship, and the said British ship a British subject), then this obligation to be void, otherwise to remain in full force and effect.

Signed, sealed and delivered by the above-bounded George Frederick Seymour, Alexander Campbell Maclean, and George Lyall, in the presence of

(signed) *C. B. Hillier*,
Emigration Officer.

(True copy.)
(signed) *E. R. Michell*,
Emigration Officer.

Hong Kong, 29 December 1856.

— No. 12. —

No. 12.
T. F. Elliot, Esq.
to the Emigration
Commissioners.
7 August 1857.

COPY of LETTER from *T. F. Elliot*, Esq., to the Emigration Commissioners.

Gentlemen,

Downing-street, 7 August 1857.

WITH reference to my letter of the 19th* ultimo, enclosing the correspondence which had passed respecting the Chinese passenger ships "John Calvin" and "Duke of Portland," I am directed by Mr. Secretary Labouchere to transmit to you for your information the accompanying copy of a despatch, which has since been addressed to the Governor on the subject, and the copy of a further report from the Governor, dated the 20th of May last.

The case contained in your report of the 25th of June has been submitted to the law officers of the Crown.

I have, &c.
(signed) *T. F. Elliot*.

No. 86, 29 June,
page 8.
No. 82, 20 May
1857, page 14.

No. 13.

Right Hon. H.
Labouchere, M.P.
to Governor Sir
John Bowring.
18 August 1857.

COPY of DESPATCH from the Right Honourable *H. Labouchere*, M.P., to
Governor Sir *John Bowring*.

(No. 101.)

Sir,

Downing-street, 18 August 1857.

WITH reference to the concluding portion of my despatch, No. 86* of the 29th of June, I enclose, for your information and guidance, a copy of the opinion which I have received from the law officers of the Crown upon the question of the liability of the parties concerned in the "John Calvin," to the forfeiture of the bond given for the observance of the Chinese Passengers Act.

I think that, in pursuance of this opinion, it will be proper that you should take steps for putting the bond in suit.

I have, &c.
(signed) *H. Labouchere*.

* Page 10.
8 August.

No. 14.
Governor Sir J.
Bowring to the
Right Hon. H.
Labouchere, M.P.
17 July 1857.

COPY of DESPATCH from Governor Sir *John Bowring* to the Right Honourable
Henry Labouchere, M. P.

(No. 112.)

Government Offices, Victoria, Hong Hong,
17 July 1857.

(Received, 25 September 1857).

Sir,

By your despatch, No. 52,* of 27th April 1857, I had the honour to be informed by you that Captain Thornhill, of the ship "John Calvin," was supposed to have left England for China by the overland route. I have caused inquiries to be made with regard to him, and by the accompanying letter from the harbour master, Captain Thornhill seems to have proceeded to Calcutta, and not to China.

I have, &c.
(signed) *John Bowring*.

* Page 6.

(No. 44.)

Enclosure in No. 14.

Encl. in No. 14.

Sir,

Harbour-master's Office, Victoria, Hong Kong,
11 July 1857.

IN reply to your letter, No. 621, of the 9th instant, having reference to the whereabouts of Captain Thornhill, lately in command of the ship "John Calvin," I do myself the honour to report, for the information of his Excellency the Governor, that from inquiries made, I have every reason to believe he is somewhere in India, having left London some months ago, as I learn, for Calcutta.

I have, &c.
(signed) *E. R. Michell*,
Acting Harbour Master.

The Hon. Dr. W. T. Bridges, Acting Colonial Secretary,
&c. &c. &c.

— No. 15. —

COPY of LETTER from *H. Merivale*, Esq., to Sir *James Emerson Tennent*.

Sir,

Downing-street, 5 October 1857.

WITH reference to your letter of the 24th* April last, I am directed by Mr. Secretary Labouchere to transmit to you, for the information of the Lords of the Committee of Privy Council for Trade, the copy of a despatch from the Governor of Hong Kong, reporting that Captain Thornhill, lately in command of the ship "John Calvin," is supposed to have proceeded to Calcutta.

On the 18th August, Sir John Bowring was instructed to put the bond in suit; but until Captain Thornhill places himself within convenient reach, Mr. Labouchere apprehends that further proceedings must be suspended.

I am, &c.
(signed) *H. Merivale*.

No. 15.
H. Merivale, Esq.
to Sir *J. Emerson Tennent*.
5 October 1857.
* Page 6.

No. 112, 17 July
1857, p. 18.

— No. 16. —

COPY of DESPATCH from Governor Sir *John Bowring* to the Right Honourable *H. Labouchere*, M. P.

(No. 148.)

Government Offices, Victoria, Hong Kong,
9 October 1857.

(Received, 7 December 1857.)

Sir,

(Answered, No. 1, 2 January 1858, page 21).

IN your despatch, No. 86, of 29th* June 1857, you were pleased to direct me to call upon Mr. May, the Superintendent of Police, for an explanation of his conduct with regard to the despatch of the emigrant ship "Duke of Portland." I have done so, and I have the honour to forward herewith such explanatory letter which will I trust prove satisfactory to you.

I have, &c.
(signed) *John Bowring*.

No. 16,
Governor Sir *J. Bowring* to the
Right Hon. *H. Labouchere*, M.P.
9 October 1857.

* Page 8.

Enclosure in No. 16.

(No. 80.)

Police Department, Victoria, Hong Kong,
2 September 1857.

Encl. in No. 16.

Sir,

I HAVE the honour to acknowledge receipt of your letter, No. 746, dated 21st ultimo, upon the subject of a despatch received from the Right Honourable the Secretary of State for the Colonies, calling for an explanation of my conduct as superintendent of police, on the matter of the coolie ship "Duke of Portland." Captain Seymour, the master of such ship, informed his owners by letter that--

"On 2d April, when hove short and ready for sailing, the Chinese crowded aft, took belaying pins from the rails, and armed themselves with firewood, yelling and shouting in a fearful manner, throwing everything moveable overboard. He then had an interview with the stipendiary magistrate at the Supreme Court, who came on board with a police force. The coolies laughed at them; and at length they were driven below at the point of the bayonet. Then planted my two guns inside the cuddy door, loaded them with grape and cannister; had the carronades loaded and placed at the poop five-rail; gave the men a cutlass each. Mr. May (magistrate) was then on board; he left a serjeant and five policemen on board for sentries during the night. At daylight I was out of the Roads."

I have the honour to state, for the information of his Excellency the Governor, with a view that the statement may be laid before the Right Honourable the Secretary of State for the Colonies, that the extent of my knowledge on the subject is very limited; but that I have enclosed reports touching the matter which will convey the required intelligence, in so far as it regards the interference of the Hong Kong police.

Early on the morning of the 1st of April 1856, I proceeded in the police boat on police duty to the town of Aberdeen, and returned therefrom to Victoria in the afternoon, arriving in Victoria harbour at about 6 p.m. I was casually informed by a gentleman passing in a boat, that there had been a disturbance on board the coolie emigrant ship "Duke of Portland," then at anchor in the harbour, and that he believed police constables were on board the said ship. I immediately steered to the "Duke of Portland," and went on board. I saw two constables there, who told me that there had been a disturbance on board amongst the coolies, and that they had been ordered to remain to prevent a recurrence of the disturbance. They mentioned, as far as my memory serves me, that the chief magistrate (who was also emigration officer), and the assistant-superintendent, Mr. Grand Pré, had been on board. Everything was remarkably quiet on board. I did not observe any excitement, nor did I see the carronades or guns planted as stated in the captain's letter. I did not make any inquiry, or did I remain on board above a minute, as I was satisfied that, under the orders of the chief magistrate (who was a Chinese scholar), all needful inquiries and proper steps therein had been taken.

Upon arriving at the police station, I saw Assistant-superintendent Grand Pré, who reported to me the outlines of the matter, to the effect as reported in the following day's "Morning Report."

I have the honour to enclose a report from Assistant-superintendent Grand Pré, an extract from the Police Morning Report of the 2d April, which report was, as usual, forwarded that day to the Honourable the Colonial Secretary and the chief magistrate, and a copy of the case taken at the police court before the assistant magistrate, referring to the prisoner taken for disorderly conduct from on board the "Duke of Portland."

Hon. W. T. Bridges, Esq., D.C.L.,
Acting Colonial Secretary.

I have, &c.
(signed) C. May,
Superintendent of Police,
at present Acting Assistant Magistrate.

Sub-enclosure 1, in No. 16.

REPORT.

ON the 2d of April 1856, the captain of the ship "Duke of Portland" came to the Central Station, and said that the Chinese coolies on board were creating a disturbance, and that he did not consider himself safe. I went to the emigration officer, Mr. Hillier, and reported the circumstances to him; he then told me to take some constables on board, and that he would follow immediately afterwards. I carried out his orders, and had not been on board five minutes, when Mr. Hillier and Mr. Lyall, the latter agent of the ship, came on board; and Mr. Hillier examined all the coolies, and they seemed all pretty quiet, with the exception of one of them, who was brought on shore, and charged with being one of the ringleaders. Mr. Hillier then told me it would be well to leave some constables on board; three of them were left. I returned on shore and gave orders to Serjeant M. D'Silva, of the water police, that if he saw everything quiet on board the "Duke of Portland," the next morning, when coming off duty, he was to bring the constables on shore. I saw Serjeant Silva the next morning, and he told me that the ship had got under weigh, and that everything was very quiet on board, and the constables left there had all come on shore.

With regard to what Captain Seymour says, that "the coolies laughed when they saw the police come on board," and that "the police drove them down below with the points of bayonets," I must beg to say is incorrect.

Police Department, 24 August 1857.

(signed) A. Grand Pré,
Acting Superintendent of Police.

Sub-enclosure 2, in No. 16.

IN consequence of representation made that the Chinese emigrants on board the British ship "Duke of Portland" were creating a disturbance on board, having demanded payment of an additional sum of money, more than specified in agreement, Assistant Superintendent Grand Pré and a party of police proceeded on board; the coolies were all orderly excepting one man, who was apprehended. Three constables were left on board, and remained until the ship sailed at 4 a.m. this day.

(signed) C. B. H.
W. T. M.

(True copy.)

(signed) A. Grand Pré, Acting Sup. Police.

Commenced 3 April 1856. Concluded 3 April 1856. C. M. Court, No. 363.

At the Chief Magistrate's Office, Victoria, in the Colony of Hong Kong.

MINUTES of Proceedings in the cause in which C. Bartlett, police constable, is plaintiff; and Huen Ahchun, 22, of Sám súi, shopman, defendant.

Thursday, 3 April 1856.

C. Bartlett, police constable, charges defendant with using exciting language, calculated to cause a breach of the peace on board the ship "Duke of Portland," on the 2d April instant, in this harbour.

Defendant discharged.

(signed) *W. H. Michell.*

— No. 17. —

COPY of DESPATCH from the Right Honourable *H. Labouchere*, M.P., to Governor Sir *John Bowring*.

(No. 1.)

Sir,

Downing-street, 2 January 1858.

I HAVE to acknowledge your despatch, No. 148* of the 9th October, accompanied by an explanatory letter from the superintendent of police of Hong Kong, respecting the emigrant ship "Duke of Portland."

You will inform Mr. May that his explanation respecting his conduct in connexion with this vessel is satisfactory.

I have, &c.
(signed) *H. Labouchere.*

No. 17.
Right Hon. H.
Labouchere, M.P.
to Governor Sir
J. Bowring.
8 January 1858.

* Page 19.

— No. 18. —

COPY of DESPATCH from Governor Sir *John Bowring* to the Right Honourable *H. Labouchere*, M.P.

(No. 38.)

Government Offices, Victoria, Hong Kong,
27 March 1858.

(Received, 21 May 1858.)

(Answered, No. 11, 20 June 1858, page 27.)

Sir,

I HAVE the honour to inform you, that in compliance with your instructions conveyed in despatch No. 101,* dated 18th August 1857, proceedings were taken to enforce the payment of the bond signed by Messrs. Lyall, Still & Co., in the case of the "John Calvin," and yesterday a verdict was given for the Crown for the amount of the said bond, viz. 1,000*l.*, the jury having appended to their verdict the opinion which you will find referred to in the various documents which I now enclose.

I received from Messrs. Lyall, Still & Co. the application, of which I send copy, requesting that I should stay the execution for the penalty involved in the verdict. I could not consent to this in a case where I have been acting under your direct instructions, but I have expressed my willingness, under the peculiar circumstances of the case, to recommend to you a mitigation of the said penalty.

I forward herewith letters from the Chief Justice and the Attorney-general, by which you will see that such mitigation would be deemed by both a becoming act on the part of the Government.

Had not the prosecution been instituted in consequence of your directions, I should not have hesitated in suspending the payment of the bond. The house condemned is one of great respectability; it availed itself of no legal quibble or technicality to escape responsibility, and I am persuaded there was no intention or desire on the part of Mr. Lyall to evade the requisitions of the law.

Mr. Anstey has availed himself of the opportunity to make some observations on the coolie trade, which is undoubtedly associated with horrible cruelties and crimes. Several documents I have lately forwarded to the Earl of Clarendon will,

No. 18.
Governor Sir J.
Bowring to the
Right Hon. H.
Labouchere, M.P.
27 March 1858.

* Page 18.

Enclosure 1.

Enclosure 2.
Enclosure 3.

I doubt not, excite his Lordship's attention; and perhaps you may think it desirable to convey to the Foreign Office Mr. Anstey's statements as to the character of the contracts entered into with coolies shipped for the Havannah.

I have, &c.
(signed) *John Bowring.*

Encl. 1, in No. 18.

Enclosure 1, in No. 18.

Sir, Hong Kong, 25 March 1858.
IN reference to the cause which was tried to-day in the Supreme Court of the Queen against ourselves, in the matter of the "John Calvin," we have the honour to inform you, that a verdict was found for the plaintiff, but that the jury unanimously appended to their verdict the expression of their opinion, "that the ship 'John Calvin' was fitted and properly equipped for the purpose; that there was ample provision, space and accommodation in the ship for the number of passengers taken in the ship; that the mortality arose alone from the act of God; and that the act of the emigration officer, in not landing all on board in excess of the 81 named in the certificate, may have misled the owners."

From what fell from his Honour the Chief Justice and the Honourable the Attorney-general in the course of the trial, we believe we are correct in stating, that they quite concur in this expression of opinion on the part of the jury; and we would therefore solicit from his Excellency the Governor the indulgence that he would give directions for stay of execution for the penalty involved in the verdict until the matter can be brought to the notice of Her Majesty's Government, and the pleasure of Her Majesty be known thereon.

To the Hon. W. T. Bridges, Esq., D.C.L.,
Acting Colonial Secretary,
&c. &c. &c. We have, &c.
(signed) *Lyall, Still & Co.*

Encl. 2, in No. 18.

Enclosure 2, in No. 18.

Sir, Hong Kong, Friday, 26 March 1858.
WITH reference to the case of the Attorney-general *v.* Lyall & Still, I beg to repeat what I stated from the Bench yesterday, that I feel assured, when the home authorities have the whole matter before them, when they are made acquainted with the very fair, upright, and honest conduct of the defendants, who, as owners of the ship "John Calvin," evinced throughout the utmost anxiety to comply with every requirement of the Chinese Passengers Act for 1852, they will not insist upon forfeiture of the bond. The Crown having, with the laudable view of inquiring into the real cause of the awful mortality which occurred on board the "John Calvin," thought fit to institute legal proceedings, I allowed the whole case to be fully entered into, although in the view I took as to the legal construction to be put upon the 18 & 19 Vict. c. 104, the greater portion of the matter introduced was irrelevant, strictly speaking.

I directed the jury that, inasmuch as there were on board a greater number of Chinese passengers than specified in the certificate of the emigration officer, their verdict must be for the Crown. I, at the same time, told them, that they were at liberty to find any facts specially if they so thought fit. They, accordingly, found—

"That there was ample space and accommodation and sufficient provisions for the number of passengers actually on board, and that the mortality on board was the act of God. That the ship was in every respect properly equipped, and that the fact of the emigration officer having allowed the excess of passengers above 81 to remain on board was calculated to mislead the captain and owners."

The Hon. the Acting Colonial Secretary. I have, &c.
(signed) *John Walter Hulme.*

Encl. 3, in No. 18.

Enclosure 3, in No. 18.

Sir, Attorney-general's Office, Hong Kong,
26 March 1858.
THE Crown Solicitor has informed you that in the case of "The Attorney-general *v.* Lyall and another," I obtained a verdict yesterday before a special jury of seven, for the full penalty of the bond given by the defendants and their absent principal, Mr. Thornhill, late master of the "John Calvin."

I did not oppose the wish of the jury to append to their verdict a recommendation of the claims of Messrs. Lyall & Still, the defendants, to the favourable consideration of his Excellency in respect of the remission of the penalty, or the stay of execution. There can be no doubt that the vessel was well found in all respects for the number of coolies actually on board, that the mortality of the middle passage was the act of God, and that, by Mr. Hillier's informing Messrs. Lyall & Still that he should not order the number of coolies in excess of 81 to be re-landed here, that lamented and most excellent officer did mislead Messrs. Lyall & Still as to his powers, their liabilities, and the intentions of Government.

Moreover,

Moreover, I am bound to acknowledge the fair and honourable frankness with which every particle of evidence, however inadmissible on strict principles of law, was allowed by the defendants to be used on the part of the Crown, it being their own desire that the whole of the facts should be before the jury. And I must here remind his Excellency that this too was their conduct from the beginning. If they had not furnished his Excellency's Government, when first applied to, with the extract from the master's letter from the Havannah, detailing the important particulars of his voyage, the action could not have been tried at all, or at least not until the questionable expedient of commissions to the Havannah and elsewhere had been tried and succeeded. In truth, they have been cast by evidence which themselves furnished.

I mention these facts, because they are highly creditable to the defendants, and deserve to be recorded.

There are, however, some observations on other questions arising out of this trial which I wish to lay before his Excellency, since they go to show the importance of a still more thorough revision of the Chinese Passengers Act, 1855, than it is undergoing or has hitherto undergone.

One good result has been obtained, the closing (by Ordinance, No. 9 of 1856, approved by Her Majesty) the door to all hope of evasion of the "definition" of "Chinese passenger ship," contained in Section I. of the Imperial Act. By that Ordinance, vessels clearing out hence for any port, with intent there to commence the voyage of more than seven days' duration, shall be deemed to have commenced it at this port.

If the draught Ordinance for the further amendment of the Act, which stands for discussion to-morrow in Council, shall be allowed to pass into a law, a far more mischievous fraud upon the enactment will have been prevented for the future. By extending the meaning of "Chinese passenger ship," so as to bring within the several enactments of the Act, applicable respectively to the case, all passenger ships managed or conducted by persons here, but themselves lying in roads or harbours outside our waters, a disgraceful traffic exclusively carried on by citizens of American republics, northern and southern, by one French firm, by one German firm, and other foreigners abusing the shadow of British protection, and opposing British law to Chinese prohibition, must infallibly be rooted out.

But I submit to his Excellency that the revision should not stop here.

The disclosures that were made in the course of the proceedings yesterday, of frightful abuses beyond the control and even the knowledge of the owners and masters of these ships, in many cases appear to call for further legislation; and as much of the mischief is beyond the competence of a single colonial Legislature to correct, the whole case might very fitly receive the consideration of the Imperial Parliament.

It is impossible to peruse the Spanish form of contract presented to Mr. Hillier by the late consul for the Spanish Queen at this port, and not to see that every one of the coolies who accepted the terms therein specified and are now in the Havannah, is in fact a slave for the period of his service.

Let his Excellency take that document and compare it with the carefully and mercifully worded form of contract used by this Government for the purposes of coolie emigration to our own colonies ("Papers and Instructions relating to Emigration from China," January and March 1853), and Sir John Bowring cannot fail to be struck with the contrast.

Bearing in mind what are the securities which his own Government provides in such cases, what will not be his Excellency's indignation to be told that, where the Spanish shippers and their foreign abettors have unrestrained liberty of action, these are the terms which they impose upon their emigrants; and which are published by themselves under the sanction of their own consular agents:—

1. To work for eight years in Cuba, under the orders of the speculator or his assigns, for the contract is negotiable or transferable, and whether at prædial labour or domestic, and whether for private persons or for governmental establishments (including of course the mines), the selection to be entirely at the discretion of the undertaker.

2. Hours of sickness are not to be included in the melancholy computation of the labour term, nor is that to be deemed to have begun on the immigrant's arrival, if sick at that time, but only from the period of his restoration to health.

3. No limitation on the master's right to regulate the duration of a day's labour is allowed, except that the bondman is to have his "*horas seguidas de deseanso y el tiempo preciso ademas para la comida y el almuerzo*," nor is even Sunday an exception in this respect.

4. The wages (in the principal case, 4 dollars *per mensem*) are to cease, and revive with the health and vigour of the coolie, whose daily food is limited moreover to a half pound of salt meat, and two pounds and a half of vegetables.

5. That these allowances are short of the usual rate in Cuba may be inferred from the concluding significant stipulation, that "although I know and ascertain (*aunque yo se' y me consta*) that far greater are the earnings of free labourers and slaves (*jornaleros libres y esclavos*) in the island of Cuba, I will conform myself to the wages stipulated."

6. Subjection to the "order and discipline" of the "establishment," &c., destined to the immigrant, and especially to the "system of correction" imposed therein, to supply the deficiencies of Spanish law, by way of punishment for "default of application and constancy in labour," for "disobedience of the orders of the master or his agents," and

for "all such like faults;" and the denial of all right to transfer himself to another master.

7. Renunciation clear and express of all right of action or suit against the same personages; and in particular,

8. Renunciation of all benefit of protection under the ordinances of Isabella II. of 22 March 1854 (Articles 27, 28, 43, 44, and 45), touching colonisation, rescision of contracts, and payment of wages, and also of all other laws and dispositions touching the same, hereafter to be published.

It is not uncharitable to suppose that at Macao, Amoy, Swatow, Cumsingmoon, and other ports in our neighbourhood, this infamous form of agreement is carried through in all cases without scruple, as without check.

In the particular case, Mr. Hillier so far amended it that he struck out the "renunciations" last mentioned, and added a clause imposing on the undertaker the condition that no coolie was to work for more than 12 hours per diem, upon the average.

But these amendments were obviously far short of the exigency of the case.

It must be remembered also, that there being no provision for compelling the emigration officer to re-land all alleged emigrants denying their supposed contracts, no less than 206 recusant persons therefore, in whose favour he had not interfered for the purpose of making any such amendments, and some of whom were, as he certifies, "mere children" and unfit for such undertaking, were, in fact, carried to sea along with the 81; and that of these, all who did not die on the passage are now at the Havannah, bound by the common form of engagement; but unprotected by the special clauses which Mr. Hillier introduced in favour of the rest.

I think that such a provision for the compulsory re-landing of passengers ought to be immediately recommended for adoption.

But I further think that no power to clear and pass emigrant labourers, under any contract like the above, ought to be vested in any British officer so long as the slave trade is a crime.

The indefinite power of coercion; the want of reciprocity with respect to complaints on the score of wages and food; the sordid calculation of *hora non* of sickness, no matter how necessarily incident to the nature of the employment; the arbitrary power to transfer and assign the servant; the arbitrary denial of all power to the latter to exchange masters; the enormous duration of service, if taken in combination with the probable nature thereof; and the bold avowal of a right of chastisement not recognised even by Cuban law: these are surely ingredients whose compound is nothing else than unadulterated slavery.

I will go further; the contract is not one of hiring and service at all; and the laws of "master and servant" are entirely out of place. It is a contract with A. by B. to work not for A. alone, but for all the other letters of the alphabet; an undertaking not protected by the letter, and to say the least, inconsistent with the spirit of the law, and the policy of Great Britain, whose dominion this island unquestionably is.

If, indeed, we were bound by our Chinese treaties to tolerate or give effect to such enterprises, that would change the situation of the case; but the truth is far otherwise. British law is strained, evaded, violated; and British policy and honour brought into serious embarrassment for the protection of a traffic prohibited by Chinese law, and carried on within British jurisdiction by aliens, audaciously pretending to be aggrieved because they are threatened by the British authorities with the same restraints to which British subjects are by law amenable.

I take the liberty of enclosing the document which has given rise to these remarks. On receiving it back, I will cause it to be restored to the registrar; his Excellency will see that I have altered the order of arrangement, but not the effect, in my analysis.

An Act of Parliament, were it possible to obtain one, for the amendment and consolidation of the Chinese Passengers Act, the local ordinance, and the practicable clauses of other enactments of Parliament *in pari materia*, would be a great boon to humanity; for to do complete justice to the present need is only within the power of Parliament. If this be not to be hoped for, much partial good may be done by local legislation; and I shall be very ready, on receiving instructions to that effect, to prepare the proper ordinance.

In conclusion, I have to acknowledge, whilst perusing this last sheet of my present communication, your letter (No. 163) of this date, on the subject of the principal case.

I have already stated what took place at the trial, and I need not say that I fully concur in the entire verdict.

The case, so far as Messrs. Lyall are concerned, is a very hard one.

No one pretends that, as owners, they are liable under the Act. They had no part in the violation of any one of its provisions.

But they were also sureties, and it is solely in that character that they are reached, for their master's performance of his obligations.

Honestly ignorant, perhaps, that Mr. Hillier had no power to connive at his violations of the Act, or perhaps that they were such, he did violate it merely in proceeding to sea with a number of passengers in excess of the 81, for whom the emigration officer had granted his certificate. Thereby he forfeited his bond, and caused the same forfeiture to fall upon his two sureties.

It is right to mention also that Mr. Lyall, in his evidence yesterday, in support of his own case, stated that, on Mr. Hillier's saying, "You must act on your own responsibility, I shall not order the rest to be re-landed here," he, Mr. Lyall, informed Mr. Hillier, and afterwards

afterwards the Colonial Secretary, that under these circumstances he must desire the master to re-land them at Macao (whence most of them had come), on his way to the Havannah; or, if they preferred that, to take them on from Macao, when he got there, to the Havannah. He added that neither assent nor dissent being signified by those two officers, he gave his orders accordingly to the master, and, as he presumed, the master obeyed them under the same impression with himself.

Mr. Weatherhead, I find, has quitted his office, it being after hours; but on the re-opening of the office to-morrow, I shall forward some proofs bearing on this part of the case.

I have, &c.
(signed) *T. Chisholm Anstey.*

Enclosure 4, in No. 18.

Encl. 4, in No. 18.

Sir,

Attorney-general's Office, 27 March 1858.

I HAVE the honour, with reference to my letter of yesterday, to forward the enclosed documents selected from among those produced, and read at the trial of the Attorney-general *v.* Lyall & another on behalf of the Crown. They belong now to the Supreme Court.

Also a copy of my own notes of Mr. Lyall's own examination and cross-examination is herewith sent; it includes the summing-up also.

I omitted to state yesterday, that not being able to reconcile it to my sense of justice to mulct these defendants of the amount to which they are liable to me under a recent ordinance for my fees, I have directed Mr. Hazeland (acting for his absent partner, Mr. Cooper Turner, the Crown Solicitor) to omit them from his bill of plaintiff's costs in the action.

The Hon. W. T. Bridges, Esq., D.C.L.,
Acting Colonial Secretary.

I have, &c.
(signed) *T. Chisholm Anstey.*

Enclosure 5, in No. 18.

Encl. 5, in No. 18.

In the Supreme Court.

Attorney-general *v.* Lyall & another.

COPY of the Attorney-general's Notes of Defendant Lyall's Examination and Cross-examination.

The Honourable George Lyall, examined by Mr. Day, states:—

“My partner and I were in 1856 owners of the ‘John Calvin.’ It was intended to send to Havannah 301 passengers. In the beginning of March they were all on board. The late Mr. Hillier was then emigration officer. I had frequent communications with him on the subject. I gave him notice of the intention to carry those passengers. He was aware of the day of her sailing. He went on board several times to inspect her. On the first occasion he found there were only 80 who wished to go. He spent about three days in investigating the case on board. He then told me that he was so thoroughly convinced that they were not ill-used, that he would not re-land them. He read the contract to them in my presence. He told me that he was perfectly convinced they knew where they were going, and that they knew the nature of their contracts; and he said, he believed they were practising fraud on us; which he would defeat, by not ordering them to land here. I told Mr. Hillier, that I should give instructions to the captain to take them to Macao, and land them all there, if they would not go on to Havannah. I told Mr. Mercer (the Colonial Secretary) the same; he said he had been so informed by the emigration officer. They both of them said, I must do it on my own responsibility. She sailed the next day. There were 301 originally; 297 sailed, four were landed (I think by Mr. Hillier), one or two of them for punishment; I forget what the others were landed for. [Is shown the passengers' list.] There are some marked here as not on board. [Is shown his letter, dated ‘Tuesday evening,’ beginning, ‘The other men.’] That letter refers to a proposal to substitute some men in place of the recusants. It was not carried into effect.

“The vessel was equipped with necessaries and medicines for 302 days.”

Cross-examined by the Attorney-general; states—

“By an arrangement with Mr. Hillier, she was to replenish her fuel and water at St. Helena, not having stowage for the whole voyage; with that exception she was equipped with necessaries for the whole way. [Is shown the Colonial Secretary's note, dated ‘Tuesday morning,’ beginning ‘Dear Hillier—About Mr. Rozario.’] The conversation there referred to by Mr. Mercer, I believe to be the one I have already mentioned. [Is shown the draft

minutes of Mr. Hillier.] They are perfectly correct, I have no doubt; but I have no doubt of the accuracy of the additional facts I have above stated. I need not say, that I do not for a moment believe that Mr. Hillier meant otherwise than most fairly. I had nothing to do with the coolie contracts; I was only an owner of the vessel employed to take them."

COPY of the Attorney-general's Notes of the Chief Justice's summing-up.

C. J.—“I do not think I do trouble you, Mr. Attorney-general, to reply. It is only matter of law, and I am quite with you.

“Gentlemen, I do not agree with Mr. Day's law at all. If you believe the evidence of Captain Thornhill's letter, you must find a verdict for the Crown.

“Nevertheless, I did not wish to prevent the defendants from going into their whole case, however irrelevant.

“I do not consider that it was necessary to add an express enactment, that the certificate of the emigration officer must be an accurate one. That is implied. Otherwise these Acts will always be evaded.

“But you are fully at liberty to append to your verdict, a recommendation to the favour of the Crown, if you think that there was, in fact, ample accommodation, and that the frightful mortality on board was the act of God.”

The jury, after a minute's consultation, returned their verdict thus:—

“Our verdict is for the Crown; and we are fully satisfied that the vessel was in every way fitted and provisioned for the voyage; that the mortality was the act of God; and that the emigration officer, by not ordering the re-landing of the coolies in excess of 81, might have misled the owners.”

(True copy.)

(signed) T. Chisholm Anstey, A. G.

Hong Kong, 27 March 1858.

— No. 19. —

No. 19.
Governor Sir J.
Bowring to the
Right Hon. H.
Labouchere, M.P.

COPY of DESPATCH from Governor Sir *John Bowring* to the Right Honourable *Henry Labouchere*, M.P.

(No. 48.)

Government Offices, Victoria, Hong Kong,
12 April 1858.

(Received, 3 June 1858.)

Sir,

(Answered, No. 11, 20 June 1858, page 27).

* Page 21.

WITH reference to my despatch, No. 38* of 27th March last, I have the honour to forward to you the enclosed letter to your address from Messrs. Jardine, Matheson & Co., Dent & Co., and other firms, praying a remission of the penalty inflicted on Messrs. Lyall, Still & Co. as sureties in the case of the “John Calvin.”

I have, &c.

(signed) *John Bowring*.

Encl. in No. 19.

Enclosure in No. 19.

Sir,

Hong Kong, 10 April 1858.

WE venture to address you, not only unsolicited, but without the cognizance of the parties interested with reference to the proceedings recently instituted in the Supreme Court of this colony by Her Majesty's Attorney-general against Messrs. Lyall, Still & Co., as sureties to a bond for the due fulfilment by the master of the British ship “John Calvin,” of the provisions of the Chinese Passengers Act, in the hope that you will be pleased to give the case your liberal consideration, for we feel that in the event of the penalty to which they have subjected themselves being enforced, it would, under peculiar circumstances, press with great hardship upon those gentlemen.

We do not wish, sir, to deny that the defendants may have rendered themselves liable to the fine decreed, according to the strict letter of the law, but a careful review of the whole case abundantly shows that there was no attempt at concealment in any one of their acts; and the evidence on the trial is equally conclusive as to the fact of the vessel being adequately fitted and provisioned for the voyage, as well as fully competent, under the certificate of the emigration officer himself, to convey the number of passengers that were on board; while it is recorded as the unanimous opinion of the jury, concurred in by his Honour the Chief Justice, that the frightful mortality that took place during the voyage was the act of God alone, and in no way attributable to negligence, or want of proper care

or

or precautions on the part of Messrs. Lyall, Still & Co. It was, moreover, expressly stated by the Attorney-general on the trial, that it was not as owners of the vessel that he charged the defendants, but solely as sureties to the bond. We would further respectfully submit, sir, that had the emigration officer strictly done his duty, by ordering the Chinese passengers on shore when they demurred to going on the voyage, no ground for the recent proceedings would in all probability have arisen, whereas the course adopted by that functionary was doubtless calculated to mislead, if it was not the sole cause of the whole irregularity.

We trust therefore, sir, after a careful perusal of the evidence elicited on the trial, and on consideration of all the circumstances connected with the transaction, you may be pleased to take a favourable view of the position of the defendants, and to sanction the remission of the penalty.

We have, &c.
 (signed) *Jardine, Matheson & Co.* *Gilman & Co.*
Dent & Co. *Blenkin, Rawson & Co.*
Turner & Co. *Fletcher & Co.*
Lindsay & Co. *W. H. Wardley & Co.*
Birley & Co. *Gibb, Livingston & Co*

To the Right Hon. H. Labouchere,
 Her Majesty's Principal Secretary of State for the Colonies,
 &c. &c. &c.

— No. 20. —

COPY of DESPATCH from the Right Honourable Sir *E. B. Lytton* to
 Governor Sir *John Bowring*.

(No 11.)

Sir,

Downing-street, 20 June 1858.

I HAVE had before me your despatches, No. 38 of the 27th of March, and No. 48 of the 12th of April, relative to the proceedings against Messrs. Lyall, Still & Co., for a breach of the Chinese Passenger Act, by the master of the ship "John Calvin."

Having carefully considered all the circumstances of the case, I agree in the view which you have taken, and I have to convey to you authority for disposing of the matter by inflicting a mitigated penalty of 50 l.

I have, &c.
 (signed) *E. B. Lytton*.

No. 20.
 Right Hon. Sir E.
 B. Lytton to
 Governor Sir J.
 Bowring.
 20 June 1858.

Case of the "Gulnare."

No. 1,
Governor Sir J.
Bowring to the
Right Hon. H.
Labouchere, M.P.
10 April 1857.

— No. 1. —

COPY of DESPATCH from Governor Sir *John Bowring* to the Right Honourable
H. Labouchere, M.P.

Government Offices, Victoria, Hong Kong,
10 April 1857.

(No. 64.)

(Received, 5 June 1857.)

(Answered, No. 81, 15 June 1857, page 29.)

Sir,

I HAVE to report to you the following circumstances connected with the British ship "Gulnare," engaged in conveying Chinese hired emigrants to the Havannah. The "Gulnare" arrived in Hong Kong on the 13th March, and her captain reported that she had left Swatow, near Amoy, on the 11th March, with a crew of 32 men, and having on board 432 Chinese. On the following morning, at 7.15 a.m., a desperate and well-combined attack was made by the emigrants to obtain possession of the ship, and, as they failed in this, through the determined conduct of the officers and crew, they attempted to set her on fire. They were finally put down, after severely wounding the third officer and one of the crew; nine of their own number were shot, many more wounded, and three jumped overboard to avoid capture. On the 14th March, 20 of the Chinese, who had taken the most prominent part in this piratical attempt, were brought on shore in the custody of the police; the charge against them was investigated by the chief magistrate, who committed 18 to take their trial at the Supreme Court for piracy, with wounding. One of the wounded Chinese died soon after the "Gulnare" arrived in harbour, and a coroner's inquest, whose verdict was one of "Justifiable homicide," was held on the body on the 17th March. To facilitate the despatch of the ship, the Chief Justice held an extra criminal sessions of the Supreme Court on the 27th March. A verdict of "Guilty" was returned thereat, after a trial which lasted the whole day, against all the 18 prisoners; the Chief Justice left three, Ng-king-seang, Cheem-koong-sew, and Chun-amoon for execution, and ordered a sentence of "Death recorded" to be entered up against the remaining 15. At a meeting of the Executive Council, held on Monday, the 6th, after a lengthened investigation of all the circumstances of this case, I came to the conclusion, in which, however, I was not supported by the Lieutenant-Governor and Colonial Secretary, that the ends of justice would be sufficiently answered if the extreme penalty of the law were carried out in the case of the first-named convict, Ng-king-seang only. This man had clearly acted as a ringleader, and was apparently of a different, if not of a superior, station in life to the other prisoners. Ng-king-seang was executed on Thursday, April 9th, and the sentences of the other 17 prisoners have been commuted into that of transportation for life. I have to remark, in conclusion, that the emigration officer was directed to institute a thorough inquiry into the state of the provision, &c., on board the "Gulnare," and he has reported that she was provided in every way in a complete and satisfactory manner. She was despatched from this on the 30th March with 326 emigrants, being of sufficient capacity to carry 338.

I hope that you will approve of the line of conduct I have pursued; and

I have, &c.

(signed) *John Bowring*.

— No. 2. —

COPY of DESPATCH from the Right Honourable *H. Labouchere*, M.P., to
Governor Sir *John Bowring*.

(No. 81.)

No. 2.
Right Hon. H.
Labouchere, M.P.
to Governor Sir J.
Bowring.
15 June 1857.

Sir,

Downing-street, 15 June 1857.

I HAVE to acknowledge the receipt of your despatch, No. 64* of the 10th of April, reporting that 18 Chinese emigrants had been tried for a piratical attempt to take possession of the British ship "Gulnare;" that one of the prisoners had been executed, and that the sentences passed on the other 17 had been commuted to transportation for life. In sparing the lives of two of the three prisoners who were left by the Chief Justice for execution, I entertain no doubt that you used, to the best of your discretion, the prerogative of mercy with which you are invested.

I have, &c.
(signed) *H. Labouchere*.

* Page 28.

— No. 3. —

COPY of LETTER from *T. H. Farrer*, Esq., to *H. Merivale*, Esq.

Office of Committee of
Privy Council for Trade, Whitehall,
23 January 1858.

No. 3.
T. H. Farrer, Esq.
to *H. Merivale*,
Esq.
23 January 1858.

Sir,

I AM directed by the Lords of the Committee of Privy Council for Trade to request you will lay before Mr. Secretary Labouchere the enclosed copy of a Report which my Lords have received from the Registrar-general of Seamen respecting the great mortality amongst a number of Chinese emigrants, or coolies, embarked at Hong Kong on board the "Gulnare" for passages to Havannah.

My Lords direct me to state that, according to the official log, the "Gulnare" left Hong Kong on 1st April 1857, with 326 coolies on board; and, on the 19th August following, disembarked at Havannah 268,—58 of the coolies having died on the voyage.

I have, &c.
(signed) *T. H. Farrer*.

Enclosure 1, in No. 3.

Encl. 1, in No. 3-

REPORT of Registrar-General of Seamen.

THE deaths referred to in List K. herewith, occurred from yellow fever, with the exception of the case of M'Donald, who died of dysentery. The vessel appears to have been in a very sickly state some time prior to her arrival at Havannah, very many deaths from fever and dysentery having happened on board among the Chinese passengers, and which no doubt induced a greater mortality at Havannah from yellow fever than might otherwise have been experienced; for I find that the ships of the West India Mail Packet Company lost but one person from the latter complaint at Havannah in September 1857, at the time when the "Gulnare" met with the losses first above alluded to. I annex a detailed list of deaths in the "Gulnare," as they appear in the official log-book.

19 January 1858.

Encl. 2, in No. 3.

Enclosure 2, in No. 3.

LIST of Number of COOLIES who died on board the "Gulnare," on her Passage from Hong Kong to Havannah in 1857.

8 April -	A coolie died at sea	of dysentery.
11 "	Ditto	ditto of convulsions.
14 "	Ditto	ditto of general debility.
17 "	Ditto	ditto of spitting blood.
17 "	Ditto	ditto of inflammation of the lungs.
17 "	Ditto	ditto of fever.
20 "	Ditto	ditto of brain fever.
29 "	Ditto	ditto of fever.
2 May -	Ditto	ditto of fever and mortification in leg.
4 "	Ditto	ditto of fever.
5 "	Ditto	ditto of fever.
12 "	Ditto	ditto of brain fever.
13 "	Ditto	ditto of fever and dysentery.
15 "	Ditto	ditto of debility (an opium smoker).
16 "	Ditto	ditto suddenly.
18 "	Ditto	ditto of debility (an opium smoker).
18 "	Ditto	ditto of dropsy.
19 "	Ditto	ditto of debility (an opium smoker).
21 "	Ditto	ditto of dysentery.
26 "	Ditto	ditto of exhaustion (an opium smoker).
27 "	Ditto	ditto committed suicide by jumping overboard.
28 "	Ditto	ditto of dysentery.
9 "	Ditto	ditto of dysentery.
30 "	Ditto	ditto of severe ulcers.
2 June -	Ditto	ditto of dysentery.
5 "	Ditto	ditto of severe ulcers.
8 "	The Chinese doctor	died of fever.
12 "	A coolie died at sea	of fever and dysentery.
15 "	Ditto	ditto of fever.
16 "	Ditto	ditto of fever.
17 "	Ditto	ditto of debility (an opium smoker).
23 "	Ditto	ditto of debility (an opium smoker).
24 "	Ditto	ditto of scorbutic dysentery.
26 "	Ditto	ditto of debility (an opium smoker).
27 "	Ditto	ditto of disease of the heart.
29 "	Ditto	ditto of fever.
30 "	Ditto	ditto of fever and dysentery.
1 July -	Ditto	ditto of fever and dysentery.
2 "	Ditto	ditto of fever.
2 "	Ditto	ditto of fever.
5 "	Ditto	at St. Helena. Fell down the hold.
7 "	Ditto	ditto of debility (an opium smoker).
10 "	Ditto	at sea of fever.
13 "	Ditto	ditto of fever.
17 "	Ditto	ditto of debility (an opium smoker).
19 "	Ditto	ditto jumped overboard, and could not save him.
20 "	Ditto	ditto of dropsy.
23 "	Ditto	ditto of severe ulcers.
24 "	Ditto	ditto of dysentery.
25 "	Ditto	ditto of debility.
26 "	Ditto	ditto jumped overboard; could not save him.
29 "	Ditto	ditto inflammation of the bowels.
29 "	Ditto	ditto of debility.
29 "	Ditto	ditto of madness.
7 Aug. -	Ditto	ditto of dysentery.
19 "	Ditto	ditto of fever.
14 "	Ditto	ditto of inflammation of the brain.
16 "	Ditto	ditto of fever.

No. 4.

H. Merivale, Esq.
to the Emigration
Commissioners.
29 January 1858.

COPY of LETTER from *H. Merivale*, Esq., to the Emigration Commissioners.

Gentlemen,

Downing-street, 29 January 1858.

I AM directed by the Secretary of State to transmit to you, for any suggestions and observations which you may have to offer, the enclosed letter from the Lords of the Committee of Privy Council for Trade, on the subject of the great mortality

23 Jan. 1858.

mortality amongst the Chinese emigrants embarked on board the "Gulnare" for conveyance to Havannah. I am also to enclose a despatch from the Governor of Hong Kong, reporting attempted piracy on board that vessel.

I am, &c.
(signed) *H. Merivale.*

No. 64, 10 April
1857, page 28.

— No. 5. —

COPY of LETTER from the Emigration Commissioners to *H. Merivale*, Esq.

Sir,

Emigration Office, 16 February 1858.

WE have to acknowledge your letter of the 29th ultimo, accompanied by a despatch from the Governor of Hong Kong, reporting the circumstances connected with the sailing of the "Gulnare" with Chinese emigrants for the Havannah, and by a letter from the Marine Department of the Board of Trade, calling attention to the great mortality which occurred on the voyage.

2. From Sir J. Bowring's despatch, it appears that the "Gulnare" arrived at Hong Kong on the 13th of March, from Swatow, with 432 Chinese emigrants on board; that the next morning the emigrants endeavoured to seize the ship, and, failing in that, to set her on fire; that after a desperate conflict, in which the third officer and one of the crew were wounded, nine of the emigrants shot (killed, we presume, is meant), many more wounded, and three had jumped overboard, the mutiny was put down; that 18 of the ringleaders were afterwards brought to trial and found guilty, and three ordered for execution, of whom one was actually executed, and the remaining 17 transported for life; and that the emigration officer having examined and reported that the "Gulnare" was "provided in every way in a complete and satisfactory manner," she was despatched from Hong Kong on the 30th March with 326 emigrants on board.

3. By the letter from the Board of Trade and its enclosure, it appears that the "Gulnare" did not finally sail from Hong Kong till the 1st of April, and that she arrived at Havannah on the 19th August; she was therefore 20 weeks on the voyage. During that time the mortality amounted to 58, or 17.79 per cent.; of those who died, 21 are said to have died of fever, or fever combined with dysentery; 8 of dysentery; 12 of debility, of whom 9 are described as opium smokers; and 3 committed suicide; the remaining 14 died of various diseases. The account gives no further particulars from which it is possible to form any opinion as to the causes of the mortality, or the mode of treating the sick; but we observe among the deaths that of the Chinese doctor, who died on the 8th of June, when the ship had been at sea ten weeks. As, however, 26 deaths had occurred before this, and as under any circumstances the rate of mortality in a sickly ship would be likely to increase the longer she was at sea, we can hardly infer that the greater mortality in the latter ten weeks was attributable to the loss of that officer. We presume that a duly qualified surgeon was on board in addition to the native doctor.

4. We fear that there would be no possibility, at this distance of time and place, of instituting any effective inquiry into the causes of the lamentable mortality in the ship. The report of it did not reach the Board of Trade until the 19th ultimo, exactly five months after the "Gulnare" arrived at Havannah, and as a ship's log is not, under the Merchant Shipping Act (sec. 286), delivered in to the Board of Trade until the arrival of the ship in this country, a delay sufficient to embarrass if not defeat inquiry must always intervene between the landing of African or Asiatic emigrants in the West Indies and the report of the circumstances of the voyage in this country.

5. The only means of obtaining an effectual inquiry into cases of this nature is by an investigation on the spot immediately on the arrival of the ship. Such an inquiry would, as a matter of course, be instituted in any British colony on the arrival of an emigrant ship with a loss of a large proportion of her emigrants. In foreign ports a similar inquiry might, we presume, be instituted by Her Majesty's consuls; and as Havannah is the principal foreign port in the West Indies to which emigrants are conveyed in British ships, we would submit that

No. 5.
The Emigration
Commissioners to
H. Merivale, Esq.
16 February 1858.

the consul at that port should be instructed, whenever a British ship arrives there with emigrants, to inquire into the circumstances connected with the voyage, and especially to endeavour to ascertain the causes of any mortality which may have occurred, and the different forms of treatment adopted in different ships; even if such inquiries should not reveal anything requiring the consul's immediate intervention, the information obtained might be of great value in framing regulations for the future management of Chinese passenger ships.

6. In respect to Sir J. Bowring's report on the "Gulnare," we may perhaps be allowed to point out an omission which appears to us remarkable. The circumstances connected with that vessel proved that the emigrants were unwilling to proceed in her, and would suggest, therefore, that they might have been collected on board either by force or fraud. To prevent such a transaction, the regulations attached to the Chinese Passenger Act provide that the emigration officer shall not give his clearing certificate until he shall have mustered the passengers, and ascertained to the best of his power that they understand whither they are going, and the nature of the contract into which they have entered. It would not be fair to infer, because Sir J. Bowring has not mentioned it, that the emigration officer did not comply with this particular regulation; but under all the circumstances of the case, the very cursory way in which the emigration officer's inquiry is mentioned, and the total omission of all reference to this essential point, appear to us so remarkable, that we think it right to notice them. We must also point out that no allusion is made to any medical examination of the people before the emigration officer's certificate was granted.

We have, &c.
(signed) *T. C. W. Murdoch.*
Frederic Rogers.

— No. 6. —

No. 6.
H. Merivale, Esq.
to T. H. Farrer,
Esq.
25 February 1858.
* Page 29.

COPY of LETTER from *H. Merivale, Esq.*, to *T. H. Farrer, Esq.*

Sir,

Downing-street, 25 February 1858.

16 Feb. 1858. p. 31.

IN answer to your letter of the 23d * ultimo, respecting the Chinese emigrant ship "Gulnare," I am directed by Mr. Secretary Labouchere to transmit to you, for the information of the Lords of the Committee of Privy Council for Trade, the enclosed copy of a report from the Emigration Commissioners; and I am to acquaint you that the question of issuing the instructions suggested in para. 5, has been submitted to the Foreign Office for Lord Clarendon's consideration.

The Governor of Hong Kong will be desired, in reference to the concluding paragraph, to state whether the inquiry therein alluded to was made by the emigration officer at Hong Kong, and if not, why it was omitted; and to give positive directions that it should never be neglected on any future occasion of a similar kind.

I am, &c.
(signed) *H. Merivale.*

— No. 7. —

No. 7.
J. Booth, Esq. to
H. Merivale, Esq.
8 March 1858.

COPY of LETTER from *James Booth, Esq.*, to *H. Merivale, Esq.*

Sir,

Office of Committee of Privy Council for Trade,
Whitehall, 8 March 1858.

I AM directed by the Lords of the Committee of Privy Council for Trade to acknowledge the receipt of your letter of the 25th ultimo, transmitting copy of a report from the Emigration Commissioners relative to the case of the Chinese emigrant ship "Gulnare."

As regards the proposed instructions to Her Majesty's consuls in para. 5 of the Commissioners' Report, I am to acquaint you, for Lord Stanley's information, that on the occasion of the inquiry concerning the mortality of the "Duke of Portland," my Lords pointed out to the Foreign Office the expediency of calling the attention of Her Majesty's consuls, at ports to which Chinese emigrants

grants are carried, to the provisions of the sixth section of the Chinese Passengers Act, 18 & 19 Vict. c. 104, and of instructing them to make inquiry when occasion should arise. My Lords were then informed that the Secretary of State had, soon after the passing of the Chinese Passengers Act, issued a circular on the subject, copies of which are, no doubt, in the possession of the Colonial Office. Subsequently another circular was issued on the subject of deaths occurring on board British ships, a copy of which is enclosed.

As, however, it now appears to my Lords to be doubtful whether either of these circulars are sufficiently explicit, or sufficiently addressed to the inquiry which is needed when deaths have occurred on board a British ship carrying foreigners as passengers, my Lords have taken this opportunity of stating, for the consideration of the Earl of Malmesbury, that it is in their opinion advisable that in addition to any instructions already issued on this subject, Her Majesty's consuls in the West Indies and in other places to which British ships carry Asiatic emigrants, should have express directions to inquire specially, and to report immediately, as to any cases of excessive mortality happening on board British ships carrying foreign passengers which arrive at their respective ports.

I have, &c.
(signed) *James Booth.*

Enclosure in No. 7.

Board of Trade, 20 October 1857.

Encl. in No. 7.

INSTRUCTIONS TO CONSULS.

Merchant Ships and Seamen, referring to Paragraphs 117, 126, and 182.

WHENEVER a death happens on board a British ship, whether in the case of a British subject or of a foreigner serving on board, the Consul at the port at which the ship first arrives after the occurrence, will inquire into the cause of the death and the circumstances attending it, and will indorse on the ship's articles the result of such inquiry.

He will, at the same time, forward to the Board of Trade a report of the death, and the result of the inquiry.

If it appears to him that any such death has been caused by violence, ill treatment, neglect or other improper means, the Consul will act as pointed out in the Instructions, paragraphs 117, 124 to 136, and 182.

(signed) *T. H. Farrer,*
Assistant Secretary, Marine Department.

— No. 8. —

COPY of DESPATCH from the Right Honourable *H. Labouchere* to
Governor Sir *John Bowring.*

(No. 20.)

Sir,

Downing-street, 25 February 1858.

WITH reference to your despatch, No. 64, * of the 10th of April last, respecting the Chinese emigrant ship "Gulnare," I transmit to you, for your information, the enclosed copy of a report from the Emigration Commissioners.

The question of issuing the instructions suggested in para. 5, has been submitted to the Foreign Office for Lord Clarendon's consideration.

In reference to the concluding paragraph, I have to request that you will state whether the inquiry therein alluded to was made by the Emigration officer at Hong Kong, and if not, why it was omitted, and that you will give positive directions that it should never be neglected on any future occasion of a similar kind.

I have, &c.
(signed) *H. Labouchere.*

No. 8.
Right Hon. H.
Labouchere to
Governor Sir J.
Bowring.
25 February 1858.
* Page 28.

16 February 1858.

Page 31.

— No. 9. —

COPY of LETTER from *H. Merivale, Esq.,* to *E. Hammond, Esq.*

Sir,

Downing-street, 25 February 1858.

I AM directed by Mr. Secretary Labouchere to transmit to you, for the information of the Earl of Clarendon, the enclosed copy of a report from the Emigration Commissioners on the unfortunate circumstances which attended the departure

No. 9.
H. Merivale, Esq.
to E. Hammond,
Esq.
25 February 1858.

16 February 1858.

Page 31.

departure of the Chinese emigrant ship "Gulnare" from Hong Kong, and on the great mortality which afterwards occurred on her voyage to Havannah.

With reference to the suggestion contained in para. 5 of this report, I am desired to request that you will submit the question of issuing such instructions as are therein proposed, for Lord Clarendon's consideration.

The Governor of Hong Kong will be desired, in reference to the concluding paragraph, to state whether the inquiry therein alluded to was made by the emigration officer at Hong Kong, and if not, why it was omitted, and to give positive directions that it should never be neglected on any future occasion of a similar kind.

I am, &c.
(signed) *H. Merivale.*

No. 10.

W. S. Fitzgerald,
Esq. to H. Merivale,
Esq.
11 March 1858.

— No. 10. —

COPY of LETTER from *W. S. Fitzgerald, Esq.*, to *H. Merivale, Esq.*

Sir,

Foreign Office, 11 March 1858.

I AM directed by the Earl of Malmesbury to acknowledge the receipt of your letter of the 25th ultimo, enclosing a copy of a Report from the Commissioners of Emigration, on the circumstances attending the departure of the Chinese emigrant ship "Gulnare" from Hong Kong, and on the great mortality which afterwards occurred on her voyage to Havannah; and I am to request that you will acquaint Lord Stanley that, in compliance with the suggestion of the late Secretary of State for the Colonial Department, the Earl of Malmesbury has instructed Her Majesty's Consul-general at the Havannah to proceed in the manner pointed out in the 5th paragraph of the Report of the Emigration Commissioners, in regard to his inquiring into the circumstances attending the voyage of any British vessel arriving at the Havannah with emigrants, and especially into the causes of any cases of mortality which may have occurred on board.

I am, &c.
(signed) *W. Seymour V. Fitzgerald.*

No. 11.

W. S. Fitzgerald,
Esq. to H. Merivale,
Esq.
19 March 1858.

— No. 11. —

COPY of LETTER from *W. S. Fitzgerald, Esq.*, to *H. Merivale, Esq.*

Sir,

Foreign Office, 19 March 1858.

I AM directed by the Earl of Malmesbury to acknowledge the receipt of your letter of the 25th ultimo*, respecting the mortality on board the English vessel "Gulnare," on her passage from Hong Kong to Havannah, with Chinese emigrants, in the month of March of last year; and I am to request that you will acquaint Lord Stanley that the instructions pointed out in your letter have been sent to Her Majesty's Consul-general at the Havannah, directing him to inquire into the circumstances of the voyage of any British vessels arriving there with emigrants, and into the other points specified in your letter.

I am, &c.
(signed) *W. Seymour V. Fitzgerald.*

No. 12.

H. Merivale, Esq.,
to the Emigration
Commissioners,
31 March 1858.
* Page 31.

— No. 12. —

COPY of LETTER from *H. Merivale, Esq.*, to the Emigration Commissioners.

Gentlemen,

Downing-street, 31 March 1858.

WITH reference to your Report of the 16th * ultimo, I am directed by the Secretary of State to transmit for your information copies of a correspondence with the Foreign Office, together with a copy of a despatch which Mr. Labouchere addressed to the Governor of Hong Kong, on the subject of the Chinese emigrant ship "Gulnare."

I have, &c.
(signed) *H. Merivale.*

Colonial Office,
25 February, p. 33.
Foreign Office,
19 March, above.
Right Hon. H.
Labouchere, No.
20, 25 February.
Page 33.

CHINESE, &c., EMIGRANTS.

COPIES of Recent Communications to or from the Foreign Office, Colonial Office, Board of Trade, and other Departments of Her Majesty's Government, on the subject of MORGLARY on board British Ships carrying Emigrants from *China* or *Tadisa* (in continuation of Parliamentary Paper, No. 147, of Session 1, 1857)."

(*Mr. Cardwell.*)

Ordered, by The House of Commons, to be Printed,
2 August 1858.

CHINA. No. 2 (1888).

R E T U R N

OF

CLAUSES IN TREATIES

BETWEEN

G R E A T B R I T A I N A N D C H I N A

RELATING TO THE

T R E A T M E N T O F I M M I G R A N T S .

*Presented to the House of Commons by Command of Her Majesty, in pursuance of their
Address dated June 11, 1888.*

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RETURN to an Address of the Honourable the House of Commons, dated 11th June, 1888 ;
for—

“ A Return, giving Clauses in Treaties or other binding Agreements at present in force between China and the United Kingdom, relating to the Treatment of Immigrants from either State into the territories of the other.”

No. 1.

Treaty between Great Britain and China.—Signed at Nanking, August 29, 1842.

ARTICLE I.

THERE shall henceforward be peace and friendship between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the Emperor of China, and between their respective subjects, who shall enjoy full security and protection for their persons and property within the dominions of the other.

ARTICLE II.

His Majesty the Emperor of China agrees that British subjects, with their families and establishments, shall be allowed to reside, for the purposes of carrying on their mercantile pursuits, without molestation or restraint, at the cities and towns of Canton, Amoy, Foochowfoo, Ningpo, and Shanghae; and Her Majesty the Queen of Great Britain, &c., will appoint Superintendents or Consular officers, to reside at each of the above-named cities or towns, to be the medium of communication between the Chinese authorities and the said merchants, and to see that the just duties and other dues of the Chinese Government, as hereafter provided for, are duly discharged by Her Britannic Majesty's subjects.

No. 2.

Convention between Great Britain and China, relative to the admission of Foreigners into the City of Canton, and to the Evacuation of the Island of Chusan by the British Forces.—Signed at Bocca Tigris, April 4, 1846.

ARTICLE I.

HIS Majesty the Emperor of China having, on his own part, distinctly stated that when in the course of time mutual tranquillity shall have been insured, it will be safe and right to admit foreigners into the city of Canton, and the local authorities being for the present unable to coerce the people of that city, the Plenipotentiaries on either side mutually agree that the execution of the above measure shall be postponed to a more favourable period; but the claim of right is by no means yielded or abandoned on the part of Her Britannic Majesty.

ARTICLE II.

British subjects shall in the meanwhile enjoy full liberty and protection in the neighbourhood, on the outside of the city of Canton, within certain limits fixed according to previous Treaty, comprising seventy localities, of which the

names were communicated by the district Magistrates to the British Consul on the 21st November, 1845. They may likewise make excursions on the two sides of the river, where there are not numerous villages.

No. 3.

Agreement of the Chinese Commissioner Keying relative to the Entrance of British Subjects into Canton; the Trade at Honan; and the Erection of Churches at the Ports of Trade.—April 6, 1847.

(Translation.)

KEYING, High Imperial Commissioner, &c., sends the following reply to each of the proposed arrangements which were made yesterday officially:—

1. The intention of returning my visit in the city is excellent, but the time for it ought still somewhat to be delayed. It is therefore now agreed that two years from this day's date British officers and people shall have free entrance into the city.

2. Whenever Englishmen go on shore to walk and meet with insult, the local authorities must investigate the matter and punish [the aggressors]; and the space of one day's journey, just as at Shanghae, is also assigned at Canton [for such excursions].

No. 4.

Treaty of Peace, Friendship, and Commerce between Great Britain and China.—Signed at Tien-tsin, June 26, 1858.

[Ratifications exchanged at Peking, October 24, 1860.]

ARTICLE IX.

BRITISH subjects are hereby authorized to travel, for their pleasure or for purposes of trade, to all parts of the interior, under passports, which will be issued by their Consuls and countersigned by the local authorities.* These passports, if demanded, must be produced for examination in the localities passed through. If the passport be not irregular, the bearer will be allowed to proceed, and no opposition shall be offered to his hiring persons or hiring vessels for the carriage of his baggage or merchandize. If he be without a passport, or if he commit any offence against the law, he shall be handed over to the nearest Consul for punishment; but he must not be subjected to any ill-usage in excess of necessary restraint. No passport need be applied for by persons going on excursions from the ports open to trade to a distance not exceeding 100 *li*, and for a period not exceeding five days.

The provisions of this Article do not apply to crews of ships, for the due restraint of whom Regulations will be drawn up by the Consul and the local authorities.

To Nanking, and other cities disturbed by persons in arms against the Government, no pass shall be given until they shall have been recaptured.

ARTICLE X.

British merchant-ships shall have authority to trade upon the Great River (Yang-tsze). The upper and lower valley of the river being, however, disturbed by outlaws, no port shall be for the present opened to trade, with the exception of Chin-kiang, which shall be opened in a year from the date of the signing of this Treaty.

So soon as peace shall have been restored, British vessels shall also be admitted to trade at such ports as far as Han-kow, not exceeding three in number, as the British Minister, after consultation with the Chinese Secretary of State, may determine shall be ports of entry and discharge.

* Peking was, by an Agreement dated November 8, 1858, declared to be exempted from the Regulations respecting passports.

ARTICLE XI.

In addition to the cities and towns of Canton, Amoy, Fuchow, Ningpo, and Shanghai, opened by the Treaty of Nanking, it is agreed that British subjects may frequent the cities and ports of New-Chwang, Tang-Chow, Tai-Wan (Formosa), Chau-Chow (Swatow), and Kiung-Chow (Hainan).

They are permitted to carry on trade with whomsoever they please, and to proceed to and fro at pleasure with their vessels and merchandize.

They shall enjoy the same privileges, advantages, and immunities at the said towns and ports as they enjoy at the ports already open to trade, including the right of residence, of buying or renting houses, of leasing land therein, and of building churches, hospitals, and cemeteries.

ARTICLE XII.

British subjects, whether at the ports or at other places, desiring to build or open houses, warehouses, churches, hospitals, or burial-grounds, shall make their agreement for the land or buildings they require, as the rates prevailing among the people, equitably, and without exactions on either side.

ARTICLE XIII.

The Chinese Government will place no restrictions whatever upon the employment, by British subjects, of Chinese subjects in any lawful capacity.

ARTICLE XVIII.

The Chinese authorities shall at all times afford the fullest protection to the persons and property of British subjects whenever these shall have been subjected to insult or violence. In all cases of incendiarism or robbery, the local authorities shall at once take the necessary steps for the recovery of the stolen property, the suppression of disorder, and the arrest of the guilty parties, whom they will punish according to law.

ARTICLE LIV.

The British Government and its subjects are hereby confirmed in all privileges, immunities, and advantages conferred on them by previous Treaties; and it is hereby expressly stipulated that the British Government and its subjects will be allowed free and equal participation in all privileges, immunities, and advantages that may have been, or may be hereafter, granted by His Majesty the Emperor of China to the Government or subjects of any other nation.

No. 5.

Convention of Friendship between Great Britain and China.—Signed at Peking, October 24, 1860.

ARTICLE V.

AS soon as the ratifications of the Treaty of 1858 shall have been exchanged, His Imperial Majesty the Emperor of China will, by Decree, command the high authorities of every province to proclaim throughout their jurisdictions, that Chinese choosing to take service in the British Colonies, or other parts beyond sea, are at perfect liberty to enter into engagements with British subjects for that purpose, and to ship themselves and their families on board any British vessel at any of the open ports of China; also that the high authorities aforesaid shall, in concert with Her Britannic Majesty's Representative in China, frame such Regulations for the protection of Chinese, emigrating, as above, as the circumstances of the different open ports may demand.*

ARTICLE VII.

It is agreed that the provisions of the Treaty of 1858, except in so far as these are modified by the present Convention, shall, without delay, come into

* On the 5th March, 1866, a Convention was concluded at Peking to regulate the engagement of Chinese emigrants by British and French subjects; but it was never ratified.

operation as soon as the ratifications of the Treaty aforesaid shall have been exchanged.

It is further agreed that no separate ratification of the present Convention shall be necessary, but that it shall take effect from the date of its signature, and be equally binding with the Treaty above mentioned on the High Contracting Parties.

No. 6.

Agreement between the Governments of Great Britain and China for the Settlement of the Yünnan Case, Official Intercourse, and Trade between the two Countries.—Signed in the English and Chinese languages, at Chefoo, September 13, 1876.

[Ratifications exchanged at London, May 6, 1886.]

SECTION III.—*Trade.*

1. WITH reference to the area within which, according to the Treaties in force, *li-kin* ought not to be collected on foreign goods at the open ports, Sir Thomas Wade agrees to move his Government to allow the ground rented by foreigners (the so-called Concessions) at the different ports to be regarded as the area of exemption from *li-kin*; and the Government of China will thereupon allow I-ch'ang, in the Province of Hu-Pei, Wu-hu, in An-hui, Wên-Chôw in Che-Kiang, and Pei-hai (Pak-hoi) in Kwang-tung, to be added to the number of ports open to trade, and to become Consular stations. The British Government will, further, be free to send officers to reside at Ch'ung K'ing, to watch the conditions of British trade in Ssu-Ch'uen. British merchants will not be allowed to reside at Ch'ung K'ing, or to open establishments or warehouses there, so long as no steamers have access to the port. When steamers have succeeded in ascending the river so far, further arrangements can be taken into consideration.

It is further proposed as a measure of compromise that at certain points on the shore of the Great River, namely, Ta-t'ung, and Ngan-Ching, in the Province of An-Hui: Hu-K'ou, in Kiang-Si; Wu-suëh, Lu-chi-k'ou, and Sha-shih, in Hu-Kuang; these being all places of trade in the interior, at which, as they are not open ports, foreign merchants are not legally authorized to land or to ship goods; steamers shall be allowed to touch for the purpose of landing or shipping passengers or goods, but in all instances by means of native boats only, and subject to the Regulations in force affecting native trade.

Produce accompanied by a half-duty certificate may be shipped at such points by the steamers, but may not be landed by them for sale. And at all such points, except in the case of imports accompanied by a transit duty certificate, or exports similarly certificated, which will be severally passed free of *li-kin* on exhibition of such certificates, *li-kin* will be duly collected on all goods whatever by the native authorities. Foreign merchants will not be authorized to reside or open houses of business or warehouses at the places enumerated as ports of call.

RETURN of Clauses in Treaties between Great
Britain and China relating to the Treatment of
Immigrants.

*Presented to the House of Commons by Command
of Her Majesty, in pursuance of their Address
dated June 11, 1888.*

LONDON :

PRINTED BY HARRISON AND SONS.

CORRESPONDENCE

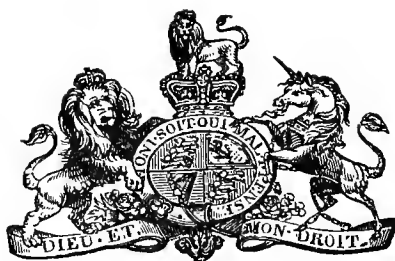
RELATING TO

CHINESE IMMIGRATION INTO THE AUSTRALASIAN COLONIES,

WITH A

RETURN OF ACTS PASSED BY THE LEGISLATURES
OF THOSE COLONIES AND OF CANADA AND
BRITISH COLUMBIA ON THE SUBJECT.

Presented to both Houses of Parliament by Command of Her Majesty,
July 1888.



LONDON:
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1888.

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2	To the Governors of the Australasian Colonies and the Governor-General of Canada.	Jan. 23, 1888 Circular.	Enclosing copy of a letter from the Foreign Office respecting Chinese immigration, and requesting to be furnished with a report with regard to any exceptional legislation affecting Chinese subjects in force in the respective colonies, showing the objects for which such legislation was passed and the measure of success which has attended it.	2
3	Lord Carrington (New South Wales).	Mar. 31, 1888 (Rec. Apr. 2, 1888.) Telegraphic.	Transmitting a message from his Ministers urging that steps may be taken to restrict the Chinese from emigrating to any part of Australia.	2
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Serial No.	From or to whom.	Date.	Subject.	Page.
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48	Ditto -	May 18, 1888 (Rec. May 18, 1888). Telegraphic.	Reporting that the Chinese Indemnity Bill was read a first time in the Legislative Council on the 17th, that the Supreme Court has declared the action of Ministers in preventing the landing to be illegal, and that Ministers may possibly appeal to the Privy Council.	27
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Serial No.	From or to whom.	Date.	Subject.	Page.
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55	To Sir F. Napier Broome (Western Australia).	May 22, 1888 Telegraphic.	Instructing him to send a delegate to the Inter-Colonial Conference.	30
56	To Sir W. C. F. Robinson (South Australia).	May 22, 1888 Telegraphic.	Observing that if the Conference meets, Her Majesty's Government will be happy to telegraph for consideration points of discussion which appear important.	30
57	Lord Carrington (New South Wales).	May 24, 1888 (Rec. May 24, 1888). Telegraphic.	Reporting that a vote of censure on the Government for their recent action has been defeated by 41 to 5.	31
58	To Lord Carrington (New South Wales).	May 24, 1888 Telegraphic.	Authorising him to assent to the Chinese Restriction Bill without prejudice to Her Majesty's power of disallowance.	31
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71	Sir H. B. Loch (Victoria).	May 2, 1888 (Rec. June 7, 1888.)	Transmitting copy of a memorandum by the Premier on the subject of the landing of Chinese from the "Afghan," and on the general question.	38
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73	To Sir W. F. D. Jervois (New Zealand).	June 8, 1888 Telegraphic.	Authorising him to assent to the Chinese Bill.	41
74	Lord Carrington (New South Wales).	June 12, 1888 (Rec. June 12, 1888.) Telegraphic.	Stating that the speeches of Lord Derby and the Secretary of State in the House of Lords are appreciated in the Colony, and that the decision not to appoint an Imperial representative at the Conference has been most favourably received.	41
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77	To Lord Carrington (New South Wales).	June 14, 1888 Telegraphic.	Suggesting that the separate legislation of New South Wales should be suspended, and the Bill confined to the question of indemnity referred to in the Governor's telegram of 17th May.	43
78	Lord Carrington (New South Wales).	June 14, 1888 (Rec. June 14, 1888.) Telegraphic.	Conveying the substance of the message to Her Majesty's Government from the Conference, and the resolutions arrived at.	43
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Serial No.	From or to whom.	Date.	Subject.	Page.
80	Lord Carrington (New South Wales).	June 15, 1888 (Rec. June 15, 1888.) Telegraphic.	Reporting that it is understood and accepted by the Conference that the New South Wales Bill be proceeded with, but that as soon as two Colonies have passed the draft Bill, New South Wales will bring her legislation into harmony with that of the other Colonies; and that the greatest cordiality was expressed by the delegates towards Her Majesty's Government.	45
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APPENDIX I.

Lew Ta Jên to the Earl of Rosebery, July 13, 1886 - - - - - Page 56

APPENDIX II.

Acts relating to Chinese immigration into the Australasian Colonies, Canada, and British Columbia - 59

A U S T R A L A S I A .

C O R R E S P O N D E N C E

R E S P E C T I N G

C H I N E S E I M M I G R A T I O N

I N T O T H E

A U S T R A L A S I A N C O L O N I E S ,

W I T H A

R E T U R N O F A C T S P A S S E D B Y T H E L E G I S L A T U R E S O F T H O S E
C O L O N I E S A N D O F C A N A D A A N D B R I T I S H C O L U M B I A
O N T H E S U B J E C T .

No. 1.

F O R E I G N O F F I C E t o C O L O N I A L O F F I C E .

S I R ,

Foreign Office, December 21, 1887.

I AM directed by the Marquis of Salisbury to transmit to you a copy of a note from the Chinese Minister at this Court, calling attention to the position of Chinese subjects in Her Majesty's Colonies, and requesting that an inquiry may be instituted into the laws enacted against his countrymen by some of the Colonial Legislatures of Australia and the Dominion of Canada.

I am to request that, in laying this letter before Secretary Sir H. Holland, you will move him to cause Lord Salisbury to be informed what reply should be returned to the Chinese Minister.

The Under Secretary of State,
Colonial Office.

I am, &c.,
(Signed) P. W. CURRIE.

Enclosure in No. 1.

M Y L O R D ,

Chinese Legation, December 12, 1887.

THE Chinese Commissioners, who recently visited the Australian Colonies for the purpose of inquiring into the condition of Chinese subjects residing in these parts of Her Britannic Majesty's Dominions, report that, in each of the Colonies they visited, a poll tax of 10*l.* is imposed on Chinese subjects, from which the subjects of other Powers are exempt. I am also informed that at the present moment a Bill, which passed the House of Assembly of Tasmania in September last, is under the consideration of the Legislative Council of that Colony, having for its object the imposition of a similar tax on all Chinese subjects who may hereafter visit the Island for the purpose of trade.

In my despatch of 13th July 1886,* I had occasion to draw the attention of your Lordship's predecessor to the invidious position in which Chinese subjects were placed by the operation of a peculiarly offensive Act which had been passed by the Government of British Columbia. Having in that despatch very fully discussed the question of the injustice of making Chinese subjects, who on the faith of treaties and international usage had entered the Colony, the objects of discriminative legislation, I need not here revert to the matter, more especially as the Chinese Government is convinced that where Colonial Legislatures have enacted regulations, inimical to Chinese and which were incompatible with Her Majesty's international engagements, the omission of the Crown to exercise its right of veto is not to be taken as showing that the Central Government approved them.

* See Appendix I.

In the Crown Colonies it has not been found necessary to treat Chinese subjects differently from the subjects of other Powers, and it is difficult to understand why it should be otherwise in those Colonies on whom a certain amount of self-government has been conferred. It has never been alleged that Chinese immigrants were unruly. For, not only in Hong Kong and the Straits Settlements, but also in Australia, the Colonial Governors have repeatedly borne testimony to the orderly conduct of the Chinese population, and to their value in developing the Colonial resources. There does not, therefore, appear to be any sufficient reason for their being deprived of the immunities accorded to them by the treaties and the law of nations, or to their being treated differently from the subjects of other Powers residing in the same parts of Her Britannic Majesty's dominions.

The Imperial Government sees with regret the continued existence of the exceptional and exceptionable laws which some of the Colonial Legislatures of Australia and the Dominion have at different times enacted against Chinese subjects, and hopes that, with a view to the elimination of any part of them which may be found to be at variance with treaty obligations and international usage, Her Majesty's Government will be pleased to institute an inquiry into their nature, and how far they are compatible with the increasing growth of the friendly relations which now happily exist between the two countries.

The Marquis of Salisbury, K.G.,
&c. &c. &c.

I have, &c.,
(Signed) LEW.

No. 2.

SIR H. T. HOLLAND to the GOVERNORS OF THE AUSTRALASIAN
COLONIES AND THE GOVERNOR-GENERAL OF CANADA.

Circular.

MY LORD,

SIR,

Downing Street, January 23, 1888.

I HAVE the honour to transmit to you, for communication to your Government, a copy of a letter* from the Foreign Office, enclosing copy of a note from the Chinese Minister at this Court, calling attention to the position of Chinese subjects in Her Majesty's Colonies.

I should be glad if your Government would furnish me with a report on the subject of any exceptional legislation affecting Chinese subjects which is in force in the Colony under your Government, showing the objects for which such legislation was adopted and the measure of success which has attended it.

The Governors of New South Wales,
Victoria, Queensland, South
Australia, Western Australia,
Tasmania, and New Zealand, and
the Governor-General of Canada.

I have, &c.,
(Signed) H. T. HOLLAND.

No. 3.

LORD CARRINGTON (NEW SOUTH WALES) to LORD KNUTSFORD.

(Received April 2, 1888.)

TELEGRAPHIC.

Sydney, 31st March 1888.—At special request of Prime Minister I send following message, considering it matter of greatest importance, and not to be delayed.

Australian feeling much exercised in reference to Chinese immigration and the inquiry made by Marquis of Salisbury; your Excellency's advisers beg briefly to explain that the law of this Colony for some years past has imposed the restrictions of a poll tax of

10% on each immigrant, and a limitation of one immigrant to every 100 tons of the ship's burden, but owing to recent occurrences severer measures are now demanded throughout all the Colonies. This state of things has given rise to new reflections in dealing with a difficulty which threatens to become a calamity; as these Colonies form an important part of the Empire, it is submitted that our cause of contention is of sufficient national concern to be taken up by the Empire; if we have no voice in the making of treaties, it seems only just that our interests should be considered and protected by those who exercise that power. We learn by public report that the United States Government have entered into a treaty with the Government of China by which Chinese immigration into America is no longer permitted. We fail to see why Australia may not be similarly protected. On behalf of this Colony we desire, through your Excellency, to impress upon Her Majesty's Imperial advisers the more prominent phases of the Chinese question as it specially and almost exclusively affects the Australian section of the British people; firstly, the Australian ports are within easy sail of the ports of China; secondly, the climate, as well as certain branches of trade and industry in Australia, such as the cultivation of the soil for domestic purposes, and tin and gold mining are peculiarly attractive to the Chinese; thirdly, the working-classes of the British people in all the affinities of race are directly opposed to their Chinese competitors; fourthly, there can be no sympathy, and in the future it is to be apprehended that there will be no peace, between the two races; fifthly, the enormous number of the Chinese population intensifies every consideration of this class of immigration in comparison with the immigration of any other nation; sixthly, the most prevailing determination in all the Australian communities is to preserve the British type in the population; seventhly, there can be no interchange of ideas of religion or citizenship, nor can there be intermarriage or social communion between the British and the Chinese. It is respectfully submitted that the examination of these principal phases of the question can only lead to one conclusion, namely, that the Chinese must be restricted from emigrating to any part of Australasia. It will be seen that while the question scarcely touches the people of the United Kingdom it vitally concerns these great Colonies, whose importance in their political and commercial relations entitles them to be protected by the diplomatic influence and the powers of treaty which belong to the Empire. With renewed expressions of our loyal attachment to Her Majesty, we urge that immediate steps be taken to open such negotiations with the Emperor of China as will result in affording permanent security to the Australian Colonies from the disturbance of Chinese immigration in any form; the matter is too grave and urgent to admit of long delay. However desirable it may be to avoid the irritation and conflict of interests which may arise from local legislation of a drastic character, if protection cannot be afforded as now sought, the Australian Parliaments must act from the force of public opinion in devising measures to defend the Colonies from consequences which they cannot relax in their efforts to avert.

No. 4.

LORD CARRINGTON (NEW SOUTH WALES) to LORD KNUTSFORD.
(Received April 3, 1888.)

TELEGRAPHIC.

Sydney, 3rd April.—Referring to my telegram of 31st March* on Chinese immigration, am desired by my responsible advisers to inform you that there is every prospect of all Colonial Governments making similar representations to Her Majesty's Government.

No. 5.

LORD CARRINGTON (NEW SOUTH WALES) to LORD KNUTSFORD.
(Received April 7, 1888.)

Government House, Sydney,
March 1, 1888.

MY LORD,

I HAVE the honour to report to your Lordship that attention has been directed by the Government Resident of the Northern Territory, which is under the Government

* No. 3.

of South Australia, to the fact that there has been a large influx of Chinese into Port Darwin, and much apprehension has been caused that they will spread over all the Colonies.

The Premiers of the various Colonies have communicated with the Premier of South Australia, strongly advocating measures for the restriction of the Mongolians, and the South Australian Government have communicated to this Government that, fully realising the position of affairs, they have established a quarantine of twenty-one days on all vessels from Chinese ports, and have imposed a poll tax of ten pounds upon Chinamen landing in the Northern Territory.

The Right Hon. the Secretary of State
for the Colonies.
&c. &c. &c.

I have, &c.,
(Signed) CARRINGTON.

No. 6.

FOREIGN OFFICE to COLONIAL OFFICE.

SIR,

Foreign Office, April 7, 1888.

I AM directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before Secretary Lord Knutsford, copy of a despatch, with its enclosure as marked in the margin, which has been received from Her Majesty's Minister at Washington, in regard to a treaty which has now been signed between China and the United States to provide for the absolute exclusion of Chinese immigrants.

The Under Secretary of State,
Colonial Office.

I am, &c.,
(Signed) P. W. CURRIE.

Enclosure in No. 6.

MY LORD,

Washington, March 19, 1888.

I HAVE the honour to inform your Lordship that a treaty with China has been signed and sent to the Senate, providing for the absolute exclusion of Chinese immigrants, and for the payment of an indemnity by the United States for injuries inflicted on Chinamen.

I enclose herewith a summary of its provisions as published in the newspapers.

The Marquis of Salisbury, K.G.,
&c. &c. &c.

I have, &c.,
(Signed) L. S. SACKVILLE WEST.

EXTRACT from the "NEW YORK HERALD" of 8th March 1888.

*New Chinese Treaty :—One which will absolutely prohibit the landing of immigrants.—
China wants it too.*

[By telegraph to the "Herald."]

Herald Bureau,
Corner Fifteenth and G Streets, N.W.,
Washington, March 7, 1888.

The new treaty with China will probably be sent to the Senate within a few days. The President is preparing a message of transmittal which will set forth the progress of the negotiations and their successful issue.

The sole object of the treaty is the prevention of Chinese immigration into this country, and the Chinese Government, instead of being affronted by the feeling here, is as anxious as our Government to put a stop to this immigration. The proposal for a new treaty came from the Chinese Minister in August, about a year and a half ago.

He sent a draft of a treaty to Secretary Bayard before visiting Europe, and on his return received a corrected draft from Mr. Bayard. Since then the negotiations have progressed with the usual diplomatic deliberation, until they have at last reached fruition. A good many erroneous reports have been floating about during the last few days, and some of them have alarmed the Californians with the fear that the new treaty was no better than the old.

Those who have seen it say, however, that it is a strong document and will be entirely satisfactory to the most pronounced opponents of Chinese immigration. One of the embarrassing features of the present treaty is that it authorises the suspension merely of Chinese immigration for prescribed periods.

Absolute Exclusion.

The new treaty will authorise the absolute exclusion of the Chinese during the ten years for which the treaty is made, and thus enable the United States to proceed with legislation which could not well be enacted under the suspension clause. One question of difference that was not easily settled arose in the demand of the Chinese Minister that Chinamen who had lived in the United States and had acquired a residence here should be permitted to pass between this country and their native land *ad libitum*.

The trouble in regard to this matter arose from the belief that, under the law restricting Chinese immigration, the plea of former residence had been utilised to bring in tens of thousands of new Chinamen. It was finally arranged that any Chinaman who had made the United States his home and had acquired possession of property valued at \$1,000 shall be permitted to visit China and return, provided he has certain debts and property rights here. The class permitted to return is a limited one, and is to be carefully restricted by appropriate legislation.

There is a clause in the treaty also admitting married women whose husbands remain in this country to go to China and return upon proper identification. This clause is looked upon with a deal of suspicion by the Californians, and they fear that it will permit the entrance of women who have never been here.

Indemnity.

The treaty provides for the payment by the United States of between \$200,000 and \$300,000 as an indemnity for certain depredations committed by citizens of this country upon Chinamen here. There has been some haggling over this amount between Secretary Bayard and the Chinese Minister, the Minister being inclined at first to demand more than the American statesman thought ought to be paid. The treaty having left to this country the power of absolute exclusion, except of merchants and diplomats, it remains for our Government to adopt such legislation as is necessary.

The House Committee on Foreign Affairs is ready to take the initiative in this matter as soon as the treaty is approved by the Senate. The subject was informally discussed at the meeting of the Sub-Committee on Chinese Legislation this morning.

Mr. Morrow, of California, was a little exercised for fear the new treaty left too many loopholes for fraud by the Chinese and those who import them, but he was assured that the treaty would be found ironclad, and that it only remained for the Committee to adopt the appropriate legislation, in the way of Customs legislation, Court procedure, and registration, to enforce the provisions of the treaty.

No. 7.

LORD KNUTSFORD to LORD CARRINGTON (NEW SOUTH WALES).

TELEGRAPHIC.

April 13.—I have received your Lordship's telegrams of 31st March, and 3rd April,* Chinese Immigration; subject under consideration.

* Nos. 3 and 4.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, April 13, 1888.

I AM directed by the Secretary of State for the Colonies to transmit to you, to be laid before the Marquis of Salisbury, copies of two telegrams* which have been received from the Governor of New South Wales urging that treaty arrangements similar to those just concluded between the Governments of the United States and of China, should be made for putting a stop to the Immigration of Chinese into the Australian Colonies.

The question thus raised by the Colonial Government is one of great importance as well as of considerable difficulty. It is certain that the feeling in the Australian Colonies has rapidly increased in intensity on this subject, and Lord Knutsford apprehends that there is no probability that those Colonies, whose proximity to China renders them easily accessible to large numbers of Chinese, will be content with less stringent provisions than have been adapted in the United States.

His Lordship would be glad to be favoured with any observations which Lord Salisbury may have to offer on the question, and also with the text of the Treaty between the United States and China, which, according to press telegrams, appears to have been signed at Washington on the 17th ultimo, referred to in your letter of the 7th instant,† together with any further information which his Lordship may be able to obtain.

The Under Secretary of State,
Foreign Office.

I am, &c.,
(Signed) ROBERT G. W. HERBERT.

No. 9.

LORD CARRINGTON (NEW SOUTH WALES) to LORD KNUTSFORD.

(Received April 16, 1888.)

TELEGRAPHIC.

YOUR Lordship's telegram of 14th April‡ (for 13th April) stating that Her Majesty's Government are taking into consideration question of Chinese Immigration, received with much satisfaction. Feeling on the subject increasing. All classes agree unanimously with views (of) Prime Minister, New South Wales.

No. 10.

FOREIGN OFFICE to COLONIAL OFFICE.

SIR,

Foreign Office, April 16, 1888.

I LAID before the Marquis of Salisbury your letter of the 13th instant§ enclosing copies of two telegrams from the Governor of New South Wales, urging that treaty arrangements similar to those concluded between the Governments of the United States and of China should be made for putting a stop to the immigration of Chinese into the Australian Colonies.

I am directed by Lord Salisbury to transmit to you, to be laid before Lord Knutsford, a newspaper extract which has been received from Her Majesty's Minister at Washington giving the text of the treaty in question, and I am to request that you will inform his Lordship that Sir L. West has been instructed by telegraph to send whatever information he can obtain as to the negotiations that led to the treaty.

The Under Secretary of State,
Colonial Office.

I am, &c.,
(Signed) J. PAUNCEFOTE.

* Nos. 3 and 4.

† No. 6.

‡ No. 7.

§ No. 8.

Enclosure in No. 10.

EXTRACT from the "NEW YORK TRIBUNE" of 28th March 1888.

A NEW TREATY WITH CHINA.

Full text of Mr. Bayard's recent Diplomatic effort.

Restriction which does not restrict—property qualification clause and damages to be paid—Mr. Bayard's explanatory letter.

[By telegraph to the Tribune.]

WASHINGTON, March 27.—The new Chinese treaty recently concluded in this city by Secretary Bayard and Chang Yen Hoon, the Chinese Minister, together with the letter of the President transmitting the treaty, and an explanatory letter of Secretary Bayard to the Senate, is herewith given in full. The injunction of secrecy has not yet been removed from the treaty by the Senate, but that may be done at some future time. The Senate never hurries undignifiedly in such matters. The full text of the treaty is as follows:

Whereas, on the 17th day of November, A.D. 1880, a treaty was concluded between the United States and China for the purpose of regulating, limiting, or suspending the coming of Chinese labourers to, and their residence in, the United States;

And whereas the Government of China, in view of the antagonism and much deprecated and serious disorders to which the presence of Chinese labourers has given rise in certain parts of the United States, desires to prohibit the emigration of such labourers from China to the United States;

And whereas the Government of the United States and the Government of China desire to co-operate in prohibiting such emigration, and to strengthen in other ways the bonds of friendship between the two countries.

Now, therefore the President of the United States has appointed Thomas F. Bayard, Secretary of State of the United States as his plenipotentiary, and His Imperial Majesty the Emperor of China has appointed Chang Yen Hoon, Minister of the third rank of the Imperial Court, Civil President of the Board of Imperial Cavalry, and Envoy extraordinary and Minister Plenipotentiary, as his plenipotentiary, and the said plenipotentiaries having exhibited their respective full powers, found to be in due and good form, have agreed upon the following articles:

Article I. The high contracting parties agree that for a period of 20 years, beginning with date of the exchange of the ratifications of this convention, the coming, except under the conditions hereinafter specified, of Chinese labourers to the United States shall be absolutely prohibited.

Wherein right of return is granted.

Article II. The preceding article shall not apply to the return to the United States of any Chinese labourer who has a lawful wife, child or parents in the United States, or property therein to the value of \$1,000, or debts of like amount due him and pending settlement. Nevertheless every such Chinese labourer shall, before leaving the United States, deposit, as a condition of his return, with the Collector of Customs of the district from which he departs a full description in writing of his family, or property, or debts as aforesaid, and shall be furnished by said collector with such certificate of his right to return under this treaty as the laws of the United States may now or hereafter prescribe, and not inconsistent with the provisions of this treaty; and should the written description aforesaid prove to be false, the right of return thereunder, or of continued residence after return, shall in each case be forfeited.

And such right of return to the United States shall be exercised within one year from the date of leaving the United States, but such right of return to the United States may be extended for an additional period, not to exceed one year, in cases where, by reason of sickness or other cause of disability beyond his control, such Chinese labourer shall be rendered unable sooner to return, which facts shall be fully reported to the Chinese consul at the port of departure, and by him certified to the satisfaction of the collector of the port at which such Chinese subject shall land in the United States.

Exemption of certain Chinese subjects.

Article III. The provisions of this convention shall not affect the right at present enjoyed of Chinese subjects, being officials, teachers, students, merchants or travellers, for curiosity or pleasure, but not labourers, of coming to the United States and residing

therein. * To entitle such Chinese subjects as are above described to admission into the United States they may produce a certificate from their Government, or the Government where they last resided, vised by the diplomatic or consular representative of the United States in the country or port whence they depart.

It is also agreed that Chinese labourers shall continue to enjoy the privilege of transit across the territory of the United States in the course of their journey to or from other countries, subject to such regulations by the Government of the United States as may be necessary to prevent said privilege of transit from being abused.

Article IV. In pursuance of Article III. of the immigration treaty between the United States and China, signed at Peking on the 17th day of November, 1880, it is hereby understood and agreed that Chinese labourers, or Chinese of any other class, either permanently or temporarily residing in the United States, shall have for the protection of their person and property all rights that are given by the laws of the United States to citizens of the most favoured nation, excepting the right to become naturalized citizens—and the Government of the United States reaffirms its obligation, as stated in the said Article III., to exert all its power to secure protection to the persons and property of all Chinese subjects in the United States.

Indemnity for injuries to Chinamen.

Article V. Whereas, Chinese subjects, being in remote and unsettled regions of the United States, have been the victims of injuries in their persons and property at the hands of wicked and lawless men, which unexpected events the Chinese Government regrets, and for which it has claimed an indemnity, the legal obligation of which the Government of the United States denies; and whereas the Government of the United States humanely considering these injuries and bearing in mind [? the friendship subsisting between] the Government of the United States and China, which the high contracting parties wish to cement, is desirous of alleviating the exceptional and deplorable sufferings and losses to which the aforesaid Chinese have been subjected; therefore, the United States, without reference to the question of liability (which, as a legal obligation, it denies), agrees to pay on or before the 1st day of March, 1889, the sum of two hundred and seventy-six thousand six hundred and nineteen dollars and seventy-five cents (\$276,619 75) to the Chinese Minister at this Capitol, who shall accept the same, on behalf of his Government, as full indemnity for all losses and injuries sustained by Chinese subjects as aforesaid, and shall distribute the said money among the said sufferers and their relatives.

Article VI. This convention shall remain in force for a period of twenty years, beginning with the date of the exchange of the ratifications; and if, six months before the expiration of the said period of twenty years, neither Government shall formally have given notice of its termination to the other, it shall remain in full force for another like period of twenty years.

A short letter from the President.

The following letter of the President accompanies the treaty.
To the Senate.

I have the honour to transmit herewith, and recommend for your constitutional approval, a convention signed and concluded in this city on the 12th instant, under my direction, between the United States and China for the exclusion hereafter of Chinese labourers from coming into this country. This treaty is accompanied by a letter from the Secretary of State in recital of its provisions and explanatory of the reasons for its negotiation, and with it are transmitted sundry documents giving the history of events connected with the presence and treatment of Chinese subjects in the United States.

In view of the public interest which has for a long time been manifested in relation to the question of Chinese immigration, it would seem advisable that the full text of the treaty should be made public, and I respectfully recommend that an order to that effect be made by your honourable body.

Executive Mansion, Washington,
March 16, 1888.

GROVER CLEVELAND.

Secretary Bayard's explanation.

The following is Secretary Bayard's explanation of the features of the treaty:—
To the President:

I have now the honour to transmit herewith, with a view of its being communicated to the Senate for its advice and consent, a convention providing for the absolute pro-

hibition of the coming of Chinese labourers into the United States, which was concluded in this city on the 12th instant by me, under your instructions and authority, and by the Chinese Minister at this Capitol under the Imperial authority of China.

Shortly after the advent of your Administration it was considered advisable, in view of the manifest popular discontent in the States bordering upon the Pacific growing out of the presence there of Chinese labourers and their obvious lack of assimilation with the sympathies, habits, and interests of our own citizens, and the demonstrated inefficiency of the statutes intended to restrict their coming among us, that an effort should be made to procure the desired relief by obtaining the consent and co-operative action of China by means of an amended treaty, and thus avoid the necessity of a resort to special legislation, which without the co-operative assistance of the Chinese Government would be less effectual, and might also be open to exception as being in conflict with or in derogation of the stipulations of existing conventions, and possibly as impairing our good understanding with a friendly Power.

The temporary absence from the United States in 1885, and the subsequent illness of the then Chinese Minister, unavoidably delayed negotiations, but upon the arrival of his successor, the present Minister, Chang Yon Hoon, propositions were speedily submitted to him for a convention absolutely prohibiting the immigration of Chinese labourers, and, after some further delay arising from a visit made by him to Europe last summer, the treaty herewith transmitted has been concluded.

The purpose and object of the Treaty.

By this arrangement we have secured the co-operation of China in the main purpose and object of the treaty, which is plainly stated in the first article of the convention to be the absolute prohibition of Chinese labourers from coming into the United States for twenty years, and its renewal thereafter for a similar period unless notice shall have been given as provided in Article VI.

This precludes the return of any Chinese labourers who are not now in this country, and forbids the coming into the United States of Chinese labourers from any quarter whatsoever. From this inhibition are accepted any Chinese labourer who has a lawful wife, child or parent in the United States, or property therein of the value of one thousand dollars (\$1,000), or debts of like amount due him and pending settlement. Considerations of humanity and justice require these exceptions to be made, for no law should overlook the ties of family, and the wages of labour are entitled to just protection. Judging also by the statistics of the class in question and from general experience, such excepted cases will be practically few in number, infrequent and easily capable of such regulations as will prevent abuse.

The regulation and control of the issue of such certificates of return will be wholly in the hands of United States officials, and power to prescribe other laws at discretion may be exercised by the United States. Such right to return is for a limited period, and the certificates are invalidated by the perpetration of fraud in connexion with their procurement or use, and the United States are free to adopt such measures as may become advisable to check or punish any abuse.

Fraudulent entries under the old system.

In the course of late litigation in the United States Courts in California, arising out of the contested claims of certain Chinese laborers to return to the United States under the certificates now provided by law, it has been pertinently suggested by the learned judges before whom the cases were tried, that the detailed information contained in the certificates themselves, as now issued to the Chinese, furnishes the means of fraudulent entry of Chinese labourers, to whom such certificates have been fraudulently transferred and who are not entitled to come to the United States. And it has been pointed out that if all the facts requisite for complete identification of the departing Chinamen were retained in the United States, official custody, and a paper containing only a simple number, and properly marked, signed and countersigned by the officers, were furnished, the means of detecting and preventing fraud in the transfer of the certificate would be given and the present abuses made almost impossible of recurrence.

Existing treaty privileges of travel and sojourn in the United States to Chinese officials, teachers, students, merchants and travellers for curiosity and pleasure remain undisturbed as well as the transit right of labourers, strictly to be exercised under United States regulations.

Justifying the Indemnity Clause.

The stipulations of the third article of the treaty of 1880 provided for the extension of the full protection to the person and property of Chinese subjects of all classes that is given by laws of the United States to the most favoured nation, and by the terms of that article, the United States also agreed "to exert all its power to secure such protection" to the persons and property of Chinese subjects in the United States. It can not justly be alleged that any discrimination has been made against the Chinese by the laws of the United States, nor that they have been denied or obstructed in their access to the avenues of public remedial justice, which are open to all persons alike without distinction of race or nationality. But the fact remains that, for reasons heretofore stated in the message of the President to Congress in relation to the Rock Springs indemnity, there has been a failure of justice in the repression and punishment of crime and lawless violence of which Chinese were the victims, owing to the mingled causes of race prejudice, labour rivalries, their peculiar habits, and segregation from other nationalities.

The ill-treatment to which Chinese labourers have been subjected by our jurisdiction, where they are practically beyond the reach of the protecting arm of the law, has been a subject of just complaint by their Government, as well as mortification and sorrow to our own, and Congress heretofore, in the case of the Rock Springs massacre in Wyoming Territory, in view of all the circumstances, has made voluntary appropriations for the relief of the sufferers and their families.

The distribution of Governmental powers under our system forbids the assumption of local police control by the Federal authority except in the cases provided for by the Constitution wherein State and local Governments make application to the Executive for the assistance of the military arm of the Government. The stipulations of our treaty with China do not demand the enactment or enforcement of laws discriminating in favour of the Chinese subjects in the United States, nor does it entitle them to greater or other protection than is accorded to citizens of the most favoured nation. Tried by this test, the Chinese, in all cases of injuries to their persons or property, are equal before the laws of this country to the citizens of any other "most favoured nation," and certainly to our citizens.

Sentimental features of the Convention.

But the fact remains that they have suffered grievously in person and property, and whilst the liability of the United States is wholly inadmissible, as is recited in Article V. of the treaty now submitted, yet it is competent for this Government, in humane consideration of those occurrences, so discreditable to the community in which they have taken place, and outside of the punitive powers of the National Government, to make voluntary and generous provisions for those who have been made the innocent victims of lawless violence within our borders, and to that end, following the dictates of humanity, and, it may be added, the example of the Chinese Government in sundry cases where American citizens, who were the subjects of mob violence in China, have been indemnified by that Government, the present treaty provides for the payment of a sum of money, to be received as full indemnity for all such losses and injuries sustained by Chinese subjects in the United States to be received and distributed by the Chinese Minister at this Capitol. This payment will, in a measure, remove the reproach to our civilization caused by the crimes referred to, as well as redress the grievance so seriously complained of by the Chinese representative, and unquestionably will also reflect most beneficially upon the welfare of American residents in China.

I submit herewith a list of the claims from time to time presented to this department through the Chinese Minister, in which the names of the claimants, the amount of the losses, and estimation and details of the injuries inflicted are set forth.

Respectfully submitted,

T. F. BAYARD.

Department of State, Washington, March 16, 1888.

No. 11.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, April 17, 1888.

WITH reference to previous correspondence respecting Chinese Immigration to the Australian Colonies, I am directed by Lord Knutsford to transmit to you for

communication to the Marquis of Salisbury, a copy of a despatch* from the Governor of New South Wales on the subject.

The Under Secretary of State,
Foreign Office.

I am, &c.,
(Signed) JOHN BRAMSTON.

No. 12.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, April 21, 1888.

WITH reference to the telegrams from the Governor of New South Wales, copies of which accompanied the letter from this Department of the 13th instant,† respecting Chinese Immigration, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a telegram which has been addressed to Lord Carrington on the subject, together with a copy of his reply.‡

I am at the same time to acknowledge the receipt of your letter of the 16th instant,§ enclosing the text of the Treaty between the United States and China.

The Under Secretary of State,
Foreign Office.

I am, &c.,
(Signed) JOHN BRAMSTON.

No. 13.

SIR H. B. LOCH (VICTORIA) to LORD KNUTSFORD.
(Received April 23, 1888.)

TELEGRAPHIC.

I FORWARDED by mail steamer on 13 April, important papers by my Government on Chinese question. Hope no decision unfavourable in principle to opening negotiations with Chinese Government will be arrived at, at all events until after full consideration of these despatches.

No. 14.

LORD KNUTSFORD to SIR H. B. LOCH (VICTORIA).

TELEGRAPHIC.

April 24.—Yours 23rd.|| Will await despatches.

No. 14A.

LORD CARRINGTON. (NEW SOUTH WALES) to LORD KNUTSFORD.
(Received April 26, 1888.)

TELEGRAPHIC.

TELEGRAMS in newspaper three days ago announce that Imperial Government declines to entertain negotiations with Chinese authorities requested on question of Chinese immigration. Though Cabinet Ministers deny authenticity, much feeling already

* No. 5.

† No. 8.

‡ Nos. 7 and 9.

§ No. 10.

|| No. 13.

manifest, and fomented by all press correspondents. I feel certain Cabinet Ministers will be compelled to introduce restrictive measures of a grave character if news is confirmed. I think it is my duty to inform you of steady increase of intensity of feeling.

No. 15.

LORD KNUTSFORD to LORD CARRINGTON (NEW SOUTH WALES).

TELEGRAPHIC.

April 30.—Gellatly's urge "Afghan's" Chinese may be permitted to land. Ship chartered to Manilla; prohibition not anticipated.

No. 16.

MESSRS. GELLATLY, HANKEY, SEWELL, & Co. to
COLONIAL OFFICE.

51, Pall Mall, London, S.W.,

May 1, 1888.

MY LORD,

WE beg to thank you for having telegraphed yesterday to the Governor of New South Wales with reference to our steamship "Afghan."

Since our interview of yesterday we have seen by a report in this day's Times that the passengers by this steamer have been prohibited to land by the Victorian Government and not by the authorities at Sydney as the telegram from the latter placé led us to believe.

Under these circumstances we respectfully ask Her Majesty's Government to communicate with the Governor of Victoria to render us aid and assistance in this unexpected and serious difficulty.

Except for the telegram it seems hardly possible that without previous notice a British steamer should be prevented landing these passengers at one of our Colonies.

If under pressure of popular feeling such a step should be permitted, we trust the Government will see that our interests are not allowed to suffer.

The case being one of great urgency, and the fact that this question has been sprung upon us without warning, induces us to lay it before Her Majesty's Government, relying upon their exercising their good offices for our protection.

The detention involves heavy loss and difficulty. The steamer is chartered to proceed from Newcastle, New South Wales, with a cargo of coals sold in Manilla to, we believe, the Spanish Government, and the contract is for a May sailing.

We have, &c.,

(Signed) GELLATLY, HANKEY, SEWELL, & CO.

To Her Majesty's Principal Secretary
of State for the Colonies.

No. 17.

LORD KNUTSFORD to SIR H. B. LOCH (VICTORIA).

TELEGRAPHIC.

May 1.—Gellatly's urge "Afghan's" Chinese may be permitted to land; prohibition not anticipated. Ship chartered Manilla. I telegraphed same to Governor of New South Wales yesterday. Please give me any information you can as questions may be asked in Parliament.

No. 18.

SIR H. B. LOCH (VICTORIA) to LORD KNUTSFORD.

(Received May 2, 1888.)

TELEGRAPHIC.

May 2.—Referring to your telegram of May 1,* my Government inform me no vessel is entitled to bring into any port in Victoria more than one immigrant for every 100 tons of the tonnage of the vessel unless such immigrant produces evidence to the satisfaction of Collector of Customs that he is a British subject. The Chinese on board "Afghan" much in excess of legal number and naturalisation papers presented found, in most cases, to be fraudulent. Illegal traffic in these papers been long suspected. Penalty for every immigrant on board in excess of limitation 100/. Master of vessel has been informed through Agent by Commissioner of Customs that steps will be taken in the event of any immigrants being landed to enforce penalty in case of every immigrant in excess of legal number. Commissioner of Customs has been given to understand that the landing of immigrants will not be insisted upon. My Government further state, while it is their intention to act strictly within the limits of the law, every step will be taken which the law permits to enforce provisions.

No. 19.

COLONIAL OFFICE to MESSRS. GELLATLY, HANKEY, SEWELL, & Co.

GENTLEMEN,

Downing Street, May 4, 1888.

WITH reference to your letter of the 1st instant† respecting the Chinese on board the S.S. "Afghan," I am directed by Lord Knutsford to transmit to you copies of a telegram* sent to the Governor of Victoria and of his reply‡ on the subject.

I am, &c.,

(Signed) EDWARD WINGFIELD.

Messrs. Gellatly, Hankey, Sewell, & Co.

No. 20.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, May 4, 1888.

WITH reference to previous correspondence respecting the immigration of Chinese to Australia, I am directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, copies of a telegram* sent to the Governor of Victoria and of his reply‡ on the subject.

I am, &c.,

(Signed) EDWARD WINGFIELD.

The Under Secretary of State,
Foreign Office.

No. 21.

SIR W. C. F. ROBINSON (SOUTH AUSTRALIA) to LORD KNUTSFORD.
(Received May 5, 1888.)

(Sent by mail from Albany, Western Australia, April 5, 1888.)

TELEGRAPHIC.

According to telegram received from London, treaty concluded between United States and China for exclusion of Chinese. We contemplate requesting intervention Her Majesty's Government in the same direction, and solicit if possible copy of treaty and any further information procurable. Despatch by mail.

No. 22.

SIR A. MUSGRAVE (QUEENSLAND), to LORD KNUTSFORD.

(Received May 5, 1888.)

Government House,
Brisbane, March 27, 1888.

MY LORD,

REFERRING to your Despatch Circular of the 23rd January last,* transmitting copy of a letter from the Foreign Office enclosing copy of a note from the Chinese Minister at the Court of St. James respecting the position of Chinese subjects in Her Majesty's Colonies, I have the honour to forward to you copy of a letter addressed to me by the Chief Secretary upon the subject in reply to your Despatch.

The Right Hon. the Secretary of State,
Colonial Office.

I have, &c.,
(Signed) A. MUSGRAVE.

Enclosure in No. 22.

Chief Secretary's Office,
Brisbane, 24th March 1888.

SIR,

I HAVE the honour to acknowledge the receipt from your Excellency of Sir H. T. Holland's Circular Despatch of 23rd January last, in which is transmitted a copy of a letter from the Foreign Office enclosing copy of a note from the Chinese Minister at the Court of St. James, calling attention to the position of Chinese subjects in Her Majesty's Colonies, and in which the Secretary of State invites a report on the subject of any exceptional legislation affecting Chinese subjects in force in Queensland, showing the objects for which such legislation was adopted, and the measure of success which has attended it.

2. The first measure which was proposed especially affecting Chinese in this Colony was introduced in the year 1876. This Bill, by which it was proposed that Asiatic and African aliens should be required to pay an increased fee for Miners' Rights and Business Licenses issued under the Gold Fields Act, passed both Houses and was reserved by the Governor (Mr. W. W. Cairns) for Her Majesty's assent, which was, however, withheld on the grounds stated in Lord Carnarvon's despatch of 27th March 1877.

The immediate reason for the introduction of the Bill at this time was the very large and, as it was thought by the Legislature, dangerous influx of Chinese, attracted by the then recently discovered Palmer Gold Field.

3. In the following session a Bill differing in no material particular from the Bill of 1876 was again introduced and assented to by Governor Sir A. E. Kennedy, under instructions from the Colonial Office, after the nature of its provisions had been communicated to London by telegraph.

4. The principal argument urged by Lord Carnarvon for advising Her Majesty to withhold the Royal assent to the Bill of 1876 was that the proposed legislation was inconsistent with the implied obligations of the Treaty of Tientsin. It was, however, pointed out in the Debates in the Legislative Assembly of Queensland that that Treaty contained no stipulation on the part of Her Majesty's Government to allow the unrestricted immigration of Chinese into the British Possessions, the only stipulation bearing on the subject being to the effect that the Government of China would not prevent the emigration of Chinese subjects engaged for service in those Possessions, which, it was urged, and, I suppose successfully, did not impose a corresponding obligation to impose no restrictions upon Chinese voluntarily emigrating for other purposes.

5. In the same year an Act was passed the main provisions of which were that no ship might bring to the Colony more Chinese (*i.e.*, natives of the Chinese Empire or its dependencies not born of British parents) than in the proportion of one to every ten tons of registered tonnage; that every Chinese on arrival in Queensland was required to pay the sum of 10*l.* which was to be returned to him if within three years from the date of his arrival he left the Colony, and proved that he had not in the meantime been confined in a gaol after conviction of an offence, that he had paid all fines and penalties imposed on him, and that he had not been the cause of any charge to the Colony as a patient in a hospital or asylum.

6. In the year 1878 the last mentioned Act was repealed, and it was provided by the Gold Fields Act Amendment Act of that year that Chinese should not be allowed to mine on Gold Fields until after the expiration of three years from the date of their first Proclamation, unless the Gold Field had been discovered by an Asiatic or African alien.

7. In the year 1884, the laws already mentioned having been found insufficient to restrict the immigration of Chinese, the Act of 1877 was amended by reducing the number of Chinese passengers that might be brought into Queensland waters by any ship to one for every 100 tons of registered tonnage, by increasing the sum payable on arrival to 30*l.*, and by repealing the provision for the repayment of the poll-tax on departure within three years from the date of arrival.

8. The effect of the law of 1884 has been that the number of Chinese arriving in Queensland by sea has been in each year somewhat less than the number of those departing. The easy means of transit by land between the various Australian Colonies, however, renders it impossible to exercise any effective control over their migration across the borders of the Colonies. And as the laws of all the other Australian Colonies are less severely restrictive than those of Queensland, and there is at present no law restricting their immigration into the Northern Territory of South Australia, the danger of an influx of Chinese from the other Colonies, attracted by the rich goldfields of Queensland, is becoming very serious.

9. It has been proved by experience that the Chinese become formidable competitors with European labour in almost every branch of industry—some branches, such as cabinet-making, having been almost monopolised by them in several of the Australian cities. And as, owing to their habits of life, the cost of subsistence is to them very much less than to Europeans living in accordance with European habits, the effect of their unrestricted competition would undoubtedly be to materially lower wages and reduce the standard of comfort of the European artisan and labourer.

10. But the main and, in the opinion of this Government, the insuperable objection to allowing the immigration of Chinese is the fact that they cannot be admitted to an equal share in the political and social institutions of the Colony. The form of civilisation existing in the Chinese Empire, although of a complicated and in many respects marvellous character, is essentially different from the European civilisation which at present prevails in Australia, and which I hold it to be essential to the future welfare of the Australian continent to preserve.

Under our system every citizen is allowed to have a voice in the government of his country, and the presence in considerable numbers of an alien race occupying an inferior position could not fail before long to bring about very serious troubles, and would probably necessitate a radical change in our political institutions, and entirely alter the future history and development of Australia.

When the Chinese Commissioners referred to in the Chinese Minister's note visited Queensland, I took the opportunity of directing their attention to this aspect of the question, which they appeared to fully appreciate.

11. There can be no doubt, I think, that the public opinion of Australia is firmly and resolutely opposed to the further introduction of Chinese, and it has become a matter of pressing moment to devise the best and most efficacious means, acting within the rules of international comity, of excluding them.

12. I conceive, however, that there is no rule, either of international law or comity, which requires one nation to admit within its borders, against its will, the subjects of another. Instances have not been infrequent of the exclusion of persons of alien nationalities from various European States, and, although it has not been the practice of the British Government to follow these examples, I apprehend that the principles of self-preservation would compel any State to prevent an invasion, whether hostile or peaceful, by subjects of another State, which would be injurious to its own subjects.

13. I hope that Her Majesty's Government will support the earnest wishes of the Australian Colonists in this matter, and will use their good offices with the Court of Peking with the view of inducing the Chinese Government to discourage, and, if possible, forbid the emigration of Chinese to Australasia.

His Excellency Sir Anthony Musgrave,
G.C.M.G., Governor, &c.

I have, &c.,
(Signed) S. W. GRIFFITH.

LORD CARRINGTON (NEW SOUTH WALES) to LORD KNUTSFORD.
(Received May 5, 1888.)

MY LORD,

Sydney, March 29, 1888.

I HAVE the honour to forward a copy of resolutions passed at a public meeting held in the Town Hall, Sydney, on Tuesday evening 27th March, which were presented to me by a deputation, with the request that I should transmit them for your Lordship's consideration.

The Right Hon. the Secretary of State,
&c. &c. &c.
Colonial Office.

I have, &c.,
(Signed) CARRINGTON.

Enclosure in No. 23.

COPIES OF RESOLUTIONS unanimously passed at a public meeting held in the Town Hall, Sydney, on Tuesday evening March 27th, 1888, the Mayor in the Chair.

(1.) That the almost unrestricted influx of the Chinese into Australia will, if continued, threaten our political and social welfare; and that the time has arrived for the imposition of substantial and effective restrictions on their further introduction.

Moved by the Hon. Edmund Barton, M.L.C.

Secounded by J. R. Talbot, President Trades and Labour Council.

Supported by J. Lennon, President Stonemasons' Society.

(2.) That this meeting of the citizens of Sydney desires to declare its strong objection to any action of the Government of China in the assistance or encouragement of Chinese immigration into Australia, and calls upon the Home Government to maintain the right of the Australian Colonies to frame such laws as they may consider necessary to ensure on this continent the preponderance and supremacy of the British race.

Proposed by Ninian Melville, M.P.

Secounded by W. F. Schey, M.P.

Supported by G. R. Dibbs, M.P.

(3.) That the Most Worshipful the Mayor be invited to head a deputation to His Excellency the Governor, to lay before him the foregoing resolutions for transmission to the Secretary of State for the Colonies, the deputation to consist of the following gentlemen;—The Hon. Edmund Barton, M.L.C., and Messrs. G. R. Dibbs, Jas. Fletcher, N. Melville, W. F. Schey, E. W. O'Sullivan, M.S.P., J. W. Watkin, and the members.

Moved by Jas. Fletcher, M.P.

Secounded by John Norton.

(Signed) JOHN HARRIS.
Mayor and Chairman.

No. 24.

MESSRS. GELLATLY, HANKEY, SEWELL, & CO. to
COLONIAL OFFICE.

51, Pall Mall, London, S.W.,

May 5, 1888.

MY LORD,

WE have the honour to acknowledge the receipt of your letter* with copies of telegrams relating to the Chinese emigrants on board our steamship "Afghan."

We are surprised to observe that Sir Henry Loch states that the number of Chinese on board that vessel is much in excess of legal numbers, and that naturalization papers presented are found in most instances to be fraudulent.

We are however pleased to see that the Victorian Government express their intention to act strictly within the law.

From the extreme care exercised at Hong Kong in connexion with the Chinese passenger trade, we should have thought it was impossible for the alleged traffic in naturalization papers to have taken place, but it does not appear that any passenger has been allowed to land at Melbourne, and the same determination to exclude the Chinese from landing seems to apply to Sydney also, regardless of the question of legality or illegality of papers, for Sir Henry Parkes is made to say as reported in a telegram in the "Times," under date May 3rd, "that none of the Chinese on board the steamer "Afghan" now on her way to Sydney would be permitted to land in New South Wales."

The gravity of the case is such that we trust Her Majesty's Government will under the special circumstances urge by telegram the Governor of New South Wales to safeguard our interests, so far as he is able, from any loss or penalty and otherwise assist the master in carrying out his Manilla contract, observing that whatever the accuracy or inaccuracy of the allegations may be, we, as owners, are absolutely strangers to any such practices, our business being confined to the safe transport of these passengers from China to Australia.

We have, &c.,
(Signed) GELLATLY, HANKEY, SEWELL, & CO.

To Her Majesty's Principal Secretary
of State for the Colonies.

No. 25.

LORD KNUTSFORD to LORD CARRINGTON (NEW SOUTH WALES).

TELEGRAPHIC.

May 5.—Owners "Afghan" afraid that Chinese passengers may rise or escape. They hope you will afford assistance if necessary.

No. 26.

COLONIAL OFFICE to FOREIGN OFFICE.

Downing Street, May 8, 1888.

WITH reference to previous correspondence respecting Chinese immigration into Australia, I am directed by Lord Knutsford to transmit to you, for communication to the Marquis of Salisbury, copies of despatches* from the Governors of Queensland and New South Wales, with their respective enclosures on the subject.

I am, &c.,
(Signed) JOHN BRAMSTON.
The Under Secretary of State,
Foreign Office.

No. 27.

SIR W. C. F. ROBINSON (SOUTH AUSTRALIA) to LORD KNUTSFORD.
(Received May 8, 1888.)

TELEGRAPHIC.

(Extract.)

Steamer arrived, 55 Chinese immigrants *en route* for other Australian Colonies. No application made to disembark here, but anyways, Ministers would have refused permission; ship going on Melbourne.

* Nos. 22 and 23.

No. 28.

THE LIEUT.-GOVERNOR (NEW SOUTH WALES) to LORD KNUTSFORD.
(Received May 8, 1888.)

TELEGRAPHIC.

Cabinet Ministers have firmly determined to prevent any more Chinese immigrants landing. Those in the two ships now in harbour will be sent back.

No. 29.

COLONIAL OFFICE to MESSRS. GELLATLY, HANKEY, SEWELL & Co.,

GENTLEMEN,

Downing Street, May 8, 1888.

IN reply to your letter of the 5th instant* respecting the Chinese passengers on the S.S. "Afghan," I am directed by Lord Knutsford to transmit to you a copy of a telegram† which has been sent to the Governor of New South Wales on the subject.

Messrs. Gellatly, Hankey, Sewell, & Co. (Signed) I am, &c., JOHN BRAMSTON.

No. 30.

FOREIGN OFFICE to COLONIAL OFFICE.

SIR,

Foreign Office, May 9, 1888.

WITH reference to your letter of the 4th instant,‡ enclosing copies of a telegraphic correspondence with the Governor of Victoria on the subject of the immigration of Chinese to Australia, I am directed by the Marquis of Salisbury to request that you will suggest to Lord Knutsford that full particulars of the case of the immigrants on board the "Afghan" alluded to in this correspondence, and copies of the laws and regulations bearing on the subject, which are in force in the Australian Colonies, should be procured without delay.

The Under Secretary of State,
Colonial Office.

I am, &c.,
(Signed) P. W. CURRIE.

No. 31.

SIR W. C. F. ROBINSON (SOUTH AUSTRALIA) to LORD KNUTSFORD.
(Received May 10, 1888.)

TELEGRAPHIC.

(Extract.)

May 10, 1888.—My Ministers have invited Australasian Colonies to (a) conference on Chinese immigration question. Should you see your way to announcement that Her Majesty's Government will be prepared to consider joint representation from Australasian Colonies it would produce good effect in every way.

No. 32.

LORD KNUTSFORD to the GOVERNORS OF THE AUSTRALASIAN COLONIES.

SIR,

Downing Street, May 10, 1888.

I HAVE the honour to transmit to you, for communication to your Government, the accompanying extract,* which has been reprinted from the "New York Tribune" of the 28th March last, purporting to give the text of the recent treaty concluded between the Government of China and that of the United States on the subject of Chinese immigration, together with explanatory letters from the President of the United States and Mr. Bayard.

In view of the occasional references to this treaty in official and in press telegrams from Australia, I think it right to lose no time in forwarding to you (in the absence of the authentic text) this newspaper account of its provisions, to which, of course, no official character will be attached.

The Officers Administering the Governments of
New South Wales, Victoria, South Australia,
Queensland, Western Australia, Tasmania,
and New Zealand.

I have, &c.,
(Signed) KNUTSFORD.

No. 33.

COLONIAL OFFICE to MESSRS. GELLATLY, HANKEY, SEWELL, & Co.

GENTLEMEN,

Downing Street, May 10, 1888.

WITH reference to the letter from this department of the 8th instant† and to previous correspondence, I am directed by Lord Knutsford to transmit to you a copy of a telegram‡ from the Governor of New South Wales, respecting Chinese immigration into that Colony.

Messrs. Gellatly, Hankey, Sewell, & Co. I am, &c.,
(Signed) JOHN BRAMSTON.

No. 34.

SIR F. N. BROOME (WESTERN AUSTRALIA) to LORD KNUTSFORD.
(Received May 11, 1888.)

TELEGRAPHIC.

May 11, 1888.—Invitation received from South Australia (to) conference (on) Chinese immigration. Open to doubt whether Western Australia should send delegate. Request instructions.

* Enclosure 1 in No. 10.

† No. 29.

‡ No. 28.

No. 35.

LORD KNUTSFORD to LORD CARRINGTON (NEW SOUTH WALES.)

TELEGRAPHIC.

May 11.—Referring to your telegram of 26th April,* no foundation for report that Her Majesty's Government refuse to negotiate with Chinese Government. Negotiations being carefully considered. Before arriving at conclusion against negotiations, Australian Colonies would have been consulted further. Her Majesty's Government fully recognise strength of feeling.

No. 36.

FOREIGN OFFICE to COLONIAL OFFICE.

SIR,

Foreign Office, May 11, 1888.

WITH reference to your letter of the 8th instant,† I am directed by the Marquis of Salisbury to transmit to you, to be laid before Lord Knutsford, a copy of a letter from the Chinese Minister at this Court, calling attention to the telegrams which appeared in the "Times" of the 3rd and 4th instant, relative to the action which is reported to have been taken by the Colonial Authorities of Victoria and New South Wales in order to prevent the landing in those Colonies of Chinese immigrants who were being conveyed to Australia in a vessel named the "Afghan."

The Under Secretary of State,
Colonial Office.

I am, &c.,
(Signed) P. W. CURRIE.

Enclosure in No. 36.

MY LORD,

Chinese Legation, May 7, 1888.

I BEG leave to forward to your Lordship the enclosed copies of two telegrams from Australia, which have recently appeared in the columns of the "Times," and I shall feel obliged by your acquainting me, for the information of my Government, whether Her Majesty's Government have any reason to believe them to be well founded.

According to the first of these telegrams, it would appear that a ship named the "Afghan," carrying Chinese emigrants for some of Her Britannic Majesty's Australian possessions, had been refused permission to land at Melbourne that portion of them destined for Victoria, and according to the second telegram, that Sir H. Parkes, Premier of New South Wales, had publicly declared that on the arrival of the "Afghan" at Sydney, none of her Chinese passengers would be allowed to go ashore.

I hope that it may be possible for your Lordship to contradict these reports, and if, unfortunately, it should be otherwise, that Her Majesty's Government will take measures both to remove the prohibition placed on the landing of the emigrants, and to prevent the recurrence of an act so illiberal, so invidious, and, because directed against Chinese subjects only, so contrary to international usage, and the spirit of the treaties from which the Colonists themselves, not less than the inhabitants of the mother country, derive so many advantages.

On 16th January last, I had the honour to receive from your Lordship a communication containing the very gratifying intelligence that the law relating to Chinese, enacted by the Legislature of British Columbia in July 1886, and to which the Chinese Government took objection, on account of its being exclusively directed against Chinese subjects, had been rescinded, in consequence of its stipulations having been found to be beyond the competence of the Local Government. In consideration of this, I am encouraged to hope that, for the same reason, the discriminative legislation of such of Her Britannic Majesty's Australian Colonies as may have made regulations inimical to Chinese subjects, may soon be declared to no longer have the force of law.

The Marquis of Salisbury, K.G.
&c. &c. &c.

I have, &c.,
(Signed) LEW.

* No. 14A.

† No. 26.

COPIES of TELEGRAMS published in "THE TIMES" of 3rd and 4th May, and forwarded with the CHINESE MINISTER'S DESPATCH of 7th of same Month.

Melbourne, May 2.

The Executive Council of Victoria has issued an order that all vessels bringing Chinese immigrants to the Colony shall be detained in quarantine for such time as the authorities may think fit.

The "Afghan" sails to-day for Sydney, where, it is believed, the landing of the immigrants destined for that port will also be prohibited. A hundred of the Chinese have been forwarded to New Zealand, where no obstacles will be offered to their landing.

At a meeting held in the Town Hall here yesterday evening, the mayor presiding, it was unanimously resolved to demand the imposition of a poll-tax of 100% from Chinese immigrants, and a residential tax of 20% annually.

Sydney, May 3.

Sir H. Parkes, the Premier, to-day received a deputation to protest against the immigration of Chinese into the Colony.

In reply to the arguments of the various speakers, the Premier gave an assurance that none of the Chinese on board the steamer "Afghan," now on her way to Sydney, would be permitted to land in New South Wales.

No. 37.

SIR W. F. D. JERVOIS (NEW ZEALAND) to LORD KNUTSFORD.

(Received May 12, 1888.)

TELEGRAPHIC.

May 12, 1888.—My Ministers state great excitement prevails here over Chinese immigration, and considering that Chinese immigrants have been excluded from United States of America, also that Australian Colonies refuse permission to Chinese immigrants to land, feel compelled to introduce an Act of a similar kind to Victorian Act 723 of 1881, already assented to by Her Majesty's Government. Propose to assent unless with reference to general question I receive instructions to the contrary. Government here urge Her Majesty's Government negotiate treaty with Chinese Government on similar terms to recent treaty concluded with Chinese Government by United States of America.

No. 38.

LORD KNUTSFORD to SIR H. B. LOCH (VICTORIA) and LORD CARRINGTON (NEW SOUTH WALES).

TELEGRAPHIC.

May 12, 1888.—Chinese immigration; Chinese Minister at this Court has made formal protest against action. Telegraph numbers refused and send regulations applicable to case in general.

[*Referring to your telegram of 8th May, † state by what law landing refused.]

No. 39.

SIR H. B. LOCH (VICTORIA) to SIR H. T. HOLLAND.

(Received May 14, 1888.)

Government House,
Melbourne, April 5, 1888.

SIR,
I HAVE the honour to report that the question of immigration of Chinese to Australia is receiving very serious consideration, not only at the hands of my Government but of all the Australian Governments.

* To New South Wales only.

† No. 28.

I enclose a copy of a circular letter which has been addressed to the other Australian Colonies by my Premier in reference to this subject, in which it is suggested that the influence of Her Majesty's Government with that of the Emperor of China might prove a more convenient and effective method of arriving at a satisfactory settlement of the difficulty than any drastic measures adopted individually or collectively by the Colonies; and in view of the recent reported treaty with the United States of America and the Imperial Government of Peking with respect to the restriction of the entry of Chinese into that country for a period of twenty years, it is thought that, with the assistance of Her Majesty's Government, some like arrangement might be arrived at which would be satisfactory both to this Colony and to the Imperial Government of China.

I shall take an early opportunity of communicating any further action which my Government may take in regard to this matter.

The Right Hon.

Sir Henry T. Holland, G.C.M.G., Bart., M.P.,

&c.

&c.

&c.

I have, &c.,

(Signed)

HENRY B. LOCH.

Enclosure in No. 39.

Premier's Office, Melbourne,
March 22, 1888.

SIR,

REFERRING to previous correspondence respecting the immigration of Chinese to Australia, I beg to draw your attention to an aspect of the question, which it appears to me, requires to be borne in mind when considering the nature of the measures to be taken.

With regard to the limiting—even to prohibition—the influx of Chinese, I assume the Australian Governments are in accord, but the question arises whether local legislation by the several Colonies is, after all, the most satisfactory or even the most efficient means to be employed.

I desire to submit to your consideration that it is quite possible that the influence of Her Majesty's Government with that of the Emperor of China might effect more, and perhaps in a more convenient manner, than drastic measures adopted here.

It can hardly be supposed that, in a nation like China, which numbers its population by hundreds of millions, its Government can really regard with very much concern the question, whether or not a few thousands depart for Australia. On the contrary, the interest of that Government would probably be to retain rather than to lose its population.

And, if this be so, it must be easily within the power of the Queen's Government, in its multifarious dealings with the Government of China, to find a means and an occasion of stipulating, possibly in exchange for some small concession (such as has been recently sought in Burmah), that the Emperor should prohibit emigration to Australian ports.

Thus might be accomplished inoffensively—through the means of diplomacy—all that we desire, while legislative measures of sufficient stringency to effect our purpose might engender an international bitterness, which sooner or later might find means to express itself; from a merely utilitarian point of view this is to be deprecated.

There are two important points which should not be lost sight of in dealing with this aspect of the matter, namely, the comparative proximity of the Chinese Empire to Australia, and its power to pour down upon our land vast hordes of its people.

If then our object can be equally well accomplished by means of friendly representations through Her Majesty's Government it would seem, in every point of view, desirable to take that course. The consideration of this view is the more important from the fact of representations having been made on this subject (in the form of a despatch) by the Chinese Minister in London to Lord Salisbury so lately as December last, copy of which has just been received here.

Indeed the line of action which I suggest is that which appears, in the last resort, to have been adopted by the United States of America, as a telegram which lately appeared in the newspapers states that:—

“A treaty has been signed by the Chinese Minister at Washington, Chang Yen Koon, and Mr. Bayard, the Secretary of State for the United States, by which Chinese labourers are forbidden from entering America.”

If you concur in the view I have put forward, I shall be glad to know in what way you think we should proceed. I would suggest a Memorandum through the Governor to the Secretary of State.

The Hon. the Colonial Secretary,
Sydney.

I have, &c.,
(Signed) D. GILLIES,
Premier.

To Queensland only.

P.S.—I am glad to observe from your published address to electors that some of these considerations have probably already been present to your mind, as you state that “it is important to secure the sympathy and aid of the mother country in order to attain the end which it is essential to secure.”

No. 40.

SIR W. F. D. JERVOIS (NEW ZEALAND) to LORD KNUTSFORD.
(Received May 15, 1888.)

TELEGRAPHIC.

WITH reference to my telegram of 12th May,* await arrival of my confidential despatch to be sent by next San Francisco mail dealing with the proposal of my Government as to the Treaty with China.

No. 41.

THE LIEUT.-GOVERNOR (NEW SOUTH WALES) to LORD KNUTSFORD.
(Received May 15, 1888.)

TELEGRAPHIC.

May 15.—In answer to your telegram of 12th May,† there exists no Colonial law authorising prevention of landing Chinese who are within limitations of existing law with respect to poll tax, or have been naturalized. Estimated number refused between two and three hundred.

No. 42.

THE LIEUT.-GOVERNOR (NEW SOUTH WALES) to LORD KNUTSFORD.
(Received May 15, 1888.)

TELEGRAPHIC.

May 15.—This Government has decided to prevent at all hazards Chinese landing at this Colony, with exception of such as hold certificates of naturalization proved after strict examination not to be fraudulent, as many are. Three ships at Port Jackson just now and others expected. Government has almost unanimous support of Parliament and people in this matter of urgency.

No. 43.

SIR H. B. LOCH (VICTORIA) to LORD KNUTSFORD.
(Received May 16, 1888.)

TELEGRAPHIC.

16 May.—Referring to your telegram of 12th May* re Chinese Emigration, my Government states Chinese Emigrants entitled to land on payment of full tax have not been refused. Captain did not insist on landing them. The emigrants who presented letters of naturalisation and claiming to land on ground of being naturalised British subjects did not satisfy officer that the letters of naturalisation were issued to them. It will be seen that this claim is as naturalised British subjects, not as subjects of the Emperor of China. I believe there were 48 claiming to be naturalised British subjects. Sent full particulars on 11th May.

No. 44.

SIR H. B. LOCH (VICTORIA) to LORD KNUTSFORD.
(Received May 17, 1888.)

MY LORD,

Government House,
Melbourne, April 13, 1888.

IN reply to your Lordship's circular despatch of the 23rd January ultimo,† requesting to be furnished with a report, for the information of the Foreign Office, on the subject of any exceptional legislation affecting Chinese subjects which is in force in this Colony, I have the honour to transmit a copy of a Memorandum which I have received from my Government, together with copies of Acts‡ that have been passed from time to time by the Parliament of Victoria relating thereto.

2. The Memorandum states very fully the reasons which influence public opinion in requiring that measures of a restrictive character should be passed with regard to Chinese Immigration.

3. It is reported that a treaty has been recently concluded between the President of the United States and the Emperor of China, that suspends Chinese immigration into the former country for a period of twenty years. Of the details of this treaty my Government are at present ignorant, but the principle encourages the hope that an arrangement might be arrived at that would protect the interests of these Colonies, if negotiations were opened with the Imperial Government of China, as suggested in the concluding paragraph of the enclosed Memorandum, based upon terms previously agreed upon between Her Majesty's Government and the Governments of these Colonies.

I have, &c.,

The Right Hon. Lord Knutsford.

(Signed) HENRY B. LOCH.

Enclosure in No. 44.

MEMORANDUM FOR HIS EXCELLENCY the GOVERNOR.

THE Premier presents his duty to your Excellency and returns the accompanying despatch from the Right Honourable the Secretary of State relative to the position of Chinese subjects in these Colonies.

Mr. Gillies has the honour to submit the report asked for, on the subject of especial legislation affecting Chinese in Victoria, and to offer some observations on the general question raised by his Excellency Lew-ta-jen.

The exceptional legislation affecting Chinese subjects in Victoria is comprised in :—

The Chinese Immigrants Statute, 1865.

The Chinese Act, 1881, and section 3 of the Factories and Shops Amendment Act, 1887, copies of which are enclosed.

2. The main points of special legislation are the following :—

- a. Vessels are not allowed to bring more than one Chinese per 100 tons of tonnage.
- b. Poll-tax of 10*l.* is imposed on Chinese.
- c. Chinese are not allowed votes at Parliamentary or Municipal or Mining Board elections.
- d. These provisions do not apply to *female* Chinese (section 3, Act of 1865).

* No. 38,

† No. 2.

‡ See Appendix II.

3. The object of this legislation was, of course, the restriction of Chinese immigration. This was rendered necessary by the broad stream of that population which in 1853 commenced to set in towards these shores. In 1854 there were 2,000 Chinese in Victoria; at the end of 1859 their number was estimated at 42,000. Object of such legislation.

4. The poll-tax at once moderated this influx; and, as most of the Chinese return to China as soon as they have gathered sufficient wealth, the number in this Colony rapidly diminished. By 1863 it had decreased to 20,000, and this being so, the experiment of removing the poll-tax was tried. Measure of success which has attended it.

In 1881, however, the Colonies again took alarm from the action of Western Australia, where measures were being taken to import Chinese labourers. This was felt to be, as it were, opening the door of the whole Continent, and it was deemed necessary to at once re-impose the poll-tax and other restrictions. 27 Vict., No. 200.
28 Vict., No. 259.

The vigorous action of this and the neighbouring Colonies proved successful, as an examination of the statistics of Chinese arrivals (given in the Appendix A. hereto) will show.

The disabilities, however, to which the Chinese were subjected by the law led, not unnaturally, to attempts at evasion. In 1885 a very large increase in the number of Letters of Naturalization taken out by Chinese was noticed, and shortly afterwards a corresponding increase in the number of Chinese arrivals was observed. There is no doubt that a traffic in these documents had sprung up, and that they were being obtained by Chinese here, and then remitted to China, to be presented by other Chinese subsequently arriving here. Owing to the similarity in personal appearance (at least to the European eye) of all Chinese, it was almost impossible for the Customs Authorities to detect the imposture.

This abuse of Letters of Naturalization, which probably commenced in 1882, caused a revival in Chinese immigration. During the eleven years ending with 1881, ninety-one only of such letters were issued to Chinese; since then the numbers have been as shown in Appendix B.

In 1885, when the fraud was discovered, additional precautions were adopted in connexion with the issue of Naturalization papers, and the large immigration in the year 1886 was doubtless owing to a desire to avail of the papers already held before the door was closed.

In the letter of the Chinese Minister, dated 12th December 1887, his Excellency remonstrates against a discriminative legislation towards the Chinese—the reason of which he finds it difficult to understand.

That reason, however, is not far to seek. It is found in the totally different character of Chinese immigration from all other immigration.

Members of the European family of nations joining our community become amalgamated with the general population; they bring their wives and children with them; their habits of life, their style of civilization, their religion, and morals, and their physique are so much on an equality with our own, that they blend readily with the population, and are heartily welcome.

The Chinese stand out in marked contrast. They come without their women and children, apparently having no intention to settle, and occupy an isolated position in every community where they are found; the "Chinese Quarter" in our cities and principal towns is proverbial; it is always distinct, and often notorious.

Nor is it the mere fact of this isolation, but the impossibility of its being otherwise.

The Chinese, from all points of view, are so entirely dissimilar, as to render a blending of the peoples out of the question.

They are not only of an alien race, but they remain aliens. Thus we have not a colonization in any true sense of the word, but practically a sort of peaceful invasion of our land by Chinese.

The existence in our midst of this separate community involves some conditions of a very objectionable character. The Chinese are an industrious race, and owing to their meagre sense of the comforts of life, and their having no homes and families to support, they are willing to work for a much less remuneration than our own people; their hours of labour are also much longer than those established here. This unfair competition, on most unequal terms, has been severely felt in several branches of industry.

Again, in the infancy of a nation, the question of race is of permanent importance, and the issue is therefore raised whether, in the occupation of this great Continent, with all of its possibilities of progress and its opportunities of outlet for the surplus populations of Europe, we are to admit hordes of the Mongolian race, or, on the other hand, to reserve it for those peoples—our own, or kindred to our own—that have led the van of the world's civilization.

The Chinese Minister himself admits how widespread is the sentiment on this matter. His letter shows that not only in Australia, but in Canada and British Columbia, restrictive measures towards Chinese immigration have been adopted, while the Government of the United States of America is said to have just concluded negotiations in the same direction with the Court of Peking.

The Chinese Minister appeals to treaty obligations. Mr. Gillies is not aware of the exact nature and extent of these obligations, but he feels assured that any such treaty as may have been referred to was never contemplated to operate injuriously against the settlement and progress of these Australian communities by requiring them to receive the population of a Foreign State, either in such numbers as might prove a menace to their peace and stability, or under such circumstances as would bring about serious disarrangements in the occupations of the people.

It is almost unnecessary to remind your Excellency that while these and other British Colonies have no direct voice in the contracting of treaties between the Empire and Foreign Powers, they are frequently affected by the obligations imposed by them, and it is, therefore, not unreasonable to expect that, in such cases, efforts should be made by those on whom the exercise of that power devolves, to watch over and conserve the rights and interests of the Colonies more immediately interested.

Mr. Gillies trusts that, in the present matter, Her Majesty's Government will see fit to exercise its influence in behalf of these portions of the Empire by endeavouring to induce the Government of China to take similar measures for preventing emigration to Australia to those understood to have been adopted at the instance of the United States of America.

(Signed) D. GILLIES,
Premier.

Premier's Office, Melbourne,
11th April 1888.

APPENDIX A.

ARRIVAL OF CHINESE BY SEA, 1861 to 1886.

Year.	No.	Year.	No.	Year.	No.	Year.	No.
1861	154	1868	300	1875	521	1882	327
1862	175	1869	1,121	1876	377	1883	433
1863	80	1870	584	1877	449	1884	557
1864	978	1871	704	1878	819	1885	670
1865*	1,085	1872	385	1879	875	1886	1,108
1866	974	1873	269	1880	947		
1867	317	1874	386	1881†	1,348		

* Poll-tax then recently abolished.

† Proposition to re-impose tax then before Legislature.

APPENDIX B.

Year.	Naturalizations.	Immigrations.
1882 - -	317	327
1883 - -	519	433
1884 - -	601	557
1885 - -	1,178	670
1886 - -	173	1,108

No. 45.

LORD CARRINGTON (NEW SOUTH WALES) to LORD KNUTSFORD.
(Received May 17, 1888.)

TELEGRAPHIC.

May 17.—Chinese Restriction Bill passed through all stages in Assembly last night. 100% poll tax. Restrictions drawn up on lines of treaty of Tientsin with regard to British subjects, and it also provides indemnity for Government in case Supreme Court declares action of Ministers illegal, on same lines as Soudan Contingent Indemnity Bill, in preventing Chinese landing. Had landing taken place, it is certain most serious riots would have occurred, and great maltreatment. Town perfectly quiet, but no change in public opinion.

No. 46.

LORD CARRINGTON (NEW SOUTH WALES) to LORD KNUTSFORD.
(Received May 17, 1888.)

TELEGRAPHIC.

May 17.—May I give Royal Assent to Bill on question of Chinese? Best opinion in favour of, and hopeful of, assent if possible. They consider position of affairs critical, and that refusing to sanction would inevitably lead to most serious complications.

No. 47.

LORD CARRINGTON (NEW SOUTH WALES) to LORD KNUTSFORD.
(Received May 17, 1888.)

TELEGRAPHIC.

May 17.—Special published instructions are issued to police by Minister to protect all Chinese in Colony in enjoyment of their civil rights.

No. 48.

LORD CARRINGTON (NEW SOUTH WALES) to LORD KNUTSFORD.
(Received May 18, 1888.)

TELEGRAPHIC.

18th May.—Chinese Indemnity Bill read first time in Legislative Council last night. No time fixed for second reading. 23rd May Bill will probably be passed.

Supreme Court has declared that action Cabinet Ministers in preventing Chinese landing is illegal. Chinese not yet allowed to land. Cabinet Ministers may possibly appeal to Privy Council.

No. 49.

LORD KNUTSFORD to SIR W. C. F. ROBINSON (SOUTH AUSTRALIA).

TELEGRAPHIC.

18th May.—Transmit following telegram to Governors of New Zealand and other Australian Colonies:—

“Telegrams from Colonial Governments relative to Chinese being carefully considered; replies will be sent on earliest possible date.”

No. 50.

FOREIGN OFFICE to COLONIAL OFFICE.

SIR,

Foreign Office, May 18, 1888.

I AM directed by the Marquis of Salisbury to transmit to you, to be laid before Lord Knutsford, a copy of the Note which has been this day addressed to the Chinese Minister at this Court in reply to his communication of the 7th instant respecting the question of Chinese Immigration into Australia.

The Under Secretary of State,
Colonial Office.

I have, &c.,
(Signed) T. V. LISTER.

Enclosure in No. 50.

M. LE MINISTRE,

Foreign Office, May 18, 1888.

I HAVE the honour to acknowledge receipt of your letter of 7th instant, calling my attention to the telegrams which have appeared in the "Times" of 3rd and 4th instant relative to the action which is reported to have been taken by the Colonial Authorities of Victoria and New South Wales in order to prevent the landing in those Colonies of Chinese immigrants who were being conveyed to Australia in a vessel named the "Afghan."

In reply, I beg leave to state to you that information has been received at the Colonial Office that the "Afghan" was forbidden to land her passengers at Melbourne in accordance with the Regulations in force in the Colony, by which no vessel is entitled to bring into any port more than one immigrant, not being a British subject, for every 100 tons of the tonnage of the vessel.

I am not acquainted with the text of those Regulations, but I have requested Her Majesty's Secretary of State for the Colonies to obtain copies of them.

Copies of the Acts bearing on the subject passed by the Legislatures of the Australian Colonies are annexed herewith, but, pending the receipt of the further details which have been called for, the information in regard to legislation cannot be considered as complete.

The Governors of Victoria and New South Wales have been made acquainted by telegraph with the purport of your letter of the 7th instant, and they have been instructed to state the number of Chinese who have been refused permission to land at Melbourne and Sydney, and the law under which, in the case of New South Wales, they are refused landing.

Lew-Ta-Jen,
&c. &c. &c.

I have, &c.,
(Signed) SALISBURY.

No 51.

FOREIGN OFFICE to COLONIAL OFFICE.

SIR,

Foreign Office, May 19, 1888.

WITH reference to the letter from this Department of the 11th instant,* the Marquis of Salisbury has received from the Chinese Minister at this Court a further letter, dated the 16th instant, of which I enclose a copy, on the subject of the impediments thrown in the way of the immigration of Chinese subjects into Australia; and I am directed by his Lordship to request that in laying it before the Secretary of State for the Colonies, you will move him to favour Lord Salisbury with any observations he may have to make on the question raised by Lew ta-jên as to the legality under the Colonial laws of refusing to allow the landing of immigrants willing to pay the poll-tax, and with any remarks that Lord Knutsford may desire to make on the representations of the Chinese Minister.

The Under Secretary of State,
Colonial Office.

I am, &c.,
(Signed) J. PAUNCEFOTE.

Enclosure in No. 51.

MY LORD,

Chinese Legation, May 16, 1888.

IN continuation of my despatch of the 7th instant, calling your Lordship's attention to the refusal of the authorities of Her Britannic Majesty's Colonies of Victoria and New South Wales to allow the Chinese emigrants per "Afghan" to land, and requesting Her Britannic Majesty's Government to order the prohibition which had been placed on their landing to be removed, I have now the honour to inform you it has come to my knowledge that not only do the Colonial Authorities still persist in their refusal to allow the emigrants to land, but they have taken the very grave course of ordering the captain of the "Afghan" to carry them back to Hong Kong, the port where they were embarked. In some of my former communications I have

discussed the question of the competence of the Colonial Authorities in Australia and elsewhere to make Chinese immigrants the subject of discriminative legislation, and I presume that, considered in its international and conventional aspects, Her Majesty's Government will not deny the illegality of the action of the Colonial Authorities in this matter. I shall not, therefore, in the present communication, further insist on this; but will invite your Lordship's attention to the consideration of the question as to how far the action of the Colonial Executive, with respect to Chinese immigrants now arriving in Australia, is in conformity with the statutes enacted by the Colonial Legislatures, and in thus appealing to these statutes, I wish it to be understood that I do not recognise their validity, excepting in so far as they may be in accordance with the treaties and the Law of Nations.

Having caused a study of the statutes to be made, I am advised that, in none of them, bristling as they do with pains and penalties directed against Chinese subjects, is there a single provision empowering the Executive to prohibit the landing of immigrants who are prepared to pay the stipulated poll-tax.

To this fact I would beg leave most particularly to call your Lordship's attention. For, however much the Colonial Governments may desire to escape the responsibilities imposed on them by the Anglo-Chinese treaties and the Law of Nations, they will scarcely venture to deny their obligation to respect the statutes which they themselves have enacted. Section 2 of the Amended Chinese Immigrant Act, passed by the Legislature of Victoria in 1881, and section 3 of an Act to restrict the influx of Chinese into New South Wales, passed by the Legislature of that Colony also in 1881, both impose a penalty on the captain of any ship having a greater number of Chinese on board for the Colony than one to every hundred tons of the vessel's burthen, but neither of them authorises the Executive to send back the ship, or prohibit the landing of any immigrants whom the ship may have brought in excess of the statutory number, provided that they are able and willing to pay the stipulated poll-tax—to have done so, would have been to commit an act of injustice, such as even the Colonial Legislatures, in other respects so hard on Chinese, were not prepared to sanction.

The Acts referred to hold the captain responsible, and impose on him a very heavy fine for any excess of passengers he may have brought to the Colony, but, very properly, they do not punish the immigrant for what it would have been impossible for him to prevent; especially if the excess should have been occasioned by the embarkation of additional passengers at some of the ports of call. Whether, then, the action of the Australian Executive, in refusing to allow the immigrants to be landed, be considered from a conventional, an international, or a statutory standpoint, it would appear to be equally unjustifiable, and this, all the more, because of the immigrants having been embarked at Hong Kong, a British Colony, the authorities of which not only assented to their shipment, but sanctioned it. It must be presumed that when the Hong Kong Authorities did this, they were fully acquainted with the Regulations of the British Colonies whither the immigrants were proceeding, and that, had there been any obstacle to their landing, they would not only have notified it to the emigrants, but have refused to sanction their embarkation; but this they did not do.

In the case of the "Afghan" on 25th March, Sir William des Vœux, the Governor of the Colony, officially authorised the shipment of the emigrants, and on the 27th of the following month, the Governors of two other British Colonies arbitrarily refused to allow the emigrants to land; thus denying them even that modicum of justice and hospitality which, not to mention other grounds, they were entitled to, by the laws of the Colonies themselves.

I commend these views to the favourable consideration of your Lordship, and in reiterating the request of my Government that the prohibition may be cancelled, I venture to express the hope that, in the event of any of the emigrants, whether of those per "Afghan" or other ship, having already been sent back to China, Her Majesty's Government, taking into account the peculiar hardship of their case, may be pleased to consider it as one for compensation; compensation not only for the money the emigrants may have paid, or may yet have to pay, for passage to and from Australia, but for any other losses they may be proved to have sustained, in consequence of what the Imperial Government regret to have to characterize as the arbitrary and irregular proceeding of the Colonial Authorities.

The Marquis of Salisbury, K.G.
&c. &c. &c.

I have, &c.,
(Signed) LEW.

No. 52.

LORD CARRINGTON (NEW SOUTH WALES) to LORD KNUTSFORD.

(Received May 19, 1888.)

TELEGRAPHIC.

19th May.—About 3 o'clock this morning all Chinese holding exemption tickets allowed to land—eight from "Tsinan," forty-two from "Afghan." Very few spectators present. Landing accomplished without any disturbance.

No. 53.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, May 19, 1888.

WITH reference to previous correspondence, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a further telegram* which has been received this morning from the Governor of New South Wales reporting the landing at Sydney of 50 Chinamen—eight from the "Tsinan" and 42 from the "Afghan."

The Under Secretary of State,
Foreign Office.

I am, &c.,
(Signed) JOHN BRAMSTON.

No. 54.

LORD KNUTSFORD to SIR W. F. D. JERVOIS (NEW ZEALAND).

TELEGRAPHIC.

22nd May 1888.—In answer to your telegram of 12th May,† you can assent. Despatch by mail.

No. 55.

LORD KNUTSFORD to SIR F. NAPIER BROOME (WESTERN AUSTRALIA).

TELEGRAPHIC.

22nd May.—With reference to your telegram of 11th May,‡ send Delegate.

No. 56.

LORD KNUTSFORD to SIR W. C. F. ROBINSON (SOUTH AUSTRALIA).

TELEGRAPHIC.

22nd May.—Referring to your telegram of 10th May,§ if Conference meets Her Majesty's Government will be happy to telegraph for consideration points for discussion which appear important.

* No. 52.

† No. 37.

‡ No. 34.

§ No. 31.

No. 57.

LORD CARRINGTON (NEW SOUTH WALES) to LORD KNUTSFORD.
(Received May 24, 1888.)

TELEGRAPHIC.

24th May.—Vote of censure moved by Dibbs condemning Government for recent action with regard to Chinese defeated by 41 to 5.

No. 58.

LORD KNUTSFORD to LORD CARRINGTON (NEW SOUTH WALES).

TELEGRAPHIC.

24th May.—With reference to your telegram of the 17th May,* you may assent to Bill without prejudice to power of disallowance should provisions prove inadmissible.

No. 59.

LORD KNUTSFORD to GOVERNORS of AUSTRALASIAN
COLONIES (EXCEPT FIJI).

Circular.

SIR,

Downing Street, May 25, 1888.

I HAVE the honour to transmit to you [for communication to your Government†] a copy of a letter‡ which has been received at the Foreign Office from the Chinese Minister at this Court respecting the impediments thrown in the way of the immigration of Chinese subjects into Australia [§and I request that I may be furnished with the observations of your Ministers on the subject].

I have requested the Marquis of Salisbury to draw the attention of Lew-ta-jên to the state of the case as regards the landing of Chinese and other particulars shown in recent telegrams from New South Wales, and I have stated that it will be necessary to await further information on the general question.

I have, &c.,
(Signed) KNUTSFORD.

No. 60.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, May 25, 1888.

I AM directed by Lord Knutsford to acquaint you, for the information of the Marquis of Salisbury, that he has addressed a circular despatch|| to the Governors of the Australasian Colonies, transmitting a copy of the letter from the Chinese Minister at this Court, which accompanied your letter of the 19th instant,¶ respecting impediments in the way of the immigration of Chinese subjects into Australia, and that he has also requested the Government of New South Wales to furnish observations on the subject.

Lord Knutsford would suggest that the attention of Lew-ta-jên should be drawn to the state of the case as regards the landing of 50 Chinese and other particulars shown in recent telegrams from New South Wales, which have been transmitted to you, and that he should be informed that, as regards the general question, it will be necessary to await further information from Australia.

* No. 46.

† Omitted to Western Australia.
|| No. 59.

‡ Enclosure in No. 51.

§ To New South Wales only.
¶ No. 51.

With regard to the remarks of the Chinese Minister, that the authorities of Hong Kong authorised the shipment of the Chinese emigrants to Australia, I am to observe that there is no regulation in force in Hong Kong requiring the authorities at that port to see that vessels bound for Australian ports do not carry a number of Chinese emigrants in excess of the number allowed by the laws of the Australian Colonies to be introduced into those Colonies.

The Under Secretary of State,
Foreign Office.

I have, &c.,
(Signed) KNUTSFORD.

No. 61.

SIR W. C. F. ROBINSON (SOUTH AUSTRALIA) to LORD KNUTSFORD.
(Received May 28, 1888.)

Government House, Adelaide,
April 2, 1888.

MY LORD,

I AM telegraphing to your Lordship* via Albany, to catch the mail steamer there, for the purpose of requesting, at the instance of my Government, that your Lordship will be pleased to inform me of the correctness or otherwise of a press telegram that has recently appeared in the local papers, stating that a treaty has been concluded between the Chinese Government and the United States, prohibiting the entry of Chinese labourers into the States. Ministers would be glad to be furnished, if possible, with a copy of the treaty and any report thereon that may have been made by Her Majesty's representative at Washington. Copies of the minutes which have passed between Ministers and myself on this subject are attached.

I have, &c.,
(Signed) WILLIAM C. F. ROBINSON.
The Right Hon. Lord Knutsford, G.C.M.G.,
&c. &c. &c.

Enclosure in No. 61.

THE HON. THE PREMIER,

You will no doubt have observed the press telegram in Thursday's "Register," stating that a treaty has been concluded between the Chinese Empire and the United States, prohibiting the entry of Chinese labourers into the States.

Without entering into the question of whether or not Australia would be wise to follow the example of the United States in absolutely prohibiting the entry of Chinese labour, it appears to me that the telegram just published may possibly furnish an opening for addressing some communication upon the subject to Her Majesty's Government, and if you wish it I shall be prepared to inquire whether or not the press telegram is correct, and of course at the same time to make any further inquiry or observations which you may desire.

10th March 1888.

(Signed) W. C. F. ROBINSON.

IN CABINET.

Ministers respectfully desire his Excellency to communicate with Her Majesty's Government with a view of ascertaining the correctness of the telegram referred to. If correct, Ministers would be glad to be furnished with a copy of the treaty and any report thereon that may have been made by Her Majesty's representative at Washington.

13th March 1888.

(Signed) T. P., Tr.

No. 62.

SIR J. B. THURSTON (FIJI) to LORD KNUTSFORD.

(Received May 28, 1888.)

Government House, Suva, Fiji,

April 11, 1888.

MY LORD,

WITH reference to your Lordship's circular despatch of the 23rd January,* relative to the position of Chinese subjects in this Colony and to any exceptional local legislation affecting them, I have the honour to inform your Lordship that there are very few Chinese subjects in this Colony, not exceeding, perhaps, thirty in all.

2. They are chiefly occupied as small traders and gardeners. Their conduct is, on the whole, inoffensive, and no exceptional legislation whatever exists affecting them.

I have, &c.,

(Signed) JOHN B. THURSTON.

The Right Hon. Lord Knutsford, G.C.M.G.,

Secretary of State for the Colonies.

No. 63.

LORD CARRINGTON (NEW SOUTH WALES) to LORD KNUTSFORD.

(Received May 28, 1888.)

MY LORD,

Sydney, April 19, 1888.

THE Chinese question is looked upon as of vital importance. So far as I can ascertain it is universally considered here that if these Colonies are to be an offshoot of Britain, they must be kept clear of Chinese immigration. All sorts and conditions of men agree on this. I am positive that this is not, as it may have been supposed to be, a cry got up for political purposes; it is a deeply founded feeling and belief of the vast majority of the colonists, a feeling which time will intensify.

2. In thus expressing myself, I do not rely on my own personal opinion, but I am endeavouring to give Her Majesty's Government what I know to be the view taken by the leading men of all sections of the community.

3. Your Lordship's telegram gave great satisfaction, and Imperial action is looked for with great anxiety.

4. Your Lordship has before you the opinion of Sir Henry Parkes, the Premier of this Colony, who at the present time commands a large majority in the House, but I think it of some importance to enclose the views entertained by Sir John Robertson, Sir H. Parkes' former political opponent, but subsequent colleague. His opinions are thought of so much importance that he has been specially interviewed, and his views, which are published in the papers, and which I have the honour to enclose,† are of great value and interest, and I may mention, as showing the position of Sir John in the country, that recently on his retirement from public life on account of bodily infirmity, the Parliament voted him a sum of 10,000*l.* in recognition of his eminent political services.

I have, &c.,

(Signed) CARRINGTON.

The Right Hon. Lord Knutsford,

&c.

&c.

&c.

No. 64.

SIR H. B. LOCH (VICTORIA) to LORD KNUTSFORD.

(Received May 29, 1888.)

Government House, Melbourne,

April 19, 1888.

MY LORD,

WITH reference to my despatch of 13th April‡ instant, relative to especial legislation affecting Chinese subjects in this Colony, I have the honour to transmit to your Lordship two printed copies of the memorandum enclosed therein in order that it may facilitate reference thereto.

* No. 2.

† Not printed.

‡ No. 44.

2. I also forward a copy of a minute from my Government which affords an explanation of the statement contained in sub-paragraph "C" of paragraph 2 in the same memorandum.

The Right Hon. Lord Knutsford,
&c. &c. &c.

I have, &c.,
(Signed) HENRY B. LOCH.

Enclosure in No. 64.

MEMORANDUM FOR HIS EXCELLENCY THE GOVERNOR.

Mr. Gillies presents his duty to your Excellency, and begs to direct attention to sub-paragraph "C" of paragraph 2 in his memorandum to your Excellency, dated 11th instant, on the subject of the Chinese, in which it is stated that,—“C.—Chinese “ are not allowed votes at Parliamentary or Municipal or Mining Boards elections.”

While this statement is correct, it is to be observed that it is not a disability affecting Chinese only, but also applies to all persons who are neither natural-born nor naturalized subjects of Her Majesty Queen Victoria.

Premier's Office,
Melbourne, April 17, 1888.

(Signed) D. GILLIES,
Premier.

No. 65.

SIR W. C. F. ROBINSON (SOUTH AUSTRALIA) TO LORD KNUTSFORD.
(Received, Colonial Office, May 29, 1888.)

TELEGRAPHIC.

29th May.—Referring to your telegram 22nd May,* arrangements concluded. Conference meets on 12th June. I request instructions as to points important for discussion.

No. 66.

LORD KNUTSFORD TO SIR W. F. D. JERVOIS (NEW ZEALAND).

TELEGRAPHIC.

June 1.—Referring to my telegram of 22nd May,† as Conference meets on 12 June, I shall defer expressing opinion further pending result. Despatch by mail postponed.

No. 67.

SIR W. C. F. ROBINSON (SOUTH AUSTRALIA) TO LORD KNUTSFORD.
(Received 5th June 1888.)

TELEGRAPHIC.

5th June.—Australian Colonies all anxious for reply to our last telegram of 29th May,‡ so as to give the matter full consideration before Conference.

No. 68.

SIR W. F. D. JERVOIS (NEW ZEALAND) to LORD KNUTSFORD.
(Received 5th June 1888.)

TELEGRAPHIC.

5th June.—Referring to your telegram of 1st June,* presume that you do not [intend] to withhold assent to Bill. Government here anxious it should become law. Provisions of Bill temporary, covering only about one year, and it does not apply to Chinese immigrants who may have left for New Zealand from China before 10th June. All things considered, I think that Bill should be assented to.

No. 69.

LORD KNUTSFORD to SIR W. C. F. ROBINSON (SOUTH AUSTRALIA).

TELEGRAPHIC.

6th June.—Transmit following telegram to Governors New Zealand and Australian Colonies:—

“Referring to my telegram of 22nd May,† inform Conference Her Majesty’s Government anxious to meet views of Australasian Colonies with regard to limiting Chinese immigration, but measures adopted by New South Wales create obstacle to present negotiations with China. It is therefore important to ascertain whether, in substitution for legislation of a similar kind, other arrangements more in accordance with feelings and views of Chinese Government, and at the same time fully effective for purpose of restricting Chinese immigration may not be adopted. Having regard to political and commercial interests of Empire, and particularly to commercial interests of Australasian Colonies, no avoidable obstacles should be placed in the way of trade with China, which is likely to afford valuable market for products of Australasian Colonies. Chinese Government specially objects to legislation placing Chinese emigrants on different footing to subject[s] of any other Power, and it seems desirable to consider whether laws and regulations, equally restricting immigration into Colonies of all foreign labourers, with power of relaxing regulations in special cases reserved to Governments, may not meet requirements of case. If thus placed on equal footing with other nations, Chinese Government, if it was still thought necessary to come to an international arrangement, might be, perhaps, willing to accept conditions more or less of a similar kind to conditions laid down in Treaty concluded with United States of America, and limitation of numbers which would be permitted to embark for any of Australasian Colonies in any year. It should be clearly understood that while Her Majesty’s Government will be prepared to consider any representations from Conference, they are not at present able to give any assurance that negotiations with Chinese Government can be opened, as it depends on nature of proposals to be made to that Government; but I confidently believe that Conference will endeavour to conciliate susceptibilities of Chinese Government as far as practicable.”

No. 70.

SIR R. G. C. HAMILTON (TASMANIA) to LORD KNUTSFORD.
(Received June 7, 1888.)

Government House, Hobart.

May 2, 1888.

MY LORD,

IN reference to your Lordship’s circular despatch of 23rd January last,‡ on the subject of Colonial legislative action respecting Chinese Immigration, I have the honour to forward the accompanying memorandum I have received from my Prime Minister on the subject.

I have, &c.,
(Signed) R. G. C. HAMILTON.

* No. 66.

† No. 56.

‡ No. 2.

Enclosure in No. 70.

Premier's Office, Hobart, May 1, 1888.

MEMORANDUM FOR HIS EXCELLENCY THE GOVERNOR.

THE Premier has the honour to return to your Excellency the Secretary of State's circular despatch of 23rd January last, on the subject of Colonial legislative action respecting Chinese Immigration.

Communications on this important question have for some time passed between this Government and the neighbouring Colonies; and the Hon. the Attorney-General, in an exhaustive memorandum, dated 24th instant, has not only embodied the views expressed by the Premier in this correspondence, but has drawn attention to the legal aspect of the subject, and to the error of his Excellency the Chinese Minister in relying upon International Law to strengthen his representations.

Mr. Fysh begs to enclose a copy of this memorandum, which he will be glad if your Excellency will transmit to the Secretary of State, with an expression of the hope of Ministers that the influence of the Imperial Government may be exercised in support of the desire of Her Majesty's loyal subjects throughout Australasia that the immigration of Chinese subjects to these Colonies may be restricted.

(Signed) P. O. FYSH.

Attorney-General's Office, Hobart,
April 24, 1888.

MEMORANDUM for the HON. THE PREMIER.

IN reference to the circular despatch from the Right Hon. the Secretary of State for the Colonies, dated the 23rd January of the present year, accompanied by copy of letter from the Foreign Office, dated 21st December 1887, and copy of note from the Chinese Minister in England, dated 12th December 1887, calling attention to the position of Chinese subjects in Her Majesty's Colonies, I have the honour to submit to the Hon. the Premier the following report upon the subject of exceptional legislation in this Colony affecting the immigration of Chinese:—

1. Only one Act (51 Vict. No. 9) has been passed by the Legislature of this Colony for the purpose of restricting and regulating the immigration of Chinese into its territory. It came into operation on the 7th day of November 1887, and is in force at the present time. It is intituled "An Act to regulate and restrict the Immigration of Chinese," and its short title is "The Chinese Immigration Act, 1887." Its principal provisions are as follows:—

- (a.) No vessel is allowed to bring into the Colony more than one Chinese to every hundred tons of the tonnage of such vessel, calculated by the rules of measurement prescribed by "The Merchant Shipping Act, 1854."
- (b.) In respect of every Chinese who is landed in Tasmania a poll-tax of 10*l.* is payable by the master of the vessel by which he was carried.
- (c.) The master of every vessel from which any Chinese is landed in respect of whom such poll-tax is not paid is liable to a penalty of 20*l.* for each Chinese so landed, and in addition to any such penalty the vessel becomes thereby forfeited, and may be seized, condemned, and disposed of in like manner as ships forfeited for a breach of any law relating to the Customs.
- (d.) All Chinese who arrive in Tasmania as portion of the crew of any vessel, and who shall not be discharged while in the Colony, or land, except in the performance of their duty in connexion with such vessel, are exempt from the payment of the tax.

2. In reference to the request of the Right Hon. the Secretary of State for the Colonies to be informed as to the objects for which such exceptional legislation has been adopted, I have to suggest to the Hon. the Premier that it is desirable to state that while the influx of Chinese into Tasmania has not been so great as to create a similar local necessity for restrictive legislation on the question as that which has caused the enactment of the more stringent measures in force in some of the other Australasian Colonies, the Legislature and the people of this Colony felt that, irrespective of the probability of such a local necessity arising at an early date in consequence of the increased inducements offered to Chinese immigration by additional discoveries of tin, silver, and gold in the western districts of the Colony, it was incumbent upon them to

co-operate in this matter with the Legislatures of the other Australasian Colonies in which such a necessity had arisen, and to prevent Tasmania from being used as a temporary residence by Chinese immigrants for the purpose of obtaining letters of naturalization so that they might thereafter obtain admission into other Colonies without paying the poll-tax or complying with the other restrictions imposed by the Legislatures of those Colonies upon Chinese immigration.

3. The natural and mutual amity existing between Tasmania and the other Australasian Colonies as neighbouring dependencies of the same Empire would be sufficient of itself to suggest such co-operation in any matter particularly affecting the welfare of any one or more of them; but the confederation of this Colony with the Colonies of Victoria, Queensland, Western Australia, and Fiji, under the provisions of "The Federal Council of Australasia Act, 1885," specially justifies similar action on the part of the Legislatures of these Colonies in respect to any question upon which dissimilar action or simple inactivity is not required for the due protection of local interests, and yet might operate to the detriment of some of the Colonies in the Federation in consequence of their geographical proximity to the others.

4. The reference made by his Excellency the Chinese Minister to Her Majesty's international engagements induces me to observe that the exceptional legislation that has been adopted by the majority of the Australasian Colonies on the subject of Chinese immigration does not violate any recognised rule of international comity; on the contrary, it is a fundamental maxim of International Law that "every State has the right to regulate immigration to its territories as is most convenient to the safety and prosperity of the country, without regard to the Municipal Law of the country whence the foreign immigration proceeds." (*See Ferguson's Manual International Law, vol. 1, page 130, and Calvo's Droit Intern., vol. 1, liv., viii.*)

5. His Excellency the Chinese Minister is in error in stating that "In the Crown Colonies it has not been found necessary to treat Chinese subjects differently from the subjects of other powers." In July 1886 the Governor of the Crown Colony of Western Australia assented to an Act passed by the Legislative Council, intituled "An Act to regulate and restrict Chinese Immigration," the provisions and language of which are almost identical with those of the Act of this Colony on the same subject. The adoption of this measure by the Legislature of Western Australia is particularly significant, because in the year 1882 an Act was passed in that Colony which was calculated to encourage the importation of Chinese and African labourers for the development of the Pearl Fisheries and other industries there, but the subsequent action of its Legislature directly indicates that the presence of the Chinese in that Colony demonstrated the force of the objections previously made to their unrestricted admission in the older Colonies of the Continent.

6. In connexion with his erroneous statement as to the absence of restrictive legislation on this subject in any of the Crown Colonies, his Excellency the Chinese Minister says that, "it is difficult to understand why it should be otherwise in those Colonies on which a certain amount of self-government has been conferred." This statement seems to insinuate that the legislation adopted by the self-governing Colonies in restriction of Chinese immigration is the fruit of their democratic institutions; and if this was a fact it might be inferred that the object of such legislation was simply to exclude Chinese from competition with Australasian artisans and labourers in the Colonial labour market; but the action of the Crown Colony of Western Australia is a conclusive answer to this supposition, and it is beyond doubt that in none of the Australasian Colonies would the artisans or labourers have sufficient power or influence to obtain restrictive legislation on this question if they were not aided by the convictions of a majority of the other members of the community that such legislation is necessary for its present and future welfare.

7. Both the virtues and the vices of the Chinese are bred in them by a civilization stretching back in an unparalleled fixedness of character and detail to an age more remote than any to which the beginnings of any European nation can be traced, and the experience of both America and Australasia prove that no length of residence amidst a population of European descent will cause the Chinese immigrants who remain unnaturalized to change the mode of life or relinquish the practices that they bring with them from their native country. It is consequently certain that if the unnaturalized Chinese should at any time become as numerous, or nearly as numerous, in any Colony as the residents of European origin, the result would be either an attempt on the part of the Chinese to establish separate institutions of a character that would trench on the supremacy of the present legislative and administrative authorities, or a tacit acceptance

by them of an inferior social and political position which, associated with the avocations that the majority of them would probably follow, would create a combined political and industrial division of society upon the basis of a racial distinction. This would inevitably produce in the majority of the remainder of the population a degraded estimate of manual labour similar to that which has always existed in those communities where African slavery has been permitted, and thereby call into existence a class similar in habit and character to the "mean whites" of the Southern States of the American Union before the Civil War. Societies so divided produce particular vices in exaggerated proportions, and are doomed to certain deterioration.

8. The alternative supposition that the Chinese immigrants would apply for and obtain letters of naturalization and so acquire political equality with the remainder of the population, suggests a result equally menacing to the permanence of the civilization and structure of society now existing in these Colonies, inasmuch as the indurated and renitent character of the habits and conceptions of the Chinese immigrants make their amalgamation with populations of European origin, so as to become constituent portions of a homogeneous community retaining the European type of civilization, an impossibility.

9. The foregoing considerations invest the restrictive and prohibitory measures of the Australasian Colonies against Chinese immigration with a sanction that Her Majesty's Government cannot fail to recognise as sufficient to promote its intervention to obtain from the Court of Peking a co-operation in the prevention of the immigration of its subjects to the Australasian Colonies similar to that which it is stated has been obtained by the Government of the United States in regard to the immigration of Chinese into America.

The Hon. the Premier.

A. INGLIS CLARK,
Attorney-General.

No. 71.

SIR H. B. LOCH (VICTORIA) to LORD KNUTSFORD.
(Received June 7, 1888.)

MY LORD,

Government House, Melbourne,
May 2, 1888.

I HAVE the honour to transmit to your Lordship a copy of a memorandum with respect to the landing of Chinese from the ship "Afghan," and generally with regard to Chinese emigration to this Colony, a précis of which I forwarded by telegram this day.

I have, &c.,
(Signed) HENRY B. LOCH.

The Right Hon. Lord Knutsford, G.C.M.G.,
&c. &c. &c.

Enclosure in No. 71.

MEMORANDUM for HIS Excellency the GOVERNOR.

THE Premier presents his duty to your Excellency and has the honour to acknowledge the receipt of your Excellency's memorandum of this date, requesting information regarding the course pursued by the Government with respect to the ship "Afghan," and generally as to the regulations in force respecting vessels bringing emigrants to Victoria.

In reply, Mr. Gillies begs to inform your Excellency that the S.S. "Afghan" arrived in the port of Melbourne on the 27th April ultimo, with 268 immigrants (Chinese) on board. Some were for Melbourne, others for various other Australasian ports.

No vessel is entitled to bring into any port in Victoria more than one (1) immigrant for every 100 tons of the tonnage of the vessel unless such immigrant produces evidence to the satisfaction of the Collector of Customs that he is a British subject.

Any such vessel arriving having on board a greater number of immigrants than herein stated is liable to a penalty of 100*l.* for every immigrant on board in excess of the limitation.

All the naturalization papers which were tendered to the Collector of Customs were examined, and the immigrants who presented them failed to produce evidence to satisfy that Officer that such immigrants were the persons to whom such papers were issued, and in nearly every case fraud was apparent.

It is well known that large numbers of letters of naturalization have been used fraudulently, and have been presented by persons to whom they were not issued. It was publicly intimated on several occasions by the Government that in all these cases the greatest care would be taken to enforce the law.

It is beyond doubt that there are a large number of immigrants on board the "Afghan" in excess of the limitation provided by law for a vessel to bring to this port.

There are some immigrants who are entitled to land on payment of the poll-tax of 10*l.* each.

The Commissioner of Trade and Customs has intimated to the master of the vessel, through the agents, that as soon as those twelve land, he will at once take steps to enforce the penalty in the case of every immigrant in excess of the number which the "Afghan" was entitled to bring to this port; but the Commissioner has been given to understand that the right to land these immigrants is not to be insisted upon.

While it is the intention of the Government to act strictly within the limits of the law, every step will be taken which the law permits to enforce its provisions.

(Signed) D. GILLIES,
Premier.

Premier's Office, Melbourne,
May 2, 1888.

No. 72.

SIR F. NAPIER BROOME (WESTERN AUSTRALIA) to LORD KNUTSFORD.

(Received June 7, 1888.)

Government House, Perth,
May 5, 1888.

MY LORD,

In reply to your Lordship's circular despatch of the 23rd of January last,* I have the honour to transmit herewith a report by the Attorney-General (Mr. C. N. Warton) on the subject of legislation affecting Chinese subjects in this Colony. I also forward copy of the Imported Labour Registry Act, 1884,† and of the Chinese Immigration Act, 1886,‡ referred to in the Attorney-General's report.

2. The Premiers of Victoria, New South Wales, and Queensland have communicated to this Government copies of their observations upon your Lordship's circular despatch, and I have caused letters to be addressed to each Government in reply, similar to the enclosed letter to the Government of Victoria. I do not enclose copy of the documents received from Mr. Gillies, Sir Henry Parkes, and Sir Samuel Griffith, for the reason that those documents will no doubt already have reached your Lordship through the Governors of the respective Colonies.

3. I propose to lay the papers mentioned in this despatch before the Legislative Council, at its next session. I doubt whether that body is at present prepared to totally exclude Chinese from this Colony. Under the existing legislation, Chinese under previous written agreement to work for employers are allowed to enter the Colony. With this exception, Chinese are excluded, or endeavoured to be excluded, from Western Australia, by a poll-tax of 10*l.* levied under a law similar to the laws in force in the Eastern Colonies.

* No. 2.

† Not printed.

‡ See Appendix II.

4. I hope to forward by another despatch exact statistics respecting the number of Chinese in this Colony, and the arrivals and departures of Chinese during the last ten years.

I have, &c.,

(Signed) F. NAPIER BROOME.

The Right Hon. Lord Knutsford, G.C.M.G.,
&c. &c. &c.

Enclosure 1 in No. 72.

REPORT of the ATTORNEY-GENERAL. (Extract.)

(Extract.)

To the Hon. the COLONIAL SECRETARY.

CHINESE were included in the Imported Labour Act, 1884 (48 Vict. No. 25), as are also natives of India, Africa, and of the Islands in the Indian and Pacific Oceans, and the Malayan Archipelago. That statute provides for the registration of such natives coming as labourers into Western Australia, and gives magisterial protection to such labourers in matters concerning contracts between them and employers.

The only Act relating specially to Chinese is the 50 Vict. No. 13, intituled "An Act to regulate and restrict Chinese Immigration," which, as appears from section 12, does not apply to labourers under the "Imported Labour Act, 1884," above mentioned.

The regulation and restriction of Chinese immigration are accomplished by means of a poll-tax of 10% levied on Chinese immigrants.

The effect has, no doubt, been to limit the immigration of Chinese, but not to prevent that immigration altogether, as there are many cases of Chinese who live industriously and frugally, working as market gardeners and shopkeepers, some of whom apply for letters of naturalization, and many of whom return to China with a small capital.

(Signed) C. N. WARTON,
Attorney-General,
7/4/88.

Enclosure 2 in No. 72.

COLONIAL SECRETARY OF WESTERN AUSTRALIA to PREMIER of VICTORIA.

Colonial Secretary's Office, Perth,
May 1, 1888.

SIR,

I HAVE the honour to acknowledge the receipt of your letter, of the 23rd of March 1888, respecting the immigration of Chinese to Australia, and I am directed by his Excellency Sir F. Napier Broome to inform you, in reply, that the Legislature of this Colony, which is not at present in session, will have to be consulted before your letter can be fully answered.

2. I am further directed to draw your attention to the annexed two statutes in force in this Colony, and from which it will be perceived that neither the Government nor Legislature of Western Australia has yet desired to prevent the introduction of Chinese under previous written engagement to work for employers.

I have, &c.,
(Signed) MALCOLM FRASER,
Colonial Secretary.

The Hon. the Premier, Melbourne.

Imported
Labour
Registry Act,
1884;
Chinese
Immigration
Act, 1886.

No. 73.

LORD KNUTSFORD to SIR W. F. D. JERVOIS (NEW ZEALAND).

TELEGRAPHIC.

June 8.—You can assent to Chinese Bill.

No. 74.

LORD CARRINGTON (NEW SOUTH WALES) to LORD KNUTSFORD.
(Received June 12, 1888).

TELEGRAPHIC.

12th June.—Your speech and Derby's in House of Lords are appreciated in the Colony, and your determination not to wish to include an Imperial Representative in Conference most favourably received.

No. 75.

LORD CARRINGTON (NEW SOUTH WALES) to LORD KNUTSFORD.
(Received June 12, 1888.)

TELEGRAPHIC.

12th June.—Following is substance of Memorandum of Prime Minister I am forwarding by post. Large numbers in China present an ever-threatening danger to masses here. Question not only one of wages, but regarded as affecting moral and social prospects of Colony for the future. Inasmuch as no one in favour of limited immigration would be returned to Parliament, it appears impracticable to place legislative restriction on other countries. As regards commercial interests, Australian Colonies find very limited market for their goods in China, while Australian Colonies afford a very extensive market for China. Cabinet Ministers recognise difficulties as to Australian complications and reasonable grounds for Chinese attitude, and as loyal subjects of Queen of England, do not wish to embarrass, but question of Chinese immigration has an irresistible disturbing force which they fear that those who are not on the spot cannot adequately appreciate.

No. 76.

LORD KNUTSFORD to SIR W. C. F. ROBINSON (SOUTH AUSTRALIA).

SIR,

Downing Street, June 12, 1888.

I HAVE the honour to acknowledge the receipt of your despatch of the 2nd of April,* enclosing copies of minutes which had passed between your Government and yourself respecting the treaty between the United States and China, and to approve of your action in the matter.

You will have received a press version of the treaty in my despatch of the 10th ultimo.†

Sir W. Robinson.

I have, &c.,
(Signed) KNUTSFORD.

No. 76A.

THE MARQUIS OF SALISBURY to LEW TA JÊN.

M. LE MINISTRE,

Foreign Office, June 13, 1888.

SINCE I addressed to you my letters of the 18th* and 19th† of last month, in reply to your communications of the 7th‡ and 16th§ ultimo, the question of the regulations affecting the immigration of Chinese into the British colonies in Australasia has been further considered by Her Majesty's Government in connexion with information recently received from those Colonies.

The Supreme Court of New South Wales having declared the action of the local Government in preventing the landing of Chinese subjects prepared to pay the prescribed poll-tax to be illegal, all Chinese holding exemption tickets were, on the 19th ultimo, allowed to land—eight from the "Tsinan" and 42 from the "Afghan." I may here remark that a number of the passengers on board that vessel, who were of Chinese origin, claimed to land in Victoria not as subjects of His Majesty the Emperor of China, but as naturalized British subjects. They did not, however, satisfy the local authorities that the naturalization papers which they produced had actually been issued to the bearers of them.

In your letter of the 16th ultimo you called attention to the fact that the Governor of Hong Kong had authorised the shipment of the emigrants on board the "Afghan," and that notwithstanding this the Governors of two other British Colonies refused to allow them to land.

I am informed by Her Majesty's Secretary of State for the Colonies that there is no regulation in force in Hong Kong requiring the authorities at that port to see that vessels bound for Australian ports do not carry a number of Chinese emigrants in excess of the quantity allowed by the laws of the Australian Colonies to be introduced into those countries.

For some time past there has been considerable public agitation in Australia with respect to the influx of Chinese labourers. The feeling on the subject has been increased by the conclusion of the recent treaty between China and the United States of America, and the working classes of the Australian Colonies appear to be entirely opposed to any considerable further introduction of labourers into their respective countries. Chinese immigrants are objected to not only on account of their vast number and their competition as wage-earners, but on the ground that they do not become assimilated with the British population, and that they rarely, if ever, become settled Colonists themselves, but remain essentially aliens in manners, customs, and religion, and generally return to China when they have saved sufficient money in the Colonies for their wants in their native country.

Her Majesty's Government are anxious that all due regard should be shown to the feelings of the Chinese nation, with which Great Britain is happily on a very friendly footing, and that no measures should be adopted in the Colonies that could be regarded as at variance with the treaty engagements between China and this country.

Regulations of a more or less restrictive character and specially directed against Chinese immigration have been for some time past in force in some of the Australian Colonies; and with a view to obviate further legislation to which your Government might reasonably take exception in regard to this subject, it is thought to be desirable that the matter should be fully and freely discussed in all its bearings by Her Majesty's Colonial subjects.

With this object the Secretary of State for the Colonies has approved a proposal for a Conference of the representatives of Australasian Governments to consider the subject.

This Conference is appointed to meet on the 12th instant, and when its deliberations are terminated a statement of the conclusions arrived at will be communicated to the Chinese Government.

Lew Ta Jên.

I have, &c.,
(Signed) SALISBURY.

* See Enclosure in No. 50.
‡ See Enclosure in No. 36.

† Acknowledgment only. Not printed.
§ See Enclosure in No. 51.

No. 77.

LORD KNUTSFORD to LORD CARRINGTON (NEW SOUTH WALES).

TELEGRAPHIC.

June 14. Glad to receive any further details when you can send them. As Conference decides to request negotiations for treaty and decided in favour of uniform legislation, perhaps your Ministers will consider whether, in order to remove obstacle to negotiations, present separate legislation might be suspended and Bill confined to the question of securing indemnity referred to in your telegram of 17th May.*

No. 78.

LORD CARRINGTON (NEW SOUTH WALES) to LORD KNUTSFORD.
(Received June 14, 1888.)

TELEGRAPHIC.

14th June.—At the Australasian Conference held in Sydney on the 12th, 13th, and 14th instant, at which the Colonies of New South Wales, Victoria, South Australia, Queensland, Tasmania, and Western Australia were represented, the question of Chinese immigration, and your cablegram to the Governor of South Australia in connexion therewith, were fully considered. The members of the Conference are sensible of the wish of Her Majesty's Government to meet the views of the Colonies, and have specially deliberated upon the possibility of securing legislation which, while effective, should be of a character so far as possible in accordance with the feeling and views of the Chinese Government. They have not overlooked the political and commercial interests of the Empire, nor the commercial interests of the Colonies. In 1886 the total exports to China from New South Wales, Victoria, South Australia, Queensland, and Tasmania were valued at 16,000*l.*, out of a total export trade amounting to 38,700,000*l.* Our imports from China in the same year were valued at 846,000*l.* While the custom of the Colonies, therefore, is very valuable to China, that country offers no present outlet of importance for Australasian trade. There has never been any attempt on the part of any of the Colonies to close their markets to the imports of the Chinese Empire, although most if not all of them are now produced in great quantities in the British Empire of India. The suggestion that any restrictions which are to be imposed should be of a general nature, so as to give power to exclude European or American immigrants, has been very carefully deliberated upon, but no scheme for giving effect to it has been found practicable. As the length of time to be occupied in negotiations between the Imperial Government and the Government of China is uncertain, and as the Colonies in the meantime have reason to dread a large influx from China, the several Governments feel impelled to legislate immediately to protect their citizens against an invasion which is dreaded because of its results, not only upon the labour market, but upon the social and moral condition of the people. At the same time, the Conference is most anxious that Her Majesty's Government should enter into communication with the Government of China with a view to obtaining, as soon as possible, a treaty under which all Chinese, except officials, travellers, merchants, students, and similar classes, should be entirely excluded from the Australasian Colonies. By way of assisting to bring about such an understanding, the Conference has recommended the abolition of the poll-tax now levied upon Chinese immigrants. While believing that the local legislation now proposed will accomplish its object, the Colonies would prefer that the exclusion of the Chinese should be brought about by international agreement of a friendly nature, as in the case of the United States. The Conference further desires that Her Majesty's Government should induce the Governments of the Crown Colonies of Hong Kong, Straits Settlements, and Labuan to at once prohibit the emigration of all Chinese to the Australasian Colonies, unless they should belong to the classes above mentioned. The Chinese who may claim to be considered British subjects in those Colonies are very numerous, and the certainty that their migration hither was prevented would give great and general satisfaction.

* No. 45.

The Resolutions arrived at by the Conference, and which have been embodied in a draft Bill, are as follows:—

1. That in the opinion of this Conference, the further restriction of Chinese immigration is essential to the welfare of the people of Australasia.

2. That this Conference is of opinion that the desired restriction can best be secured through the diplomatic action of the Imperial Government and by uniform Australasian legislation.

3. That this Conference resolves to consider a joint representation to the Imperial Government for the purpose of obtaining the desired diplomatic action.

4. That this Conference is of opinion that the desired Australasian legislation should contain the following provisions:—

(1.) That it shall apply to all Chinese, with specified exceptions.

(2.) That the restriction should be by limitation of the number of Chinese which any vessel may bring into any Australian port to one passenger to every 500 tons of the ship's burthen.

(3.) That the passage of Chinese from one Colony to another without consent of the Colony which they enter be made a misdemeanour.

The first and fourth Resolutions were endorsed by all the Colonies except Tasmania, who dissented, and Western Australia, who did not vote; while the second and third were carried unanimously. As a whole, therefore, they faithfully represent the opinion of the Parliaments and peoples of Australia.

In conclusion, the Conference would call attention to the fact that the treatment of Chinese in the Australian Colonies has been invariably humane and considerate; and that, in spite of the intensity of popular feeling during the recent sudden influx, good order has been everywhere maintained.

In so serious a crisis the Colonial Governments have felt called upon to take strong and decisive action to protect their peoples; but in so doing they have been studious of Imperial interests, of international obligations, and of their reputation as law-abiding communities. They now confidently rely upon the support and assistance of Her Majesty's Government in their endeavour to prevent their country from being overrun by an alien race, who are incapable of assimilation in the body politic, strangers to our civilization, out of sympathy with our aspirations, and unfitted for our free institutions, to which their presence in any number would be a source of constant danger.

No. 79.

THE AGENT-GENERAL FOR TASMANIA to COLONIAL OFFICE.

3, Westminster Chambers, Victoria Street,
London, June 15, 1888.

SIR,

I HAVE the honour to inform you that I received this morning a telegram from the Hon. the Premier of Tasmania, dated from Sydney, giving the reasons why Tasmania could not concur in the decision arrived at by the Conference on the subject of the further restriction of Chinese immigrants into Australasia, copy of which I transmit herewith in accordance with the instructions therein contained, and I shall feel obliged if you will take the earliest opportunity of laying the same before the Secretary of State.

Sir R. G. W. Herbert, K.C.B.,
&c. &c. &c.

I have, &c.,
(Signed) JAMES A. YOUL,
Acting Agent-General.

Enclosure in No. 79.

TELEGRAM received from the Hon. the PREMIER OF TASMANIA, handed in at Sydney on the 15th instant at 11 a.m.; received in London on the same day at 8.32 a.m.

COMMUNICATE to Lord Knutsford Tasmania dissents from the decision of the Conference that further restriction of Chinese immigration is essential to the welfare of the people of Australasia, because the vigorous (? various) legislative (? legislatures) of each of the Colonies have already proved successful in limiting the number of Chinese immigrants,

a fact which is established by statistics and admitted in the Ministerial Memorandum of Victoria upon this subject, despatched in March last. Also from the engagement by the Governments to secure, if practicable, the early passage of a measure similar to the draft Bill through their respective Parliaments without waiting the result of the representations made by cable to the Home Authorities as being inconsistent with the request made by the Governments of New South Wales, Victoria, Queensland, and Tasmania, for Home Government intervention in the matter, which this Bill proposes to dispose of; and because all that need be desired may be accomplished by treaty while drastic legislation, if preceding diplomatic efforts, may prove embarrassing and engender international bitterness, and because convinced that upon occasions where the insular interests of the Colonies can be secured in connexion only with those which are Imperial, it behoves these Colonies to remember that their preservation is maintained by British Forces and that Colonial acts must be justified by the Home Government. Tasmania dissents from the main purposes of the draft Bill because no exception is made which would enable Chinese residents to improve their social condition by the instruction (? introduction) of their wives, it ignores the rights of such naturalized British subjects as may be at present absent from the Colony who have children in the Colonies born of British wives and have accumulated property under the sanction of Colonial laws, it makes no exception in favour of Chinese born under English rule in Hong Kong and elsewhere, it disregards the climatic characteristic of the northern territories of Queensland, South Australia, and Western Australia, which are barriers to successful occupation except in pursuit of avocations peculiarly tropical and unsuitable to European labour.

(Signed) P. O. Fysh.

No. 80.

LORD CARRINGTON (NEW SOUTH WALES) to LORD KNUTSFORD.
(Received June 15, 1888.)

TELEGRAPHIC.

15th June.—It is fully understood and accepted by Conference that New South Wales Bill now before Parliament will be proceeded with, but New South Wales Ministers concur in draft Bill of Conference. As soon as two Colonies have passed draft Bill, they agree to bring law of New South Wales into strict harmony with that of the other Colonies, reserving to New South Wales right of any variations or additions not inconsistent with main principles of Agreement. This proviso is granted to all other Colonies. Prime Minister informs me that greatest cordiality and good feeling were expressed by all Delegates to Her Majesty's Government.

No. 81.

LORD CARRINGTON (NEW SOUTH WALES) to LORD KNUTSFORD.
(Received June 15, 1888.)

TELEGRAPHIC.

15th June.—Chinese Bill passed in Legislative Council. Cabinet Ministers accepted amendment reserving to those who feel themselves aggrieved the right of redress for losses in Courts of Law, Cabinet Ministers receiving personal indemnification.

LORD KNUTSFORD to LORD CARRINGTON (NEW SOUTH WALES).

TELEGRAPHIC.

16th June.—Transmit following telegram to other Australian Colonies :—

“ Her Majesty’s Government recognize spirit in which Chinese Immigration question has been discussed by Conference, and will be prepared to consider Resolutions in all their bearings without delay. Desirable that I should have as soon as possible summary of all provisions of proposed Bill.”

No. 83.

SIR H. B. LOCH (VICTORIA) to LORD KNUTSFORD.

(Received June 16, 1888.)

Government House, Melbourne,
May 10, 1888.

SIR,

By the last mail I transmitted to your Lordship, in my Despatch of 2nd May,* a copy of a memorandum from the Premier, in reply to a minute which I had addressed to him, a copy of which I now enclose, with regard to the action of the Government in prohibiting the landing of the Chinese immigrants who were brought to this port by the steamship “Afghan” from Hong Kong; a précis of this memorandum I telegraphed to your Lordship on the 2nd instant.†

2. The following is a brief analysis of the circumstances attending the arrival of the “Afghan” and the incidents that followed in connexion therewith.

3. On the 27th ultimo the “Afghan” arrived at Port Phillip Heads from Hong Kong with 268 Chinese immigrants on board, of which number 60 were for this Colony, and after examination by the Health Officer, obtained a clean bill of health and proceeded up the Bay, arriving at the Williamstown anchorage the same afternoon.

4. When the Government became aware of the arrival of these immigrants they gave directions that none should be allowed to land until after a careful examination it was ascertained that the laws affecting Chinese immigration to, or residence in Victoria, had been strictly complied with.

5. The Victorian Acts of Parliament referring to this question are the Chinese Immigration Statute, 1865, and the Chinese Act, 1881.

6. Chinese immigrants under the above-mentioned Acts can only land either upon their producing naturalization papers showing they are naturalized British subjects, or by the payment of 10% poll-tax paid through the master of the vessel to the collector or other principal officer of Customs, but the number of immigrants who can be permitted to land from any vessel upon the payment of poll-tax is limited by section 2 of the Act of 1881 to one immigrant to every 100 tons of the tonnage of the vessel.

7. For some time past a fraudulent traffic in naturalization papers has been suspected, that is to say, naturalization papers properly granted to Chinese immigrant residents in the Colony have been sent back to China for the purpose of enabling other immigrants to evade the poll-tax by entering as naturalized British subjects.

8. Out of the Chinese immigrants on board the “Afghan” for this Colony, about 48 presented papers of naturalization which were reported, after careful examination, to have been issued to others than the ostensible holders of them. In fact, some of the papers appeared already to have done service two or three times over. These immigrants therefore could not claim the right of entry as British subjects, and could therefore only hope to be allowed to land on the payment of the poll-tax. If, however, they landed as Chinese immigrants, and not as naturalized British subjects, this would at once render the captain and owner of the “Afghan” liable to the heavy penalty, under the second section of the Act of 1881, for bringing more than one immigrant to every 100 tons of tonnage.

9. The liability to payment of penalty the Government consider under the second section of the Act, 1881, to which I have referred, is not dependent upon the landing of immigrants in excess of the tonnage limitation, but can be imposed upon the owner,

* No. 71.

† No. 18.

master, or charterer of any vessel that may arrive in any port of Victoria with an excess of legal number of immigrants on board.

10. The attention of the agents of the "Afghan" was called to the infraction of the law, but the Government being anxious under the circumstances not to deal heavily with the owner of the vessel, consented to an arrangement by which they would forego proceedings for the recovery of any penalty, provided the immigrants were not landed. This arrangement resulted in the "Afghan" leaving with all the Chinese on board on the 4th May instant for Sydney, for which place she had likewise a consignment of Chinese immigrants.

11. On the 1st instant my Ministers submitted for my approval an Order in Council to declare Hong Kong, Singapore, together with Chinese and other Eastern ports, to be infected ports, and all intercolonial or other vessels bringing Chinese passengers to any port in Victoria to be detained by the Health Officer of such port until such vessel and passengers be severally released by such officer.

12. My Government informed me as their reason for submitting this Order in Council, that they had reason to believe vessels from Hong Kong and Chinese ports were bringing a number of Chinese immigrants to this and to other Colonies, and that the law which limits one Chinese immigrant to every 100 tons of tonnage, and which is intended to prevent a sudden or large influx of Chinese into the Colony, was in danger of being evaded by their being transhipped at some port in Australia into intercolonial steamers trading with Victoria, and as from nine to twelve of these steamers arrive weekly from New South Wales and Queensland ports, it was evident that not only the object of the Chinese Immigration Acts, but also quarantine restrictive measures, might thus be defeated.

13. Acting upon the advice of my responsible Ministers, supported as it was by the opinion of the Attorney-General, I signified my assent to this Order in Council, evidence of the usual character having been placed before me that the ports named in the Order in Council were ports that had been declared infected ports.

14. On the 30th ultimo, prior to the proclamation of the above Order in Council, the "Burrumbeet," an intercolonial trading steamer arrived with 14 Chinese on board. I am informed that six presented naturalization papers, but afterwards sought to withdraw them, and in consequence of the position in which the Chinese found themselves placed, they requested permission, through one of the leading Chinese merchants settled in Melbourne, to return to their own country, in the event of a passage being provided for them for that purpose. In the meanwhile, pending arrangements being made for a return to China, they were, with their own written consent, landed at the quarantine Station (although not to be detained in quarantine), where they are cared for at the Government expense. Previous to their removal, and several days after the arrival of the "Burrumbeet," the master of that steamer had not tendered the poll-tax, but I am given to understand that the day following the removal of the immigrants to the quarantine ground, he did tender the poll-tax on the whole 14. It does not appear that the master of the "Afghan" made any similar offer on behalf of the 12 Chinese on board his ship who did not present naturalization papers.

15. I understand that some of the Chinese who claimed to land from the "Afghan" as naturalized British subjects, but who were taken back in her to Sydney, have taken action to have their case decided by the proper legal tribunals, and a writ has been served on the Collector of Customs for the recovery of 1,000*l.* damages. Although I have, as yet, no certain knowledge of the fact, it is also reported that steps will likewise be taken on behalf of the immigrants who arrived by the "Burrumbeet" to have their case brought before the Supreme Court. These cases, if proceeded with, will elicit a full inquiry with regard to the genuine character of the naturalization papers, and an authoritative decision upon the whole question.

I have, &c.,
(Signed) HENRY B. LOCH.

The Right Hon. Lord Knutsford, G.C.M.G.,
&c. &c. &c.

Enclosure in No. 83.

MEMORANDUM FOR THE HONOURABLE THE PREMIER.

THE Governor requests that the Honourable the Premier will furnish him with information with regard to the course pursued by the Government with respect to the ship "Afghan," and generally as to the regulations which are in force with respect to vessels bringing Chinese immigrants to Victoria.

(Signed) HENRY B. LOCH.

Government House, Melbourne,
2nd May 1888.

No. 84.

LORD CARRINGTON (NEW SOUTH WALES) to LORD KNUTSFORD.

(Received June 18, 1888.)

TELEGRAPHIC.

18th June.—In answer to your telegram of 16th June,* I forward at once Bill summarised by Attorney-General.

1. Interpretation. Chinese shall include every person of Chinese race not exempted from provisions of this Act. Vessels shall include every ship, boat, or vessel. Master shall include every person other than pilot for time being in command or charge of any vessel.

2. Exemptions. Act shall not apply to any person duly accredited to any Australasian Colony by any Government as its representative on any special mission, to crew of any vessel not being discharged therefrom in Colony and not landing in Colony except in discharge of duties in connexion with such vessel, or any class of persons who shall for time being be exempted from provisions hereof.

3. Power given to Governor in Council to declare by Proclamation exemptions of any persons or class of persons; any such Proclamation may be revoked by Governor in Council by Proclamation.

4. Master of any vessel having Chinese on board upon arrival at any port in Colony forthwith, and before entry at Customs, to deliver to Collector statements specifying to best of his knowledge and means of information number of Chinese on board, places of shipment and destination, and name, calling, or occupation of each such Chinese, under penalty of 100*l*.

5. No vessel to bring more than one Chinese passenger for every 500 tons of tonnage of such vessel, under penalty of 500*l*. for each Chinese in excess of such number.

6. No Chinese shall enter Colony by land without first obtaining permit in writing from some person appointed by Governor in Council. Any Chinese so entering without such permit shall be guilty of misdemeanour, and liable to imprisonment, with or without hard labour, for any term not exceeding six months, and in addition to or substitution for such imprisonment, shall be liable, by order or warrant of a Justice, to be removed or deported to Colony from whence he shall come.

7. All penalties and payments under Act to be part of consolidated revenue.

8. Justices may decide upon their own view whether any person is Chinese within meaning of Act.

9. Any vessel on board which Chinese shall be transhipped from any vessel and brought to any port or place in Colony shall be deemed to be vessel bringing Chinese into Colony and be subject to Act, and Governor in Council may make regulations to carry out Act.

10. Regulations must be laid before Parliament within fourteen days if in session; if not, then within fourteen days after commencement of next session; if not disapproved within fourteen days therefrom they shall become law.

11. Penalties may be recovered in a summary way for [before?] Justices. Colonial Treasurer to have power to authorise any officer to detain any vessel master of which shall, in opinion of Treasurer, have committed an offence or be a defaulter under Act; such detention to be for safe custody only, and cease if bond of two sureties be given by master for payment of amount of penalty or other sum as may be adjudged to be paid;

in default of payment of penalty by master, officer authorised by Treasurer may seize such vessel for purpose of condemnation and sale, as provided by law in case of condemnation or forfeiture of vessel for breach of Customs Laws of Colony; proceeds of sale to be paid to consolidated revenue, and after payment of penalties with costs incurred in and about sale and proceedings leading thereto, balance to be placed by Treasurer to trust account, and held in trust for owners or other persons lawfully entitled to vessel so sold.

12. No poll tax to be hereafter taken or demanded for or in respect of any Chinese. Act is Chinese Immigration Restriction Act.

No. 85.

THE MARQUIS OF SALISBURY to SIR J. WALSHAM.

SIR,

Foreign Office, June 22, 1888.

THE Chinese Minister at this Court, in a note dated the 12th December last,* called my attention to the position of Chinese subjects in certain of the Queen's Colonies, and requested that an inquiry might be instituted into the laws enacted against them by some of the Colonial Legislatures. The Chinese Commissioners, who had recently made inquiries in Australia, had reported to their Government that in each of the Colonies visited by them a poll-tax of 10% is imposed on Chinese subjects, from which the subjects of other Powers are exempt, and that steps were being taken to enact a similar measure in Tasmania. Lew Ta-jên protested against his countrymen being deprived of immunities accorded to them by the treaties and the law of nations, or to their being treated differently from the subjects of other Powers residing in the same parts of Her Majesty's dominions.

The Secretary of State for the Colonies thereupon requested the Governors of the Australasian Colonies and the Governor-General of Canada to furnish Reports on the subject of any exceptional legislation affecting Chinese subjects in force in their respective jurisdictions.

Before the Reports which had been called for could reach Her Majesty's Government information was received that there was considerable public agitation in Australia with respect to the influx of Chinese labourers, and that in New South Wales more restrictive measures were demanded than the 10% poll-tax and the limit of one immigrant to every 100 tons of shipping, which have been in force for some years past.

The recent conclusion of a treaty between China and the United States of America, for the exclusion of labourers from China, seems to have increased the feeling in Australia in favour of more stringent regulations in the Colonies of that Continent, and the working classes are represented to be strongly opposed to any further introduction of labourers on a large scale. Chinese immigrants are, it appears, objected to not only on account of their vast numbers and their competition as wage-earners, but on the ground that they do not become assimilated with the British population, and that they rarely, if ever, settle permanently as Colonists; but, on the contrary, remain essentially aliens in manners, customs, and religion, and generally return to China when they have saved sufficient money in the Colonies for their wants in their native country.

At a public meeting held at Sydney on the 27th March it was unanimously resolved that the almost unrestricted influx of the Chinese into Australia will, if continued, threaten the political and social welfare of the Colony, and that the time has arrived for the imposition of substantial and effective restrictions on their further introduction.

The meeting further declared its strong objection to any action of the Government of China in the assistance or encouragement of Chinese immigration into Australia, and it called upon Her Majesty's Government to maintain the right of the Australian Colonies to frame such laws as they may consider necessary to ensure in Australia the preponderance and supremacy of the British race.

While these representations and the question of communicating on the subject with the Chinese Government were being considered by Her Majesty's Government, I received representations from the Chinese Minister in London calling my attention to telegrams which had appeared in the "Times" newspaper relative to the action reported to have been taken by the Colonial Authorities of Victoria and New South Wales in order to prevent the landing in those Colonies of Chinese immigrants who were being conveyed to Australia in a British vessel named the "Afghan."

On inquiry it was ascertained that the action of the Local Government in preventing the landing of Chinese subjects when prepared to pay the prescribed poll-tax had been

* Enclosure in No. 1.

declared by the Supreme Court of New South Wales to be illegal, and all Chinese holding exemption tickets had been allowed to land; but that a number of the passengers on board the "Afghan" who were of Chinese origin had claimed to land in Victoria not as subjects of the Emperor of China, but as naturalized British subjects, and that they had not satisfied the local authorities that the naturalization papers which they produced had actually been issued to the bearers of them.

Her Majesty's Government are, as you well know, most anxious that all proper regard should be shown to the feelings of the Chinese nation, with which this country is happily on a very friendly footing, and that no measures should be adopted in the Colonies that could be regarded as at variance with the treaty engagements between China and Great Britain.

As I have already stated, regulations of a more or less restrictive character, and specially directed against Chinese immigration, have been for some time past in force in the Australian Colonies, and on the Supreme Court of New South Wales declaring the prohibition to land to be illegal, according to the laws of that Colony, the Colonial Legislature forthwith enacted further restrictive measures.

It appeared to Her Majesty's Government that this action on the part of New South Wales was prejudicial to the treatment of the question by negotiation with the Chinese Government. With a view, therefore, to obviate further legislation to which the Chinese Government might take exception, it was proposed that the subject should be fully and freely discussed in all its bearings by Her Majesty's Colonial subjects.

With this object the Secretary of State for the Colonies approved the meeting of a Conference of the Representatives of Australasian Governments to consider the question. It met on the 12th instant, and two following days. The conclusions at which the Representatives arrived are set forth in the telegram addressed to the Secretary of State for the Colonies by the Governor of New South Wales, of which I transmit a copy herewith.*

They state that they are most anxious that Her Majesty's Government should enter into communication with the Government of China, with a view to obtaining as soon as possible a treaty under which all Chinese, except officials, travellers, merchants, students, and similar classes, should be entirely excluded from the Australasian Colonies.

By way of assisting to bring about such an understanding, the Conference has recommended the abolition of the poll-tax now levied upon Chinese immigrants. As, however, the Conference considers that the length of time which may be occupied in negotiations between the Governments of China and Great Britain is uncertain, and the Colonies in the meantime have reason to dread a large influx of labourers from China, the several Colonial Governments feel themselves impelled to legislate immediately to protect their citizens against an invasion which is dreaded by them because of its expected results, not only upon the labour market, but upon the social and moral condition of the people.

I enclose copies of the Resolutions of the Conference which have been embodied in a draft Bill,† and I have to instruct you to place yourself without delay in communication with the Tsung-li Yamên, and urge upon them, with the explanations and arguments which, in your judgment, are most likely to further the object in view, that, in pursuance of the considerations which I have described in this despatch, and which are more particularly set forth in the printed correspondence which I transmit herewith, the Chinese Government should adopt a course similar to that which they followed in the case of the United States, and enter into a Convention with Her Majesty's Government to the effect indicated in the enclosed Resolutions of the Conference held at Sydney.

I have, &c.,

Sir J. Walsham, Bart.

(Signed) SALISBURY.

No. 86.

SIR H. B. LOCH (VICTORIA) to LORD KNUTSFORD.

(Received June 27, 1888.)

MY LORD,

Government House, Melbourne, May 25, 1888.

I HAVE the honour to inform you further with regard to the arrival of Chinese in this Colony, that 14 Chinese immigrants, who arrived by the "Burrumbeet," and who

* No. 78.

† No. 84.

were landed and placed temporarily at the quarantine ground, have since paid the poll-tax required by the provisions of the Chinese Immigration Act, 1881, and have been admitted into the Colony. During their short detention they were allowed perfect freedom within the grounds, which, I may observe, cover an area of upwards of 840 acres, and were well cared for in comfortable residences, food, &c., at the expense of the Government.

2. They are, I believe, the only immigrants who have applied as Chinese subjects for admission into the Colony, the other Chinese who arrived claimed admission as British subjects. Their papers, however, were found, I am informed, to be fraudulent, and they were, therefore, not allowed to avail themselves of the privileges which these papers, if they had been genuine, would have entitled them to have claimed. I apprehend, as they were not refused admission as Chinese subjects, but claimed to enter as naturalised British citizens, and were merely rejected admission on the ground that their papers were not in accordance with the requirements of the law, they cannot now seek the support of the Chinese Government as Chinese subjects.

The Right Honourable
Lord Knutsford, G.C.M.G.,
&c. &c. &c.

I have, &c.,
(Signed) HENRY B. LOCH.

No. 87.

SIR W. F. D. JERVOIS (NEW ZEALAND) to LORD KNUTSFORD.

(Received June 28, 1888.)

MY LORD,

Wellington, May 16, 1888.

WITH reference to your Circular Despatch of 23rd January last,* requesting a report from my Government on the subject of exceptional legislation affecting Chinese subjects which is in force in this Colony, I have the honour to transmit a copy of a memorandum which I have received from the Premier, Sir H. Atkinson, furnishing the desired information.

It will be observed that my Government has, in compliance with popular pressure, brought in a Bill to strengthen the existing restrictions in Chinese immigration.

This Bill, however, includes no provisions which have not already, in the case of the Colony of Victoria, received the assent of Her Majesty. On this ground, as I have already informed your Lordship by telegram, I propose to assent to it.

On the 8th instant, the Government republished a proclamation declaring all Chinese ports to be infected, under the "Public Health Preservation Act, 1876." This proclamation has for some time been in abeyance, but has been revived from the same motives which prompted the introduction of the "Chinese Immigrants Act Amendment Bill."

It appears to me that objection might justly be raised against both the Bill and the proclamation; but as the principle of exceptional legislation affecting the Chinese has been sanctioned in former years by the Imperial Government, I do not see that my Ministers are otherwise than justified in the course that they have taken.

I should add that a party of Chinese who were denied admission to Australia have recently arrived in New Zealand. At Invercargill, a town close to the Bluff where they were expected to land, and also at Dunedin, public meetings were held, and some violent language was used against the Chinese; but when it appeared that the bulk of these immigrants were bound for Greymouth, on the west coast of the South Island, the excitement subsided, and the party was landed a few days later (12th May) at its destination, without any hostile demonstration whatever on the part of the Colonists.

Early on the following morning they were leaving the town peaceably in all directions for different mining quarters.

I have, &c.,
(Signed) WM. F. DRUMMOND JERVOIS.

The Right Hon. the Lord Knutsford,
&c. &c. &c.

Enclosure 1 in No. 87.

MEMORANDUM by the PREMIER of NEW ZEALAND.

The Premier has the honour to return the Circular Despatch of 23rd January last from the Right Hon. the Secretary of State for the Colonies, and in compliance with the request therein contained to forward a copy of the "Chinese Immigrants Act, 1881," which was passed with the view of regulating the immigration of subjects of China, who, although orderly and law-abiding, from their manners and customs were not considered the most desirable persons to be encouraged to settle in the Colony. This Act was reserved for, and received the assent of Her Majesty. A copy of the Gazette of the 27th April 1882, containing the regulations under the Act at page 630, is also forwarded.

The Premier has the honour to add that since the passing of the Act the Chinese in the Colony have remained practically stationary; but this has probably arisen from other causes than through its operation. There is now, however, a very strong feeling against any increase in their number, and much pressure is being put upon the Government to introduce into Parliament measures of a very stringent nature. The Premier, however, hopes this will be avoided if Her Majesty's Government takes the question in hand, and enters into a treaty with China restricting the introduction of Chinese labour into the Australian Colonies upon the basis of the treaty between the United States of America and China.

The Government has introduced into Parliament a Bill, which has been read a second time and will no doubt be passed, simply adding to the Act of 1881 further disabilities, such as are contained in the Act of the Victorian Parliament of 24th December 1881.

The chief reason for the strong feeling that has lately arisen against further Chinese immigration is the fear that the closing of the Australian and American ports may cause such an immediate and large influx of Chinese into New Zealand, who would otherwise have found their way into those countries.

(Signed) H. A. ATKINSON.

Premier's Office, Wellington,
16th May, 1888.

Enclosure 2 in No. 87.

The Chinese Immigrants Act, 1881 (*see* No. 21 of Appendix II.)

Enclosure 3 in No. 87.

EXTRACT FROM NEW ZEALAND GAZETTE, No. 42, 27th April 1882.

REGULATIONS under "The CHINESE IMMIGRANTS ACT, 1881."

ARTHUR GORDON, GOVERNOR.

ORDER IN COUNCIL.

At the Government House, at Wellington, this 21st day of April 1882.

Present:

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS by the fifteenth section of "The Chinese Immigrants Act, 1881," it is enacted that the Governor in Council may from time to time make such regulations as he shall deem necessary for giving effect to the said Act:

Now, therefore, his Excellency the Governor, by and with the consent of the Executive Council of the said Colony, and in exercise and pursuance of the powers and authorities vested in him by the said Act, doth hereby make the following regulations for giving effect to the said Act, that is to say—

1. The form of certificate to be given to each Chinese person under the seventh section of the said Act, on whose behalf the prescribed sum of 10*l.* has been paid under the fifth section thereof, shall be as follows:—

NEW ZEALAND.

No. .

Custom house [*place and date*], day of ., 18 .
This is to certify that [*name of Chinese*], born at ., whose apparent age
is ., and whose former place of residence was ., did arrive in this

Colony by the vessel _____, from _____, and that the master of the said vessel has paid to me the sum of 10% required by the fifth section of "The Chinese Immigrants Act, 1881," on behalf of the said _____.

£10 0 0

Collector of Customs.

2. The form of Certificate of exemption to be given to each Chinese person, under the thirteenth section of the said Act, shall be as follows, or to the like effect :—

[Name of Chinese], of _____, a Chinese resident in the Colony of New Zealand at the date when "The Chinese Immigrants Act, 1881," came into operation, did, within two months thereafter, apply to me for a certificate of exemption from payments under the said Act: This is, therefore, to certify that the said _____ is exempt from such payments. [Place and date.]

Resident Magistrate [or] Warden.

FOSTER GORING,
Clerk of the Executive Council.

Enclosure 4 in No. 87.

(Hon. Sir H. ATKINSON.)

CHINESE IMMIGRANTS ACT AMENDMENT.

ANALYSIS.

Title.	
1. Short title.	9. Provision against evading Act by transhipping Chinese into other vessels.
2. Interpretation.	10. Burden of proof to be on defendant.
3. Limitation in number of Chinese to be brought to Colony by vessel.	11. Prohibition against alien Chinese voting at elections of local authority.
4. Increase of penalty prescribed by sixth section of "The Chinese Immigrants Act, 1881."	12. Officers of local authority to cancel names of Chinese from voters' lists in certain cases. Procedure thereon. Revision Court to strike out names of alien Chinese.
5. Chinese not paying penalty may be imprisoned.	13. Interpretation.
6. Exemption of Chinese immigrants who are British subjects.	Schedule.
7. Exemption of certain Chinese officials.	
8. Exemption of crews of vessels who do not land in Colony.	

A BILL intituled an Act to amend "The Chinese Immigrants Act, 1881."

BE it enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—

1. The short title of this Act is "The Chinese Immigrants Act Amendment Act, 1888." Title
2. In this Act, "The Chinese Immigrants Act, 1881," is referred to as "the said Act." Short title.
3. The third section of the said Act is hereby repealed, and in lieu thereof it is enacted— Interpretation.

If any vessel shall arrive in any port or place in New Zealand having on board a greater number of Chinese passengers than in the proportion of one to every *one hundred* tons of the tonnage of such vessel, according to the registry thereof if British, and, if not, then according to the measurement prescribed by any Act for the time being in force regulating the measurement of British ships, the owner, charterer, or master of such vessel shall be liable on conviction to a penalty not exceeding *one hundred* pounds for each Chinese passenger so carried in excess. Limitation in number of Chinese to be brought to Colony by vessel.
4. The penalty prescribed by the sixth section of the said Act shall henceforth be *fifty* pounds in lieu of twenty pounds as therein provided. Increase of penalty prescribed by sixth section of "The Chinese Immigrants Act, 1881."

It shall also be an offence within the meaning of the said section, as amended by this Act, if the master of any vessel which shall have brought Chinese to the Colony shall permit or suffer any Chinese to escape from such vessel before the prescribed amount shall have been paid on behalf of such Chinese.

Chinese not paying penalty may be imprisoned.

5. If any Chinese who becomes liable to the penalty prescribed by the ninth section of the said Act shall make default in payment of such penalty, he shall be liable to imprisonment for twelve months unless such penalty be sooner paid, and may be apprehended and taken before any justice of the peace to be dealt with in due course of law.

Exemption of Chinese immigrants who are British subjects.

6. Notwithstanding anything in the said Act or this Act, any Chinese arriving in New Zealand who produces evidence to the satisfaction of the collector or other principal officer of Customs that he is a British subject, shall be wholly exempt from the operation of this Act, and a certificate of the Governor of any British Colony shall, on being verified to the satisfaction of such collector or other principal officer of Customs, be sufficient evidence of the claim of such Chinese to exemption under this section.

Exemption of certain Chinese officials.

7. The sum of *ten* pounds required to be paid by the said Act shall not be payable by or for any Chinese duly accredited to this Colony by the Government of China, or by or under the authority of the Imperial Government, on any special mission.

Exemption of crews of vessels who do not land in Colony.

8. The penalties and restrictions imposed by the said Act as amended by this Act shall not nor shall any of them be held to be applicable in the case of any Chinese being one of the crew of any vessel arriving in any port in New Zealand, and no such Chinese being one of such crew shall be discharged and landed from such vessel within the Colony, or shall at any time go on shore, except in the performance of his duties in connexion with such vessel, and every such Chinese so discharged and landed shall be liable to a penalty of *twenty* pounds.

Provision against evading Act by transshipping Chinese into other vessels.

9. Any vessel on board which Chinese shall be transhipped from another vessel and be brought to any port or place in this Colony shall be deemed to be a vessel bringing Chinese into the said Colony from parts beyond the said Colony, and shall be subject to all the requirements and provisions of the said Act and this Act, and all Chinese so transhipped and brought to such port or place shall be deemed to be Chinese arriving from parts beyond New Zealand.

Burden of proof to be on defendant.

10. For the purpose of any proceeding taken under any of the provisions of the said Act or this Act the burden shall lie on the defendant of proving that he is exempt from the operation of any of such provisions; and it shall not be necessary in any information, summons, or conviction, or other document to state or negative any exception in or exemption under the said Acts.

Prohibition against alien Chinese voting at elections of local authority.

11. No Chinese, notwithstanding that he holds a miner's right or other document now or hereafter in force relating to mining, or is a ratepayer, shall be entitled to vote at any election of a member of a local authority, unless such Chinese is a natural-born or naturalised subject of Her Majesty; and where the fact that a name appears on a valuation roll or rate roll is a qualification to vote at any such election the returning officer or deputy returning officer shall, in the case of a Chinese, reject any vote tendered or given by such Chinese unless evidence is then and there produced to the satisfaction of such returning officer or deputy returning officer that such Chinese is a natural-born or naturalised subject of Her Majesty.

Officers of local authority to cancel names of Chinese from voters' lists in certain cases.

12. The proper officer shall, when preparing the voters' list in respect of any local authority, omit therefrom the names of all Chinese who are not known to him to be natural-born or naturalised subjects of Her Majesty; and every such officer shall for such purpose decide upon his own belief or view or knowledge or judgment whether any such Chinese is or is not such an alien Chinese.

To each Chinese so omitted from such voters' list the proper officer shall send a notice in the form of the schedule hereto, or to the like effect.

Procedure hereon.

In any proceedings taken for the insertion of the name of such Chinese upon any voters' list of a local authority no costs shall be given against the proper officer by reason of such omission.

Revision court to strike out names of alien Chinese.

Every court for revising the voters' list of a local authority shall expunge therefrom the names of all Chinese against whom objections shall have been lodged, unless such Chinese prove to the satisfaction of the court that they are natural-born or naturalised subjects of Her Majesty.

Interpretation.

13. For the purposes of this Act, if not inconsistent with the context,—
 "Court" means any court or authority having the duty of revising the voters' list of a local authority as herein-after respectively defined:
 "Local authority" means and includes any borough council, county council, town board, road board, harbour board, or river board, and any licensing committee:

SUMATRA declared an INFECTED PLACE under "THE PUBLIC HEALTH ACT, 1876."

(L.S.)

ARTHUR GORDON, Governor.

A PROCLAMATION.

IN pursuance of section ninety-two of "The Public Health Act, 1876," I, Arthur Hamilton Gordon, the Governor of the Colony of New Zealand, do hereby proclaim and notify that the Island of Sumatra is infected with the disease called cholera, being an infectious or contagious disease highly dangerous to the health of the people.

Given under the hand of his Excellency the Honourable Arthur Hamilton Gordon, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Her Majesty's High Commissioner for the Western Pacific, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same; and issued under the Seal of the said Colony, at the Government House, at Wellington, this fifth day of June, in the year of our Lord one thousand eight hundred and eighty-two.

THOMAS DICK.

God save the Queen!

JAVA, MAURITIUS,* and ISLANDS of EASTERN ARCHIPELAGO declared INFECTED PLACES under "THE PUBLIC HEALTH ACT, 1876."

(L.S.)

WM. F. DRUMMOND JERVOIS, Governor.

A PROCLAMATION.

IN pursuance of section ninety-two of "The Public Health Act, 1876," I, William Francis Drummond Jervois, the Governor of the Colony of New Zealand, do hereby proclaim and notify that the island of Java and the islands of the Eastern Archipelago are infected with the disease called cholera, and that the Mauritius* is infected with the disease called small-pox, being infectious or contagious diseases highly dangerous to the health of the people.

Given under the hand of his Excellency Sir William Francis Drummond Jervois, Lieutenant-General in Her Majesty's Army, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same; and issued under the Seal of the said Colony, at the Government House, at Wellington, this seventh day of March, in the year of our Lord one thousand eight hundred and eighty-four.

THOMAS DICK.

God save the Queen!

APPENDIX I.

LEW TA JÊN to the EARL OF ROSEBERY.

MY LORD,

Chinese Legation, July 13, 1886.

I HAVE the honour to invite the attention of your Lordship to the exceptional position in which Chinese subjects residing in the province of British Columbia are placed by the enforcement of an Act passed by the Legislative Assembly of that province in 1884 entitled, "An Act to regulate the Chinese population of British Columbia."

The legality of the Act has not only already been questioned, but in the case of Bull v. Wing Chong, now in appeal to Her Majesty's Privy Council, it has been declared by the Supreme Court of British Columbia to be *ultra vires* the Legislative Assembly of that province.

* Mauritius since declared clean. See *New Zealand Gazette* of 18th September 1884, p. 1356.

Believing the Act to be at variance with the treaties, opposed to the law of nations, hostile to the benevolent spirit of British legislation, unjust in its operation, and highly prejudicial to the interests of Chinese subjects residing in those parts of Her Majesty's dominions, I confidently anticipate that the decision of the Supreme Court of British Columbia will be upheld; nevertheless, deeming the matter to be one of very great importance, I consider it my duty to bring it to the notice of Her Majesty's Government.

The Act, which is to be cited as "The Chinese Regulation Act of 1884," has for its preamble a series of charges such as was never perhaps before made in a public document against the people of a friendly nation.

Even if the Act contained no provisions inimical to the rights of Chinese subjects in the Colony, the preamble, constituting as it does a breach of international courtesy, would, in itself, afford a very sufficient reason for its being rescinded. The principle of avoiding the employment in official documents of any epithet which could wound the "amour propre" of either of the two nations has already been recognised. Art. LI. of the Treaty of Tientsin stipulates for the discontinuance, by the Chinese Government, of the use in official correspondence relating to British subjects of the Chinese character 夷, because of its being capable of receiving the offensive interpretation of "barbarian"; but even the word "barbarian," when taken in its most offensive signification, is less objectionable than the odious terms applied to all persons of the Chinese race in the preamble of the Chinese Regulation Act.

The preamble runs as follows:—

"Whereas the incoming of Chinese to British Columbia largely exceeds that of any other class of immigrant, and the population so introduced are fast becoming superior in number to our own race, are not disposed to be governed by our laws, are dissimilar in habits and occupation from our people, evade the payment of taxes justly due to the Government, are governed by pestilential habits, are useless in cases of emergency, habitually desecrate graveyards by the removal of bodies therefrom, and generally the laws governing the whites are found to be inapplicable to the Chinese, and such Chinese are inclined to habits subversive of the comfort and well-being of the community."

"And whereas it is expedient to pass special laws for the government of Chinese.

"Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:"

Here we have a whole race accused of a series of the gravest and most revolting charges that could possibly be brought against the people of any country, and made against them in the name of Her Majesty the Queen. The Imperial Government cannot but think that the language of the Act has escaped the attention of Her Majesty's Government.

Mr. Justice Crease, the judge from whose decision the appeal in the case of *Bull v. Wing Chong* is made, commenting on the preamble of the Act, said "it looks like a bill of indictment as against a race not suited to live among a civilised nation." In the name of my Government I protest against its being employed to Chinese subjects residing in British Columbia, and to their being made the subject of the discriminative legislation for which these charges are the pretext. If Chinese subjects, emigrating to Her Majesty's Colonies, as they are entitled to do by Art. V. of the Peking Convention of 1860, should break the laws applying to Her Majesty's subjects, or to other foreigners residing in the country, they may be punished for doing so; punished by the laws to which the other inhabitants of the Colony are amenable, but, in the absence of any treaty stipulations to that effect, it would be contrary to international usage to make them the subject of an invidious legislation, or to impose on them burthens from which the inhabitants of the country, and more especially other foreigners, following the same vocations are exempt. Yet this is just what the Regulation of 1884 does. Articles 3, 4, and 5 of the Regulations impose on every Chinaman above the age of 14 years inhabiting the country the obligation of paying to the Government the sum of 10 dollars per annum, and of furnishing himself with evidence of having done so on pain of being subjected to a penalty of 40 dollars. Art. 14 imposes on Chinese subjects wishing to engage in mining operations the necessity of taking out a "free miner's certificate" at a cost of 15 dollars per annum. Foreigners of whatever other race or nationality than Chinese may reside in the country without paying the first of these imposts and engage in mining operations on paying only five dollars.

The Imperial Government cannot understand the reason of these distinctions, so prejudicial to Chinese interests, and so little calculated to promote the object which the two Governments have so much at heart—the creation of a more cordial feeling between

the people of England and China. Is it intended by them to punish persons of the Chinese race for the offences imputed to them in the preamble of the Act, or are these taxes imposed on Chinamen as a remedy for the evils which their presence is said to originate? If as a punishment, they ought surely to be tried before they are condemned, and if as a remedial measure, it is difficult to understand how they are to operate.

It is therefore only allowable to consider it as a fiscal measure, but here it is open to the objection that from an international point of view the application to Chinese subjects who, on the faith of the treaties between China and Great Britain, have repaired to Her Majesty's colonial possession, of a system of taxation other than that which is applied to the people of the country, and the subjects of other powers residing there, would be invidious and offensive, and contrary to established usage. It is a well recognised principle of international law that whilst a prince, in the absence of any treaty obligation to the contrary, may refuse domicile to the citizens of other nationalities, yet, when he does permit them to enter his dominions, he tacitly engages to treat them as the other inhabitants of the country. To do otherwise would be to refuse to grant to one what is fully accorded to all, thus making an invidious distinction, inimical to the State to which they belong and injurious to commerce. But it is not only to the fiscal burthens imposed on Chinese subjects, as such, by the Act that I take exception. The police regulations applied to Chinese subjects are still more grievous. The Act renders a Chinaman, the moment he attains the age of 14, no matter how exemplary may have been his conduct, liable to be treated as a suspect and worse than a ticket-of-leave man. He is to be stopped on the highway and made to show his certificate, or, as the Act calls it, his license. If he applies for employment, or asks for shelter for the night, he has again to produce his certificate; and as, by Articles 10 and 13, the onus of correctly judging whether the license has been lawfully acquired is thrown on the employer of a Chinese and the person who gives him lodging, their effect is to make the Chinese applicant an outcast whom no man may employ or shelter without making himself liable to be fined, and, in the event of nonpayment of the fine, to distress of his goods and chattels, to imprisonment even, with liability to be made to labour on the public works; and this extraordinary rigour of treatment is to be applied not because the Chinaman is a malefactor, but simply and purely because he is a Chinaman, a subject of a friendly nation to whom the British Government have undertaken to give residence and protection in Her Majesty's colonial possessions. Art. I. of the Treaty of Nankin confers on Chinese subjects "full security and protection for their persons and property" throughout the whole extent of the British dominions; and Art. V. of the Peking Convention of 1860 provides that Chinese subjects "who may wish to take service in British colonies" or "to enter into engagements with British subjects for that purpose" may do so without either leave or license.

I shall not further pursue the demonstration of the very exceptional character of the Act of the Legislative Assembly of British Columbia, the Imperial Government considering that it is only necessary to bring it to the notice of Her Majesty's Government to have it disallowed. They cannot believe that an Act whose provisions are so opposed to international usage, so incompatible with treaty obligations, so repugnant to the generous spirit of British legislation, which has always been to remove and not to create disabilities of race and creed, that an Act which offends the just susceptibilities of a friendly nation, and imposes grievous hardships on its subjects, will find favour in the eyes of Her Majesty's Government.

British subjects residing in China are not called upon to contribute anything to the imperial taxation of the country, and in this respect they are placed in a more advantageous position than the native population. For Chinese subjects residing in Her Majesty's dominions no such exemption is claimed. All that is demanded for them is that they shall not be made the subject of an exceptional treatment and be called upon to bear burthens from which the inhabitants of the country, and more especially other foreigners, are exempt.

The Earl of Rosebery.

I have, &c.,
(Signed) LEW.

APPENDIX II.

ACTS RELATING TO CHINESE IMMIGRATION INTO BRITISH COLONIES.

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19	Tasmania - -	Nov. 7, 1887	The Chinese Immigration Act, 1887	82
20	Western Australia -	July 28, 1886	An Act to regulate and restrict Chinese Immigration.	84
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No. 1.

CANADA.

48-49 VICTORIA.

Chapter 71.

An Act to restrict and regulate Chinese Immigration into Canada. [*Assented to 20th July, 1885.*]

- Preamble.** WHEREAS it is expedient to make provision for restricting the number of Chinese immigrants coming into the Dominion, and to regulate such immigration; and whereas it is further expedient to provide a system of registration and control over Chinese immigrants residing in Canada: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—
- Interpretation.** 1. In this Act, unless the context otherwise requires,—
- Master.** The expression “master” means any person in command of any vessel;
- Vessel.** The expression “vessel” means any sea-going craft of any kind or description capable of carrying passengers;
- Tonnage.** The expression “tonnage” means tonnage according to the measurement fixed by the Merchants’ Shipping Acts of the Imperial Parliament;
- Chinese immigrant.** The expression “Chinese immigrant” means any person of Chinese origin entering Canada and not entitled to the privilege of exemption provided for by section four of this Act;
- Controller.** The expression “controller” means any officer charged with the duty of carrying the provisions of this Act into effect.
- Powers of Governor in Council.** 2. The Governor in Council may,—
- Appointments.** Appoint one or more persons to carry the provisions of this Act into effect;
- Present officers.** Assign any duty in connection therewith to any officer or person in the employ of the Government of the Dominion of Canada;
- Duties.** Define and prescribe the duty or duties of such officer or person;
- Remuneration.** Fix the salary or remuneration to be allowed to such officer or person.
- Publication of appointments.** 3. All appointments made under this Act shall be published in the *Canada Gazette*.
- Duty payable by Chinese immigrants.** 4. Subject to the provisions of section thirteen of this Act every person of Chinese origin shall pay into the Consolidated Revenue Fund of Canada, on entering Canada, at the port or other place of entry, the sum of fifty dollars, except the following persons, who shall be exempt from such payment, that is to say, first: the members of the Diplomatic Corps, or other Government representatives and their suite and their servants, consuls and consular agents; and second: tourists, merchants, men of science and students, who are bearers of certificates of identity, specifying their occupation and their object in coming into Canada, or other similar documents issued by the Chinese Government or other Government whose subjects they are; and every such certificate or other document shall be in the English or French language, and shall be examined and indorsed (*visé*) by a British Consul or Chargé d’Affaires or other accredited representative of Her Majesty, at the place where the same is granted, or at the port or place of departure: but nothing in this Act shall be construed as embracing within the meaning of the word “merchant,” any huckster, pedler, or person engaged in taking, drying or otherwise preserving shell or other fish for home consumption or exportation.
- Exceptions.**
- Certificate proving exemption.**
- Term “merchant” limited.**
- Number of Chinese immigrants in any vessel.** 5. No vessel carrying Chinese immigrants to any port in Canada shall carry more than one such immigrant for every fifty tons of its tonnage; and the owner of any such vessel who carries any number in excess of the number allowed by this section shall be liable to a penalty of fifty dollars for each person so carried in excess.
- Liability and duty of masters of vessels for contravention.** 6. Every master of any vessel bringing Chinese immigrants to any port in Canada shall be personally liable to Her Majesty for the payment of the fee imposed by section four of this Act in respect of any immigrant carried by such vessel, and shall deliver, together with the total amount of such fee, to the controller, immediately on his arrival in port and before any of his passengers or crew shall have disembarked, a complete and accurate list of his crew and passengers, showing their names in full, the country and place of their birth, and the occupation and last place of domicile of each passenger.

7. Every master of any vessel who lands or allows to be landed off or from any vessel any Chinese immigrant before the duty payable under the provisions of this Act has been duly paid, or who wilfully makes any false statement respecting the number of persons on board his vessel, shall in addition to the amount of the fee mentioned in the next preceding section, be liable to a penalty of not less than five hundred dollars, nor more than one thousand dollars for every such offence, and in default of payment to imprisonment for a term not exceeding twelve months, and such vessel shall be forfeited to Her Majesty, and shall be seized by any officer charged with the duty of carrying this Act into effect and dealt with accordingly.

Penalty for landing any Chinese before duty is paid, &c.

Forfeiture vessel.

8. No master of any vessel carrying Chinese immigrants shall land any passenger or permit any passenger to land from such vessel, until a permit to do so, stating that the provisions of this Act have been complied with, has been granted to the master of such vessel by the controller, under a penalty of one hundred dollars.

No passenger to land until permit is obtained.

Penalty.

9. No controller at any port shall grant a permit allowing Chinese immigrants to land, until the quarantine officer has granted a bill of health and has certified, after due examination, that no leprosy or infectious or contagious disease exists among them on board such vessel; and no permit to land shall be granted to any Chinese immigrant who is suffering from leprosy or from any infectious or contagious disease, or to any Chinese woman who is known to be a prostitute.

Bill of health to be obtained.

No permit in certain cases.

10. The controller shall deliver to each Chinese immigrant who has been permitted to land, and in respect of whom the duty has been paid as hereinbefore provided, a certificate containing a description of such individual, the date of his arrival, the name of the port of his landing, and an acknowledgment that the duty has been duly paid; and such certificate shall be *prima facie* evidence of the right of the person presenting the same to enter the Dominion of Canada; but the same may be contested by the Government of Canada, or by any officer charged with the duty of carrying this Act into effect, if there is reason to doubt the validity or authenticity of such certificate, or of any statement therein contained; and such contestation shall be heard and determined in a summary manner by and before any judge of a Superior Court of any Province of Canada where such certificate is produced.

Certificate to be delivered to immigrant permitted to land.

Its effect, but may be contested.

How decided.

11. The controller shall keep a register of all persons to whom certificates of entry have been granted.

Register of certificates.

12. Every Chinese immigrant subject to pay the duty imposed by section four of this Act who enters Canada otherwise than by disembarking from any vessel, shall forthwith make declaration of his entry to the controller, or, in the absence of such officer, to the Customs officer of the nearest or most convenient place, and shall forthwith pay to such controller or officer the duty of fifty dollars imposed by this Act, and the controller or officer shall grant a certificate of such entry and payment, in conformity with the provisions of section ten of this Act; and if the declaration is made to a Customs officer he shall report the fact to the controller at the principal seaport of the Province into which such Chinese immigrant has come, and the controller shall record the same in the register of certificates of entry kept by him.

As to immigrants arriving otherwise than by vessel.

Report to controller in such case.

13. The entrance fee or duty payable under this Act shall not apply to any Chinese person residing or being within Canada at the time of the coming into force of this Act, but every such Chinese person who desires to remain in Canada may obtain, within twelve months after the passing of this Act, and upon the payment of a fee of fifty cents, a certificate of such residence from the controller, or from a judge of a Superior Court, a justice of the peace, a police magistrate, a stipendiary magistrate, a recorder, or from the mayor or secretary-treasurer of the municipality in which he resides, or from any officer charged with the duty of carrying this Act into effect; and the person granting such certificate shall report the fact to the controller at the principal seaport of the Province in which such Chinese person resides.

Duty not to be levied on Chinese now resident.

Certificate in such case.

14. Every Chinese person who wishes to leave Canada, with the intention of returning thereto, shall give notice of such intention to the controller at the port or place whence he proposes to sail or depart, and shall surrender to the said officer his certificate of entry or of residence, and shall receive in lieu thereof, on payment of a fee of one dollar, a certificate of leave to depart and return; and the person to whom such certificate is granted shall be entitled, on presentation of the same on his return, to receive from the controller the amount of the entrance fee paid by him on such return and to have his original certificate of entry or residence returned to him:

Certificate to Chinese leaving Canada and intending to return.

Effect of such certificate.

- Provision if certificate is lost. 2. In case of the loss of such return certificate, and on proof of such loss to the satisfaction of the controller, the person to whom such certificate was granted, and who has paid the entrance fee imposed by section four of this Act a second time, shall be entitled to have his second entrance fee returned to him together with his first certificate of entry or residence.
- Statement for Provincial Secretary by controller. 15. The controller shall, on the first day of January in each year, send to the Provincial Secretary of the Province wherein certificates of entry have been granted a certified list of all Chinese immigrants to whom such certificates have been granted during the year next preceding.
- Penalty on Chinese for evading this Act. And for aiding in evasion. 16. Every Chinese person who wilfully evades or attempts to evade any of the provisions of this Act as respects the payment of duty, by personating any other individual, or who wilfully makes use of any forged or fraudulent certificate to evade the provisions of this Act, and every person who wilfully aids or abets any such Chinese person in any evasion or attempt at evasion of any of the provisions of this Act, is guilty of a misdemeanor, and liable to imprisonment for a term not exceeding twelve months, or to a penalty not exceeding five hundred dollars, or to both.
- Penalty for taking part in organizing unlawful court, as to offences by Chinese. Proviso. 17. Every person who takes part in the organization of any sort of court or tribunal, composed of Chinese persons, for the hearing and determination of any offence committed by a Chinese person, or in carrying on any such organization, or who takes part in any of its proceedings, or who gives evidence before any such court or tribunal, or assists in carrying into effect any decision or decree or order of any such court or tribunal, is guilty of a misdemeanor, and liable to imprisonment for any term not exceeding twelve months, or to a penalty not exceeding five hundred dollars, or to both: but nothing in this section shall be construed to prevent Chinese immigrants from submitting any differences or disputes to arbitration, provided such submission be not contrary to the laws in force in the Province in which such submission is made.
- Penalty for molesting officers. 18. Every person who molests, persecutes, or hinders any officer or person appointed to carry the provisions of this Act into effect is guilty of a misdemeanor, and liable to imprisonment for a term not exceeding twelve months, or to a fine not exceeding five hundred dollars, or to both.
- Penalty for other contraventions. 19. Every person who contravenes any provision of this Act, for which no special punishment is herein provided, is guilty of a misdemeanor, and liable to a penalty not exceeding five hundred dollars, or imprisonment for a term not exceeding twelve months, or to both, in the discretion of the court before which the conviction is had.
- Application of dues, penalties, &c. 20. All dues, pecuniary penalties, and other sources of revenue under this Act shall be paid into and form part of the Consolidated Revenue Fund of Canada; but one-fourth part of all entry dues paid by Chinese immigrants shall, at the end of every fiscal year, be paid out of such fund to the Province wherein the same were collected.
- Chinese interpreter. 21. The Governor in Council may engage and pay an interpreter, skilled in the English and Chinese languages, at a salary of not more than three thousand dollars per annum, to reside in the Province of British Columbia, and may assign to him such duties as he deems meet.
- Before whom suits may be brought. 22. All suits or actions for the recovery of dues under this Act and all prosecutions for offences under this Act which are not herein declared to be misdemeanors, shall be tried before one or more justices of the peace, or before the recorder, police magistrate, or stipendiary magistrate having jurisdiction where such dues are exigible or where the offence was committed.
- When the provisions of this Act shall come into force. 23. This Act, as respects any vessel sailing from a port in the continent of North America, shall come into force one month after the passing thereof, and as respects other vessels and other matters, the same shall come into force on the first day of January one thousand eight hundred and eighty-six, except that certificates under section thirteen may be granted, in accordance with the terms of the said section, and that controllers may be appointed at any time after the passing hereof.
- Short title. 24. This Act may be cited as "*The Chinese Immigration Act, 1885.*"

No. 2.

CANADA.

50-51 VICTORIA.

Chapter 35.

An Act to amend "The Chinese Immigration Act." [Assented to 23rd June, 1887.]

WHEREAS it is expedient to amend "The Chinese Immigration Act": Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. No duty shall be payable under "The Chinese Immigration Act," in respect of any woman of Chinese origin who is the wife of a person who is not of Chinese origin; but, for the purposes of the said Act, such woman shall be deemed to be of the same nationality as her husband.

Preamble.
R.S.C., c. 67.
Exemption from duty in a certain case.

2. Persons of Chinese origin may pass through Canada by railway, *in transitu*, from one port or place out of Canada to another port or place out of Canada, without payment of the entry dues provided for under section eight of "The Chinese Immigration Act," provided that such passage is made in accordance with, and under such regulations, as are made by the Minister of Customs for such purpose; and any railway company which undertakes to transport any such persons through Canada, and fails to comply with such regulations, or to take such persons out of Canada at the designated port of exit and within the time specified in the undertaking shall, in addition to the entry dues payable under the said section eight of the Act hereinbefore cited, be liable to the penalty or forfeiture provided by law for non-compliance with Customs bonding regulations.

Conditions as to passage through Canada.

Penalty for failure to fulfil conditions.

3. Section fifteen of "The Chinese Immigration Act" is hereby repealed and the following substituted therefor:—

Section 15, repealed; new section.

"15. All duties, pecuniary penalties, and revenue from other sources under this Act shall be paid into and form part of the Consolidated Revenue fund of Canada; but one-fourth part of the net proceeds of all entry dues paid by Chinese immigrants shall, at the end of every fiscal year, be paid out of such fund to the Province wherein the same were collected."

Application of duties, &c.

4. Section twenty of "The Chinese Immigration Act" is hereby amended by striking out therefrom the words "or to both."

Section 20 amended.

No. 3.

BRITISH COLUMBIA.

Chapter 35.

An Act to provide for the better collection of Provincial Taxes from Chinese.
[2nd September 1878.]

WHEREAS Acts are in force in the Province providing for the collection of taxes on real and personal property, on income, on unoccupied land, and also for the collection of a separate tax for the maintenance of the school system.

Preamble.

And whereas large numbers of Chinese evade the payment of such taxes by reason of the provisions of the said Acts not being applicable for the collection of taxes from Chinese:

And whereas it is advisable, in order that all should contribute to the general revenue, that a more simple method should be adopted for the collection of taxes from Chinese:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. The provisions of the "Assessment Act, 1876," and of the "School Tax Act, 1876," shall not apply to Chinese, but in lieu thereof the following provisions shall be substituted.

Certain Tax Acts not to apply to Chinese.

2. Every Chinese person over twelve years of age shall take out a licence every three months, for which he shall pay the sum of ten dollars, in advance, unto and to the use of Her Majesty, Her heirs and successors, and such licence may be in the form A. in the Schedule hereto.

Every Chinese person over 12 years of age to take out a licence every three months.

3. The Lieutenant-Governor in Council shall from time to time appoint persons to act, during pleasure, as collectors under the provisions of this Act, or any portion thereof, and

Lieutenant-Governor in Council to

appoint collectors.

may require from such person such security as he may think fit, and may allow the collector such percentage upon the amount of his collections as may seem reasonable and just upon the gross amount collected in any one year, and the Lieutenant-Governor in Council may further allow such additional sum, by way of expenses, as may be necessary and reasonable for the purpose of carrying out the provisions of this Act.

Duties of collectors.

4. Every collector shall collect the tax from each person liable to pay the same, and shall, as soon afterwards as may be, pay over the amount to the officer in charge of the Treasury, or to such other person as the Lieutenant-Governor in Council may direct.

Employers of Chinese labour to furnish lists of employes to collector.

5. Every merchant, farmer, trader, or employer of Chinese labour shall furnish to the collector, when requested by him so to do, from time to time, a list of all Chinamen in his employ or indirectly employed by him, liable to pay the said tax; but no such statement shall bind the collector, nor shall excuse him from making due inquiry to ascertain its correctness.

Penalty for failure to furnish list, and for making false statement in list.

6. In case any person fails to deliver to the collector the list mentioned in the preceding section, when required so to do, or knowingly states anything falsely therein, such person shall, on complaint of the collector and upon conviction before a justice of the peace having jurisdiction within the district wherein the merchant, farmer, trader, or employer carries on his business, forfeit and pay a fine not exceeding one hundred dollars for every Chinese person in his employ, to be recovered by distress of the goods and chattels of the person failing to pay the same, or in lieu thereof shall be liable to imprisonment for a period not less than one month and not exceeding two calendar months.

Licence how levied by collector.

7. The collector may, by himself or by his agent, levy the amount of the quarterly licence from any Chinese person not being in lawful possession of a licence, with costs, by distress of the goods and chattels of the person who ought to pay the same, or of any goods and chattels in his possession, wherever the same may be found, or of any goods or chattels found on the premises, the property of or in the possession of any other occupant of the premises; and the costs chargeable shall not exceed those usually payable under warrant of distress for rent.

It shall be sufficient authority for the collector to levy as aforesaid on the non-production of the quarterly receipt; proof of the lawful possession of such receipt shall lie on the person whose goods are distrained.

Chinese persons not in possession of lawfully issued licence to be subject to certain penalties.

8. Any Chinese person who shall not have in his possession a licence lawfully issued to him, and any person who shall employ any Chinese person who has not in his possession a licence lawfully issued to him, shall, on conviction thereof, forfeit and pay a sum not exceeding one hundred dollars, and in default of immediate payment the amount of such penalty shall be levied by distress and sale of the goods and chattels of the persons contravening the provisions of this Act, or if sufficient distress be not found, shall be liable to be imprisoned, with or without hard labour, for any period not exceeding two months and not less than one month.

What averment of such licence being lawfully issued shall suffice.

9. In any prosecution for the infraction of any of the provisions of this Act the averment in the information that any person named therein had not in his possession, at the time of the alleged infraction, a licence lawfully issued to him, shall be sufficient proof that such person had not such licence unless the defendant shall prove the contrary.

Who to hear and determine information for infraction of provisions of this Act.

10. Any information for any infraction of the provisions of this Act, may be heard and determined by any mayor, warden, or any justice of the peace, and the same may be heard and determined in a summary manner at any locality where the accused shall be found.

Employer of a Chinese person to demand his quarterly licence.

11. Every employer of a Chinese person shall demand from every such person in his employ his quarterly licence, and shall retain the same in his possession during the time such person is in his employ, and shall return the same to him when he leaves his service; and every employer as aforesaid shall produce to the collector, whenever required so to do, such licence for his inspection.

Chinese persons refusing, neglecting, or being unable to take out licences to be liable to perform labour on public-roads and works in lieu thereof.

12. Every Chinese person who neglects, refuses, or is unable to take out the said quarterly licence, shall be liable, at the instance of the collector, to perform labour on public roads and works in lieu thereof. The cost of food, five per cent. of the wages of the overseer hereinafter mentioned, and five per cent. on the amount of the quarterly licence for cost of wear and tear of tools, shall be added to the quarterly sum of ten dollars, and shall be deemed to be payable by every Chinese person performing such labour in addition to the amount of his quarterly licence. A day's labour duly performed shall be equivalent to 50 cents, and each Chinese person shall perform the work required of him continuously until

an amount of work equivalent to the whole sum due by him has been performed. On the completion of such amount of work as aforesaid, the overseer shall give to each Chinese person performing the same a licence for the quarter, calculated from the time such Chinese person commenced to work, and such licence may be in the form B. in the schedule hereto.

13. Every Chinese person performing such labour as aforesaid, shall be at the place appointed by the overseer at 7 o'clock in the morning to begin his labour, and shall labour from the said hour of 7 a.m. until 6 o'clock in the evening, doing such work as shall be directed by the overseer or his agent, in a proper and workmanlike manner. One hour shall be allowed at mid-day for food. Hours of labour.

14. If any Chinese person liable to perform the labour aforesaid, shall fail, refuse, or neglect to perform the said labour at the time and place appointed, or if, when present, shall decline, neglect, or refuse to labour in a proper and workmanlike manner, or to do such work as he is directed by the overseer, he shall be liable for each day's default or neglect to perform two days' labour instead of one, or in default thereof may be imprisoned, with hard labour for any term not exceeding six months, on conviction in a summary way before a justice of the peace; and if any person shall obstruct or cause to be obstructed others in the performance of their duties, or shall do anything calculated to obstruct the due performance of the labour shall, on conviction thereof in a summary way before a justice of the peace, be imprisoned with hard labour for a period not exceeding six months. The overseer is hereby empowered and required to prosecute in such cases. Penalty for refusing to perform labour.

15. It shall be lawful for the Lieutenant-Governor in Council to appoint such persons from time to time, as he may think fit, to be overseers under this Act, with such remuneration as he shall think fit, and also to prescribe the duties of such overseers. Lieutenant-Governor in Council to appoint overseers.

16. The toll collector at Yale and at Telegraph Creek, Cassiar, shall before allowing any Chinese person to pass through either toll gate, demand from such person the production of his licence, and until the same is produced, such person shall not be allowed to proceed through the toll gate. Chinese persons passing through certain toll-gates to produce licenses.

17. The provisions of this Act shall not apply to Chinese actually employed in the canneries of this Province until the 1st day of November, A.D. 1878. Act not to apply to certain persons until 1st November 1878.

The provisions contained in sections 8, 11, 12, 13 and 14, shall not be enforceable or have any effect until after the expiration of one month from the passage of this Act. Certain sections not to apply for one month after passing of Act.

19. This Act may be cited as the "Chinese Tax Act, 1878." Short title.

SCHEDULE.

FORM A.

"Chinese Tax Act, 1878."

No. District of Date, 18
 Received of, ten dollars, being three months licence from the day of
 , to the day of, 18
 _____,
 Collector.

FORM B.

"Chinese Tax Act, 1878."

No.

This is to certify that has performed statute labour under the provisions of the above Act, and this certificate is equivalent to a licence for three months ending the day of, 18

 Overseer.

No. 4.

BRITISH COLUMBIA.

Chapter 2.

An Act to prevent Chinese from acquiring Crown Lands. [18th February 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Chinese not to record or acquire Crown lands.

1. It shall not be lawful for a Commissioner, as defined by the "Land Act, 1884," or any other person, to issue a pre-emption record of any Crown land, or sell any portion thereof, to any Chinese, nor grant authority under the said Act to any Chinese to record or divert any water from the natural channel of any stream, lake, or river in this Province.

Such record or grant to be void.

2. Any record or grant made contrary to the provisions of this Act shall be void and of no effect.

Meaning of "Chinese."

3. The term Chinese in this Act shall mean any native of the Chinese Empire or its dependencies, and shall include any person of the Chinese race.

No. 5.

BRITISH COLUMBIA.

Chapter 3.

An Act to prevent the Immigration of Chinese. [18th February, 1884.]

Preamble.

WHEREAS by the "British North America Act, 1867," section 95, it is enacted as follows:—

"In each Province the Legislature may make laws in relation to agriculture in the Province and to immigration into the Province, and it is hereby declared that the Parliament of Canada may from time to time make laws in relation to agriculture in all or any of the Provinces, and to immigration into any or all of the Provinces; and any law of the Legislature of a Province relative to agriculture or to immigration shall have effect in and for the Province as long and as far only as it is not repugnant to any Act of the Parliament of Canada":

And whereas it is expedient to prevent the immigration of Chinese into British Columbia:

And whereas the provisions hereinafter contained are not repugnant to any Act of the Parliament of Canada:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Interpretation of "Chinese."

1. The word "Chinese" in this Act shall mean and include any native of China or its dependencies, or of any islands in the Chinese seas, not born of British parents, or any person born of Chinese parents.

Chinese immigration prohibited.

Imposes penalty of \$50 on every Chinese coming into the Province.

Recovery of penalty.

Chinese immigrants may be arrested without warrant.

Imposes penalty on persons who assist in bringing Chinese into the Province.

2. It shall be unlawful for any Chinese to come into the Province of British Columbia, or any part thereof. Any Chinese who hereafter shall come into British Columbia, shall forfeit and pay the sum of fifty dollars, to be recovered in a summary way before any justice of the peace, and in default of payment shall suffer imprisonment, with hard labour, for any period not exceeding six months. The Chinese convicted shall remain liable to the payment of the said sum of fifty dollars, until he shall have paid the same, notwithstanding he may undergo such imprisonment; and so long as such sum remains unpaid, any collector of provincial revenue tax, or any constable may, without warrant, levy such sum by distress and sale of the goods and chattels of the Chinese convicted. Any Chinese who shall come into British Columbia may be arrested, without warrant, by any constable, and brought before any justice of the peace, to be dealt with according to law.

3. Any person who shall bring, or assist in bringing, into British Columbia, any Chinese, or who shall assist in any way any Chinese in coming into British Columbia, shall forfeit and pay, in respect of each such Chinese, the sum of two hundred dollars, to be recovered in a summary way before any justice of the peace, and in default of payment shall be liable to be imprisoned for any period not exceeding six months.

Arrest of persons bringing, &c. Chinese into the Province.

4. Any person who shall be found violating the provisions of the next preceding section, may be arrested, without warrant, by any constable, and brought before any justice of the peace to be dealt with according to this Act.

5. Nothing in this Act shall apply to any Chinese actually employed as seaman, cook, steward, or waiter upon any vessel wherein the number of Chinese so employed shall not exceed twenty.

Act not to apply to Chinese employed on vessels, &c.

6. It shall be lawful for the Provincial Secretary, or any person authorized by him, upon the application of any Chinese, and upon being satisfied that such Chinese was, at the time of the passing of this Act, a bonâ fide resident of the Province, and that he desires to be absent therefrom for a temporary purpose only, to grant to such Chinese a certificate that he is exempt from the provisions of this Act for a term to be specified in such certificate, and during the time so specified the holder of such certificate shall be exempt from the provisions of this Act: Provided that, before such certificate shall be granted, the Chinese shall have his photograph taken, at his own expense, by some photographer nominated by the officer granting the certificate, and a copy of the photograph shall be retained and marked with a number corresponding with the number of the certificate. Each certificate shall be numbered and shall state the name, age, and general description and appearance of the applicant.

Chinese residents wishing to leave the province may obtain certificate exempting them from the provisions of this Act.

7. At the hearing of any prosecution under this Act, the justice may decide, upon his own view and judgment, whether any person charged or produced before him is a Chinese within the meaning of this Act.

The justice may decide on his own view whether person produced is a Chinese.

8. This Act shall come into force from and after the 31st day of March 1884.

Operation of Act postponed.

No. 6.

BRITISH COLUMBIA.

Chapter 4.

An Act to regulate the Chinese population of British Columbia. [18th February, 1884.]

WHEREAS the incoming of Chinese to British Columbia largely exceeds that of any other class of immigrant, and the population so introduced are fast becoming superior in number to our own race; are not disposed to be governed by our laws; are dissimilar in habits and occupation from our people; evade the payment of taxes justly due to the Government; are governed by pestilential habits; are useless in instances of emergency; habitually desecrate graveyards by the removal of bodies therefrom; and generally the laws governing the whites are found to be inapplicable to Chinese, and such Chinese are inclined to habits subversive of the comfort and well-being of the community:

Preamble.

And whereas it is expedient to pass special laws for the Government of Chinese:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act shall be cited as the “Chinese Regulation Act, 1884.”

Short title.

2. The term “Chinese” wherever used in this Act shall mean any native of the Chinese Empire or its dependencies not born of British parents, and shall include any person of the Chinese race.

Meaning of “Chinese.”

3. From and after the passage of this Act there shall be payable and paid by every Chinese in British Columbia, above the age of fourteen years, unto and for the use of Her Majesty, Her heirs and successors, the sum of ten dollars, and thereafter on the 1st day of June in each and every year there shall be likewise payable and paid by such Chinese person a further sum of ten dollars.

Imposes annual tax of \$10 on every Chinese.

4. The Lieutenant-Governor in Council shall immediately upon the passage of this Act, and from time to time thereafter as occasion may require, appoint in each electoral district one or more person or persons to be called Chinese collectors, to collect and receive such payments from Chinese, and such collector or collectors immediately upon such payment shall issue and deliver to the person paying the same a licence in the form contained in the schedule hereto, and the Lieutenant-Governor in Council may require from the collectors so to be appointed such security as he may see fit and may allow them such percentage upon the amount of collections as may seem reasonable and just, and the Lieutenant-Governor in Council may further allow such additional sum by way of expenses as may be necessary and reasonable for the purpose of carrying out the provisions of this Act.

Appointment of Chinese collectors.

5. Any Chinese who shall be found within the Province not having in his possession a licence issued under the provisions of this Act, lawfully issued to him, shall on conviction thereof forfeit and pay a sum not exceeding forty dollars.

Penalty for not having a licence.

Penalty on collector, &c. for disobeying the provisions of this Act.

6. Any collector or Government servant wilfully disobeying any of the provisions of this Act shall forfeit and pay a sum not exceeding one hundred dollars.

Taxes collected to be paid into the Treasury.

7. Every collector shall collect the tax from each Chinese, and shall as soon afterwards as may be pay over the amount to the officer in charge of the Treasury, or to such other person as the Lieutenant-Governor in Council may from time to time direct.

List of Chinese employés to be furnished.

8. Every employer of Chinese shall furnish to the collector, when requested by him so to do, from time to time, a list of all Chinese in his employ, or indirectly employed by him; but no such statement shall bind the collector, nor shall excuse him from making due inquiry to ascertain its correctness.

Penalty for not furnishing such list or for making false statements.

9. In case any employer of Chinese fails to deliver to the collector the list mentioned in the preceding section, when required so to do, or knowingly states anything falsely therein, such employer shall, on complaint of the collector and upon conviction before a justice of the peace having jurisdiction within the district wherein such employer carries on his business, forfeit and pay a fine not exceeding one hundred dollars for every Chinese in his employ, to be recovered by distress of the goods and chattels of such employer failing to pay the same, or in lieu thereof shall be liable to imprisonment for a period not less than one month and not exceeding two calendar months.

Collector may distrain for the amount of the licence, with costs.

Of what goods the distress may be had.

10. The collector may, by himself or his agent, levy the amount of the licence from any Chinese not being in lawful possession of a licence, with costs, by distress of his goods and chattels, or of any goods and chattels which may be in the possession of the delinquent, or which may be upon or in any premises (whether the goods of the delinquent or not) for the time being in the possession or occupation of such delinquent Chinese, and for the purposes of this section premises shall be deemed to be in the possession or occupation of any Chinese when it can be shown to the satisfaction of the tribunal having cognizance of the matter—

- (a.) That such Chinese habitually frequents such premises with the assent of the owner.
- (b.) That he is the owner or one of the owners of the premises, or has control either alone or jointly with another or others of such premises or some part thereof.
- (c.) That he has passed the night or slept upon such premises at any time within a week of the levy.

It shall be sufficient authority for the collector to levy as aforesaid on the non-production of the licence. Proof of the lawful possession of such receipt shall lie on the person whose goods are distrained.

Licence to be demanded by employer and retained during the service.

11. Every employer of Chinese shall demand from every such Chinese in his employ his licence, and shall retain the same in his possession during the time such Chinese is in his employ, and shall return the same to him when he leaves his service; and every employer as aforesaid shall produce to the collector, whenever required so to do, such licence for his inspection.

Toll collectors not to allow Chinese to pass unless licence produced.

12. The toll collector at any and every toll gate which may exist in the Province from time to time, shall, before allowing any Chinese to pass through any toll gate, demand from such Chinese the production of his licence, and, until the same is produced, such Chinese shall not be allowed to proceed through the toll gate.

Unlicenced Chinese not to be employed.

13. It shall be unlawful for any person to employ any Chinese who has not in his possession the licence required by this Act, and any person guilty of an infraction of the provisions of this section shall forfeit and pay a fine not exceeding fifty dollars for every Chinese so employed.

Fee for free miner's certificate to a Chinese to be \$15.

14. The sum payable by a Chinese for a free miner's certificate shall be fifteen dollars for each year during which the same is to be in force instead of five dollars, as by the present mining laws provided, and no free miner's certificate shall hereafter be issued to any Chinese except upon payment of the said sum of fifteen dollars.

Chinese not to mine without certificate. Not to be employed in mining without certificate. Penalty for so doing.

15. Any Chinese who shall be found mining for gold and precious metals, or following the ordinary occupation of a free miner, whether on his own account or for others, without having in his possession a free miner's certificate, lawfully issued to him subsequently to the passage of this Act, and any person who shall employ any Chinese in and about gold mining who has not in his possession such a certificate, shall forfeit and pay a sum not exceeding thirty dollars.

Amends "Licences Ordinance, 1867."

16. Sub-section (i.) of the Schedule A. to the "Licences Ordinance, 1867," is hereby amended by adding thereto the following words: "but no licence shall be issued to any Chinese."

17. Without the permission in writing of the Provincial Secretary or Government agent of the district or place where the permission is sought it shall be unlawful to remove the remains of any dead Chinese from any cemetery or place where such dead Chinese may have been interred, or to exhume the bodies or remains of any dead Chinese, and any person guilty of an infraction of this section shall forfeit and pay a sum not exceeding one hundred dollars.

Dead bodies of Chinese not to be exhumed or removed without permission.

18. The use of opium (except for medicinal or surgical purposes) is hereby prohibited, and any person who shall use or consume, or have in his possession any opium, except for the purposes aforesaid, shall forfeit and pay a penalty not exceeding one hundred dollars, and the onus of proof shall lie upon the party charged of showing that such opium was used, or consumed, or in his possession for medicinal or surgical purposes.

Prohibits the use of opium, except for medicinal purposes.

19. Any pecuniary penalty by this Act imposed may be sued for and recovered in a summary way before any justice of the peace having jurisdiction in the locality where the charge is made, and in default of immediate payment of any such penalty the same may be recovered by distress and sale of the goods of the offender, and failing sufficient distress, the offender shall suffer a term of imprisonment not exceeding three calendar months.

Recovery of penalties.

20. No conviction for any offence shall be quashed for want of form, and no conviction shall be removed into any of Her Majesty's Courts by certiorari or reviewed in any manner, except by appeal in manner hereinafter stated, that is to say: Any Chinese convicted of an offence against the provisions of this Act may appeal to the county court nearest to the place of conviction, provided he shall, within four days after such conviction, have given notice in writing to the convicting magistrate of his intention to appeal, and shall have furnished security in the sum of one hundred dollars, conditioned to abide by the decision of the appellate court, and shall have also deposited with the convicting magistrate a sum of money sufficient in the opinion of such magistrate to pay the costs and expenses of a jury to try such appeal, and such appeal shall be heard and tried before the county court with or without a jury of five, at the option of the parties, and notwithstanding any defect in the proceedings, the appeal shall be heard and decided on the merits, and if the conviction be affirmed the appellant shall be punished according to the conviction, and shall pay the costs of the appeal, and if the appeal be allowed, it shall be lawful for the Lieutenant-Governor in Council to issue his warrant to the treasurer for the repayment to the appellant of the money paid by him for jury process.

Convictions not to be quashed for want of form. Appeal to the county court.

Security for costs, &c. of appeal.

21. Any Chinese who shall lend his licence or free miner's certificate to another Chinese, and any Chinese who shall utter or pass off upon any collector or other person any licence or free miner's certificate other than his own, with intent himself to avoid payment of the licence fee payable under this Act (and the onus of proving that such was not his intent shall rest upon the person charged,) shall forfeit and pay a penalty of not less than twenty dollars nor more than one hundred dollars.

Penalty for lending or using borrowed licences, &c.

22. The tribunal having cognizance of any matter under the provisions of this Act may decide, upon its own view and judgment, whether any person is a Chinese, and whether any person found by the Court to be a Chinese be of the age of fourteen years.

Proof as to age and nationality of Chinese.

23. It shall not be lawful to let or occupy, or suffer to be occupied, as a dwelling, any room unless the following requirements are complied with, that is to say:—

Sanitary provisions affecting buildings let to Chinese.

(a.) Unless such room contains at all times at least 384 cubic feet of space for each person occupying the same:

(b.) Unless such room has a window, made to open, at least two feet square.

24. Any person who lets, occupies, or knowingly suffers to be occupied, any room contrary to the provisions of section 23, shall be liable for every offence to a penalty not exceeding fifty dollars.

Penalty for infraction of the provisions of section 23.

25. Any room in which any person passes the night shall be deemed to be occupied as a dwelling within the meaning of this Act.

Interpretation of "occupied as a dwelling."

26. The Lieutenant-Governor in Council may, by any general regulation, direct that any persons imprisoned in respect of any infraction against the provisions of this Act shall be worked and employed at such places and on such public works, or local works for the public benefit or convenience, and may make such rules and regulations, and may alter or annul the same, for the safe custody, control, and general management of such prisoners, as the said Lieutenant-Governor may from time to time deem advisable.

Rules, &c. may be made for the management and employment of persons imprisoned for infractions of this Act.

27. The Lieutenant-Governor in Council may also make such rules and regulations, not inconsistent herewith, as may from time to time appear necessary for carrying out the true intent and meaning of this Act.

And for carrying out the intent of this Act.

Burden of proof lies on the defendant.

28. For the purpose of any proceeding taken under the provisions of this Act, the burden shall lie on the defendant of proving that he is exempt from the operation of any of its provisions, and it shall not be necessary in any information, summons, or conviction, or other document, to state or negative any exception in or exemption under this Act or in contemplation of law.

Operation of Act postponed. Short title.

29. This Act shall not come into operation until one year from the passage hereof.

30. This Act may be cited as the "Chinese Regulation Act, 1884."

SCHEDULE.

"CHINESE REGULATION ACT, 1884."

No.	District of	Date	18 .
Received of	, the sum of	dollars, being the	18 .
yearly licence, from the	day of	day of	18 .
	to the		
			Collector.

No. 7.

BRITISH COLUMBIA.

Chapter 2.

An Act to amend the "Chinese Regulation Act, 1884." [9th March, 1885.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. Section 20 of the said Act is hereby repealed, and in lieu thereof be it enacted:—

"No prosecution, conviction, or commitment under this Act shall be invalid for want of form, so long as the same is according to the true meaning of this Act."

Convictions not to be quashed for want of form.

No. 8.

BRITISH COLUMBIA.

Chapter 13.

An Act to prevent the Immigration of Chinese. [9th March, 1885.]

WHEREAS by the "British North America Act, 1867," section 95, it is enacted as follows:—

"In each Province the Legislature may make laws in relation to agriculture in the Province and to immigration into the Province, and it is hereby declared that the Parliament of Canada may from time to time make laws in relation to agriculture in all or any of the Provinces, and to immigration into any or all of the Provinces; and any law of the Legislature of a Province relative to agriculture or to immigration shall have effect in and for the Province as long and as far only as it is not repugnant to any Act of the Parliament of Canada:"

And whereas it is expedient to prevent the immigration of Chinese into British Columbia:

And whereas the provisions hereinafter contained are not repugnant to any Act of the Parliament of Canada:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Interpretation of "Chinese."

1. The word "Chinese" in this Act shall mean and include any native of China or its dependencies, or of any islands in the Chinese seas, not born of British parents, or any person born of Chinese parents.

Chinese immigration prohibited.

2. It shall be unlawful for any Chinese to come into the Province of British Columbia, or any part thereof. Any Chinese who hereafter shall come into British Columbia shall forfeit and pay the sum of fifty dollars, to be recovered in a summary way before any justice of

the peace, and in default of payment shall suffer imprisonment, with hard labour, for any period not exceeding six months. The Chinese convicted shall remain liable to the payment of the said sum of fifty dollars, until he shall have paid the same, notwithstanding he may undergo such imprisonment; and so long as such sum remains unpaid, any collector of provincial revenue tax, or any constable may, without warrant, levy such sum by distress and sale of the goods and chattels of the Chinese convicted. Any Chinese who shall come into British Columbia may be arrested, without warrant, by any constable, and brought before any justice of the peace to be dealt with according to law.

Penalty of \$50 on every Chinese coming into the province.

3. Any master of a ship, officer, or other person who shall bring, or assist in bringing, into British Columbia, any Chinese, or who shall assist in any way any Chinese in coming into British Columbia, shall forfeit and pay, in respect of each such Chinese, the sum of two hundred dollars, to be recovered in a summary way before any justice of the peace, and in default of payment shall be liable to be imprisoned for any period not exceeding six months.

Penalty on persons assisting in bringing in Chinese.

4. Any person who shall be found violating the provisions of the next preceding section may be arrested, without warrant, by any constable, and brought before any justice of the peace to be dealt with according to this Act.

Arrests may be made without warrant for violation of this Act.

5. Nothing in this Act shall apply to any Chinese actually employed as seaman, cook, steward, or waiter upon any vessel wherein the number of Chinese so employed shall not exceed twenty.

Not to apply to Chinese employed on vessels.

6. It shall be lawful for the Provincial Secretary, or any person authorized by him, upon the application of any Chinese, and upon being satisfied that such Chinese was, at the time of the passing of this Act, or had been previously, a bonâ fide resident of the Province, and that he desires to be absent therefrom for a temporary purpose only, to grant to such Chinese a certificate that he is exempt from the provisions of this Act for a term to be specified in such certificate, and during the time so specified the holder of such certificate shall be exempt from the provisions of this Act: Provided that, before such certificate shall be granted, the Chinese shall have his photograph taken, at his own expense, by some photographer nominated by the officer granting the certificate, and a copy of the photograph shall be retained and marked with a number corresponding with the number of the certificate. Each certificate shall be numbered and shall state the name, age, and general description and appearance of the applicant.

Provisions to enable Chinese residents leaving the province to return.

7. Notwithstanding anything in this Act contained it shall be lawful for the Provincial Secretary, upon proof to his satisfaction that any Chinese who, at any time within one year prior to the passing of this Act, had been a stated resident of the Province, but who at the time of such passage was temporarily absent, to issue a certificate to such Chinese, exempting him from the provisions of this Act.

Provisions to enable return of Chinese residents now absent.

8. It shall be lawful to impose a fee not exceeding \$5 for every certificate to be granted under the provisions of this Act, which fee shall form part of the Provincial Revenue.

Fees.

9. At the hearing of any prosecution under this Act, the justice may decide, upon his own view and judgment, whether any person charged or produced before him is a Chinese within the meaning of this Act.

Justice may decide on his own view whether person produced is a Chinese.

No. 9.

VICTORIA.

REPEALED ACTS.

The substance of certain repealed Acts was as follows:—

By No. 39 of 1855 the word "immigrant" was defined to mean any male adult native of China or its dependencies, or of any islands in the Chinese seas, or any person born of Chinese parents. If any ship carrying any immigrants arrived at any port in Victoria with a greater proportion of passengers than one to every ten tons of the ship's tonnage, the owner, charterer, or master was made liable on conviction to a penalty not exceeding 10% for each passenger so carried in excess: on arrival in such port the master was to pay to the proper officer of Customs a rate of 10% for every such immigrant: power was given to the Governor, with the advice of the Executive Council, to levy such a sum from each immigrant as might be necessary for the payment of the officers employed in carrying out the Act.

By No. 41 of 1857 every male native of China or its dependencies, or of any islands in the Chinese seas, not being a natural-born or naturalised subject of the Queen, and every

male person above the age of 12 years born of Chinese parents who might reside in Victoria was to obtain a licence, for which the sum of 1*l.* was to be paid; every such licence was to be renewed every two months upon payment of 1*l.*; after the expiration of the second month after the passing of the Act no such licence was to be granted, except in exchange for the receipt for the said head money of 10*l.*, or for the licence issued as aforesaid for the preceding two months, unless the applicant paid a fee of 10*l.* in addition to the said sum of 1*l.*

By No. 80 of 1859 "immigrant" was defined to mean any male adult native of China or its dependencies, or of any islands in the Chinese seas, not born of British parents, or any person born of Chinese parents. The two previous Acts were repealed, and it was enacted that every immigrant should pay or have paid for him the sum of 10*l.* on arrival in Victoria in any ship, or 40*l.* on arrival by any other means than by ship; no ship carrying immigrants was to have on board a greater proportion of passengers than one to every ten tons of tonnage, the master of every ship was to pay 10*l.* for every immigrant carried and landed; every immigrant was to pay 4*l.* yearly as residence fee, and penalties were imposed for failures to pay the said entrance and residence fees.

By No. 132 of 1862 the provisions of the last abstracted Act relating to residence fees were repealed.

By No. 170 of 1863 the provisions of the same Act relating to entrance fees were suspended for the term of two years.

By No. 200 of 1864 the three last abstracted Acts were repealed, and the provisions of the first of them relating to the imposition of entrance fees (but not those relating to residence fees) were in substance re-enacted.

No. 10.

VICTORIA.

ANNO VICESIMO OCTAVO VICTORIÆ REGINÆ.

No. CCLIX.

An Act to amend the Laws affecting the Chinese immigrating to or resident in Victoria.

BE it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows that is to say—

- | | |
|--|---|
| Title of Act. | 1. This Act shall be called and may be cited as the " <i>Chinese Immigrants Statute 1865.</i> " |
| Repeal of Act.
Schedule. | 2. From and after the passing of this Act the Act mentioned in the Schedule hereto shall be and the same is hereby repealed but nothing herein shall affect any act regulation appointment or order lawfully done or made or any penalty incurred before the passing of this Act. |
| Interpretation. | 3. In the interpretation and for the purposes of the provisions of this Act the following words shall unless inconsistent with or repugnant to the context have the respective meanings hereby assigned to them that is to say—
The word "master" shall be held to apply to any person in command of any vessel.
The word "ship" shall mean any sea going vessel of any kind or description.
And the word "immigrant" shall mean any male adult native of China or its dependencies or of any islands in the Chinese seas not born of British parents or any person born of Chinese parents. |
| Governor in Council to appoint officers. | 4. The Governor in Council may appoint such and so many persons to carry out the provisions of this Act with such designations as to the Governor in Council shall seem necessary or desirable. |
| Governor may make rules and regulations. | 5. The Governor in Council may make such rules and regulations as may be deemed necessary for defining the duties and conduct of the officers to be appointed under the authority of this Act the registration of immigrants on their arrival at the district or place to which they may proceed the removal from such district of all or any of such immigrants if it shall be found necessary or desirable to do so the circumstances under which any such registration or removal shall be required the period for which such |

registry or removal is to last and the mode time and place of any such registration or removal also for the protection of immigrants and the adjustment of disputes between them and generally for the management and good government of immigrants and any such rules and regulations may alter vary or annul and substitute others as occasion may require and any immigrant or other person who shall be wilfully guilty of any breach or infringement of any such rule or regulation shall forfeit and pay a penalty not exceeding five pounds.

6. The master of every ship upon arrival at any port in Victoria having passengers on board shall distinctly specify and state in the list of passengers required by any Act now or hereafter in force relating to passengers arriving in Victoria to be exhibited or delivered to the collector or other chief officer of customs at the port of arrival whether any and which of such passengers are immigrants within the meaning of this Act and in default of his delivering such list without so specifying as aforesaid such master shall be liable to a penalty not exceeding two hundred pounds.

Passengers list to state whether immigrants as defined by this Act are aboard or not.

7. If any person shall hinder molest obstruct or assault any person appointed under this Act or any person acting under his authority or under any power or authority given by this Act every such person shall on conviction forfeit and pay a penalty not exceeding ten pounds.

Penalty for obstructing officers.

8. The Governor in Council whenever any immigrants are sentenced to imprisonment or imprisonment and hard labor may direct that such immigrants so sentenced shall be worked and employed at such places and on such public work or local work for the public benefit or convenience and may make such rules and regulations and may alter or annul the same for the safe custody control and general management of such immigrants so sentenced as aforesaid as the Governor in Council shall deem desirable.

Immigrants imprisoned may be set to labour on local works approved of by the Governor.

9. All offences under this Act shall be heard and determined and all penalties recovered in a summary manner before any two or more justices and at the hearing of any case the justices adjudicating shall decide upon their own view and judgment whether any person charged before them is or is not an immigrant within the meaning of this Act.

Penalties recovered in a summary manner.

10. No immigrant within the meaning of this Act notwithstanding that he holds a miner's right or business license or other document under any Act now or hereafter in force relative to the goldfields shall be entitled to vote at the election of members for any mining board.

Immigrant not to vote at elections for mining boards.

SCHEDULE.

Date of Act.	Title of Act.	Extent of Repeal.	Section 2.
27 Vict. No. 200 -	- "The Chinese Immigration Statute 1864" -	The whole.	

No. 11.

VICTORIA.

ANNO QUADRAGESIMO QUINTO VICTORIÆ REGINÆ.

No. DCCXXIII.

An Act to amend "*The Chinese Immigrants Statute 1865.*" [24th December 1881.]

BE it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. This Act shall be called and may be cited as "*The Chinese Act 1881,*" and shall be read and construed as one with "*The Chinese Immigrants Statute 1865,*" and shall commence and come into operation on the first day of April one thousand eight hundred and eighty-two.

Title and commencement of Act. No. 259.

- Number of Chinese immigrants to be brought to Colony by vessel. 2. If any vessel having on board a greater number of immigrants (within the meaning of the Act No. 259) than in the proportion of one such immigrant to every hundred tons of the tonnage of such vessel shall arrive at any time in any port in Victoria the owner master or charterer of such vessel shall be liable on conviction to a penalty of one hundred pounds for each immigrant so carried in excess of the foregoing limitation. For the purposes of this Act the tonnage of a vessel shall be ascertained in the manner prescribed by "*The Passengers, Harbors and Navigation Statute 1865.*"
- Ten pounds to be paid for each Chinese immigrant arriving by vessel. 3. Before any immigrant arriving from parts beyond Victoria shall be permitted to land from any vessel at any port or place in Victoria and before making any entry at the customs the master of the vessel by which such immigrant shall so arrive shall pay to the collector or other principal officer of customs the sum of ten pounds for every such immigrant, and no entry shall be deemed to have any legal effect until such payment shall have been made and such immigrant for whom such sum has been paid shall receive from the said collector or other principal officer a certificate to that effect. If any master shall neglect to pay any such sum or shall land or permit to land or suffer to land or to escape from such vessel at any port or place in Victoria any immigrant before such sum shall have been paid by such master or his agent or before such list shall be delivered such master shall be liable for every such offence to a penalty of fifty pounds for each immigrant so landed or permitted or suffered to land or to escape and in addition to such penalty shall also pay the sum hereby required to be paid for each such immigrant.
- Penalty. 4. If any immigrant shall enter or attempt to enter this Colony by sea who shall not have paid or had paid for him the said sum of ten pounds he shall be liable to a penalty of ten pounds, and on default of payment of such penalty shall be liable to imprisonment for twelve months unless such penalty be sooner paid, and may be apprehended and taken before any justice to be dealt with in due course of law.
- Penalty on not paying or having had paid fee for entrance to the Colony. 5. Notwithstanding anything in this Act contained any immigrant arriving in Victoria who produces evidence to the satisfaction of the collector or other principal officer of customs or other duly authorised officer that he is a British subject shall be wholly exempt from the operation of this Act, and a certificate of the Governor of any British colony shall on being verified to the satisfaction of such collector or other officer be sufficient evidence of the claim of such immigrant to exemption under this section.
- Exemption of Chinese immigrants who are British subjects. 6. The aforesaid sum of ten pounds shall not be payable by or for any immigrant duly accredited to this Colony by the Government of China or by or under the authority of the Imperial Government on any special mission.
- Exemption of certain officials &c. 7. The penalties and restrictions imposed by this Act shall not nor shall any of them be held to be applicable in the case of any immigrant being one of the crew of any vessel arriving in any port in Victoria and no such immigrant being one of such crew shall be discharged and landed from such vessel within Victoria or shall at any time go on shore except in the performance of his duties in connexion with such vessel, and every such immigrant so discharged and landed or so going on shore shall be liable to a penalty of twenty pounds.
- Exemption of crews. 8. Any vessel on board which immigrants shall be transhipped from another vessel and be brought to any port or place in this Colony shall be deemed to be a vessel bringing immigrants into the said Colony from parts beyond the said Colony, and shall be subject to all the requirements and provisions of this Act, and all immigrants so transhipped and brought to such port or place shall be deemed to be immigrants arriving from parts beyond Victoria.
- Provision against evading Act by transshipping Chinese into other vessels. 9. For the purposes of any proceeding taken under any of the provisions of this Act or the Act No. 259 the burden shall lie on the defendant of proving that he is exempt from the operation of any of such provisions, and it shall not be necessary in any information summons or conviction or other document to state or negative any exception in or exemption under the said Acts.
- Burden of proof. 10. The Governor in Council may make such rules and regulations not inconsistent herewith as may be necessary for carrying out the provisions of this Act.
- Regulations. 11. The tenth section of "*The Chinese Immigrants Statute 1865*" shall be and is hereby amended as follows by adding after the last word in such section the words following:—"nor at any municipal or parliamentary election (notwithstanding that such immigrant is a ratepayer) unless such immigrant is a naturalized or natural-born subject of Her Majesty."
- Amendment of section 10 of Act No. 259.

12. The collectors of the city of Melbourne and of the town of Geelong and the town clerk of every city and borough and the secretary of every shire shall when preparing the citizen burgess or voters' list for such city town borough or shire as the case may be omit therefrom the names of all immigrants who are not known to such collectors town clerk or secretary to be natural-born or naturalized subjects of Her Majesty Queen Victoria, and every such collector town clerk or secretary shall for such purpose decide upon his own belief or view or knowledge or judgment whether any ratepayer is or is not such an alien immigrant. To each and every immigrant so omitted from any such citizen burgess or voters' list every such collector town clerk or secretary shall send a notice in the form of the Schedule hereto or to the like effect. In any proceedings taken for the insertion of such immigrant's name upon the ratepayers' roll no costs shall be given against any such collector town clerk or secretary by reason of such omission.

Collectors town clerk or secretary to omit Chinese name from citizen burgess or voters' lists unless such Chinese be known to be a natural-born or naturalized subject. 6 Vict., No. 7, s. 15. No. 506, s. 77.

13. Every court for revising the citizen or burgess lists of the city of Melbourne or town of Geelong and every revision court of every municipal district shall expunge from the citizen burgess or voters' lists as the case may be the names of all immigrants against whom objections shall have been lodged unless such immigrants prove to the satisfaction of the Court that they are natural-born or naturalized subjects of Her Majesty.

Revision court to strike out alien Chinese. 6 Vict., No. 7, s. 17. No. 506, s. 80.

SCHEDULE.

Mr. _____ residing at _____

You are hereby required to take notice that I have omitted your name from the *citizen burgess or voters'* list prepared by me under *section fifteen of the Act 6 Vict. No. 7 or section seventy-seven of the Act No. 506*, for the *City Town Borough or Shire of _____* on the ground that I believe that you are a Chinese and that you are not known to me as being either a natural-born or a naturalized subject of Her Majesty Queen Victoria. If you feel aggrieved at being so omitted and think that your name has been improperly omitted from such list you can claim under and in accordance with the provisions of *section sixteen of the said Act 6 Vict. No. 7 or section seventy-nine of the said Act No. 506*, to have your name inserted in the said *citizen burgess or voters'* list.

Dated at _____ this _____ day of _____ 188 .

A.B.
Collector, Town clerk [or secretary] of _____

No. 12.

VICTORIA.

ANNO QUINQUAGESIMO PRIMO VICTORIÆ REGINÆ.

No. DCCCCLXI.

An Act to amend "*The Factories and Shops Act 1885.*" [17th December 1887.]

* * * * *

3. If not inconsistent with the context or subject matter, any office building or place in which Chinese are engaged directly or indirectly in working for hire or reward in any handicraft or in preparing or manufacturing articles for trade or sale shall be deemed a factory or workroom within the meaning of the principal Act and any Act for the time being in force amending it.

Factories employing Chinese workmen open to inspection.

No. 13.

SOUTH AUSTRALIA.

REPEALED ACTS.

The substance of No. 3 of 1857, repealed by No. 14 of 1861, was as follows:—

The word "Chinese" was defined to mean any native of China or its dependencies, or of any islands in the Chinese seas, or any person born of Chinese parents. If any ship arriving in any South Australian port had on board a greater number of passengers than in the

proportion of one to every ten tons of tonnage, and more than one sixth of such passengers should be Chinese, the owner, charterer, or master of such ship was made liable on conviction to a penalty not exceeding 10*l.* for each passenger so carried in excess; and for every Chinese passenger on board the master was to pay the sum of 10*l.*

No. 14.

SOUTH AUSTRALIA.

ANNO QUADRAGESIMO QUARTO ET QUADRAGESIMO QUINTO VICTORIÆ
REGINÆ. A.D. 1881.

No. 213.

An Act to regulate and restrict Chinese Immigration. (Assented to *November 18th*, 1881.)

Preamble.

WHEREAS it is expedient to regulate the immigration of Chinese into the Province of South Australia, and to obtain security for the payment of any expenses that may be incurred in respect of such immigrants, and of any fines or penalties imposed upon them—Be it therefore enacted by the Governor of the Province of South Australia, by and with the advice and consent of the Legislative Council and House of Assembly of the said province, in Parliament assembled, as follows :

Interpretation.

1. For the purposes of this Act the following words in inverted commas shall, unless the context otherwise indicate, bear the meaning set against them respectively—

“Chinese”—Any person of the Chinese race not being a British subject :

“Vessel”—Any ship or other sea-going vessel of whatsoever kind or description :

“Master”—The person other than a pilot for the time being in actual command of any such vessel.

This Act not
applicable to
Northern
Territory.
Proviso.

2. None of the provisions of this Act shall apply to that portion of the said province known as the Northern Territory : Provided always that any ship carrying Chinese, and all Chinese in such ship, arriving from the Northern Territory, or any port in the said province, and situate in such Territory, shall be deemed to have arrived from beyond the province, and be liable to the provisions of this Act accordingly : Provided also that section 5 of this Act shall apply to every Chinese arriving otherwise than by a vessel from any part of this province within one thousand miles north of Adelaide.

Master on
arrival to give
list of Chinese
on board.

3. The master of every vessel having Chinese on board shall, immediately on his arrival from beyond the said province in any port of the said province, and before making any entry at the Customs, deliver to the collector or other principal officer of Customs a list of such Chinese, specifying the name, the place of birth, the apparent age, the ordinary place of residence, the place and date of shipment, and the calling or occupation of each such Chinese, so far as such information can be obtained by such master. And for each default herein such master shall be liable to a penalty not exceeding two hundred pounds.

Number of
Chinese ships
may carry.

4. If any vessel shall arrive in any port in the said province having on board a greater number of Chinese passengers for any port in the said province than in the proportion of one to every ten tons of the tonnage of such vessel, according to the registry thereof if British, and if not, then according to the measurement defined by “The Merchant Shipping Act, 1854,” the owner, charterer, or master of such vessel shall be liable, on conviction, to a penalty not exceeding ten pounds for each Chinese passenger so carried in excess.

Penalty.

10*l.* to be paid
for each
Chinese
arriving
by vessel.

5. Before any Chinese arriving from beyond the said province shall be permitted to land from any vessel, and before making any entry at the Customs, the master of the vessel shall pay to such collector or other principal officer the sum of ten pounds for every such Chinese, to be applied in manner hereinafter provided; and no entry shall be deemed to have been legally made or to have any legal effect until such payment shall have been made.

Penalty.

And if any master shall neglect to pay any such sum, or shall land or permit to land any Chinese at any place in the said province before such sum shall have been paid for or by him, or before such list shall have been delivered, such master shall be liable, for every such offence, to a penalty not exceeding twenty pounds for each Chinese so landed or permitted to land in addition to the amount of such sum.

6. Every Chinese arriving in the said province after the passing of this Act, otherwise than by any vessel, shall pay or have paid for him to some officer whom the Governor may appoint at any places on or near the borders of the said province or otherwise conveniently situate for that purpose, a like sum of ten pounds. Like sum for Chinese arriving otherwise.

7. Before any Chinese shall be allowed to land from any vessel, every such Chinese shall be vaccinated by a medical man duly appointed for the purpose, unless such medical man certifies, in writing, that such Chinese has been already vaccinated. Chinese to be vaccinated.

8. The collector or other officer receiving such sum from or for any Chinese shall, without demand, forthwith give him a certificate in writing under his hand of the payment of such sum, and such certificate, whensoever and wheresoever produced by such Chinese, shall be conclusive evidence on behalf of himself and of any other person who may have paid such sum for him that such sum has been duly paid. Certificate of sum paid to be given to Chinese and to be evidence.

9. All sums paid by or on behalf of any Chinese, and all penalties under this Act, shall be paid over to the treasurer, for the public use of the province. Mode of application of payments.

10. If any Chinese shall enter or attempt to enter the said province without paying, or having paid for him, the sum of ten pounds aforesaid, he shall, besides such sum, be liable to a penalty not exceeding ten pounds, and may be apprehended and taken before any justice of the peace to be dealt with according to law. Penalty on not paying, or having had paid, fee for entrance to the province.

11. At the hearing of any prosecution under this Act, the justices may decide upon their own view and judgment whether any person charged or produced before them is a Chinese within the meaning of this Act. Evidence of person being a Chinese.

12. It shall be lawful for the treasurer, or any person authorised by him, upon the application of any Chinese, and upon being satisfied that such Chinese was, at the time of the passing of this Act, a *bonâ fide* resident of the said province, and that he desires to be absent therefrom for a temporary purpose only, to grant to such Chinese a certificate that he is exempt from the provisions of this Act for a time to be specified in such certificate. And during the time so specified the holder of such certificate shall be exempt from all payments under this Act. Certificate of exemption may be granted in certain cases.

13. The sum of ten pounds aforesaid shall not be payable by or in respect of any Chinese who is one of the crew of any vessel, unless he shall land from such vessel without having previously obtained the consent of such collector or other principal officer of Customs. Act not to apply to crew.

14. All penalties and forfeitures imposed by this Act shall be sued for, prosecuted, and recovered before a justice of the peace in a summary way, in the name of some officer of Customs, or other person thereunto authorised. Penalties, how recovered.

15. This Act may be styled, and may be cited as, "The Chinese Immigrants Regulation Act of 1881." Short title.

No. 15.

NEW SOUTH WALES.

REPEALED ACT.

The substance of No. 3 of 1861, repealed by No. 8 of 1867, was as follows:—

The word "Chinese" was defined to mean any male native of China or its dependencies or of any island in the Chinese seas, not born of British parents, or any male person born of Chinese parents. No ship arriving in any port in New South Wales was to have on board a greater number of Chinese passengers than in the proportion of one to every ten tons of the ship's tonnage. The sum of 10*l.* was to be paid by the master for each Chinese before landing; the like sum to be paid by or for any Chinese arriving in New South Wales otherwise than by any vessel. No letters of naturalization to be issued to any Chinese.

NEW SOUTH WALES.

ANNO QUADRAGESIMO QUINTO VICTORIÆ REGINÆ.

An Act to restrict the Influx of Chinese into New South Wales. [Assented to
6th December, 1881.]

Preamble.

WHEREAS it is expedient to regulate and restrict the immigration and introduction of Chinese into New South Wales. Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

Interpretation.

1. For the purposes of this Act the following words in inverted commas shall unless the context otherwise indicate bear the meanings set against them respectively:—

“Chinese”—Any person of the Chinese race.

“Vessel”—Any ship or vessel of whatsoever kind or description.

“Master”—The person (other than a pilot) for the time being in actual command or charge of any vessel.

Master on arrival to give list of Chinese on board.

2. The master of every vessel upon arrival at any port or place in this Colony from parts beyond the Colony having Chinese on board shall before making any entry at the Customs deliver to the collector or other principal officer of Customs a list of such Chinese specifying to the best of his knowledge the name the place of birth the apparent age the ordinary place of residence the place and date of shipment and the calling or occupation of each such Chinese under a penalty for not delivering such list not exceeding two hundred pounds.

Number of Chinese to be brought to Colony by vessel. Penalty.

3. If any vessel having on board a greater number of Chinese than in the proportion of one Chinese to every hundred tons of the tonnage of such vessel shall arrive at any time in any port in this Colony the owner master or charterer of such vessel shall be liable on conviction to a penalty of one hundred pounds for each Chinese carried in excess of the foregoing limitation unless the defendant shall show that the Chinese so carried is a British subject or one of the crew or has not been landed in the Colony and is not intended to be so landed For the purposes of this Act the tonnage of a vessel shall be ascertained (if she be a British ship) by her certificate of registry and if not or if the said certificate shall not be produced then according to the rules of measurement prescribed by the “Merchant Shipping Act 1854” being the Act of the Imperial Legislature seventeenth and eighteenth Victoria chapter one hundred and four.

Ten pounds to be paid for each Chinese arriving by vessel.

4. Before any Chinese arriving from parts beyond this Colony shall be permitted to land from any vessel at any port or place in the said Colony and before making any entry at the Customs the master of the vessel by which such Chinese shall so arrive shall pay to the said collector or other principal officer the sum of ten pounds for every such Chinese and no entry shall be deemed to have any legal effect until such payment shall have been made and such Chinese for whom such sum has been paid shall receive from the said collector or other principal officer a certificate to that effect And if any master shall neglect to pay any such sum or shall land or permit to land or suffer to land or to escape from such vessel at any port or place in the said Colony any Chinese before such sum shall have been paid by such master or his agent or before such list shall have been delivered such master shall be liable for every such offence to a penalty of fifty pounds for each Chinese so landed or permitted or suffered to land or to escape and in addition to such penalty shall also pay the sum hereby required to be paid for each such Chinese.

Penalty.

The like sum to be paid for Chinese arriving otherwise than by sea.

5. Every Chinese arriving in this Colony after the passing of this Act otherwise than by a vessel shall pay or there shall be paid for him to some officer whom and at such places as the Governor with the advice aforesaid may appoint at or near the borders of the Colony or otherwise conveniently situated for that purpose the sum of ten pounds.

Penalty on not paying or having had paid fee for entrance to the Colony.

6. If any Chinese shall enter or attempt to enter this Colony who shall not have paid or had paid for him the said sum of ten pounds he shall be liable to a penalty of ten pounds and to the payment in addition thereto of the said sum of ten pounds required to be paid by section four hereof and on default of payment either of such penalty or sum shall be liable to imprisonment for twelve months unless such penalty and sum be sooner paid and may be apprehended and taken before any justice of the peace to be dealt with in due course of law.

7. All penalties and all moneys ordered to be paid or being the proceeds of any sale made under the authority of this Act shall be paid into the Consolidated Revenue. Appropriation of penalties and payments under Act.
8. For the purposes of all proceedings under this Act the justices may decide upon their own view and judgment whether any person produced before them is a Chinese within the meaning of this Act. Evidence of person being a Chinese.
9. It shall be lawful for the Colonial Treasurer or any person authorized by him upon the application of any Chinese and upon being satisfied that such Chinese was at the passing of this Act a *bonâ fide* resident of this Colony and that he desires to be absent therefrom for a temporary purpose only to grant to such Chinese a certificate that he is exempt from the provisions of this Act for a time to be specified in such certificate. Certificate of exemption may be granted in certain cases.
10. Notwithstanding anything in this Act contained any Chinese arriving in the Colony who produces evidence to the collector of Customs or other duly authorized officer that he is a British subject shall be wholly exempt from the operation of this Act and a certificate of the Governor of any British Colony or of a British Consul shall be sufficient evidence of the claim of such Chinese to exemption under this section. Exemption of Chinese who are British subjects.
11. The provisions of this Act shall not be applicable to any Chinese duly accredited to this Colony by the Government of China or by or under the authority of the Imperial Government on any special mission. Exemption of certain officials &c.
12. The penalties and restrictions imposed by this Act shall not nor shall any of them be held to be applicable in respect of any Chinese being one of the crew of any vessel arriving in any port in New South Wales and who shall not be discharged therefrom or land except in the performance of his duties in connection with such vessel. Exemption of crews.
13. All penalties and sums of money recoverable under this Act shall be recovered in a summary way at the suit of some officer of Customs authorized by the Colonial Treasurer before any two or more justices of the peace in accordance with the provisions of the Acts regulating proceedings on summary conviction. And it shall be lawful for the Colonial Treasurer by writing under his hand to authorize any officer to detain any vessel the master whereof shall in the opinion of the said Treasurer have committed an offence or be a defaulter under this Act. Such detention may be either at the port or place where such vessel is found or at any port or place to which the said Treasurer may order such vessel to be brought. For the purposes of such detention the officer so authorized shall be entitled to obtain in the customary manner such writ of assistance or other aid and assistance in and about the detention of or other lawful dealing with such vessel as are by law provided under the Act or Acts regulating the Customs with reference to seizure of vessels or goods. But such detention shall be for safe custody only and shall cease and be discontinued if a bond with two sufficient sureties be given by such master for the payment of the amount of such penalty and other sums as may be adjudged to be paid under the provisions of this Act. Provided that if default be made in payment of any such penalty incurred by such master in terms of any conviction adjudging the payment thereof it shall be lawful for such officer to seize such vessel and for him and any other officer or person duly authorized or empowered in that behalf to take all such proceedings for the purpose of procuring the condemnation or forfeiture of a vessel for a breach of the Customs laws of the said Colony. Provided that the proceeds of sale of any such vessel shall be paid into the Consolidated Revenue and after payment of the amount of such penalty and of all costs incurred in and about such sale and the proceedings leading thereto the balance shall be placed by the Colonial Treasurer to a trust account and be held in trust for the owners of or other persons lawfully entitled to the vessel so condemned and sold. Penalties how recovered.
14. Any vessel on board which Chinese shall be transhipped from another vessel and be brought to any port or place in this Colony shall be deemed to be a vessel bringing Chinese into the said Colony from parts beyond the said Colony and shall be subject to the provisions of this Act. Provision against evading Act by transshipping Chinese into other vessels.
15. This Act may be cited as the "Influx of Chinese Restriction Act of 1881." Short title.

No. 17.

QUEENSLAND.

ANNO QUADRAGESIMO PRIMO VICTORIÆ REGINÆ.

No. 8.

An Act to regulate the Immigration of Chinese and to make provision against their becoming a charge upon the Colony. [Assented to 20th August 1877.]

Preamble.

WHEREAS it is expedient to regulate the immigration of Chinese into the Colony of Queensland and to obtain security for the payment of any expenses that may be incurred in respect of such immigrants and of any fines or penalties imposed upon them Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled and by the authority of the same as follows—

Interpretation.

1. For the purposes of this Act the following words in inverted commas shall unless the context otherwise indicate bear the meanings set against them respectively—

“Chinese”—Any native of the Chinese Empire or its dependencies not born of British parents.

“Vessel”—Any ship or other sea-going vessel of whatsoever kind or description.

“Master”—The person other than a pilot for the time being in actual command of any such vessel.

Master on arrival to give list of Chinese aboard.

2. The master of every vessel having Chinese on board shall immediately on his arrival from beyond the Colony in any port of the Colony and before making any entry at the Customs deliver to the collector or other principal officer of Customs a list of such Chinese specifying the name the place of birth the apparent age the ordinary place of residence the place and date of shipment and the calling or occupation of each such Chinese And for each default herein such master shall be liable to a penalty not exceeding two hundred pounds.

Number of Chinese ships may carry.
Penalty.

3. If any vessel shall arrive in any port in Queensland having on board a greater number of Chinese passengers than in the proportion of one to every ten tons of the tonnage of such vessel according to the registry thereof if British and if not then according to the measurement defined by “*The Merchant Shipping Act 1854*” the owner charterer or master of such vessel shall be liable on conviction to a penalty not exceeding ten pounds for each Chinese passenger so carried in excess.

10l. to be paid for each Chinese arriving by vessel.

4. Before any Chinese arriving from beyond the Colony shall be permitted to land from any vessel and before making any entry at the Customs the master of the vessel shall pay to such collector or other principal officer the sum of ten pounds for every such Chinese to be applied in manner hereinafter provided and no entry shall be deemed to have been legally made or to have any legal effect until such payment shall have been made.

Penalty.

And if any master shall neglect to pay any such sum or shall land or permit to land any Chinese at any place in the Colony before such sum shall have been paid for or by him or before such list shall have been delivered such master shall be liable for every such offence to a penalty not exceeding twenty pounds for each Chinese so landed or permitted to land in addition to the amount of such sum.

Vessel forfeited.

And in every such case in addition to any such penalty the vessel shall be forfeited and may be seized condemned and disposed of in like manner as ships forfeited for a breach of any law relating to the Customs.

Like sum for Chinese arriving otherwise.

5. Every Chinese arriving in the Colony after the passing of this Act otherwise than by any vessel shall pay or have paid for him to some officer whom the Governor in Council may appoint at any places on or near the borders of the Colony or otherwise conveniently situate for that purpose a like sum of ten pounds.

Certificate of sum paid to be given to Chinese and to be evidence.

6. The Collector or other officer receiving such sum from or for any Chinese shall without demand forthwith give him a certificate in writing under his hand of the payment of such sum which certificate shall be in a form to be prescribed by the Governor in Council And such certificate whensoever and wheresoever produced by such Chinese shall be conclusive evidence on behalf of himself and of any other person who may have paid such sum for him that such sum has been duly paid.

7. All sums so paid by or on behalf of any Chinese shall be paid over to the Colonial Treasurer and be by him applied in manner following that is to say—

Mode of application of payments.

If at any time within three years from the date of the landing or arrival of any Chinese in respect of whom such sums shall have been paid such Chinese shall depart from the Colony to parts beyond the seas and shall before his departure prove to the satisfaction of the Colonial Treasurer that during his residence in the Colony he has not been confined in any gaol or lock-up after conviction of any offence and that he has paid all fines and penalties imposed upon him under the provisions of any Act in force in the Colony and that he has paid all expenses incurred in respect of his confinement or medical treatment in any public hospital benevolent asylum lunatic asylum or other place for the care treatment or cure of the sick poor or insane and that no expense or charge has fallen upon the revenue for his support than upon production to the collector or other principal officer of Customs at the port of embarkation of the certificate given to such Chinese on his arrival the amount so paid in respect of such Chinese shall be repaid to him on board of the ship by which he shall so depart. But if he shall fail to make such proof within the period aforesaid the amount shall be paid into the Consolidated Revenue.

8. If any Chinese shall enter or attempt to enter the Colony without paying or having paid for him the sum of ten pounds aforesaid he shall besides such sum be liable to a penalty not exceeding ten pounds and may be apprehended and taken before any justice of the peace who may take sufficient bail for his appearance at the next court of petty sessions or remand him to such court as to such justice shall seem fit unless and until such Chinese shall produce a certificate of payment as aforesaid.

Penalty on not paying or having had paid fee for entrance to the Colony.

9. At the hearing of any prosecution under this Act the justices may decide upon their own view and judgment whether any person charged or produced before them is a Chinese within the meaning of this Act.

Evidence of person being a Chinese.

10. It shall be lawful for the Colonial Treasurer or any person authorised by him upon the application of any Chinese and upon being satisfied that such Chinese was at the time of the passing of this Act a *bonâ fide* resident of the Colony and that he desires to be absent therefrom for a temporary purpose only to grant to such Chinese a certificate that he is exempt from the provisions of this Act for a time to be specified in such certificate. And during the time so specified the holder of such certificate shall be exempt from all payments under this Act.

Certificate of exemption may be granted in certain cases.

11. The sum of ten pounds aforesaid shall not be payable by or in respect of any Chinese who is one of the crew of any vessel unless he shall land from such vessel.

Act not to apply to crew.

12. All penalties and forfeitures imposed by this Act shall be sued for prosecuted and recovered in the name of some officer of Customs or other person thereunto authorised by the Governor in Council.

Penalties how recovered.

13. This Act shall be styled and may be cited as "*The Chinese Immigrants Regulation Act of 1877.*"

Short title.

No. 18.

QUEENSLAND.

ANNO QUADRAGESIMO SEPTIMO VICTORIÆ REGINÆ.

No. 13.

An Act to amend "*The Chinese Immigrants Regulation Act of 1877.*" [Assented to 10th March 1884.]

WHEREAS it is desirable to make more effectual provision for restricting the immigration of Chinese into the Colony of Queensland: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Preamble.

1. This Act shall be read and construed with and as an amendment of "*The Chinese Immigrants Regulation Act of 1877,*" hereinafter called the principal Act.

Act to be read with 41 Vict., No. 8.

2. The third, sixth, and seventh sections of the principal Act are hereby repealed: But such repeal shall not affect the liability of any person to any penalty for the violation of any of the provisions of the said sections, or the right of any Chinese already arrived in the Colony

Repeal of ss. 3, 6, and 7 of principal Act.

to the repayment to him of the sum of ten pounds upon fulfilment of the conditions in the said seventh section specified.

Ships not to carry more than one Chinese passenger for every fifty tons register

3. If any vessel shall arrive at any port in Queensland having on board a greater number of Chinese passengers than in the proportion of one to every fifty tons of the tonnage of such vessel, according to the registry thereof if British, and if not, then according to the measurement defined by "*The Merchant Shipping Act, 1854*," the owner, charterer, and master of such vessel shall each be liable, on conviction, to a penalty not exceeding thirty pounds for each Chinese passenger so carried in excess.

30*l.* to be paid for each Chinese arriving in Colony.

4. The sum to be paid in respect of every Chinese arriving from beyond the Colony shall be thirty pounds instead of ten pounds as heretofore :

The penalty for entering or attempting to enter the Colony without payment of such sum shall be thirty pounds instead of not exceeding ten pounds as heretofore :

And the fourth, fifth, eighth, and eleventh sections of the principal Act shall be read as if the sum of thirty pounds had been mentioned therein respectively instead of the sum of ten pounds, or twenty pounds, wherever either of those sums is now therein mentioned.

Money to be paid into Consolidated Revenue. Recovery of penalties.

5. All sums paid by or on behalf of any Chinese upon entering the Colony shall be paid into the Consolidated Revenue.

6. All pecuniary penalties imposed by the principal Act or this Act may be recovered in a summary way before two justices of the peace.

Short title.

7. This Act may be cited as "*The Chinese Immigrants Regulation Act Amendment Act of 1884*," and shall commence and take effect at the expiration of thirty days from the signification of the Royal Assent thereto.

No. 19.

TASMANIA.

ANNO QUINQUAGESIMO-PRIMO VICTORIÆ REGINÆ.

No. 9.

An Act to regulate and restrict *Chinese* Immigration. [7th November 1887.]

Preamble.

WHEREAS it is expedient to regulate and restrict the immigration and introduction of *Chinese* into *Tasmania* :

Be it therefore enacted by his Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

Interpretation.

1. In this Act, unless the context otherwise determines—

"*Chinese*" means any male person of whatever age of the *Chinese* race :

"*Vessel*" means any ship or vessel of whatsoever kind or description :

"*Master*" means the person (other than a pilot) for the time being in actual command or charge of any vessel :

"*Collector of Customs*" includes the principal officer of Customs at every port and place in *Tasmania*.

Master on arrival to give list of *Chinese* on board.

2. The master of every vessel having *Chinese* on board shall immediately upon his arrival from beyond *Tasmania* in any port or place in *Tasmania*, and before making any entry at the Customs, deliver to the collector of customs a list of such *Chinese*, specifying the name, the place of birth, the apparent age, the ordinary place of residence, the place and date of shipment, and the calling or occupation of each such *Chinese*, under a penalty for every default not exceeding two hundred pounds.

Number of *Chinese* to be brought to Colony by vessel. Penalty.

3. If any vessel having on board a greater number of *Chinese* than in the proportion of one *Chinese* to every hundred tons of the tonnage of such vessel, shall arrive at any time in any port in this Colony, the owner, master, or charterer of such vessel shall be liable on conviction to a penalty not exceeding ten pounds for each *Chinese* so carried in excess of the foregoing limitation.

For the purposes of this Act the tonnage of a vessel shall be ascertained (if she be a *British* ship) by her certificate of registry, and if not, or if the said certificate shall not be

produced, then according to the rules of measurement prescribed by "The Merchant Shipping Act, 1854," or any amendment thereof. 17 & 18 Vict. c. 104.

4. Before any *Chinese* arriving from parts beyond *Tasmania* shall be permitted to land from any vessel at any port or place in *Tasmania*, and before making any entry at the Customs, the master of the vessel by which such *Chinese* shall so arrive shall pay to the said collector the sum of ten pounds for every such *Chinese*. And if any master shall neglect to pay any such sum, or shall land or permit to land, or suffer to land, from such vessel at any port or place in *Tasmania* any *Chinese* before such sum shall have been paid for or by him, or before such list shall have been delivered, such master shall be liable for every such offence to a penalty not exceeding twenty pounds for each *Chinese* so landed or permitted or suffered to land, and in addition to such penalty shall also pay the sum hereby required to be paid for each such *Chinese*. And in every such case in addition to any such penalty the vessel shall be forfeited, and may be seized, condemned, and disposed of in like manner as ships forfeited for a breach of any law relating to the Customs. Ten pounds to be paid for each *Chinese* arriving by vessel. Penalty.
5. Before any *Chinese* shall be allowed to land from any vessel every such *Chinese* shall be vaccinated by the health officer of the port at which such *Chinese* shall be landed, or other medical officer appointed by the Governor in Council for that purpose: Provided that no such vaccination shall be performed where such *Chinese* shall be exempt under the provisions of "The Vaccination Act, 1882." *Chinese* to be vaccinated. 46 Vict., No. 19.
6. The collector of customs upon receiving such sum of ten pounds from or for any *Chinese*, shall without demand forthwith give a certificate in writing under his hand to such *Chinese* of the payment of such sum, and such certificate, whensoever and wheresoever produced by such *Chinese*, shall be conclusive evidence on behalf of himself and of any other person who may have paid such sum for him, that such sum has been duly paid. Certificate of sum paid to be given to *Chinese*, and to be evidence.
7. If any *Chinese* shall land or attempt to land in *Tasmania* who shall not have paid or had paid for him the said sum of ten pounds, he shall, besides such sum, be liable to a penalty of ten pounds, and may be apprehended and taken before any justice of the peace to be dealt with according to law. Penalty on not paying or having had paid fee for entrance to the Colony.
8. All sums paid by or on behalf of any *Chinese*, and the amount of all penalties and all moneys ordered to be paid or being the proceeds of any sale made under the authority of this Act, shall be paid into the Treasury and form part of the Consolidated Revenue Fund. Appropriation of penalties and payments under Act.
9. For the purposes of all proceedings under this Act, the Justices may decide upon their own view and judgment whether any person charged or produced before them is a *Chinese* within the meaning of this Act. Evidence of person being a *Chinese*.
10. It shall be lawful for the treasurer of *Tasmania*, or any person authorised by him, upon the application of any *Chinese*, and upon being satisfied that such *Chinese* was at the time of the passing of this Act a *bonâ fide* resident of *Tasmania*, and that he desires to be absent therefrom for a temporary purpose only, to grant to such *Chinese* a certificate that such *Chinese* is exempt from the provisions of this Act for a time to be specified in such certificate; and during the time so specified the holder of such certificate shall be exempt from all payments under this Act. Certificate of exemption may be granted in certain cases.
11. The said sum of ten pounds shall not be payable by or for, nor shall the penalties or restrictions imposed by this Act nor any of them be held applicable in respect of, any *Chinese* being one of the crew of any vessel arriving in any port or place in *Tasmania*, and who shall not be discharged therefrom or land except in the performance of his duties in connection with such vessel. Exemption of crews of vessels.
12. Notwithstanding anything in this Act contained, any *Chinese* arriving in *Tasmania* who produces evidence to the collector of customs that he is a *British* subject, shall be wholly exempt from the operation of this Act; and a certificate of the Governor of any *British* Colony or of a *British* Consul shall be sufficient evidence of the claim of such *Chinese* to exemption under this section. Exemption of *Chinese* who are *British* subjects.
13. The provisions of this Act shall not be applicable to any *Chinese* duly accredited to this Colony by the Government of *China*, or by or under the authority of the Imperial Government on any special mission. Exemption of certain officials, &c.
14. For the purpose of any proceeding taken under any of the provisions of this Act, the burden shall lie on the defendant of proving that he is exempt from the operation of any of such provisions, and it shall not be necessary in any information, summons, or conviction or other document to state or negative any exception in or exemption under this Act. Burden of proof.

- Penalties how recovered. 15. All penalties and sums of money recoverable under this Act shall be recovered in a summary way at the suit of some officer of Customs authorised by the said treasurer, before any two or more justices of the peace, in the mode prescribed by "*The Magistrates Summary Procedure Act.*"
- 19 Vict., No. 8.
- Short title. 16. This Act may be cited as "*The Chinese Immigration Act, 1887.*"

No. 20.

WESTERN AUSTRALIA.

ANNO QUINQUAGESIMO VICTORIÆ REGINÆ.

No. XIII.

An Act to regulate and restrict Chinese Immigration. [Assented to 28th July 1886.]

- Preamble. WHEREAS it is expedient to regulate and restrict the immigration and introduction of Chinese into Western Australia: Be it enacted by his Excellency the Governor of Western Australia and its dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—
- Interpretation. 1. For the purposes of this Act the following words in inverted commas shall, unless the context otherwise indicate, bear the meanings set against them respectively:—
 "Chinese,"—Any native of China or its dependencies, or of any island in the Chinese seas, not born of British parents, or any person born of Chinese parents.
 "Vessel,"—Any ship or other sea-going vessel, of whatsoever kind or description.
 "Master,"—The person, other than a pilot, for the time being in actual command of any such vessel.
- Master on arrival to give list of Chinese on board. 2. The master of every vessel having Chinese on board shall immediately on his arrival from beyond this Colony in any port of the Colony, and before making any entry at the Customs, deliver to the collector or other principal officer of Customs a list of such Chinese, specifying the name, the place of birth, the apparent age, the ordinary place of residence, the place and date of shipment, and the calling or occupation of each such Chinese. And for each default herein, such master shall be liable to a penalty not exceeding two hundred pounds.
- Number of Chinese ships may carry. 3. If any vessel shall arrive in any port in this Colony having on board a greater number of Chinese passengers for any port in the Colony than in the proportion of one to every fifty tons of the tonnage of such vessel, according to the registry thereof if British, and if not, then according to the measurement defined by "*The Merchant Shipping Act, 1854,*" the owner, charterer, and master of such vessel shall each be liable, on conviction, to a penalty not exceeding one hundred pounds for each Chinese passenger so carried in excess.
- Penalty. 4. Before any Chinese arriving from beyond this Colony shall be permitted to land from any vessel, and before making any entry at the Customs, the master of the vessel shall pay to such collector or other principal officer the sum of ten pounds for every such Chinese, to be applied in manner hereinafter provided; and no entry shall be deemed to have been legally made or to have any legal effect until such payment shall have been made.
- 10l. to be paid for each Chinese arriving by vessel. And if any master shall neglect to pay any such sum, or shall land, or permit to land, or suffer to land or to escape from such vessel at any port or place in the Colony any Chinese, before such sum shall have been paid by such master or his agent, or before such list shall have been delivered, such master shall be liable for every such offence to a penalty not exceeding fifty pounds for each Chinese so landed, or permitted or suffered to land or to escape, and in addition to such penalty shall also pay the sum hereby required to be paid for each such Chinese.
- Penalty. And in every such case, in addition to any such penalty, the vessel shall be forfeited and may be seized, condemned, and disposed of in like manner as ships forfeited for a breach of any law relating to the Customs.
- Like sum for Chinese arriving otherwise. 5. Every Chinese arriving in this Colony after the passing of this Act, otherwise than by any vessel, shall pay, or there shall be paid for him to some officer whom and at such places as the Governor in Council may appoint at or near the borders of the Colony or otherwise conveniently situated for that purpose, the sum of ten pounds.

6. The collector or other officer receiving such sum from or for any Chinese shall, without demand, forthwith give a certificate in writing under his hand of the payment of such sum, and such certificate whensoever and wheresoever produced by such Chinese shall be conclusive evidence on behalf of such Chinese, and of any other person who may have paid such sum for him, that such sum has been duly paid. Certificate of sum paid to be given and to be evidence.
7. All sums paid by or on behalf of any Chinese, and all penalties under this Act, and all moneys being the proceeds of any sale made under the authority of this Act, shall, unless herein otherwise provided, be paid over to the Colonial Treasurer for the public use of the Colony. Application of moneys.
8. If any Chinese shall enter or attempt to enter this Colony without paying or having paid for him the sum of ten pounds aforesaid, he shall, besides such sum, be liable to a penalty not exceeding twenty pounds, and on default of payment either of such penalty or sum shall, on summary conviction before two or more justices of the peace, be liable to imprisonment for twelve months, unless such penalty and sum be sooner paid, and may be apprehended and taken before any justice of the peace to be dealt with in due course of law. Penalty on non-payment of fee for entrance to the Colony.
9. For the purposes of all proceedings under this Act the justices may decide, upon their own view and judgment, whether any person charged or produced before them is a Chinese within the meaning of this Act. Evidence of person being a Chinese.
10. It shall be lawful for the Colonial Treasurer or any person authorised by him, upon the application of any Chinese, and upon being satisfied that such Chinese was at the time of the passing of this Act a *bonâ fide* resident of this Colony, and that he desires to be absent therefrom for a temporary purpose only, to grant to such Chinese a certificate that he is exempt from the provisions of this Act for a time to be specified in such Certificate. And during the time so specified the holder of such certificate shall be exempt from all payments under this Act. Certificate of exemption in certain cases.
11. Notwithstanding anything in this Act contained, any Chinese arriving in Western Australia who produces evidence to the satisfaction of the collector or other principal officer of Customs or other duly authorised officer that he is a British subject, shall be wholly exempt from the operation of this Act, and a certificate of the Governor of any British Colony, or of a British Consul, shall, on being verified to the satisfaction of such collector or other officer, be sufficient evidence of the claim of such Chinese to exemption under this section. British subjects exempted.
12. The provisions of this Act shall not be applicable to any Chinese duly accredited to this Colony by the Government of China, or by or under the authority of the Imperial Government on any special mission, nor to any "laborer" within the meaning of "The Imported Labor Registry Act, 1884," brought into the Colony under the provisions of that Act. Exemption of certain officials, &c.
13. The penalties and restrictions imposed by this Act shall not nor shall any of them be held to be applicable in respect of any Chinese being one of the crew of any vessel arriving in any port in Western Australia, and who shall not be discharged therefrom or land except in the performance of his duties in connection with such vessel. Act not to apply to crew.
14. The Governor in Council may make such rules and regulations, not inconsistent with this Act, as may be necessary for carrying out the provisions of this Act. Rules and regulations.
15. For the purposes of any proceeding under the provisions of this Act, the burden shall lie on the defendant of proving that he is exempt from the operation of any of such provisions, and it shall not be necessary in any information, complaint, summons, or conviction, or other document, to state or negative any exception in or exemption under this Act. Burden of proof.
16. It shall be lawful for the collector of Customs or any sub-collector of Customs, by writing under his hand, to authorise any customs or police officer to detain any vessel the master whereof shall, in the opinion of such collector or sub-collector, have committed an offence or be a defaulter under this Act. Such detention may be either at the port or place where such vessel is found or at any port or place to which the collector or sub-collector may order such vessel to be brought. For the purposes of such detention the officer so authorised shall be entitled to obtain in the customary manner such writ of assistance or other aid and assistance in and about the detention of or other lawful dealing with such vessel as are by law provided under the Ordinances and Acts regulating the Customs with reference to seizure of vessels or goods. But such detention shall be for safe custody only, and shall cease and be discontinued if a bond with two sufficient sureties be given by such master for Collector or sub-collector of Customs may detain vessel in certain cases.
- Such detention to cease on security being given.

On default by master in payment of penalties, &c., vessel may be seized and sold.

Proceeds of sale how dealt with.

Chinese transhipped from one vessel to another.

Penalties, &c., how recoverable.

the payment of the amount of such penalty or penalties and costs as may be adjudged to be paid, and such other sums as he shall be liable to pay under the provisions of this Act. Provided that if default be made in payment of any penalty incurred by such master in terms of any conviction adjudging the payment thereof, or if default shall be made by such master in payment of any other sum or sums which he shall be liable to pay under the provisions of this Act, it shall be lawful for such officer to seize such vessel, and for him and any other person duly authorised or empowered in that behalf to take all such proceedings for the purpose of procuring the condemnation and sale of such vessel as are provided by law in case of condemnation or forfeiture of a vessel for a breach of the Customs laws of the said Colony. Provided that the proceeds of sale of any such vessel shall be paid to the Colonial Treasurer of the Colony for the public use thereof; and after payment of the amount of such penalty or penalties and of all sums which such master shall be liable to pay under the provisions of this Act, and of all costs and expenses incurred in and about such sale and the proceedings leading thereto by virtue of this section, the balance shall be placed by the Colonial Treasurer to a trust account and be held in trust for the owners of or other persons lawfully entitled to the vessel so condemned and sold.

17. Any vessel on board which Chinese shall be transhipped from another vessel and be brought to any port or place in this Colony shall be deemed to be a vessel bringing Chinese into the said Colony from parts beyond the Colony, and shall be subject to the provisions of this Act, and all Chinese so transhipped and brought to such port or place shall be deemed to be Chinese arriving from parts beyond Western Australia.

18. All sums of money payable under this Act and all penalties imposed by this Act may be sued for, prosecuted, and recovered before two or more justices of the peace in petty sessions, in accordance with the provisions of the Ordinances and Acts regulating proceedings on summary conviction, in the name of some officer of Customs or other person thereunto authorised by the Governor.

No. 21.

NEW ZEALAND.

1881, No. 47.

An Act to regulate the Immigration of Chinese. [*Reserved for the signification of Her Majesty's pleasure.*]

BE it enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. The short title of this Act is "The Chinese Immigrants Act, 1881."

Interpretation.

2. In this Act, if not inconsistent with the context,—

"Chinese" means any person born of Chinese parents, and any native of China or its dependencies, or of any island in the China seas, born of Chinese parents:

"Vessel" means any ship or other sea-going vessel of whatsoever kind or description:

"Master" means the person, other than a pilot, for the time being in actual command of any such vessel.

Number of Chinese ships may carry.

3. If any vessel shall arrive in any port in New Zealand, having on board a greater number of Chinese passengers than in the proportion of one to every ten tons of the tonnage of such vessel, according to the registry thereof if British, and if not, then according to the measurement prescribed by any Act for the time being in force regulating the measurement of British ships, the owner, charterer, or master of such vessel shall be liable, on conviction, to a penalty not exceeding ten pounds for each Chinese passenger so carried in excess.

Penalty.

4. The master of every vessel having Chinese on board shall, immediately on his arrival in any port of the colony, deliver to the collector or other principal officer of Customs a list of such Chinese, specifying the name, the place of birth, the apparent age, and the former place of residence of each such Chinese. For any default in complying with this provision such master shall be liable to a penalty not exceeding two hundred pounds.

Master on arrival to give list of Chinese passengers on board.

Ten pounds to be paid for each Chinese arriving by vessel.

5. Before making any entry at the Customs, and before any Chinese shall be permitted to land, the master shall pay to such collector or other principal officer ten pounds for every such Chinese; and no entry shall be deemed to have been legally made, or to have any legal effect, until such payment shall have been made.

Not to apply to crew of vessel.

The sum of ten pounds aforesaid shall not be payable by or in respect of any Chinese who is one of the crew of any vessel, unless he lands with the intention of remaining in the Colony.

6. If any master shall neglect to pay any such sum, or shall land or permit to land any Chinese at any place in the Colony before such sum shall have been paid for or by such Chinese, with the intent, in any of the above cases, to evade the payment thereof, such master in addition to such sum shall be liable, for every such offence, to a penalty not exceeding twenty pounds for each Chinese so landed or permitted to land.

Penalty on not paying for Chinese on arrival.

And in every such case, in addition to any such penalty, the vessel shall be forfeited, and may be seized, condemned, and disposed of in like manner as ships forfeited for a breach of any law relating to the Customs of this Colony.

Vessel forfeited.

7. On payment of such sum in respect of any Chinese, the Collector or other officer as aforesaid shall, without demand, forthwith supply each Chinese in respect of whom any such payment is made with a certificate, in writing under his hand, of the payment of such sum.

Certificate of sum paid to be given to Chinese, and to be evidence.

Such certificate shall be in a form to be prescribed by the regulations hereinafter mentioned, and, whensoever or wheresoever produced by such Chinese, shall be conclusive evidence on behalf of himself, and of any other person who may have paid such sum for him, that such sum has been duly paid.

8. All sums so paid by or on behalf of any Chinese shall be paid into the public account and form part of the Consolidated Fund.

Moneys to be paid into the public account.

9. If any Chinese shall enter or attempt to enter the Colony without paying or having paid for him the sum of ten pounds aforesaid, he shall, besides such sum, be liable to a penalty not exceeding ten pounds, and may be apprehended and taken before any justice of the peace, who may take sufficient bail for his appearance at any sitting of a resident magistrate's court at or nearest to the place where such Chinese may be, or remand him to such other court as to such justice shall seem fit, until such Chinese shall produce a certificate of payment as aforesaid.

Penalty on not having paid fee for entrance to the Colony.

10. It shall be lawful for the Governor to remit the whole or any part of any penalty, forfeiture, or sum of whatever description due or payable under this Act.

Governor may remit penalties, &c.

11. Upon the conviction of any Chinese under this Act whereby he may be awarded to pay a sum of money, it shall be lawful for the justices, if they shall see fit, to order that such sum, or any part thereof, shall be payable at some future day, not being longer than two months from the date of such order, provided security by way of recognizance to Her Majesty to the satisfaction of such justices be given for the payment of the amount mentioned in, and at the time fixed by, any such order.

Justices may fix time for payment of penalties.

12. All penalties and sums payable under this Act may be recovered in a summary manner before two justices of the peace, upon the prosecution of some officer of Customs or other person authorised for that purpose by the Governor.

Penalties recovered in a summary manner.

At any hearing the justices may decide upon their own view and judgment whether any person charged before them is a Chinese within the meaning of this Act.

13. Every Chinese within the Colony of New Zealand, at the date when this Act comes into operation, may, within two months thereafter, apply to the resident magistrate's court nearest to his place of abode for a certificate of exemption from payments under this Act.

Certificate of exemption from payment.

Any resident magistrate exercising jurisdiction at such court shall deliver to any Chinese so applying a certificate, which shall bear on the face of it the name of such Chinese, and the signature of the magistrate granting such certificate, and such other matters which may be prescribed in the regulations; and the holder of such certificate shall be exempted from payments under this Act.

For the purposes of this section the term "resident magistrate" shall include a warden having jurisdiction within any gold-field proclaimed under any Act for the time being in force relating to gold-fields.

14. The Colonial Treasurer, or any person authorized by him, may, upon the application of any Chinese, and upon being satisfied that such Chinese was, at the time of the coming into operation of this Act, a *bond fide* resident of the Colony, and that he desires to be absent therefrom for a temporary purpose only, grant to such Chinese a certificate that he is exempt from the provisions of this Act for a time to be specified in such certificate.

Certificate of exemption may be granted in cases of temporary absence from the Colony.

And, during the time so specified, the holder of such certificate shall be exempt from all payments under this Act.

15. The Governor in Council may, from time to time, make such regulations as he shall deem necessary for giving effect to this Act, and all such regulations shall be gazetted.

Governor may make regulations.

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