

House of Commons, 26 February, 1857

- [original text](#)

contributions

- [Richard Cobden](#)
- [John Russell](#)

RESOLUTIONS MOVED. DEBATE
ADJOURNED.

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MR. COBDEN rose to submit the Resolutions of which he had given notice respecting the hostilities in China, and said: Knowing, Sir, to how large an extent the national conscience has been moved upon the question to which I am about to invite the attention of the House, judging from the manifestations of opinion given by those organs of opinion by which we learn what is passing in the minds of the people of this great nation, and believing from all the indications which we can have that there is a large amount of sympathy felt for the subject of my Resolutions, I can only regret that the task which I have to perform has not fallen into abler hands. But let me, therefore, stipulate at the outset that, whatever may be the decision of the House, it may be taken on the merits, and that it shall not be allowed to suffer, to any degree, on account of its advocate. I beg distinctly to state that I have no personal or party object in view, and that I have no motive whatever, but to arrive at a just decision on the important question which I am about to submit. Personally, I have every

motive for avoiding to give pain to any one, and still more to visit with retribution the gentleman who now fills the situation [1392](#) of Plenipotentiary at Hong Kong, who, except his conduct is endorsed and adopted by the Government, I hold to be entirely responsible for the proceedings which I am about to bring under notice. Sir John Bowring is an acquaintance of mine of twenty years' standing. I can have no vindictive feeling against him, and I have no desire for vengeance upon any person. I wish the Government had not adopted a hasty decision upon this subject, as we might then, without embarrassment, have come to a consideration of the case before us solely with the object of dealing with it on



the principles of justice.

Now, Sir, to begin at the beginning, it appears that on the 8th of October last – a vessel called a lorcha – which is a name derived from the Portuguese settlement at Macao, on the mouth of the Canton River, opposite to that where Hong Kong lies, and which merely means that it is built after the European model, not that it is built in Europe – was boarded in the Canton river by Chinese officers. Twelve men were taken from it on a charge which appears to be substantiated by the depositions of witnesses, that some of them had been concerned in an act of piracy. Twelve men were removed from, and two were left in charge of, the ship. Immediately upon the matter coming to the knowledge of Mr. Parkes, our Consul at Canton, he made a demand upon the Governor of Canton, claiming the return of these men, on the ground that, by the treaty between this country and China, any malfeasants found on board of a British vessel and claimed by the Chinese authorities, should be demanded from the Consul, and not taken by the Chinese officers out of a British ship. The answer given to the demand of Mr. Parkes – and the whole of the question turns upon this point – was that the ship was not a British but a Chinese ship. The matter was referred to Sir John Bowring at Hong

Kong, which is about six hours' steam passage from Canton. On the 10th, that is, two days after, nine of these men were returned to Mr. Parkes. Three others, against whom grave suspicion existed, were retained in order that their case might be further inquired into. And thus the matter remained, when Sir John Bowring determined that unless within forty-eight hours the whole of the men were returned in a formal and specified manner, and an apology offered for the act of the Chinese officers, and a pledge given that no such act should be committed in [1393](#) future, naval operations should be commenced against the Chinese. On the 22nd of October the whole of the men were returned; and a letter was sent in which Yeh, the Chinese Governor of the province, stated that the ship was not a British ship, that the English had really no concern in it, but that he returned the men at the instance of the Consul. That letter was accompanied by a promise that in future great care should be taken that British ships should never be visited improperly by Chinese officers. On the 23rd – that is to say, the day after – operations were commenced against the Barrier Forts on the Canton river. From the 23rd of October to the 13th of November these naval and military operations were continuous. The Barrier Forts, the Bogue Forts, the Blenheim Forts, and the Dutch Folly Forts, and twenty-three Chinese junks, were all taken or destroyed. The suburbs of Canton were pulled, burnt, or battered down, that the ships might fire upon the walls of the town; and bear in mind that these suburbs contained a population which were entirely dependent upon the foreign trade, and were our only friends in the neighbourhood of that city. These operations continued until the 13th of November; the governor's house in the city was shelled, and shells were thrown at a range of 2,000 yards that they might reach the quarter in which the various Government officers resided at the other side of the town. These things are set forth in the pathetic appeals made by the inhabitants, by repeated communications from the Governor, and by the statements of deputations, including some men of world-wide reputation, such as the Howquas and others

engaged in trade. This was the state of things up to the date of the last advices.

Sir, I lay these things before the House as the basis for our investigation, not with the view of appealing to your humanity, not with the view of exciting your feelings, but that we may know that we are now at war with China, and that great devastation and destruction of property have occurred. What I ask is, that we shall inquire who were the authors of this war, and why it was commenced? and that I ask not in the interest of the Chinese, but for the defence of our own honour. I ask you to consider this case precisely as if you were dealing with a strong Power instead of a weak one. I confess I have seen with humiliation the tendency in this country to pursue two courses of policy – one towards [1394](#) the strong, and the other towards the weak. Now, Sir, if I know anything of my countrymen, or anything of this House of Commons, that is not the natural quality of Englishmen. It never was our ancient reputation. We have had the character of being sometimes a little arrogant, a little overbearing, and of having a tendency to pick a quarrel; but we never yet acquired the character of being bullies to the weak and cowards to the strong. Let us consider this case precisely as if we were dealing with America instead of China. We have a treaty with China, which in our international relations with that country puts us on a footing of perfect equality. It is not one of the old conventions such as existed between Turkey and the other European States, in which certain concessions were made without binding clauses on both sides. Our treaty with China binds us to a reciprocal policy just as our treaty with America does; and what I say is, let us in our dealings with that country observe towards them that justice which we observe towards the United States, or France, or Russia.

I ask, what are the grounds of this devastation and warfare which are now being carried on in the Canton river? Our Plenipotentiary in China alleges that a violation of our

treaty rights has taken place in regard to this vessel, the *Arrow*. In the first place, I think that is a question which might have been referred home before resorting to extreme measures. In the next place, I ask, what is the case as a question of international law? I will take the opinion of one of the highest legal authorities of the country; and I should, after the statement which I heard made by Lord Lyndhurst in another place on Tuesday evening, think myself very presumptuous if I were to detain you by any statement of opinions. I heard Lord Lyndhurst declare that, with reference to this case of the *Arrow*, the Chinese Governor is right; and I heard him say that, in giving his opinion, he could not do better than use the very words used by the Chinese Governor – that this vessel, the *Arrow*, is not in any respect a British vessel. But we have other grounds of testing the legality of this matter. When Mr. Parkes communicated the fact of this visit to the lorchas to Sir John Bowring, he received an answer; and what was that answer? Sir John Bowring being then within six hours' steam from Canton, receives the letter written by Mr. Parkes [1395](#) on the 10th, and on the 11th he writes a letter, in which he says: – It appears, on examination, that the *Arrow* had no right to hoist the British flag; the licence to do so expired on the 27th of September, from which period she has not been entitled to protection. You will send back the register to be delivered to the Colonial Office.' And on the following day, when not called upon to refer to the subject, he says: – I will consider the regranting the register of the *Arrow*, if applied for; but there can be no doubt, that after the expiry of the licence, protection could not be legally granted. Now, Sir, I might stop here. Here is the whole case. But what course did Sir John Bowring recommend Mr. Parkes to take under these circumstances? I ask you to consider the matter as though you were dealing with another Power. If you please, we will suppose that instead of being at Hong Kong dealing with Canton, we are at Washington dealing with Charleston. Not long ago a law was passed in South Carolina, which went very much

against the most cherished predilections of this country, by requiring that when a coloured citizen of this country – as much an Englishman as you or I – arrived at Charleston, he should be taken out of the English ship, put into gaol, and kept in custody there until the ship was ready to sail. Now, if there could be one measure more calculated than another to wound our susceptibilities as a nation it was that. What did our Consul at Charleston do? Did he send for Her Majesty's ships of war, and bombard the Governor's residence? No, he sent to Washington and informed our Minister of the matter. The Minister went to the Secretary for Foreign Affairs, and received an explanation which amounted to nothing else than this, – "We are in a difficulty, and you must have patience with us." And we had patience; we did not resort to force. Now, had this case which we are now considering occurred in America, what would have been the course of our Ambassador at Washington when he received the letter of our Consul at Charleston saying that he had demanded reparation from the American authorities there? When he referred to the documents which he had in his archives, and found that owing to the lapse of time the instrument upon which the Consul had proceeded had become void, and therefore he had no legal standing ground as against the American Government – which was precisely the case, as admitted in this in- [1396](#) stance, the licence having expired fourteen days before – he would have written back to the Consul saying, "You have been too precipitate. The captain of the ship, by neglecting to renew his licence, has placed himself in an illegal position. You have been very rash in demanding redress from the Governor of South Carolina. Make your apology as soon as you can, and get out of this business." What was the conduct of Sir John Bowring? After telling Mr. Parkes that the licence had expired and that the *Arrow* had no right to hoist the British flag, he added, "but the Chinese have no knowledge of its expiration." When I read that letter in the country it was in *The Times Gazette*, in order that I might read the document in the original. Always wishing to save the character of an absent

man, and believing that that must have been penned in a moment of hallucination, I say that it is the most flagitious public document that I ever saw. The statement itself being published reveals a state of mind which warrants one in saying, and compels one to say, that the statement is false; because there is an avowal of falsehood and a disposition to profit by it. I have frequently complained of the number of public documents which are laid before us in a mutilated shape; I always regard with suspicion any letters which are headed "Extract;" but what was the right hon. Gentleman about who had the revising of these documents? Why did not he leave out that part of the letter? For the credit of the country and his own credit I wish he had. ["No, no!"] At all events, let it be understood that if we follow out the policy adopted by Sir John Bowring upon no better foundation than this, we take upon ourselves the responsibility of his acts and share the guilt of that statement.

Now, Sir, connected with this transaction there are questions as to whether, when the Arrow was boarded, she had her colours flying and that her English master was on board. After what we have heard, I think all these questions secondary; but I am by no means satisfied that we stand any better in regard to them than in regard to that to which I have just referred. Hon. Gentlemen who have read the correspondence will have observed that in the first letter written on this subject by Consul Parkes, he says he has proof in his possession, showing, beyond the possibility of [1397](#) doubt, that when the vessel was boarded there was a British captain on board, that he remonstrated against the acts of the Chinese, and that the British flag was also flying at the time. Now, the fact turns out afterwards that the captain, in his own declaration, states that he was not on board the vessel; that he was taking his breakfast with another captain in another vessel. That, however, I regard as altogether of secondary importance. But there is another illegality in this matter. Here are two illegalities which you have to contend with: – First, the

clear doctrine of constitutional law laid down by Lord Lyndhurst that you cannot give rights to a Chinese shipowner as against his own Government. An unlearned man like myself and the Chinese Governor Yeh seem instinctively to have come to the same conclusion. I cannot for the life of me see how it is possible that we can invest ourselves with the power, at Hong Kong, of annexing the whole Chinese mercantile marine, – of protecting it against its own Government, and absolving Chinese subjects from their natural allegiance. But, besides the illegality admitted by Sir John Bowring, there is another. Even admitting that the lorchas' register was all in order and that the licence had been paid up, still it is declared authoritatively, and is beyond a doubt, that the Hong Kong Government had no power to violate the statute law of this country by giving any such licence. The Hong Kong legislature cannot act in contravention of the fundamental principle of our Navigation Act; and therefore the whole register and licence were mere waste paper, even if they were in order. Thus you have a threefold illegality to struggle against. The noble Lord (Viscount Palmerston) I see is taking a note. I wish him to answer one thing that was said by his colleague in another place. Lord Clarendon, alluding to this point, used a very fallacious argument. He said, a Hong Kong register could not give imperial rights to a ship, but could give only British protection to a ship in China. That is the very place where we say it cannot give protection. It can give protection anywhere else but there. How can the legislation of the Hong Kong Government, irrespective of the Legislature of this country, have any force in China? It is only through the instrumentality of an Act of Parliament here that the Hong Kong legislature exists at all, and none of its acts are [1398](#) binding in China, or anywhere in fact, without the confirmation of this country. I do not wish to convert this into a legal debate, and it would be presumption in me to say another word on this part of the question. The Duke of Argyll, indeed, finding himself entirely beaten on the law of the case, says "Do not argue this subject on law, legal, and

technical grounds. You must try it on broad general grounds." I leave it to other Members of this House to vindicate the legal profession, which lies at the foundation of all civilization, from the unworthy aspersions thus inferentially cast upon it.

Assuming, then, that the whole thing was illegal on our part – and this cannot be denied, for no lawyer with a reputation at stake, and who is not on the Treasury Bench, will venture to assert a doctrine contrary to that laid down by Lord Lyndhurst – I pass to another branch of the question, with which I can more appropriately deal. It may be true that although the Chinese did not violate the law, still they might have had the intention to insult us. It is alleged that in boarding the *Arrow* the Chinese authorities did it premeditatedly in order to insult us. Having the law on their side, they yet might have enforced it with that view. I say that is quite a distinct issue; but let us see what grounds there are for this assertion. In the first place, without travelling out of the question, I may remind you of the exceptional character of the trade carried on by European vessels on the coast of China. We all know that a great deal of irregular trade exists on that coast. Do you suppose it a very extraordinary thing that the Chinese authorities should board a vessel of European build and carrying the British flag? In the correspondence relating to the registration of colonial vessels at Hong Kong, Sir John Bowring gives a case in which two vessels entitled to bear our flag were seized by the Chinese authorities because they had cargoes of salt. Being seized under the treaty their contents were liable to confiscation, but the Chinese Government had no right to retain the vessels themselves. The Chinese having taken the vessels to empty them, and dismantled them and kept them too long, our agents made a demand for their return, and sent a ship of war's cutter to bring them away. This might have been all very regular; but it only leads to the inference that the Chinese have occasion [1399](#) to visit our vessels without necessarily intending to insult us. I hold in my hand

a communication from an American gentleman, who left Canton on the 16th of last November, and was one of those who entered within the walls of that town in the rear of our forces. His name, which I am at liberty to mention, is Cook – he lives at Whampoa, where he has been for four years, holding the position of United States marshal, and therefore having jurisdiction over the flag of his own country. In course of conversation Mr. Cook, in answer to my inquiries, stated many cases in which British ships, with the British flag, were engaged in smuggling transactions, and he mentioned one in particular of so very glaring a nature that I asked him to put it on paper, in order that I might read it publicly. I give this as an example of what has been going on in the neighbourhood of Canton, to afford a valid plea for what the Chinese authorities have done in this case of the lorcha. Mr. Cook, in his letter, written to-day, says: – In answer to your query whether I have any objections to the use of my name regarding our conversation on China matters, I say, most certainly not, and I will give you the facts in regard to the seizure of the lorcha as near as possible, from memory, having no data to refer to. During the summer of 1855, in June or July, there lay near our chop, which is close to Her Britannic Majesty's Vice Consulate at Whampoa, from ten to fifteen lorchas, engaged in smuggling salt, and eight or ten of this number hoisted British flags during the day, the salt being discharged at night. The number of vessels was thus large at that time in consequence of the Mandarin boats having been sent above Canton to repulse the rebels, but the Government could not keep ignorant of so bold a matter long, and twelve or fifteen Mandarin boats, each containing upwards of sixty men, made their appearance early in the morning, and captured the whole fleet, five or six of which had British flags flying at the time, the Europeans (generally a captain) as well as the Chinese jumping overboard and swimming to the different vessels for safety, several of whom came on board of our vessel. The Mandarin force took the captured fleet to Canton, and the parties having the right to fly the flag subsequently

claimed their vessels, which were eventually returned, and the remainder retained by the Government. This is by no means an isolated case as regards the illegal use of the flag, and you have only to refer to the Hong Kong papers to find plenty of cases where the right was questioned to grant the flag as it had been done by the Hong Kong authorities. In justice to Mr. Cook I must say – and without the proviso he would, I am sure, feel that I had been guilty of a breach of faith – that he is as completely an anti-Chinese as anybody I ever met. He wishes [1400](#) every success to every one who will go and attack the Chinese for the purpose of making them more American and more European in their notions; and he would not be supposed to say a word to excuse them from any horrors that you may inflict upon them. Yet he candidly tells me, “You have chosen a quarrel which is the most unlucky that you could possibly have stumbled into, for (he adds) you have not a leg to stand upon in the affair of the Arrow.” I confess I listened with some humiliation to what he said of the doings of ships carrying our flag; and when so much is asserted about our flag being insulted, I cannot help feeling that it is such transactions as these which dishonour and insult our flag. Mr. Cook, who, as the American marshal, has control over the American flag, also said to me in a very significant tone, “I don’t allow any such doings as these under our stars and stripes.” In what position do we place the Chinese authorities by our licences? I will tell you on the same authority. A Chinese goes to Hong Kong, and by means of some mystification which they have adopted there – such as becoming the tenant of Crown lands, or becoming a partner with somebody else who is – for you will observe the Chinese are infinitely clever in matters of partnership and are exceedingly prone to limited liability – a Chinese subject, I say, goes to Hong Kong, obtains an English ship, and then gets an Englishman for a captain. What sort of a man is this captain? Why, any man with a round hat and a European coat on will do. He is put on board and called the nominal captain. The ship is owned by a Chinese, she is manned by Chinese; but they keep this man on board, who is generally

some loose fish – some stray person, or runaway apprentice; and in this very case you have Mr. Kennedy and another witness both stating their ages at not above twenty-one. When we hear of young men of twenty-one being placed in positions of this sort, I think we may draw a very natural inference. In fact, they are, I am told, nearly always runaway apprentices or idle young seamen. They have plenty of grog to drink, and have nothing else to do but to drink it, for they are not expected to take any share whatever in the working of the ship. That is the process which is going on in the Chinese waters, and it is most dishonourable, I contend, to us as a nation to permit it. One of the consequences which I should expect from the [1401](#) appointment of a Committee would be a strict inquiry into the trade carried on with China, and an endeavour to devise some scheme to put a stop to this disgraceful system of obtaining licences. Hon. Gentlemen will be able now to see from the letter which I have read the advantages of having one of these licences. A dozen smuggling vessels are seized; half of them, having a colonial register, are entitled to carry the British flag, because they have paid the licences and are registered. The Chinese authorities take out their cargoes, but are obliged to return the vessels. As to the other half of the vessels, they are seized and confiscated with their cargoes; and the smugglers also are kept, so that a smuggler who has a register can carry on his trade with nothing to fear, except the occasional loss of his cargo. This, then, is a reason why we ought to be tolerant towards the Chinese, and not assume, as a matter of course, that they intended to insult us because they boarded this lorcha, even though the British flag might be flying at the time. I must beg the House to remember who the correspondents were. On the one side you have Consul Parkes, a gentleman of considerable ability, no doubt, and a good linguist (I believe some of us saw him not long ago when he came over with the Siamese treaty), but still a young man, without experience and without having gone through the gradations of civil employment calculated to give him that moderation, prudence, and discretion which he may one day

possess; and, on the other side, the Governor of a province which, according to Mr. Montgomery Martin's book, contains 20,000,000 inhabitants, a Cabinet Minister, and one who has no doubt gone through all the grades of civil employment. Now bear these facts in mind, and I ask any man who has read this correspondence, does it bear upon the face of it the slightest intimation that the Chinese Governor wished to insult the British authority? Must it not be admitted – as was said by Lord Derby in that brilliant and admirable speech of his – that “on the one side there were courtesy, forbearance, and temper, while on the other there were arrogance and presumption?” The correspondence loses half its effect if we do not bear in mind the dates and the circumstances under which it was written. While it was being carried on, every day witnessed the demolition of some fort or the burning of some buildings; and yet, here on the 12th of November, a fortnight [1402](#) after his own house had been shelled and entered by a hostile force – (I have no doubt that the officers and men who performed their duty conducted themselves with all moderation, but I am informed that they were followed by a rabble who destroyed a great deal of valuable property) – Commissioner Yeh writes to Sir John Bowring in this mild and conciliatory tone: – Again, the twelve men seized were all taken back by Hew, assistant magistrate of Nanhæ, on the 22nd ult.; but Consul Parkes declined to receive either them or a despatch sent with them from me. The letter under acknowledgment says that, had the authorities been accessible to the Consul, the affair might have been disposed of in a single interview. The assistant magistrate, Hew, was sent twice with the men to be surrendered; it is through him that (foreign) correspondence with me is always transmitted. Now, the assistant magistrate is a commissioned officer of the Chinese Empire. Heretofore any foreign business that has had to be transacted by deputy has been transacted by officers similarly deputed, and the present was a case of all others requiring common conference; but Consul Parkes had made up his mind not to consent to what was proposed. On a subsequent occasion I sent Tseang, Prefect

of Lay-chow-foo, to the foreign factories to consider what steps should be taken; but the Consul now insisted on something more than (the rendition of) the men captured on board the lorcha. There being in all this no inaccessibility on the part of Chinese officials, what was there to make an immediate adjustment impracticable? Yet on the 23rd, 24th, and 25th ult. the different forts of the city were occupied or destroyed, and from the 27th ult. to the 5th inst. a cannonade was kept up, by which numberless dwelling-houses in the new and old city were consumed, with considerable loss of life. I still forbore, remembering how many years you had been at peace with us; but the people were now gnashing their teeth with rage at the terrible suffering to which they had been subjected. Imagine it, that the simple fact being that a seizure was made by the Chinese Government of Chinese offenders, whom it was a duty to seize, it is pretended that the British ensign was hauled down; and this is followed up by a movement of troops and a cannonade, to the infliction of terrible suffering on the people. I must beg your Excellency to pass an opinion on such a state of things. Does not this letter prove that the man who wrote it under such harrowing circumstances had, above all things, a desire to conciliate and smooth down the differences which existed? Nothing is more striking in this correspondence than the manner in which Commissioner Yeh constantly harps upon the same string – that the Arrow was not a British vessel. I have counted in the papers no less than eight letters in which that declaration is reiterated in different forms to Consul Parkes, to Sir John Bowring, to Admiral [1403](#) Seymour, and, I believe, even to the American representative. There are instances in which his language is as terse, logical, and argumentative as if it had been Lord Lyndhurst himself who spoke. Here is an example – and I read this extract because it is the very dictum laid down by Lord Lyndhurst the other night. Writing to Sir John Bowring on the 21st of October, Yeh says, – “The whole question amounts to this – a lorcha built by a Chinese purchased a British flag; that did not make her a British

vessel." I venture to say that Westminster Hall, with the Court of Chancery to boot, could not frame a decision more terse and more comprehensive than that. It is the whole law of the case. A Chinese by buying a British flag cannot make a Chinese vessel a British vessel. And it is a most remarkable thing that during the whole of this discussion our authorities never once attempted to answer this argument. What is still more remarkable, Lord Cranworth talked a good deal about something else the other night, but he never attempted to answer it. I have no doubt we shall hear the Attorney General talk a great deal about something else to-night. But I venture to say that we shall not hear any man with a character to lose as a lawyer, much less a man who aspires one day to sit on the woolsack, declare in express language that that dictum *bona fide* to a British merchant vessel, it would have been proper to follow some other course than the one pursued; but the fact being that a Chinese had fraudulently assumed the flag, why should Mr. Consul Parkes have put himself forward as his advocate? Simply because he wanted a pretext for making trouble. Upon my honour, I believe the whole matter is contained in these last words. I be- [1404](#) lieve there was a preconceived design to pick a quarrel, and I very much suspect that there has been more or less encouragement forwarded from head quarters. I might read numberless passages from the correspondence, but as the attention of hon. Gentlemen has already been called to them by the discussion which has occurred in another place, it is unnecessary for me to trouble the House with any lengthy quotations. I may say, however, that all the communications on the part of the Chinese authorities manifest a forbearance, a temper, and a desire to conciliate which should put to the blush any man who asserts that they intended to insult the British representatives. I observe that in another place Lord Clarendon did not content himself with referring to recent transactions, but he said that for a long time past the Chinese Government and authorities have been encroaching upon the rights of foreigners, and have shown a disposition to infringe the

Articles of the treaty. I can only say that if such conduct has been pursued by the Chinese authorities it was the duty of Her Majesty's Government to take earlier steps to check their proceedings. Why did the Government allow us to drift into a quarrel in which our cause is bad, if for years sufficient grounds have existed for their interference? If, as Lord Clarendon tells us, these wrongs have been inflicted upon English, French, and Americans, why, in the name of common sense, did not that noble Lord, or the Prime Minister, or some one in authority, say to France and to the United States, "We are joint parties to the treaty with China; our rights are invaded; the terms of the treaty are not fairly fulfilled; let us make joint representations on the subject at Peking?" That would have been a statesman-like mode of proceeding; but why did the Government allow these infractions of the treaty to go on until your representatives have stumbled into a quarrel, and commenced a war for which, in the opinion of your best lawyers, there is no legal grounds? Was it statesmanlike to omit the opportunity of setting matters right when every one would have admitted you were justified in doing so, and then to take up this dirty quarrel in a manner for which all the world will cry shame upon you? I deny that the assumption of Lord Clarendon is true. I say that if you refer to the blue-books that have been laid upon the table since 1842, you will find most striking proofs that the Chinese authori- [1405](#) ties, in every part of the empire to which we have access, have manifested the most consistent and earnest desire to carry out the provisions of the treaty. of Commissioner Yeh is unsound in law. Here is another instance. Yeh writes to our Plenipotentiary on the 17th of November: – I have always understood foreign flags to be each one peculiar to a nation; they are never made so little of as even to be lent; how, then, could a foreign nation do anything so irregular as to sell its flag to China? Observe the acute reasoning of this man. He puts the question at once upon its real footing – "You have not made a Chinese vessel a British vessel; you have only sold your flag to a Chinese vessel." He then goes on, – This

appears to your Excellency a proceeding in accordance with law; all I can say is, that I am not aware that foreign nations have any such law. As I have said before, therefore, had the flag belonged.

I will make one remark with reference to the correspondence recently laid before us. Why was this blue-book laid upon the table on the very morning of the day on which Lord Derby was to call attention to the subject, and why was a paper presented in the name of the Sovereign caricatured by being termed "Correspondence respecting Insults in China?" My experience in these matters almost tempts me to say that this blue-book was laid upon the table on that morning for the very purpose of mystifying us. Many hon. Members – plain, simple-minded country gentlemen – who have not so voracious an appetite for blue-books as I have, would say, "Mercy on us! Here is a book of 225 pages, all about the insults we have suffered in China. It's high time that Lord Clarendon should interfere for the protection of British interests, and it's quite right to go to war on the subject if necessary." I have read the blue-book through, and what is it? It consists of garbled extracts from correspondence extending from the year 1842 to the year 1856. What do those extracts relate to? A few street riots, a few village rows. An Englishman straying out of bounds to shoot is hooted back by the peasants. An Englishman goes out shooting, shoots a boy, and blinds him. The Consul awards the boy 200 dollars to buy a piece of land. That is put down as an "insult in China." When I commenced reading the book I thought "Here is the record (garbled, as I will afterwards show you) of all the disputes and the misunderstandings we have had with China since we concluded the treaty which gave us access to the five ports of that empire." Now, I will ask the House to turn their attention to the position occupied by this country during the same time with regard to the other great Powers of the civilized world. What have been your relations with the United States during that period? Three times you have been on the verge of war on

the subjects of boundary disputes, enlistment disputes, and fishery disputes. I have seen a large fleet at Spit-head reviewed by the Queen, well knowing at the time its significance – that it was meant to back the representations we were making to those who are our co-religionists, and I may almost say our countrymen. Then, what has been our position with [1406](#) regard to France? Twice we have debated the measures to be adopted in order to guard against the possible descent of the French upon our shores. We have called out our militia and we have increased our fleet, for fear of violent proceedings on the part of France. What have been the relations existing between England and Russia? Those Powers have engaged in the most gigantic duel ever fought; they have waged the most bloody and costly war – for the time of its duration – that ever occurred, – a war in which four or five empires were involved. I may be told that China is now plunged into revolution; but within the last sixteen years has not all Europe been plunged into revolution? Talk of insults to England! Were not all the English workmen in France driven from the railroads of that country? If such a thing happened in a country whose manners, habits, and religion are similar to our own, ought we not, in dealing with an empire to which we have so recently gained admission, and which has had so little contact with the Western world, to have exhibited more tolerance and moderation? Is it not an insult to this House to bring down such a blue-book as that upon the table, in order to make up a case for Lord Clarendon, on the ground that we have had constant reasons to complain of the breach of our treaty with China. I have said I would show the House that the extracts contained in this book are not fairly given. Many of those extracts are collected from Returns which were laid before the House long ago, and I will trouble the House with some extracts from the original papers. Now, here is a letter from Sir John Davis, the British Plenipotentiary, addressed to Lord Palmerston, and dated “Hong Kong, Feb. 15, 1847,” which, if it be in the blue-book before us, I have not been able to find. My Lord – I deemed it right on the approach of the

Chinese year, when Canton is crowded with idle persona, to address the enclosed official despatch on the 2nd instant, to Captain Talbot, not that I have any expectation of the occurrence of acts of violence and disorder, if our own people will only behave with common abstinence. The following extract of a letter from Major-General D'Aguilar, now at Canton, will tend to corroborate all that Rear-Admiral Sir Thomas Cochrane, myself, and the Consul, have had occasion to report upon this subject; and we have none of us any motives for seeking popularity by appealing to passion rather than reason: – 'I have been a great deal on the river, and constantly in the streets about the factories, and extended some of my walks close to the city gates, and have never met with anything but courtesy [1407](#) and civility. I believe a great deal – I may say everything – depends upon ourselves, and that a kind manner and a bearing free from offence is the best security against all approach to violence and insult.' Before I read a letter in a kindred spirit from Admiral Cochrane, I may observe that I have sometimes been accused of entertaining feelings hostile to the military and naval services. I have many excellent and brave friends in both services, and, although I am a friend to peace, yet in a question of veracity I would take the word of a soldier or a sailor rather than that of any one else. This letter is dated "Her Majesty's ship *Agincourt*, Hong Kong, Nov. 20, 1846": – My dear Governor, – In pursuance of the intention I communicated to you of visiting Canton for the purpose of seeing, before my departure for England, the changes that may have occurred in the four years that had elapsed since I was last there, as well as to ascertain how far any just cause existed for the apprehensions of the British merchants resident at Canton, or for a ship of war being constantly stationed off the factory gardens, to her imminent peril, were any real hostilities to take place, I went there from hence on Sunday and on Monday, landing in plain clothes, accompanied by my flag-lieutenant and Captain M'Dougal. I walked for full six hours in every part of the town where I thought it likely to meet a crowd, finding myself, without intending it, close to

the dreaded city gate, within seven or eight doors of which I passed some time in a shop making purchases, the doors surrounded as usual by lookers on from the crowded street that leads to the gate, of whom not a single individual showed the slightest incivility. On the contrary, some in the most friendly and respectful manner examined the texture of my coat as well as my gloves, the latter being, as you know, a curiosity to them. In short, I sought every position where public feeling was likely to be exhibited, and blinked none; and I can positively declare that I and those with me passed through the streets with as much freedom and as little inconvenience as in any street in London, and met with precisely the same reception I have done at Shanghai or Ningpo, and if any circumstance had been required to confirm the opinion I have more than once expressed – namely, that the Chinese will never be the aggressors – the visit of Monday would fully do so; and if I required further proof of the bullying disposition of my own countrymen among foreigners in the first instance, and their unreasonable expectations as to anticipated protection afterwards, it will be found in what has already passed, and in the statement made to you by the Consul on the first recall of the Nemesis, and another by her commander on his arrival here, that, on being ordered down the river after lying three months without moving from the factory gardens, the merchants made loud complaints, and I expected to have heard that she had been followed by a petition for her return. If the merchants would believe that their best and by far most efficient protection is to be found in their own circumspect conduct in treating the people [1408](#) with urbanity and goodwill, and in avoiding rather than seeking sources of conflict, I feel persuaded that they will soon practically discover in these measures more persuasive advocates with the Chinese than in all the force I could bring against them. I do not know whether my right hon. Friend (Mr. Labouchere) can find that letter in the blue-book, but I have not been able to find it. The correspondence appears to me to have been culled to find some letters of a very different character. I will

only trouble the House with one other letter. It is a letter by Sir John Davis, written in 1846. You had riots at Canton afterwards, and great destruction of property. The letter is dated the 12th of November, 1846, and Sir John Davis, writing to Lord Palmerston, says: – I am not the first who has been compelled to remark that it is more difficult to deal with our own countrymen at Canton than with the Chinese Government; and I offer the last proof of this in the fact that it has cost me infinitely more trouble to make Mr. Compton pay a fine of 200 dollars than to obtain compensation to our merchants of 46,000 dollars for losses which occurred partly from their own misconduct. I do not find that letter in the blue-book. Sir John Davis, also writing to Lord Palmerston, on the 26th of January, 1847, says: – I may add, that the subjects of every other civilized Government get on more quietly with the Chinese, and clamour less for protection, than our own. Lord Clarendon gave great prominence to the case of the merchants. Now, Sir, it is probable that I am the only man who would say on this subject what I am about to say without being misunderstood. No one will doubt my mercantile tendencies. All my sympathies are with the mercantile classes, and my public life has been passed in enlarging the sphere of their honourable and beneficial employment. Lord Clarendon called attention to the English merchants in China, and said, they were all in favour of the violent proceedings which have been carried on in Canton. In one of these papers – which I need not read to you – I find a communication on that subject, written in 1847, by Sir George Bonham, who says, that there are a great many young men there, some of them engaged as junior partners and clerks at Canton, who have not a large stake at issue, and who are naturally eager to have access to the country, and to compel the Chinese to break down the barriers to their excursions; but that on consulting [1409](#) the older and more experienced men he did not find that they were in favour of hostile proceedings, although he admitted they were in a minority. I sympathize with the position of the English merchants residing at Canton. It is not a pleasant

thing to live on the borders of a river, and not to have a distance of two miles for exercise. At all events, it would not suit me, who am fond of exercise, and I should be most glad to see them in the course of being emancipated from that state of duress in which they are placed at Canton. One of my reasons for regretting that which is being done is, that it tends to retard indefinitely any such extension of the liberty of my countrymen. But while I say this, I cannot lose sight of the fact, that there are a great many merchants in China who are engaged in a traffic of a very exceptionable character, which is detrimental not merely to the health, but to the morals, to the souls and bodies, of the Chinese. That trade is founded on a certain degree of licence and lawlessness; it flourishes in times of disorders and commotion, and anything which plunges the East in anarchy and confusion is promoting the interest of these merchants and serving their unholy gains. With those merchants I have no sympathy; but I am afraid that English merchants abroad do to some extent merit the reflections made by the gallant men whose letters I have read. And I doubt whether it is always for their benefit, as merchants, that they are placed in a position which enables them to summon to their aid an overwhelming force to compel the authorities to yield to their demands. If hon. Gentlemen opposite will not take offence at a reference to a bygone question, I should say that there may be too much protection for British merchants as well as for British agriculture. It is a fact, that while our exports are going on increasing they are passing more and more through the hands of foreigners, and not through the hands of Englishmen. I speak from ocular observation and personal experience when I say, that if you go to the Mediterranean, or the Levant, or to any of the ancient seats of commercial activity, you will find the English merchants, with all their probity and honour, which I maintain is on an equality with that of any other people, have been for some time in foreign countries declining in numbers. At Genoa, Venice, Leghorn, Trieste, Smyrna, Constantinople, you will find that the trade has passed out [1410](#) of the hands of

British merchants, and into the hands of the Greeks, Swiss, or Germans, all belonging to countries that have no navy to protect them at all. This is the fact; and what is the inference? It may be that English merchants are not educated sufficiently in foreign languages. But it may be also that Englishmen carry with them their haughty and inflexible demeanour into their intercourse with the natives of other countries. The noble Lord inscribes "Civis Romanus sum" on our passports, which may be a very good thing to guard us in our footsteps. But "Civis Romanus sum" is not a very attractive motto to put over the door of our counting-houses abroad. Now, without wishing to do more than convey a friendly warning to a class with whom I have so great a sympathy, I may remark, that our merchants have at present a very large trade in China, in South America, and in India; but the same failings which have lost the footing of our merchants in the Mediterranean, may be also a disadvantage to us in China and elsewhere.

I come now, Sir, to the consideration of the case of the Chinese merchants as it is put forward by Lord Clarendon, and I will take the memorial of the East India and China Association of Liverpool. These gentlemen are telling our Foreign Minister what they wish him to do in China, and let hon. Gentlemen hear what these moderate Gentlemen wish to see effected: – That a revision of the tariff of Customs duties should be made consistent with the spirit of the treaty concluded by Sir Henry Pottinger – namely, an ad valorem duty of 5 per cent on imports and exports. That is certainly a tariff which I should like to see applied to Liverpool. Let my Liverpool friends begin at home, and put themselves on the same platform with the Chinese. They then go on to say: – The British Government should insist on the right of opening to foreign trade any port on the coast of China or on the banks of any navigable river at any time they may think fit, and of placing consuls at such ports; that our ships of war should have the free navigation of and access to all the ports and rivers of China. Let us, by way of illustration and bringing

the matter nearer home, suppose that this is a document which has come to us from Moscow, and that it is addressed, not to China, but to Turkey. Let us read it thus: – “The Russian Government should insist on the right of opening to foreign trade any port on the coast of Turkey, or on the banks of any navigable river, at [1411](#) any time they may think fit, and of placing consuls at such ports; that Russian ships of war should have the free navigation of and access to all the ports and rivers of Turkey.” Can you imagine anything more Stunning than the explosion which would take place at Liverpool if such a ukase as that were to come to us from Russia? As a friend, not an enemy, of these gentlemen, I must say that such language as that is to be reprobated. I say it is to be reprobated, because it tends to place us who sympathize with mercantile men at a great disadvantage as regards even the naval and military classes. Contrast the kindly and conciliatory language used by General D’Aguilar and Admiral Cochrane with the downright selfish violence and the unreasoning injustice with which the Liverpool Association would treat an empire containing 300,000,000 people. I think I know more about the trade of China than these gentlemen, and I will venture to say that there is not a great empire in the world where trade is so free. I only wish that we had, not five ports, but one port in France, Austria, or Russia, where we should have the same low tariff as we now have in China. There is not a country on the face of the earth where trade is carried on with greater facility than in China. There is no place where if you send a ship you can get her unloaded and loaded with greater despatch, where the port charges and other expenses are so moderate, or where you are more certain to find a cargo of the produce of the country. You will find that statement corroborated by the evidence of captains who have sailed to every quarter of the globe, and who have stated before a Committee of this House that there is no country in the world where trade can be carried on with greater facility than in China. Mr. Cook, the gentleman to whom I have already referred, confirmed it to me to-day. He said, “I have known a

ship of 1,500 tons coming into Whampoa, and discharging her ballast, taking in her cargo, and sailing in five days." He added, "Can you beat that in Liverpool?" I am afraid not. But what is it that the Liverpool Association want? Do they think that by opening a dozen other ports they will necessarily, by sheer violence, increase their trade? That was tried in the last war. We all remember the gloom which hung over this country in the summer of 1842. It was once remarked by Sir Robert Peel that the fine harvest of that year and the news [1412](#) of the Chinese treaty saved England from the most fearful state of panic and distress. We all know that the report of the treaty with China when received here raised the most extravagant expectations. Our friends in Lancashire threw up their caps, and said, "In an empire of 300,000,000 people, and with free access to the northern ports, if every Chinaman buys a cotton nightcap all our mills will be kept going." What, then, has been the result to our exports? During the last three years our exports to China have not averaged more than £1,250,000. Before the war broke out we had frequently years in which our manufactured exports amounted to as much as that. In fact, since 1842 we have not added to our exports to China at all, at least as far as our manufactures are concerned. We have increased our consumption of tea; but that is all. I have here a letter, from the East India and China Association of London, signed by my hon. Friend the Member for Lancaster (Mr. Gregson), and written in so different a spirit from that of the Liverpool Association, that I have not one word to say against it, except that I think my hon. Friend has too great dependence upon what can be done for him by force of arms in China. You will find it stated in that letter that – Our trade with China has become one of the greatest importance. The import at the time of the treaty was, in 1842, 42,000,000 lb. of tea; in 1856, 87,000,000 lb. It is hardly fair to compare these years, because 1842 was a year of war, while 1856 was a year of large consumption. The statement in the letter with respect to silk is still more fallacious. It is this: – "In 1842 (yearly average), 3,000 bales; in 1856, 56,000 bales."

Well, that may be accounted for by the failure of the silk crops in France and other parts of Europe, and it is an illustration of the immense resources of China that when you have a sudden demand for silk, owing to the failure of the crops in Europe, by sending silver you can get any supply you want from China, no matter how unexpected may be the demand. But it is not fair to put that as the normal state of our trade. I have said that our imports have increased. Those imports have been paid largely by opium. It is said that our exports to India have also increased. True, our merchants may send their longcloths to India, and there exchange them for opium; that opium may [1413](#) go to China, and in return for It we may get silver back to India or to England. But I apprehend that if the land in India Were not employed in growing poppies, it would be employed in growing something else, enabling the natives to buy the long-cloths of England, and that if the Chinese were not spending large sums upon opium they too would buy something else. That question, however, I shall not go into; it is a very large one, and would be apt to excite angry passions. What I wish to say is, when the Liverpool merchants ask you to compel China to admit them to all her rivers, accompanied by ships of war, and to allow them to set up their shops wherever they please, do not upon their authority be deluded into the belief that the war in 1842 has increased our trade with China, and that a new war is likely to be followed by similar results. I venture to predict that the hostilities in which we are now engaged with China will diminish, not increase, our exports.

Having trespassed so long upon the time of the House, I shall allude to only one other point – the claim of foreigners for admission to Canton. I have been careful to word my Motion with a salvo upon that question. I am of opinion, whatever doubts may be entertained by others, that when the treaty was signed in 1842 it was contemplated that foreigners should have as free access to Canton as to Shanghai, or any other of the open ports. But a controversy has been carried on on that

subject between our officials at Hong Kong and the authorities of Canton. In the papers will be found despatches not only from Mr. Bonham, but from the noble Lord now at the head of the Government, in which the very best possible grounds are urged why our authorities at Hong Kong should not persist in trying to gain admission for English merchants to Canton. It is stated, and I think in good faith, that the population of Canton, and, in fact, the population of that province of which Canton is the capital, is fierce and ungovernable; that they have hostile feelings towards the English; and that if our merchants were admitted into Canton, the greater contact would only lead to greater ill-will. I believe that apprehension is well founded. Whether it arises from the fierce and lawless disposition of the Chinese, or from their past intercourse with the East India Company – which we all know yielded much for a little temporary peace – or whether it appertains to [1414](#) their southern clime – for in all countries the southern region is inhabited by the more fierce and turbulent part of the population – I know not; but certain it is that the Cantonese entertain feelings of the most hostile kind towards the foreigners, and I believe it was in good faith that it was urged by the Chinese Commissioner, by our own Plenipotentiary, and by Lord Palmerston himself, that it was not desirable to press further the question of admission to Canton. But let our merchants bear in mind that what we are now fighting for is not the admission of foreigners into Canton. The sine qua non of Sir John Bowring, who certainly, I believe with Lord Derby, has a monomania about getting into Canton, is that the foreign authorities, not the foreign merchants, should be allowed to enter that city. I will ask the House, is it worth while fighting for this, that Sir John Bowring should have the right to go into Canton in one costume or another, especially when the Governor was ready to meet him half-way out of the town? I always thought that if a person of State and dignity left his own palace to meet another half-way it was a greater compliment than staying and making the reception at home. I cannot understand what we are

fighting for, and why Sir John Bowring should think himself degraded by an interview with Governor Yeh at Howqua's packing-house. This is a topic worth nothing but a laugh. But is this admission to Canton for which we are fighting of any use? Canton is a walled city, occupied by a native population, with streets eight feet wide. Would any Englishman ever dream of living in such a place? Does an Englishman live in the Turkish quarters of Constantinople? No; the habits and religion of the two races separate them. What would be the advantage to English residents in that part of China of admission into Canton? If they had free access into the country, and could take, a ride or a walk for exercise, that would be a benefit to them; but the population in the neighbourhood is turbulent and insubordinate, and our countrymen are not likely to receive good treatment there; and if the privilege were conceded, nobody would ever go into the city except to stare about him, or to make an observation for his note book. I apprehend that what the Cantonese authorities say is true – that the population is so turbulent that Englishmen could not expect very good treatment. But if admission to Canton [1415](#) were desirable, is this the time for pressing for it? The blue-book teems with reasons against such an idea. What do the inhabitants of Canton say in their address? They say: – The late affair of the lorcha was a trifle; it was no case for deep-seated animosity, as a great offence that could not be forgotten; yet you have suddenly taken up arms, and for several days you have been firing shell, until you have burned dwellings and destroyed people in untold numbers. It cannot be either told how many old people, infants, and females have left their homes in affliction. If your countrymen have not seen this, they have surely heard, have they not, that such is the case? What offence has been committed by the people of Canton that such a calamity should befall them? Again, it has come to our knowledge that you are insisting on official receptions within the city. This is doubtless with a view to amicable relations; but, when your only proceeding is to open a fire upon us which destroys the

people, supposing that you were to obtain admission into the city, still the sons, brothers, and kindred of the people whom you have burned out and killed will be ready to lay down their lives to be avenged on your countrymen, nor will the authorities be able to prevent them. There is great good sense in that; and one of Governor Yeh's letters might have been penned by the Duke of Wellington – it is so sententious. I allude to that in which Governor Yeh, in answer to Sir John Bowring, who asked for admission to Canton, stated that he could not go out of his palace on account of the people, who were complaining of the proceedings of the English. He says, "If I went into the town, I do not know how I should ever get out again;" meaning that the people would so crowd upon him with their complaints. On the same subject Governor Yeh wrote to Sir John Bowring: – In a letter from his Excellency Admiral Seymour, received some days ago, he says that the present proposition is in no way connected with those of former years; that his demand is simply for the admission of the foreign representatives. The proposition made before was objected to by the entire population of Canton; the people affected by the present proposition are the same Canton people; the city is the same Canton city; it is not another and separate Canton city. How can it be said that there is no connection whatever between the two propositions? But more than this, the Canton people are very fierce and violent, differing in temper from the inhabitants of other provinces; admission into the city was refused you in 1849 by the people of Canton; and the people of Canton of the present day are the people of Canton of the year 1849; and there is this additional difficulty in mooted the question of admitting British subjects into the city now; namely, that the strong feeling against your Excellency's countrymen having been aggravated by the terrible suffering to which the people have been subjected [1416](#) without a cause, they are even more averse to the concession than they were before. That is perfectly natural, and should have put an end to the mooted of the matter at the time. It is important that hon. Gentlemen should address themselves to this point,

on which there is much misconception out of doors – namely, are the Chinese authorities in good faith when they tell you that they cannot with convenience or safety carry out that clause of the treaty which provides for admission of the English into Canton? I believe that they are in good faith, and the facts, I think, prove that. A previous Governor of Canton wrote to his Emperor with quaintness, but much truth, “The inhabitants of Canton, who are anxious to fight are many, but those who are conversant with justice are few.” I think that that may also be said of the merchants of Liverpool, whose memorial I have read. The papers already before Parliament are full of proofs of the kind. There is a communication from Sir George Bonham, stating that when a number of our merchants removed to Foo-chow-foo, they took with them their native servants from Canton; but these were found to be so pugnacious that the inhabitants of the province of Fokien, in which Foo-chow-foo is situated, begged that they (the Cantonese) might all be sent away. But, under any circumstances, I do not think that our admission to the city of Canton would be of a farthing’s use. There are thousands of inhabitants outside the walls, in the suburbs which have been destroyed, and these are the shopkeepers and brokers. It is with them that we do business, and if we had free access into the city we should still have to do our business outside. Therefore, we have no grievance against the Chinese for not opening Canton.

But, Sir, supposing everything I have said on this subject could be contradicted and invalidated, I have only to ask, whether it is right that, with respect to a country with which we have treaty alliances, our representative should be allowed to declare war and carry on war without sanction from this country? That is a question which I intend scarcely to touch upon, because others will be able to deal with it better; but it is apparent, on the very face of these papers, that the very difficulty into which we have fallen was foreseen, and that our authorities on the spot have been warned against the

very acts they have committed. It is not merely that they have acted against general prin- [1417](#) ciples, which it is the interest of all nations to regard; but Sir John Bowring has acted positively contrary to his instructions in regard to the employment of troops. There are letters from Lords Malmesbury and Granville, and particularly one from Earl Grey, which one can feel and understand; and these letters gave peremptory directions that on no account aggressive measures should be resorted to without recourse to England. You have therefore to deal with your representative abroad, who not only has violated a sound principle of international law, but has gone against express injunctions. I perceive a great change in the tone of the correspondence between Sir John Bowring and Lord Clarendon, and that which passed between him and other Ministers with whom he had to deal. When Lord Clarendon came into office, there seems to be some slackening of the rein, leading to the inference that the check previously held over our representative was withdrawn, and that we were "drifting" into a war with China, as we had into the late war, from the want of a firm hand on the part of persons in authority. Recollecting the instructions of Earl Grey, and looking into the correspondence which has taken place, I cannot help surmising that something must have taken place to lead our Plenipotentiary to suppose, that if we got into conflict with the Chinese on the question of entering Canton, it would not be unfavourably regarded at home.

The manner, then, in which we have been dragged into war, and the position of difficulty in which we have been placed, are much to be deplored. But, looking to the future, I think you must confess that you find yourselves in a very difficult position. What are you going to do? You have destroyed the whole of the suburbs of the town of Canton; you have destroyed the modern residences of the merchants down to the river's edge; you have destroyed several hundred yards of streets in the old town; that is to say, the busy places of commerce. All the factories have been destroyed. Right and left houses have

perished, or been burnt up by incendiaries, pillaged by rebels, or bombarded in order that freer range may be given to our guns. I have spoken to some of those who have come from China since this affair began, and they assure me that capitalists will desert Canton and [1418](#) that that town will never be able to recover its business. They have deserted Canton because they felt too insecure to carry on their business, and it is supposed that that feeling will be lasting. The general impression is, that capital will depart from Canton, and receive employment in other ports. You have therefore destroyed that very port on which your commerce depended. It is surely not that for which you are carrying on war. And what is to be your position for the future? You have entered into a war which cannot be defended. Sir John Bowring did not tell Commissioner Yeh that this was not a legal ship; but our debates are published to the world. Lord Lyndhurst is an authority in America and France as well as here. What will they think of us when they read that that noble and learned Lord has declared the quarrel to be founded on our part on a triple illegality, and that we cannot, in fact, urge a single fact in defence of our conduct. We had a very good case before if you had chosen to insist upon it; but the noble Lord at the head of the Government has given up the claim for admission into Canton. You might have gone to Peking and said, "Fulfil the treaty of 1842, open the gates of Canton as you promised to do." But Lord Clarendon says that this quarrel has nothing whatever to do with that. No; it was necessary that that ground should be abandoned because, bad as this case is, the present Government could rely upon no other defence than this about the Arrow, Arrow? I speak advisedly when I say that I believe the American Government will not approve the course that has been taken. I believe they will not join in these violent proceedings. There are some people who know the French Government better than I do; but is it likely, when you have so had, so wretched, and so dirty a case as this of the Arrow, that any one will take share in it on your side? You must give up your case some time or other; and when so proper a time as

this to declare that you do not approve these [1419](#) miserable proceedings, which have been carried on in your name unwarrantably by your subordinate representatives? But, may not this war, if it should go on, lead to complications with other Powers? May it not lead to complications with America? I see in these papers that the American merchants immediately protested against it. An American house at Canton has publicly protested against this war, as having been commenced without notice, and have declared that they will therefore hold England responsible for any damage that may be done to their property. Well, what do you propose for the future? Part of the wall of Canton was battered down in the expectation that the Governor would yield. But he has not yielded, although you have bombarded the city itself and thrown shells into it. What then do you propose to do? You have done everything short of burning the town – if, indeed, that has not been commenced. If you do that you will raise a cry of horror from every civilized people. I see by the Indian papers that the Friend of India, which is always a great advocate of annexation, tells Sir John Bowring to play the part of another Clive, and to enter upon a career of conquest, and to annex China as we have annexed India. Well, are you sure that extensive territorial acquisitions in China would be acquiesced in by other Powers? The United States of America are only half the distance from China that you are. They have a great Pacific as well as an Atlantic empire. I am not sure that America would acquiesce in your making an India of China. Does anybody who knows anything about China believe that you could annex it? It is an empire with 300,000,000 people. How are you to govern them? Nobody that has ever thought upon the subject would dream of your being able to do so. Then, what do you propose to do? I say, undo what you have done. The wisest course which you could adopt would be to repudiate the acts of your representative, who has acted without authority and without instructions. That would be a statesmanlike and prudent course. Disavow the acts of your representatives in this miserable affair of the *Arrow*; but try, at the game time, to

get those facilities of internal intercourse in that great country which your merchants so much desire, and which your representations will, in all probability, enable you to obtain. America and France [1420](#)Arrow. inasmuch as the question about entering would get up an old controversy to which other nations were not parties. They were therefore obliged to raise a quarrel in which they expected other nations would join. But do you suppose that France and America will join with you now, and join in making common cause with you on the ground of this would lend you a joint influence in making such representations, which you never can hope to have while you are fighting on behalf of this affair of the

But, Sir, I have said enough with regard to my view upon the subject; I leave the matter in the hands of the House. I hope we shall not hear it said in this House – as it has been in another place – that these are barbarous people, and that you must deal with them by force. I tell you that if you attempt to deal thus with them, it will be a difficult matter, and one, too, that will be costly to the people of this country. You will be disappointed, and deservedly so, if relying upon the supposition that you will be able to coerce the Chinese Government by force – you will be disappointed if you think that you will be repaid by increased commerce for the employment of violence. If you make the attempt you will be disappointed again as you have been disappointed before. And, Sir, are these people so barbarous that we should attempt to coerce them by force into granting what we wish? Here is an empire in which is the only relic of the oldest civilization of the world – one which, 2,700 years ago, according to some authorities, had a system of primary education – which had its system of logic before the time of Aristotle, and its code of morals before that of Socrates. Here is a country which has had its uninterrupted traditions and histories for so long a period – that supplied silks and other articles of luxury to the Romans 2,000 years ago! They are the very soul of commerce in the East, and one of the wealthiest nations in the world.

They are the most industrious people in Asia, having acquired the name of the ants of the East. You find them carrying on their industry in foreign countries with that assiduity and laboriousness which characterize the Scotch and the Swiss. You find them not as barbarians at home, where they cultivate all the arts and sciences, and where they have carried all, except one, to a point of perfection but little below our own – but that one is war, You have there a people who have carried agriculture to a state of horticulture, and whose great cities rival in population those of the Western world. Now, there must be something in such a people deserving of respect. **If in speaking of them we stigmatize them as barbarians, and threaten them with force because we say they are [1421](#) inaccessible to reason, it must be because we do not understand them; because their ways are not our ways, nor our ways theirs. Now, is not so venerable an empire as that deserving of some sympathy – at least of some justice – at the hands of conservative England?** To the representatives of the people in this House I commend this question, with full confidence that they will do justice to that people.

The hon. Gentleman then moved the following Resolutions:

That this House has heard with concern of the conflicts which have occurred between the British and Chinese authorities in the Canton river; and, without expressing an opinion as to the extent to which the Government of China may have afforded this Country cause of complaint respecting the non-fulfilment of the Treaty of 1842, this House considers that the Papers which have been laid upon the Table fail to establish satisfactory grounds for the violent measures resorted to at Canton in the late affair of the Arrow: That a Select Committee be appointed to inquire into the state of our commercial relations with China.

[§ MR. MILNER GIBSON](#)

seconded the Motion.

§ Motion made, and Question proposed.

§ MR. LABOUCHERE

Sir, I am very far from regretting, still less shall I venture to complain, that this subject has been brought before the attention of the House by the hon. Gentleman who has just resumed his seat. I think there is no Member in this House, whatever judgment he may have formed of these transactions, who will not concur with me in thinking that it would be unbecoming that they should take place without receiving the deliberate consideration of the House of Commons. They deeply concern most important commercial interests in this country – they affect still more deeply interests which are much more considerable – the reputation and credit of the British Empire. I can assure the House that I do not shrink from this discussion: on the contrary, I am persuaded that, when the case has been fairly and impartially considered by this House, it will come to the opinion that, however much any warfare of this description is to be regretted between parties whose strength is so unequal as that of England and China, yet that, under the circumstances in which we were placed, no blame can justly attach either to those local authorities who were entrusted with the care of British interests at Canton, or to him on whom the immense weight of that responsibility rests, and who have a [1422](#) right to the just, or, at all events, to the indulgent consideration of their countrymen. I think that the Government could not have pursued any other course without betraying the interests that were entrusted to their care, and without lowering the British character in the eyes of the world, than that of supporting those officials who had acted,



as they thought, in a manner both just and politic.

Sir, I cannot treat so lightly as the hon. Gentleman has, a

fact which is at once apparent upon the face of these papers, and which I think must have struck every Member who has read them. These things were not done in a corner. They were not done in some obscure part of the world, where England adopted a course against a semi-barbarous people, without any intelligent and civilized people to judge of their conduct. They were done in the face of a great European community – in the face of a great community of English merchants – men who carry with them through the world the feelings and opinions of Englishmen – men whom I believe the hon. Gentleman has libelled when he says that they advised the British authorities to adopt at Canton a course against which not only every English, but every Christian and every human feeling revolts. [Mr. COBDEN: No, no!] Yes! I appeal to the House whether that was not the manner in which the hon. Gentleman thought fit to stigmatize this great body of English gentlemen?

§ MR. COBDEN

I beg the right hon. Gentleman's pardon. Let him specify what I said.



§ MR. LABOUCHERE

I will specify reasons why I state that the hon. Gentleman spoke thus of them. [Mr. COBDEN: Reasons!] The hon. Gentleman said that the judgment of the whole British community was so warped by their own mercantile and selfish interest, that they were blind to those considerations of humanity and justice, which ought to have had weight with them. I, Sir, have a very different opinion of Englishmen in any quarter of the world, no matter where they are to be found. I have never been personally engaged in commerce, but my family and my

connections have all been in trade, and I have learnt to form an estimate of the character of the British merchant very different from that which appears to have been formed by the hon. Gentleman. He has drawn a very affecting picture of the violent and high-handed proceedings of [1423](#) the British representatives at Canton, and has contrasted them with the forbearing, just, and scrupulous spirit which has characterized the conduct of the local Chinese authorities. I will not insist upon the fact that the entire European mercantile community at Canton appear to have approved these proceedings, and that we have not received from them the slightest protest against their justice and policy. I will not even insist upon the sympathy displayed by the French and American residents in that part of the country, although the Consul representing the latter nation pushed his martial sympathies so far as to accompany our troops on their advance to Canton; but I will appeal to testimony to which I think the hon. Gentleman himself will attach some importance. I hold in my hand a letter addressed by the American Chief Superintendent of trade at Macao to his fellow-countrymen, in which he expresses his opinion as to the general character of the Chinese administration at Canton, and as to the manner in which it is necessary to deal with the authorities there. This document is not included in the papers already presented to the House, because it has only just arrived, but it will appear in the next batch of papers, and I will take the liberty of reading it to the House. It is dated December 27, 1856, and was issued from the legation of the United States at Macao. It is to this effect: – To the Merchants and other Citizens of the United States. His Excellency Peter Parker, Commissioner of the United States of America to China, &c., referring to the notice of the 9th instant, hereby makes known that the reply of the Imperial Commissioner to his Excellency's despatch of that date was received last evening, and that, with the semblance of a desire to maintain friendly relations between the two countries, the same disposition to evade obligation, misrepresent facts, and erroneously

interpret treaty stipulations which for years has characterized the correspondence of Imperial Commissioners still obtains with his Excellency Yeh. The resumption of trade to any extent at the port of Canton during the existence of the local hostilities is not encouraged by the tenor of the communication now received, and means more ample than those now at command will be required to meet the emergency of the public interests of the United States in China, and the satisfactory and proper adjustment of the relation of the five



ports is an event yet future.

	“By order,
	“S. WELLS WILLIAMS.

Secretary of the United States American Legation. I, therefore, imagine that it was put forward after the recent difficulty between [1424](#) America and China was for the moment settled, and expresses, not the effects of any temporary irritation, but the deliberate judgment of this, the chief American officer in China, as to the general character of the proceedings of the local Government at Canton. The tone of this document is such that it might have been put forth by Sir John Bowring instead of by Mr. Williams. Had it been put forward by the friends of Sir John Bowring it would have been treated with very little ceremony by some Gentlemen; but I hope that as it proceeds from an American and not from a British Commissioner, it may be thought entitled to more respect and attention. I believe the fact to be that for some time the relations of every foreign Government and the Government of Canton have been so thoroughly unsatisfactory, and have been gradually becoming so much more so, that the foreign residents generally felt that the existing state of things was so insufferable and so detrimental to their interests that they were willing that, even at the price of the temporary interruption of commercial intercourse (which

must have been to them a matter of great injury and regret), the Chinese should be taught that they could not, without check, set aside treaty obligations and commit acts of violence and injustice against the lives and property of Europeans and Americans. We cannot, therefore, be surprised that a crisis has at length occurred which has been long anticipated. It is one thing to hold amicable relations with a Government which knows how to regulate any differences that may arise in a just spirit; it is another to be placed in contact with a Government which has no respect for the obligations of treaties, and which avails itself of every opportunity of outraging the rights of Europeans. If we desire to form a just decision upon this question, it is necessary to bear these things in mind.

The hon. Gentleman (Mr. Cobden) has expressed a hope that this question will be decided without respect to party feelings. I heartily join in that desire, and I am persuaded that there are many Members of this House who are determined to vote upon this subject, not as Whigs or Tories, not as Liberals or Conservatives, but as Englishmen jealous for the honour of their country, determined to uphold her interests and her rights, and not to be led away by a Resolution which, I must say, is one of the most ambiguous and obscure which has ever been presented to this House. I am [1425](#) afraid that we are getting into a very bad practice in regard to the Resolutions proposed in this House; and that, no matter to what subject they refer, whether to our finances, our foreign policy, or any other question, a desire is evinced to give to the Resolutions submitted to us as little meaning as possible, in order to enable any one to support them who may happen to have a taste for voting against the Government. The result of this desire is, that instead of matters being fairly submitted to the judgment of the House, some vague, indefinite, purposeless Resolution is put together, which in reality affirms nothing, but the wording of which enables Gentlemen of the most opposite opinions to go into the same lobby. I will stop for a

moment to consider the Resolution of my hon. Friend the Member for the West Riding. It begins by saying – That this House has heard with concern of the conflicts which have occurred between the British and Chinese authorities in the Canton river. Of course we all agree to that. We always hear of any interruption of tranquillity with regret, especially when the strength of the contending parties is so unequal as it is in the present instance. The hon. Gentleman then goes on to say – And, without expressing an opinion as to the extent to which the Government of China may have afforded this country cause of complaint respecting the non-fulfilment of the treaty of 1842,” – Why, Sir, I should think that it is quite necessary for the House to consider that, if they mean to come to any conclusion. I am surprised that the clear intellect of my hon. Friend could have framed a Resolution by which he asks the House to come to a conclusion without considering the cause or the amount of the grievance. Then mark the logical nature of the conclusion – This House considers that the papers which have been laid upon the table fail to establish satisfactory grounds for the violent measures resorted to at Canton in the late affair of the Arrow. How can you say that, irrespective of the opinion you may form from the papers as to whether the Chinese authorities give us just cause of complaint or not? This is the most singularly illogical Resolution I ever heard propounded in this House. To his series of inconsistent and incongruous propositions the hon. Gentleman tacks on these words: – “That a Select Committee [1426](#) be appointed to inquire into the state of our commercial relations with China.” The appointment of such a Committee may or may not be desirable. That is quite a distinct question in itself, and does not follow as a natural or necessary corollary from the preceding parts of the Resolution. In one of the shortest, but by no means the worst, speeches ever made in this House, the hon. and learned Member for Midhurst (Mr. Warren) the other day said, – “Fancy a proposal to refer the British constitution to a Select Committee!” Equally preposterous is the idea of referring the foreign relations of this country to such a

tribunal. Why, that is a matter for the House to determine. If this House thinks that the local authorities of Hong Kong have erred in demanding redress for what they regarded as an unwarranted aggression – if it thinks that we have done wrong in approving the conduct of our officials – let it frankly and manfully say so in clear and intelligible language, and we will do our best to meet it; but let not the House allow it to go forth to the world that it agrees to a Motion every sentence of which conflicts with the one that immediately follows it.

Sir, I am unwilling to entangle myself in the thorny legal arguments raised in this case. Any opinion of mine on such points would carry no weight, and I therefore leave them to my hon. and learned Friends who have studied this part of the subject. But, although I do not profess to be a lawyer, I think that these matters have no essential bearing on the question at issue, which requires no legal subtlety or special knowledge to understand it. With regard to this *lorcha* – the *causa teterrima* of the whole dispute – let the House not confound two classes of British registered vessels, both authorized to carry our flag, but between which there is an important distinction. The first class is one entitled to an Imperial register with all its incidents. These vessels, when our navigation laws were enforced, were liable to many restrictions as to manning, ownership, &c., and their privileges were jealously guarded. But from the very exigencies of trade another category of ships has always existed, entitled to a colonial or only partial register, the forms attending which are far laxer in their nature. Many hon. Members are no doubt aware of what is called the “Mediterranean pass.” The Mediterranean pass system has existed for more than 200 [1427](#) years; and under it vessels trading between Malta and Gibraltar, and other places in the Mediterranean, and not at all British-built or British-manned – in some instances not even British-owned – were authorized to carry our flag and claim our protection. In 1825 an Order

in Council was issued for the purpose of investing any ship or vessel "with the national character of a British ship" (the House will observe that no words can be larger or more explicit), and it declared that vessels trading with the Mediterranean should be entitled to this privilege, although they had not been built in England, were not manned by Englishmen, and not even owned by native-born British subjects; – it was considered enough that the owner should have had, while on shore, a fixed place of abode at Gibraltar, or other British colony, for the term of fifteen years, up to the time of granting or issuing such licence. These rights were not conferred under Act of Parliament, but by the prerogative of the Crown; and this prerogative has been exercised by the Crown in all times, either directly by an Order in Council, or else by a mode equal to that – namely, in the case of a conquered or ceded colony, by the local legislature, confirmed by the authority of the Queen. Now, it is under this latter form that licences are given to lorchas at Hong Kong, a ceded colony of the British Crown. That colony is inhabited by about 60,000 Chinese, many of them engaged in mercantile pursuits, but few of them British subjects in the full sense of the term. It was necessary that their lawful trade should be protected; and the mode resorted to for doing this was by granting registers, not to encourage smuggling, but to prevent that and all other abuses. The ordinance establishing this system was actually passed in consequence of the representations and complaints of the Chinese Government, to whom a copy of that document was communicated by the local Government of Hong Kong; and it is only now that, in connection with the register of this particular lorcha, in which so many holes are picked, that a doubt is started as to the legality of the ordinance. It is perfectly clear that the Chinese authorities knew they were doing wrong when they boarded the Arrow in the Canton river. We have the testimony of two respectable English witnesses, supported by Chinese evidence, that the British flag was flying at the time; and although I hear it said that the [1428](#) colours were already

down, there is not a tittle of reliable proof of that assertion. Governor Yeh, indeed, says, "It is well known to your honourable nation that your flag is never hoisted at that particular part of the river where this lorcha lay." Now, the hon. Member for the West Riding read a letter to us to-night which spoke directly to the contrary. [Mr. COBDEN: The letter referred to Whampoa.] I believe that makes no difference. The Chinese authorities had no right to go with a high hand and haul down the flag; but, if they had had any ground of complaint, they should have represented the abuse of the flag to our officials and requested that it might be prevented in future. If a similar case occurred between France and England, and there was a dispute as to whether a particular vessel was really French or English, a complaint would be made to the authorities of the country whose flag had been used, instead of forcibly boarding her, hauling down her colours, and seizing her crew. This was no mere case of visiting a ship to give her a notice, as has been ingeniously represented – it was nothing more nor less than an outrage carried out in the most violent form. I cannot admit that the British officials behaved in an intemperate manner, as has been stated by the hon. Member for the West Riding, and it is wholly gratuitous to ascribe to them any intention to pick a quarrel with the Chinese. Consul Parkes did no more than his duty; and I cannot conceive how he could have acted, under the circumstances, in a more temperate and becoming manner. He says: – I have, therefore, to lay the case before your Excellency, confident that your superior judgment will lead you at once to admit that an insult so publicly committed must be equally publicly atoned. I therefore request your Excellency to direct that the men who have been carried away from the Arrow be returned by the captain, Leang-kwo-ting, to that vessel in my presence; and if accused of any crime, they may then be conveyed to the British consulate, where, in conjunction with proper officers deputed by your Excellency for the purpose, I shall be prepared to investigate the case. I am not myself acquainted with Mr. Parkes, but in justice to an officer on a distant

station, who has a difficult duty to perform, and who has been so unjustifiably attacked in this House, I am bound to say that those who know him well have assured me that he is a man of good sense and good temper, and the last man in the world to behave in an intemperate manner on such an occasion. When Commis- [1429](#) sioner Yeh refused the satisfaction which was asked, did Mr. Parkes at once resort to violent measures? Far from it. He allowed an interval of several days to elapse. He communicated with Sir John Bowring; who, when he arrived on the scene of action, repeated, in his turn, courteously and temperately, but still in that clear and distinct manner which the representatives of the British Crown ought always to employ, the demand that reparation should be given for the insult offered to our flag. This, also, was refused. The controversy went on. I will not pursue it step by step, because hon. Members have, no doubt, made themselves acquainted with the whole progress of events in the papers which have been laid before the House; but it was not until the Chinese had exhausted every kind of subterfuge and evasion, in which they are so well skilled, to avoid giving satisfaction, that something like hostile measures were resorted to. At first hostilities were commenced at a distance from Canton. The Barrier Forts were taken; that failed to produce an effect, and stronger measures were taken by Admiral Seymour, who, I must say, appears to have conducted the operations throughout with the humanity and judgment to be expected from a man of his high reputation. It was not until the very last moment that Canton was attacked. I have heard it said that Canton was bombarded, but there has been no such thing as a bombardment of Canton in the ordinary sense of the word. Undoubtedly, hostile measures were most reluctantly resorted to, and they were, as far as possible, confined within the limits of humanity.

Sir, I come now to a question which to a certain degree has been mixed up with this matter – the right of entering into Canton. Every one is aware that this is a right which was

conceded to us in the most express terms by the treaty of 1842, and which, though its exercise has been postponed by the consent of the British Government, has never been abandoned. The precise time for pressing that right was a matter of prudence and discretion, and I cannot say that I am satisfied that it was an improper moment, after hostilities had been commenced, to demand, not an indiscriminate entry for all the British residents, but that free official intercourse which, if it had been granted, it can scarcely be doubted would have been most [1430](#) conducive to an amicable settlement of the differences.

I now come to a most important point of the hon. Gentleman's speech. He has stated that Sir John Bowring has acted in direct violation of positive instructions given by Earl Grey, and never since revoked, – that in no case were aggressive hostilities to be commenced against the local Government of Canton without first referring home for instructions. I am prepared to express my opinion that Sir John Bowring has not made himself liable to any such imputation. Undoubtedly, it was the intention of the Government at home when Earl Grey sent out these instructions, looking to the circumstances of the period, that the British authority should not be committed in aggressive collision with the Chinese, and by our local representative, at a time when there was not a force on the spot to support such an operation; but it is absurd to say that it was intended to tie the hands of the Commissioner under all contingencies, and for all future time – that he should never do more than defend himself, nor even take steps to obtain redress for insult offered to our flag. If such had been the character of those instructions, and the Chinese had become acquainted with it, never would an official have been placed in so deplorable a situation as our Chief Superintendent of Trade with China. The Chinese would have known that they might attack him when they liked and proceed to any extremities, but that he would never venture to return blow for blow. I have heard it said that it is a terrible

thing that a British official at Hong Kong should have the power to involve England in war with China. I deny altogether that we are at war with China, and I hope we shall not be; we have a dispute with the local Government of Canton, but I sincerely hope that it may not assume the proportions of a Chinese war. But when I am told that no Governor can go to this stretch of authority I must beg leave to differ from that doctrine. I am no lawyer, and therefore shall not attempt to argue the question on technical grounds, but I think it is entirely disposed of by this passage from Lord Stowell, whose authority on these subjects I suppose no one will question. That great lawyer, speaking of the law of nations, says – A commander going out to a distant station may reasonably be supposed to carry with him [1431](#) such a portion of sovereign authority delegated to him as may be necessary to provide for the exigencies of the service in which he is employed. On stations in Europe where Government is almost at hand to superintend and direct the course of operations under which it may be expedient that particular hostilities should be carried on, it may be different; but in distant parts of the world it cannot be disputed. Now, that, I think, settles the question. If it was necessary for the interest of this country, Sir John Bowring had that power, and I think the case was one which fully justified him in exercising it. American authorities were largely quoted by the hon. Member for the West Riding; but I must remind him that the Americans did not act upon this doctrine; for when, in the course of these events, a Chinese battery fired on an American vessel, they, without waiting to write to Washington for instructions, moved a war steamer down and demolished the battery at once.

I have now endeavoured to show the House that there was no precipitation on the part of the British local authorities. So far from desiring to pick a quarrel, they were most anxious to avoid it; they gave ample opportunity for making a proper reparation for the unwarrantable affront to the British flag. The character of the local Chinese Government is such that it

was impossible to apply to them those maxims and that conduct which are proper and usual between civilized nations. I agree most cordially that there is no reason why, because a nation with whom we happen to have dealings is semi-barbarous, that we should act towards it with violence, and with a disposition to make might the rule of right. On the contrary, we are bound by every consideration of religion and policy to be more than ordinarily forbearing with such nations. But, on the other hand, it is more necessary to make a display of force sooner, and in a different manner, in dealing with nations which understand no other argument than force than it would be in dealing with Christian and civilized communities. Any man who is acquainted with China will tell you that everything like concession or abandonment of your real rights is at once ascribed, not to your sense of justice, but to weakness and fear. This circumstance should undoubtedly induce additional caution in entering into hostilities with such a people; but if you are convinced that the grounds upon which you proceed are just and reasonable, you cannot safely, or consistently [1432](#) with the interests of humanity, retreat from that ground. I firmly believe that in this quarrel we have substantially and really right on our side. I can have no doubt, on reading the papers, that the British flag was hauled down designedly, insultingly, and outrageously, by Chinese officials in Chinese waters. I can have no doubt that such reparation as was understood to be sufficient by the Chinese themselves, and by those Europeans most conversant with Chinese customs, was not afforded. I believe, therefore, that the British officials had no option but to resort to those measures of force which they unwillingly adopted. On the part of the Government at home, I should certainly feel great regret if their conduct was visited by the censure of this House in consequence of these proceedings; but I should still more regret to see the Government exhibiting the weakness and pusillanimity of shrinking from the discharge of their duty in supporting British officials who have been placed in a most difficult and responsible position. If the Government shrunk from protecting

British commerce and British honour, and said to their representatives who have discharged that duty, "We will censure, recall, and disgrace you," they would no longer deserve to be served by upright, honest, or independent men. I have, however, no apprehension as to the result of this discussion. The House would indeed abandon that policy which it has always supported, if it shrunk from supporting officials placed in circumstances similar to those of our representatives in China.

The hon. Gentleman who brought forward the Motion drew a very lively, but I think a very exaggerated, picture of the consequences which might follow from the conduct of our representatives. He said that if he supported the policy of the Government he would encourage them in the most wild and extraordinary visions of ambition. The hon. Gentleman charged the Government with a desire to annex China to the British dominions, and asked what foreign countries would say to such a step? I can assure the hon. Gentleman that we have no such wish or intention. The unfortunate dispute that has arisen has occurred, not with the empire of China, but with the local Government of Canton, which keeps the Court of Peking in the dark, and endeavours to induce a belief that it is overawing and checking all the pretensions [1433](#) of the "barbarians" who trade with the Chinese at Canton. My hope is, that the dispute will not spread into a general war with the empire of China. I trust the result will be, not only that commercial relations will be established between the English and Chinese authorities, but that our entire relations with the empire of China will be placed on a far more satisfactory footing. I believe these objects, which are not narrow or selfish, but such as may be sought by all civilized Christian nations, will be accomplished with the cordial cooperation of America and France. If that be the case, I believe that immense benefit will accrue in the first instance to the trade of this and all other European nations, and ultimately to the Chinese Empire itself. I trust in God the time may come, and that we may see

it, when the vast population of the Chinese Empire maybe brought into communication with the more fortunate races which enjoy the blessings of civilization, and that we may see them emancipated from the ignorance and thralldom of heathenism, and, above all, from that tyrannical and cruel Government which, like its Commissioner at Canton, seems only to exist for the misery and degradation of the human race. I was surprised to hear a man like the hon. Member for the West Riding talk about Commissioner Yeh with any patience. What does that hon. Member think of the barbarous proclamation of Commissioner Yeh offering 100 dollars for every Englishman's head? Does not that fact reflect some light upon the mild and humane disposition which my hon. Friend attributed to Commissioner Yeh? Has the hon. Gentleman read an account of the cruel murder of an unoffending French missionary and of other Christians under Yeh's administration? These circumstances have excited the just indignation of Europeans, and I trust, for the sake of humanity, for the sake of the world, and especially for the sake of China itself, that measures will be taken to establish a better state of things in that country. I leave this question in the hands of the House, with a full conviction of what their verdict will be. I do not believe they will censure the conduct either of the English local authorities in China, or of the Government which has felt it a duty to support them; and above all, if they were disposed to censure us, I believe they would adopt some more rational, logical, and reasonable form of doing so than [1434](#) has been devised by the hon. Member for the West Riding.

SIR BULWERLYTTON

Sir, although the right hon. Gentleman has spoken with great earnestness, and although he has touched upon a great variety of subjects, I do not think he has succeeded in giving a very satisfactory reply to the powerful arguments of the hon. Member for the West Riding; and if the House will vouchsafe me its indulgence, I think I may be able to show, without any

tedious references to Parliamentary papers, how groundless is the position assumed by the right hon. Gentleman. Let me first briefly state the nature of the question before us, and then show, from the wording of the Resolution, how little it merits the condemnation of the right hon. Gentleman. The two main questions before us, out of which many others incidentally arise, are – first, was this vessel, the Arrow, bonâ fide a vessel belonging to the English nation, according to the plain meaning of the 17th Article of the Supplementary Treaty; and next, if that was the case, were the circumstances attending the alleged outrage on the part of the Chinese authorities, such as to warrant the adoption of the consequent proceedings on the part of the British authorities? The 17th Article of the Supplementary Treaty contains regulations respecting certain small vessels belonging to the English nation. The hon. Member for the West Riding asks, very properly, “How can a vessel that is notoriously Chinese in every stage of its history, – that is built, owned, manned, fought for, litigated for by Chinese, with nothing English about it except a mere lad of twenty years of age, who was hired by the Danish Consul as the nominal master, – how can that be a vessel belonging to the English nation according to the plain meaning of the 17th Article? “The right hon. Secretary for the Colonies (Mr. Labouchere) referred us to the practice we adopt in the Mediterranean, I will presently show the right hon. Gentleman that the illustration does not apply. The only mode in which a Chinese vessel could become a vessel belonging to the English nation is by the colonial ordinance, and you might as well by a colonial ordinance attempt to turn a tea tree into an oak tree. Your colonial ordinances may bind your own subjects, but neither a colonial ordinance nor even an Act of Parliament can have the effect of altering the international [1435](#)Arrow did belong, or could by any possibility have belonged, to the English nation, the Chinese are not bound to allow you a right by subsequent internal regulations to appropriate to the English nation a certain class of ships which by build and ownership and crew essentially belonged to the Chinese nation;

for a fundamental maxim in the construction of all treaties, which the noble Lord at the head of the Government will not deny, is that it must be construed by the forms and usages prevalent at the time the treaty was drawn up and concluded. But, according to the words of the treaty and the usage in force at its date, no such vessels could by any possibility have belonged to the English nation? If the Chinese had asked you while that clause in the treaty was under discussion to define what you meant by a British vessel, you could only have referred them to our navigation laws. By our navigation laws, as they existed at the time the treaty was made, every British vessel must have had a British subject for an owner, and her crew must also have been three-fourths British subjects. It was not until the year 1854, many years after that treaty was made, that by the [Merchant Shipping Act](#) you could have attempted to torture this Chinese vessel into an English one; and how is it done then? why, by destroying the vital principle of the Act itself, and granting to foreigners, not naturalized, the right of ownership which the Act confines to the subjects of the British Crown. law with regard to other nations, whom such ordinance or Act of Parliament may concern. You refer to the Treaty of Nankin, you put your own construction upon its Articles; the Chinese have a right to refer to the date of that treaty. And if at the period when the treaty was concluded no class of vessels similar to the

I now come to the supposed parallel which the right hon. Gentleman has found in the ownerships of vessels in the Mediterranean. The difference between the two cases is this – there you do not take a vessel belonging to another Sovereign, and you do here. I concede that by the [Alien Act](#) of 1847 you may grant naturalization to every Chinese in Hong Kong. But then you cannot alter the operation of the law of nations in their behalf. You cannot, by the law of nations, give such naturalisation the force of a protection to such natives in their own country against the [1436](#) independent Sovereign whose natural-born subjects they are. I ask the noble Lord – I ask

any hon. Member – to tell me whether, if a foreigner gets letters of naturalization or protection they will avail him in the country of the independent Sovereign to whom the naturalized subject has belonged? You may naturalize an Austrian, but you cannot give him a passport that will protect him in Austria against the Emperor of Austria, unless Austria has first denaturalized him. I will suppose, then, that the naturalization of these Chinese aliens had given them rights which would avail them anywhere except in the seas and the empire of China; but it could not give them protection there Unless China had denaturalized them or absolved them from their allegiance. This axiom belongs not to law only but to civilization, and it is founded upon the most obvious principles of reason. For how can you protect the vessels and the subjects of an independent Sovereign within his own jurisdiction and domain, and make your laws and customs supersede the laws and customs of the country to which the persons you protect owe an allegiance from which they have never been absolved? How, in a word, can you turn a Chinese vessel into a British vessel and Chinese subjects into British subjects without usurping the sovereign rights of the Emperor of China in his own dominions? The only pretext by which this lorcha could be said to be a British vessel is to be found in the 17th Article, which declares that every British vessel shall have a sailing letter or other act of registration, which She is to deliver up to the British Consul on arrival, and which is to be restored when she sails. It is contended that because this vessel had a sailing letter she was unequivocally British. But the Article only refers to vessels that are bonâ fide British and that would be considered British at the date of the treaty. It does not follow that every Chinese vessel which complies with your internal regulations is therefore a British vessel, in spite of the Chinese laws. According to the English law the Arrow could not have been a British vessel at the time of the treaty; she could not have been so according to the law of nations at the date of the dispute; and she cannot be made English merely by

doing something which vessels legally English are required to do. If at the time of signing the 17th Article of the Supplementary Treaty you had said [1437](#) Euclid follows from another, that if, after a treaty has been concluded, you, as one of the contracting parties, alter your existing law so as to affect the Chinese, the other contracting party, your alterations will be binding on your own subjects, but that it will require the legislative power of China to give those altered laws force and effect in that country. The whole argument lies in this. If you cannot by the 17th Article of the treaty call this a British vessel, then you cannot avail yourselves of the 9th Article, which says, that if any Chinese malefactor be on board a British vessel, and the Chinese authorities wish to arrest him, they shall not forcibly enter upon such British vessel, but shall make [1438](#) application to the British Consul. For that 9th Article applies to British merchantmen, and this is not a British merchantman but a Chinese vessel. to the Chinese, "We claim the right hereafter to sell all the privileges and protection of the British flag to vessels belonging to Chinese natives," do you suppose the Chinese would have acceded to such a demand, or that England would have renewed the war for the monstrous privilege of selling the flag of England for fifty dollars? What was the reason for your claim alleged by the British agents to the authorities at Hong Kong in the preamble of this precious ordinance? Why, "That legal trading might be protected, and illegal trading prevented." What has been the result? In two instances our flag has been used in protecting smuggling, and in the present instance it was used to protect a pirate, to the destruction of legal trading by our cannon-balls and shells. To sum up, then – I say this vessel, belonging to Chinese subjects, manned by Chinese, and employed in Chinese waters, did not, at the date of the treaty, belong to the English nation. If you chose afterwards to call it so by a local ordinance, that might bind your own subjects but would not acquire the force of international law, and would not bind the Chinese, if they had never agreed to it, which it was

clear they never did. It is said by Wheaton, the most modern authority on international law, that where a nation alters its existing laws of trade and navigation so as to affect another nation, it may require the Act of the internal Legislature of the nation so affected in order to procure the adoption and execution of such alterations; and he instances the wellknown case of the commercial treaty of Utrecht, which the British Parliament refused to execute, though the treaty itself had been concluded by the negotiators. It follows from this, as clearly as one problem of I will, however, grant for a moment the right of this vessel to be considered an English vessel, and then I ask, was the act of the Chinese so inexcusable – was it so outrageous, so insulting to the dignity of this country as to warrant the terrible revenge that we have inflicted? The right hon. Gentleman the Secretary for the Colonies had said that the evidence in the matter is so overwhelming in favour of the British authorities, that he wondered any man could question the course which they have pursued. What is the evidence on this subject? Four persons, two British and two Chinese, have deposed that the British flag was flying at the time the lorcha was boarded, and that it was hauled down. What was the evidence brought before the Imperial Commissioner Yeh? He had not four witnesses, but more than seventy – the soldiers, the mandarins, and the crew, who are computed at the number of sixty, and the twelve sailors whom he took away. If we may suppose, as is natural, that he had received the report of all these persons, he has against our four witnesses seventy witnesses – when he states that the flag was not flying, and could not therefore have been hauled down. We are inclined to believe our own countrymen; that is natural. Yeh is inclined to believe his. Is not that natural, also? And is it not the more excusable, because as the hon. Gentleman the Member for the West Riding has observed – and the statement has not been contradicted by the right hon. Gentleman – it is the established custom of English vessels in those waters not to have the flag flying until the vessel is under weigh. But, assuming that the flag was flying, according

to the evidence of one of the Chinese, the mandarin who gave the orders for pulling down the flag said, "Why, this cannot be a foreign lorcha; there are no foreigners on board; haul down the flag." Grant that the mandarin was wrong; but still, when he comes in search of a pirate on board a vessel that had been notoriously a pirate ship – which was known to be so to all the Chinese authorities – which was stated to have been employed in the disturbances between the Imperialists and the insurgents – and when he does not find a single foreigner there, may he not excusably believe that the flag was [1439](#) fraudulently hoisted? Observe, this is not merely a question of who was right and who was wrong, but whether the Chinese were so outrageously in the wrong as to justify the terrible punishment we have inflicted. Englishmen are not the Dracos of legislation. Every offence with us is not punishable by death. Are we mild philosophers in our domestic legislation, and ruthless exterminators in the enforcement of every questionable point of international law? It would be a monstrous inconsistency if, while we are mitigating, and have for the last thirty years been mitigating, our criminal code, and dealing mildly with offenders who prey upon the very vitals of the State, we should wage a ruthless war – no, not a war, but a wholesale massacre on our helpless customers at a remote corner of the globe. And what for? Why, to maintain a trumpery ordinance which our own Board of Trade has admitted to be of "very questionable propriety," and which is at direct variance with the Acts of our own Imperial Parliament. It is a complaint against Commissioner Yeh that he will not apologize for the alleged insult offered to our flag. But if you ask Yeh to apologize – if you ask him to acknowledge that he believes the vessel to be Chinese and to belong to the English nation, you ask him to be a traitor to his Sovereign and his country, and to admit that the representatives of a foreign Sovereign can dictate laws to China. Instead, however, of making any such admission, Yeh holds to his statement that the Arrow is a Chinese vessel, and he hits the right nail on the head, and is strictly within the limits of international law, when he says

so mildly to Sir John Bowring, with a view to prevent disputes in future, "I would be obliged to your Excellency if you would not give an English register to a Chinese ship." I was surprised to hear the Colonial Secretary quote the language of Mr. Consul Parkes as something that was remarkably decorous and proper from an official of his rank. Will the House permit me to read a few words from a communication addressed by Consul Parkes to Commissioner Yeh, not for the sake of its proper tone, but on account of its prevarication? Mr. Consul Parkes says: – "I have seen clear and conclusive proof of the facts that your Excellency attempts to deny." Attempts to deny! Where, Sir, in all Yeh's correspondence shall we find a phrase so gratuitously insulting as that? [1440](#) It would have been quite as easy and more in conformity with diplomatic usage to say "Your Excellency is misinformed." Mr. Consul Parkes informs Commissioner Yeh that he has seen clear and conclusive proof that the Arrow had an English ensign hoisted and an Englishman on board – facts, he adds, "of which there can be no further doubt or question." Here, Sir, there is more than prevarication – there is positive untruth; for, according to our own evidence, there was no Englishman on board when the Chinese officials reached the vessel – the Englishman did not go on board till after the seizure; so here we have Consul Parkes deposing as to two facts being so clear and conclusive that there could be no doubt or question respecting them, while upon one of those "facts" he goes directly in the teeth of his own evidence. Is Commissioner Yeh so very unreasonable when he refuses to believe him as to the other fact? Lord Clarendon, with somewhat incautious haste, asserts that it was evidently an afterthought on the part of Yeh to say that the Arrow was not a British ship. It is too much to ask Lord Clarendon to condescend to look into the papers concerning any case before him; but if we had a Minister of less commanding capacity, who would descend to that drudgery, he would see that, so far from its being an afterthought, Yeh states in his first letter that the Arrow was not an English lorcha. Before the affair of the Arrow, in the case of the two Chinese

smugglers whom we took under our protection, the Chinese authorities used exactly the same arguments – namely, that a Chinese vessel cannot be altered into an English vessel; and they not only said that, but acted upon it. The case of our officials is greatly aggravated, when we find Sir John Bowring deliberately stating that this vessel, for which we are committing such havoc of law, of order, of property, and of life, is not legally entitled to our protection. Such is the statement made by Sir John Bowring to Mr. Consul Parkes; and yet these officials not only continue to urge their claim upon China, knowing it to be unjust, but they proceed in the deception, step by step, to the bombardment of a city containing 1,000,000 inhabitants, I was not astonished at the thrill of indignation that ran through the House when the hon. Member for the West Riding, with that peculiar and enviable eloquence of his, alluded to the miserable argument that the Chinese did not know [1441](#) the true position of the Arrow. Why, Sir, a falsehood does not exist only in the telling a lie, but in the wilful suppression of truth; and this suppression of truth Lord Clarendon, a Minister of the Crown, does not hesitate to re-echo and approve. In the magniloquent appeal with which the Colonial Secretary concluded his peroration, he talked loftily of vindicating the honour of the nation. The honour of the nation! Sir, prevarication and falsehood have nothing to do with the honour of the English nation; they appertain rather to the honour of an Old Bailey attorney. We have heard a great deal about the dissimulation and duplicity of Russia. How Russia will chuckle at this! Here is a Minister of the Crown, the austere negotiator of the Paris Conference, the rebuker of Russian duplicity, approving colonial agents in the maintenance of a claim which they knew to be illegal, and the assertion of a fact which they knew to be untruth! But another excuse has been advanced. It is said that by the 10th rule of the ordinance the register of the Arrow might continue in force for more than the year for which it was granted. That is not the case, and the argument was not thought of at the time. It never occurred to Sir John Bowring, who had no doubt

that the vessel was not entitled to our protection, and it was never mooted until the town had been bombarded. The proviso in the 10th rule, upon which the excuse is founded, refers to the claims of the owner to renew the licence, and not to the continued force and effect of an old register after its expiration. It simply means that if the vessel be detained at sea by unavoidable circumstances, the licence may be renewed, notwithstanding that irregularity; but it does not mean that the force and effect of the licence shall be continued in the interval. If you look at the ordinance, that would be found to be impossible, because no limit as to time is placed during which the vessel might be at sea; and, therefore, according to your construction, the vessel might remain out many years and the licence still have force. It is quite clear that Sir John Bowring interprets this part of the ordinance as I do. Since, he says, "I will consider if the licence can be renewed, but there is no doubt that the vessel's right to protection has expired." Were there ever, then, more miserable special pleas for the defence of violence and fraud? The right hon. Gentleman said that there had been no [1442](#) desire to quarrel with China; but I ask if the Government had not predetermined upon these hostilities, what better moment could have been chosen to take us out of this affair with dignity than when Lord Clarendon hears that the licence of the vessel had expired? How well might we have said to the Chinese (retaining the right to this class of vessel if we thought proper) that we had found a technical difficulty in the fact of the expiration of the vessel's licence; and as it was doubtful whether she was entitled at that time to the British flag, and as we were a nation singularly just, and lived under a Government singularly humane, you, the Chinese, shall have the benefit of the doubt. Then, if we wished to gain an entry into the city of Canton, we should have had a better claim in our forbearance than we have had in our violence. If, however, we were too candid to own that we could be the least in the wrong; and if it were necessary for the dignity of this country not to suffer the least affront from China, however

unintentional, then I say, that when we captured a Chinese junk, with a valuable cargo, instructions should have been given that that capture was a sufficient reprisal. But, if that was not enough, we might have stopped short after bombarding the Barrier Forts. Good heavens, Sir, it is a stain on the nineteenth century that we hurried on to the shelling of a city, the destruction of its property, the slaughter of its inhabitants, who were disavowing offence and imploring mercy! And all for what? In order that we may convince these barbarians how unenlightened is their prejudice against foreigners. Then there comes this new feature of the case – the alleged infraction of the Treaty of Canton in not admitting the English into the city of Canton. Now, I am going to raise the question a little more boldly than it has been raised by the hon. Member for the West Riding, and I would ask the noble Lord at the head of the Government, than whom no greater authority exists as to the law of nations, whether, according to the law of nations, as interpreted by all authorities, the Chinese Emperor may not feel specially exempt from the fulfilment of this part of the treaty? For the fulfilment of treaties there are five conditions: the most essential of the five is, that its fulfilment shall be practical and not pernicious to the State and people of the Power that enters into the engagement. Nothing is more clearly laid [1443](#) down by Vattel than that proposition. I need not quote him to show that where a treaty is not practicable it cannot be fulfilled. No one wants a Vattel to tell him that: but on the latter and more delicate part of the proposition, namely, that a sovereign may be exempted from fulfilling a treaty where it proves fatally pernicious to the people he is primarily bound to protect, Vattel is more worth attention. He cites the well-known instance of Louis XII., who was called on by the States General of France to break his treaty with the Emperor Maximilian and the Archduke Philip, on the ground that it was pernicious to the French people. Frederick the Great has treated this very critical question with the acute distinctions of a king whom the subject vitally interested.

But he plainly allows the broad fact that one sovereign should not and cannot bind another sovereign to do that which, not being intended at the time, would, if done, prove destructive to his State or pernicious to his people. Then, I ask, first, are you sure that the Emperor of China can practically effect your entrance into the city of Canton? Secondly, what are really the powers of the Chinese Emperor over the provincial city of Canton? We know little of the political constitution of China, but it is perfectly clear that it differs essentially from all modern Oriental nations. When the French Jesuits went there, they were struck with the similarity of the manners of the Chinese to those of the ancient Egyptians, and one wrote a work to prove that China was a colony from ancient Egypt. I believe a Chinese scholar replied, "Not so, but Egypt was a colony from China!" However that be, what most struck the Jesuits was, that under the forms of despotism there prevailed, as there did in Egypt, a religious respect for the feelings, customs, and habits of the people which the Chinese Emperor could not venture to transgress. Are you sure, then, that it is in the Emperor's power, or in that of his Viceroy, to enforce our entry into Canton against the will of its population? If he attempted to do so by a violent exercise of prerogative, the attempt might be fatal to him at a time when his empire is rent by rebellion. The Emperor of China has admitted us into every port into which it was possible for him to give us admission, and if he does not admit us into Canton, may it not then be solely because he cannot do so; and might not a violent effort on his part [1444](#) to force us on the inhabitants be fruitless in itself, but more injurious to him than we had ever presupposed? Ought we, then, to insist on what it may not be possible for an ally to grant? No; does not Vattel expressly declare that, "when a treaty, which has been concluded with upright intentions, becomes thus difficult of fulfilment, nothing can be more honourable, more praiseworthy, or more conformable to the histories of international treaties than to relax the terms of such treaty as far as possible without exposing yourselves to loss and danger." How much

more, then, may we be disposed to do so, when it is not by relaxation, but by rigorously insisting, that loss, if not danger to ourselves, is incurred. The right hon. Gentleman tells the House that this is not the first time that China has insulted us. But does not Sir John Bowring tell us that, in 1852, before he began to revive the obnoxious claim to enter the city, that so far from desiring to insult us, "the Chinese were in a state of unusual tranquillity, and the prejudices against foreigners are gradually subsiding." That was the happy state of things which he found in 1852, and which he began to disturb in 1854. And the moment in which Sir John Bowring, in his innocent simplicity, becomes animated with the most friendly intentions of entering the city of Canton at all hazards, is that in which we are uniting all the inhabitants against us, and justifying the prejudices which led them to exclude us. The whole of this question was brought in 1849 before the noble Viscount now at the head of the Government. Sir George Bonham was then the representative of this country in China. I am sure that more admirable despatches than those written at that time by the noble Viscount on this subject I have never read. Sir George Bonham fairly put before the noble Viscount all the bearings of the case. He stated all the disadvantages that would accrue from our not enforcing that part of the treaty. All the rubbish we have heard about the Chinese not being sufficiently afraid of our power was urged then as now; but Sir George Bonham came to the conclusion that the advantages of enforcing the treaty would be as nothing compared with the risk and the danger accompanying it; and the noble Viscount, in one of those admirable despatches which he wrote to Sir George Bonham, stated distinctly that it had always appeared to him to be doubtful [1445](#) whether the right of entering the city of Canton would be productive of any material advantage to British residents, while it had been plain that the unrestricted entrance of British residents into that city might lead to disputes and collisions between British subjects and Chinese, the consequences of which might be serious. All the advantages to be gained, then, in the

opinion of the noble Viscount and Sir G. Bonham, could not arise from the indiscriminate entrance into Canton, be it observed, of the commercial English – no; that was deemed to be undesirable on all sides – no; but only from the convenience that the English Superintendent and Consul should have access to the Chinese authorities on special occasions. No doubt that object was a very desirable one; desirable in 1849, and desirable now. But in 1849 the noble Viscount said that that object, however desirable in itself, “was not worth a naval and military operation;” and accordingly he resolved, not to renounce it, but to suspend it indefinitely, and that for reasons which apply more strongly at the present day than they did at that time; because if ever the treaty was to be enforced by naval and military operations, surely the time to do it was when the treaty was fresh, and our moral claim had not been weakened by its having been left in abeyance for eight years. If the main reason that we did not urge it then was the prejudice which existed on the part of the inhabitants of Canton, and the noble Viscount wisely left it until time had softened that prejudice, can we expect that prejudice now to diminish when we have bombarded the city, and every Chinese who has lost a brother or son in the conflict is thirsting for revenge? The more, therefore, I admire the prudence of the noble Viscount in 1849, the more I am astonished that he should have lent his sanction to a diametrically opposite policy in 1856. Lord Malmesbury no less wisely enforced the precaution which the noble Viscount had laid down; and Lord Clarendon is the first of our Ministers who, listening to the siren voice of Sir John Bowring, has plunged us into the Charybdis. With regard to Sir John Bowring we all know that he is an able and accomplished man; but he is also a man of enthusiastic temperament, and, like all men of genius, is very desirous of carrying out his own wishes. From the first he was seized by a strong ambition to obtain an entrance into Canton; and although I do not doubt that Sir John Bowring is as humane and honourable a [1446](#) man towards his own countrymen as any amongst us, yet when agents of European Governments come in

contact with Oriental nations, they are apt to be gradually warped from the straight line of humanity and justice they would adopt at home. It is then that we look to a wise Government to guard against the over zeal of agents by salutary cautions which foresee and prevent their errors, and by temperate rebuke when the errors are first incurred. When a Government forsakes this duty – when it places before us nothing but unqualified approval of actions like those recorded in the papers laid on our table – all subordinate agents, like colonial Superintendents and Consuls, vanish from our eyes, and it is only with the Government that we have to deal. Here, then, in my place as a representative of the people, it is the Government that I charge. I charge them with sanctioning an ordinance which, unknown to Parliament, has turned into a dead letter that grand Act of the Imperial Legislature which regulates the whole trade and navigation of the country. I charge them with approving the enforcement of that ordinance by measures that equally violate the laws of nations and the spirit of English honour. I charge them with lending the authority of the Crown to homicide under false pretences, belying the generous character of our country, and offensive to every sentiment of right and justice which our nature receives from Heaven! You tell us it is necessary that China should learn to know our force. It is not true; all these papers tell us that China knows and dreads our force; and what China doubts is, the friendliness of our intentions and the simple rectitude of our objects. In dealing with nations less civilized than ourselves, it is by lofty truth and forbearing humanity that the genius of commerce contrasts the ambition of conquerors. Talk not of the interests of trade! Your trade cannot prosper if you make yourselves an object of detestation to those you trade with. You may, indeed, force a road for your merchants to the market-place at Canton over the ruins of the city and the corpses of your customers – you may carry your tariffs at the point of the sword and surround your factories by armed garrisons and bristling cannon, but I warn you that your trade will fly the

place, for commerce recoils from unnecessary bloodshed. Et
udam spernit humum fugiente pennâ.

MR. LLOYD DAVIES

said, he could [1447](#) not see that there was any logical connection between the speeches of the hon. Member for the West Riding and the hon. Baronet who had just sat down and the Motion submitted to the House. That Motion was not one that reflected on the Ministry. If it were, he should comprehend it, and should be able, by an analysis of the blue-books, to understand what were the points on which Ministers might be assailed or on which our agents in China had erred. But instead of asking the House to condemn the Ministry for their sanction of the proceedings in China, the Motion merely asked the House to appoint a Committee to inquire into our commercial relations with China. The hon. Member for the West Riding had referred as a parallel to our connection with America, and had placed our conduct towards the United States in contrast with our conduct to China. He (Mr. L. Davies) would take another instance – namely, the conduct of the hon. Member himself and those who sat with him three Sessions ago, when this country was on the eve of the war with Russia. Upon the course which the hon. Member and his Friends took on that occasion, and upon that alone, he (Mr. L. Davies) would found his opposition to the Motion before the House. What did the hon. Member and his Friends then do? Why, they represented themselves as embodying the opinions of the people of England; they represented that opinion to the Emperor of Russia through the delegates whom they sent from England to St. Petersburg, and their doing so fortified the Emperor in those aggressive measures which afterwards led to the calamities of the Crimean war. What was the parallel now? The House was asked now to appoint a Committee nominally to inquire into our commercial relations with China; but they must take the real key to the motive for that proposal from the speech of its mover. It was, in fact, to assail the whole of our movements in the Chinese

war; it was to paralyse all the efforts which were now in progress to bring the war to a close; in short, it would give nerve to the enemy, and weaken ourselves where we ought to be strengthened. On that principle, then, he decidedly objected to the Motion for appointing this Committee. If he were asked simply to declare whether the measures taken by Sir John Bowring were correct or not, there was no condemnation of the hon. Member or of the hon. Baronet (Sir Bulwer Lytton), [1448](#) however strong, in which he would not coincide; but that was not the practical question they had now to deal with. The question was, would they not be acting in a most impolitic manner, and most injuriously to the public interest, by consenting to the appointment of a Committee? Why, what would such a Committee be worth? In the first place, the blue-books would be of no service whatever. All the evidence they supplied was already in their possession, The result would be that they must get witnesses from China to give evidence, before they would be able to arrive at a conclusion that would be either satisfactory or useful. To appoint such a Committee, then, would be to suspend a sword over the heads of all the British authorities in China. They would know there was an inquiry going on into their conduct, and that fact would be quite enough to prevent their acting with the promptitude and energy that were desirable. If it were meant to assail those authorities, let it be done by a direct vote of the House. If it were meant to assail the Government, the same straightforward course was open to the hon. Member. In taking the course he (Mr. L. Davies) had resolved upon, he begged to state that he was acting without the slightest concert with any single individual on that (the Opposition) side of the House. He was influenced and guided solely by public principle; and he did say that great evil would follow the appointment of a Committee like the one proposed. At the same time he did not hesitate to declare that he strongly condemned the policy the Government had adopted with respect to China. He thought the recent attack on Canton was nothing short of a massacre. But that was not what the hon. Member wished to

inquire into. Let the war be first brought to a termination. Let steps be taken to induce Ministers to bring it to a close, and then they might properly and dispassionately inquire whether the English authorities in China had acted with precipitancy, and had jeopardized lives and property they ought to have protected. To do so now, however, was to inflict injury upon the public service, paralyse all our efforts abroad, and throw discredit upon the country. He had intended to propose an Amendment, but he had learned upon inquiry that it would have the effect of narrowing the discussion, and he should therefore content himself with voting against the Resolution.

[1449](#) § MR. COBDEN rose to explain to the hon. Gentleman that his Resolutions were two in number, and would be put separately. The hon. Member (Mr. Davies) could therefore, if he pleased, vote for the first and against the second; but he (Mr. Cobden) hoped that he would vote for both.

[§ MR. SPEAKER](#)

said, that the propositions of the hon. Member for the West Riding appeared on the Paper as one Resolution; there was no distinction made. They must, therefore, according to the forms of the House, stand or fall together, unless the House permitted this Resolution to be withdrawn, and allowed him to put the two Resolutions separately.

[§ SIR JOHN RAMSDEN](#)

said: Sir, it must be admitted, that if we are to discuss this question on the very narrow grounds to which we are invited by the terms of the Motion which has been placed in your hands, and with the view to pronounce a censure upon the British authorities in China, or rather upon the Government at home for approving of the conduct of those authorities, while at the same time we put aside altogether the violation of the treaty, which is their alleged justification and defence, we

may find very little difficulty in coming to the conclusion, unfavourable to our countrymen, to which the hon. Member for the West Riding (Mr. Cobden) invites us. Or, if we consent to join issue upon it as a mere dry question of law, dependent upon nice legal technicalities and points of casuistry, then I am free to confess that the papers before us, even without the great and practised ability which has been brought to bear upon the subject, furnish ample materials for coming to the most contradictory conclusions. But the speeches of those hon. Members who have taken part in this discussion, breaking away from those restrictions which the hon. opener of this debate, by the language of his Motion, has endeavoured to impose, have suggested to us what are the points, and they are short and clear and unmistakeable, to which we must address ourselves, with a view to a correct judgment, founded not on a narrow and limited, and still less on an exclusively legal view of the subject, but founded on considerations of national policy and duty, which, as the hon. Baronet (Sir Bulwer Lytton) has truly insisted, can only be based on principles of national morality and justice. The speech of the hon. Baronet himself has suggested three questions: – Was the Arrow a legally-registered British vessel, [1450](#) owned by a British subject, and as such entitled to British protection? Was the boarding of the Arrow, with the forcible abstraction of her crew, a violation of the treaty of 1843? And thirdly, were the proceedings of the British authorities in China, in demanding an apology, and, when that apology was denied them, in adopting those stronger measures on which the hon. Member for the West Riding has dwelt with so much eloquence and feeling – were those proceedings justifiable under the circumstances then existing? I cannot accept the invitation to put out of sight the question whether the treaty had or had not been violated by the Chinese. In my opinion, that question lies at the bottom of the whole transaction, and must be kept in view at every point of the discussion. Nor can it be prejudiced by the counter-charge which has been advanced against British merchants and authorities, of having encouraged the smuggling

trade in opium. No complaint on that head had been made by the Chinese, and the hon. Gentleman, who is better informed on these subjects than most of us, knows well why no complaint was likely to be made – because the Chinese authorities themselves are the great encouragers of that smuggling trade in opium by which they make their fortunes, and therefore we can hardly be expected to act as police for the Emperor of China against the dishonesty of his own officials. But that is not the point at issue, and any remarks upon that subject can only have the effect of diverting our attention from the real question before us. Now, was the lorcha a legally-registered British vessel? Of course, if you say that she could not be so, unless her owner was a British subject in the ordinary legal acceptation of the term – that is to say, that he had either been born in the British dominions, or had received letters of naturalization – in that case, undoubtedly she was not. These two qualifications of birth or naturalization confer every British right and privilege in every quarter of the globe. But there is another, and a more limited right, which the Queen of England, in the exercise of Her Prerogative, has in some cases granted to residents in Her colonial possessions, in order that they, for purposes of trade within certain prescribed boundaries, might have the protection of the country in which they have come to settle. Accordingly, the colonial ordinance No. 4, of the year 1855, was [1451](#) passed, whereby foreigners by birth, but settlers or residents in Hong Kong, might obtain colonial registers for their trading vessels under certain conditions, which were imposed as much in the interest of the Chinese as in that of the British Government. For not only the legitimate coasting trade in these seas, but also smuggling and piracy, had been carried on in these small vessels using the British flag; and it was with a view to check this abuse, and to enable the Chinese authorities to distinguish between legitimate traders and smugglers, that this ordinance was passed, enabling the Governor of Hong Kong to grant colonial registers to trading vessels under certain conditions. These registers were to be

in force for one year, or until the vessel returned to the waters of the colony; for, as to the construction of this Article, I must, with all deference, express my dissent from the views taken by the hon. Baronet opposite. The conditions under which these registers were granted were as follows: – The owner of the vessel must be a registered lessee of Crown property within the colony; then a declaration of ownership, with proof thereof, must be made to the satisfaction of the Colonial Secretary. Again, the name of the vessel must be painted both in Chinese and Roman letters, four inches long, on a conspicuous part of the stern, and, in addition to all this, the master of the vessel must be either a British subject, or one conversant with the English language; and then comes that to which I beg to call the particular attention of the House, and the more so, because it has been so entirely overlooked by the hon. Gentleman – I mean the additional article of the treaty of 1843; to be found at the end of the papers first delivered, which is in these words: – “Every British lorcha” (mind, it says “British” lorcha) “shall have a sailing letter or register in Chinese and English, under the seal and signature of the Chief Superintendent of Trade, describing her appearance, burden, &c.;" and then follows what has a most important bearing on the present question – “Every such lorcha shall, on reaching Canton, deliver up her sailing letter or register to the British Consul, who will obtain permission from the Hoppo for her to discharge her cargo, which she is not to do without such permission,” under the forfeiture of heavy penalties. Now, the House will see immediately how materially this, which the hon. Gen- [1452](#) tleman omitted to notice, bears upon the point at issue. This regulation, as to what the registered British lorcha was to do on arriving at Canton, is an article of the treaty. The other regulation as to the conditions necessary to entitle a vessel to obtain the register, is part of the colonial ordinance No. 4, of 1855, of which a translation was communicated to Yeh, the Chinese Imperial Commissioner, as we learn by these papers, in the month of July last year. Then was the time for

the Chinese Government to object, if there was an infringement of their rights, and to make their objections known by a formal communication to the representative of that Government which had granted the right to carry the British flag, and not by a postponed and public insult to that flag itself. But as no objection was made by Yeh to the ordinance when formally communicated to him by the British authorities, his acquiescence was justly assumed. Such being the well-known regulations, what were the facts? The Arrow was a registered British lorcha; her owner was a registered lessee of Crown property within the colony; he must have made a declaration of ownership, with proof thereof, to the satisfaction of the Colonial Secretary. Her name must have been painted in Chinese and Roman letters conspicuous on her stern; she had, as we know, a British subject, Thomas Kennedy, for master. Then comes in that additional article of the treaty to which I have already adverted. On arriving at Canton, where she was well known as a trader to the legal ports, she delivered up her sailing letter to the British Consul, who obtained for her, as a British vessel, the permission of the Hoppo to discharge her cargo; she had discharged it, and was about to sail on the very day when her crew were seized. The fact, then, seems to be established that, entering Canton with a British register, and entitled to carry the British flag, she was acknowledged by both British and Chinese authorities, and dealt with in that capacity. But the Chinese authorities were informed that a notorious pirate was on board this lorcha, which they had received into the port as a British lorcha, and they desired to seize him. How, then, ought they to have proceeded under the treaty? how were they bound to proceed? Hon. Gentlemen may inform themselves by referring to the 9th Article of the Supplementary Treaty, which provides that if natives of [1453](#) China, offending against their Government, shall flee to British ships for refuge, application shall be made to the British Consul, who is bound to deliver them up. But instead of adopting this prescribed course, the Chinese officials proceed with a company of soldiers on board the lorcha, tear

down the British flag, seize twelve of our crew, bind them, and forcibly carry them away. The hon. Member for the West Riding reminds me that the Chinese deny that the British flag was flying; but this fact is proved by the concurrent testimony of four witnesses, two of them Englishmen, and the testimony of all four concurs as to having seen the flag up and having seen a mandarin soldier tear it down, and we cannot set against this evidence of our own countrymen, so clear, so consistent in all its parts, and so corroborated – and I think the hon. Gentleman cannot seriously intend that we should set against it – the contradictory denials of the Chinese Commissioner, whose letters, from first to last, are such a tissue of evasion and deceit. And now, the character of the Arrow as a British vessel, and the outrage on the British flag, in violation of the treaty, being established, we come to the more serious and difficult question of the reprisals on the part of the British authorities, – and here I must express my concurrence with much that fell from the hon. Member for the West Riding, and especially in his remarks as to the too great exclusion of Parliament from any real knowledge or control in the administration of foreign affairs. This, however, is not the fault of the present or any former Government – the House of Commons itself is alone responsible for submitting to it – and I trust the time is not far distant when we shall see established a more wholesome and constitutional control over our foreign policy. I concur with him as to the jealousy with which we should watch the proceedings of Consuls in the position of Mr. Parkes. I join with him in deploring the violent measures resorted to at Canton. The destruction of property and the sacrifice of life impart a gloomy complexion to these proceedings – and if, on the part of the Admiral or Consul, I could detect any sign of animosity to the Chinese, any insensibility to the gravity of the circumstances, any reckless disregard, of duty or responsibility, then, Sir, I would join with the hon. Gentleman in passing upon them the very heaviest censure which it is in the power of Parliament to inflict. [1454](#) But I search

in vain through these despatches for one hasty or ill-considered act, or one angry expression. If reparation was to be demanded, the demand was made in temperate language, and ample time was given to the Commissioner to reconsider his justification and approval of the conduct of his officers.

Undoubtedly, Sir John Bowring did fall into that error of which the hon. Gentleman has availed himself, magnifying so immensely, as I think, if I may venture to use such an expression, both its character and importance – undoubtedly Sir John Bowring was in error when he stated to Consul Parkes, on the 13th of October, that the expiry of her register disentitled the Arrow to protection. But he evidently forgot or overlooked the extension, enjoyed by a vessel which had not returned to the waters of the colony so as to have an opportunity of renewing her register. And when hon. Gentlemen blame Sir John Bowring for persisting in his demand for reparation after this supposed discovery, I would venture to remind them that the character and manifest intention of the insult cannot be affected by an accident of which the Chinese were not aware, and that Sir John Bowring had to deal with this, not as an isolated case, but as one of a long series of insults and outrages with which these pages abound. I know not whether I have risen from a perusal of these papers, extending over a period of fourteen years, more impressed with admiration for the patience, the forbearance, the judgment, and the ability, which throughout that long period has been displayed by the servants of the British Government, both at home and abroad, or with indignation and abhorrence for the duplicity, the perfidy, the cruel and murderous barbarity of those with whom they had to deal. Read through those despatches, from 1842 up to the present time – from the very day of the Pottinger Treaty, each successive Foreign Minister, whether it be Lord Aberdeen, or Lord Clarendon, Lord Malmesbury, or Lord Granville, the noble Lord the present First Minister of the Crown, or the noble Lord the Member for London, it has been the fate of each successive Minister to

receive from each successive Resident or Consul the same tale of insecurity and outrage, of contumely and insult. One day the Vice Consul is insulted, the next day the chaplain is beaten. Here a factory is fired. There a missionary is bastinadoed. At one time the [1455](#) interpreter is spit upon. At another time a merchant is cruelly tortured, or even murdered. And all this not by lawless individuals, but with the connivance, if not at the instigation, of the Government itself. To show to what a height these proceedings had advanced by their impunity, will the House allow me to read a handbill which was circulated at Canton in July last year, shortly before the outrage on the lorcha. It will give some idea of the position, so full of difficulty and danger, of the British residents at Canton. (Translation.) The absence of interruption to the peace of the country is of the same vital importance, in our opinion, as the maintenance of regularity in the avocations of its inhabitants. We now call public attention to the fact, that in the province of Canton, from the earliest to the present times, barbarians have never been allowed to go into the villages. Recently, however, a set of unprincipled vagabonds have been met with who, without any fear of shame or exposure, carry on a secret intercourse with the barbarian dogs, and combine with them in a number of ways for working out their crafty schemes. Night and day we see them entering the villages, and occasioning so much trouble by their irregularities, that gods and men must unite in detestation of their practices. To judge of the extent of the evil to which our provincial metropolis is thus exposed, we have only to look to Shanghai and Hong Kong, and take note of the iniquities that are there committed. Hereafter, therefore, whenever any barbarian dogs come within our limits, we ought, by calling together our families, to maintain the dignity of our city (or province), and, bravely rushing upon them, kill every one. Thus may we, in the first place, appease the anger of Heaven; in the second, give evidence of our loyalty and patriotism; and, in the third, restore peace and quiet to our homes. How great would be the happiness we should thus

secure!" And with this atrocious, but characteristic document before us (which, as we are told on the next page, is supposed to have emanated from the Government), hon. Gentlemen talk to us about dealing with the Chinese on the principles of international law; and ask how, under similar circumstances, we should have acted to America or France? I ask them, would America or France have sanctioned such a proclamation as this? Would America or France have offered thirty dollars for every Englishman's head? I never, till this evening, heard of international law between a civilized and a barbarous nation. Internationality implies reciprocity; and that between nations so far advanced in civilization as to acknowledge a common code of moral and religious obligations. But when we have to deal with a semi-barbarous people, by whom [1456](#) those obligations are repudiated, we must, on our own responsibility, adopt that course of national policy which is prescribed by the acknowledged laws of morality and justice.

I fear I have already trespassed too long on the indulgence of the House; and will therefore only say in conclusion, that the question of free and unrestricted intercourse with the Chinese authorities, and access to the city of Canton, to which we are entitled by treaty, and to the non-fulfilment of which our merchants and Consuls ascribe every difficulty that has arisen, is now fairly raised, and will be, I hope, finally settled. The hon. Gentleman imagines that we are entering upon a very serious war – I have no such apprehensions, for in the papers delivered to us I find a most significant document, headed "Decision of the Canton Question by the Privy Council of China," which completely reassures and convinces me, that by a firm policy now, we may prevent these differences at Canton from swelling into more than a mere local quarrel, which, wisely and justly dealt with, must terminate advantageously for both nations, and for the permanent interests of commerce and peace.

SIR THOMAS HERBERT

said, that having served in China during the whole of the late war, he naturally felt an interest in everything connected with that interesting country. He could not but deeply regret the commencement of another war, the more so as the necessity for it seemed to him to rest upon no just grounds. The more he studied the official documents already furnished, and the more he had heard in reference to the untoward events, the more inexcusable did the conduct of our authorities in the Canton river appear, and the more did he deplore their ill-considered proceedings. Admitting that the Governor of Canton had been ten times more in the wrong, the violent course taken by our representative was one which he had expected to have heard censured, and not vindicated. Considering that the whole of the crew of the Arrow had been sent back to Mr. Consul Parkes, the seizure and retention of one of the Imperial junks might have been supposed to be an adequate substitute for the apology which the High Commissioner was called upon to make, at least until instructions were received from the Home Government on the subject. Surely the circumstances of the case were no justification for our represent- [1457](#) ative, upon his own authority, ordering the Admiral not only to destroy forts, but to bombard for three days a commercial town, containing a million and a half of inhabitants, involving an indiscriminate slaughter of unoffending and unresisting citizens. It was said, too, that such a bombardment was an act of signal forbearance! Forbearance it was, with a vengeance! He could not imagine how a British Admiral, without any declaration of war, or orders from the Admiralty, could have been a party, and, as it appeared, a willing party, to such frightful transactions, and that he should think he was at liberty and warranted to destroy the lives and property of a city because it happened to be governed by a man whom he regarded as being guilty of the crime of pertinacity and discourtesy for declining his offered visit at his yamun in the city. The Admiral, however, did, without invitation, visit the Governor's yamun by force of shell and shot, but did not find his Excellency at home. And the Admiral gave a proof of

his forbearance and Christian feeling, as he seemed to take credit for abstaining from the wholesale destruction of life and property on the Sunday, as a day of rest, and to perform his Church duties. He wished for the sake of humanity that our representative had exhibited some real forbearance by not resorting to such extreme and cruel measures until he had the sanction of Her Majesty's Government. The whole proceeding was one much to be deplored, and which he could not permit himself to think would be approved by that House or the country.

§ SIR ERSKINE PERRY

said, that, as the Motion before the House had assumed the form of a vote of censure upon the Government, he thought it incumbent upon independent supporters of the Government like himself to explain distinctly the grounds upon which they intended to vote. If the Resolution had been proposed on the other side as a party Motion, however strong might have been his conviction with regard to those grave questions to which it referred, he would have felt it his duty to give his unhesitating support to Her Majesty's Government, because he believed it was the best Government that could be formed under existing circumstances, and he would not assist any attempt of the Opposition to displace it. The Motion having, however, been brought forward on that (the Ministerial) side of the House, and not with any intention of [1458](#) turning out the Government, it appeared to him that independent Members like himself were bound to consider the meaning and object of the Resolution, and if in his conscience he believed its terms were true and supported by facts, he would feel bound to give his vote in its favour. Having necessarily paid much attention to Eastern affairs, he was impressed with the gravity of the question involved in the Resolution. That principle embraced universal principles of international law, which ought to be considered on the broad basis of right and wrong, which was at the bottom of international law and international morality. The questions raised by the Resolution were two: – first, were

the British authorities right in the claim they set up against the Chinese authorities? and, secondly, if the right was on our side, were we justified in resorting to those extreme measures, which were, he believed, deplored on all sides of that House? The naked question of right was – were the Chinese authorities justified in seizing, in Chinese waters, individuals who were Chinese subjects and accused of criminal offences? This question must be decided either by the recognized principles of international law, or by some modification of that law introduced by treaty or by the usage of nations. Mr. Wheaton, a high authority on this subject, and who was Minister Plenipotentiary at several European Courts, laid it down that, if there were no express prohibition, the ports of a State were considered open to the armed and commissioned ships of a friendly nation, and that such vessels were exempt from the jurisdiction of the local authorities; but that if private or merchant vessels of a State entered the ports of a friendly Power they were not exempt from local jurisdiction, except by express compact, and only to the extent provided by such compact. If, therefore, no compact existed on this subject between China and England, the Chinese jurisdiction over the lorcha was founded on the clearest rights. But it was said, that those rights had been modified by the Treaty of Nankin. He was satisfied, however, that any hon. Member acquainted with the law of nations would be of opinion that the 9th Article of that treaty had not the slightest reference to such a class of cases, and it was, in fact, merely an extradition treaty; that is to say, a treaty by which China bound herself to give up English fugitives from justice, when coming into Chinese ter- [1459](#) ritory, and England entered into similar obligations with respect to Chinese criminals. He might give the House an illustration of his meaning by a reference to facts with which they were familiar. There was an extradition treaty between France and England; but the other day, when it was ascertained that a notorious criminal, who had been expelled from his seat in that House, was residing within the French jurisdiction, it

was found that his extradition could not be claimed because his offence did not come within the terms of the treaty. But if Mr. Sadleir had come up the Thames in a French vessel, although the tricolour flag might have been flying at the main, did any one suppose that the British authorities would not have had the power, under the law of nations, of boarding the ship and seizing the culprit? He might be asked, however, if he maintained that British ships entering the waters of China would have no exemption whatever. By no means, but on a principle altogether distinct from the Treaty of Nankin, namely, that European nations in dealing with Eastern Powers had always claimed an immunity from Eastern law for all European criminals found within the jurisdiction of those Powers. It was, therefore, important to ascertain whether the Arrow was or was not a British vessel. If she was a British-owned vessel, and the parties seized on board were British subjects, the English authorities were undoubtedly justified in demanding their reddition; but if these men were not British subjects, and if the vessel was not entitled to a British registry, they would not fall within the category he had described. Now, British ships, and British subjects, possessing as they do great privileges, have been carefully defined by the Imperial Legislature. He had been surprised to hear it asserted by the right hon. Gentleman the Secretary for the Colonies – and he saw a similar statement had been made elsewhere by the Lord Chancellor – that the Governments of Crown colonies were entitled by virtue of the prerogative to override the general law of the land. He (Sir E. Perry) would take upon himself to say that was not the law. This was the law; the Governments of Crown colonies had the power of legislating upon all questions upon which the Imperial Legislature had not decided; but it was not competent for them to alter the Imperial law. And he contended that the Arrow could not by any provision, either of the colonial legislature or by virtue of any practice [1460](#) which existed in Hong Kong, obtain the rights of a British vessel either under the terms of the treaty or under any distinct practice and usage in

China recognizing the immunities belonging to British subjects. If the claim be asserted under the treaty, then the term British vessel must be explained by the meaning that term bore at the time of the treaty, not by any claims in a colonial Act passed some years subsequently extending the meaning, even if the colony had power to pass such an Act, which it had not. If the claim rests on the immunity of British subjects from the Chinese criminal law, it is then quite clear that this Chinese-owned vessel and these Chinamen possessed no immunity whatever by the law and usage of nations. But, passing from the question of international law to the far graver question of international morality, and assuming that the British officials in Hong Kong were entitled to claim the reddition of these Chinese malefactors, and that the English had a right, as they undoubtedly had under the treaty, to enter into the city of Canton, did the Chinese deserve the terrible punishment we had inflicted upon them for refusing these demands? The sole principle of policy which ought to govern our intercourse with China was that which had reference to the mutual benefit of trade. What had been the relations between China and England during the last fifteen years, since the date of the treaty? Our imports had increased immensely, not only in tea, but silk, and new articles of consumption had been introduced. It was quite true that there had not been the same extension of commerce in our exports, and that British manufactures had not been taken in the quantities that had been anticipated; and much disappointment had followed. English merchants were at first delirious with delight at the prospect of finding a market among 360,000,000 of the most industrious people of the East; but those anticipations had not yet been realized, and our export trade had scarcely increased at all during the last fourteen years. Nevertheless, our trade with China was in a very flourishing condition. Why then was it, as has been insisted on so triumphantly, that the English merchants in China were the patrons, the fosterers, and the promoters of these hostilities? If the fact were so, it was very important.

Without casting aspersions upon any body of men, he must be allowed to state what he believed to be the explanation why men whose pur- [1461](#) suits were pacific and whose daily toil was for gain were goading on the Government to send out armaments, and to bring about a cessation of peaceful relations. Now, he had heard these facts stated, and he had never heard them contradicted. It was said that in the transactions between the English and Canton merchants the balance of debt was always in favour of the Cantonese. One American merchant who had failed a short time ago was indebted in the large sum of 250,000 dollars to a Chinese merchant. It was also said that these merchants had speculated in tea and silk to an enormous amount; and it was therefore plain that the breaking out of hostilities for a short time must be highly beneficial to the holders of large stocks, and very convenient in enabling English debtors to postpone payment to their creditors at Canton. It must further be remembered that these Englishmen at Canton, who were urging us to send out further armaments, were not called upon, like merchants at home, to bear the income tax or other burdens caused by a war. They were urging the Government to send further armaments to give them more ample protection; but they had no income tax to pay, no war taxes, or other charges; and without imputing to them any motives other than those which actuated all men, and which would probably influence himself, he thought it was natural they should desire to get as much assistance and pay as little for it as possible. But, finally, in testing the opinions of these China merchants – and he did not forget that he was speaking in the presence of some of them, and if the House were entirely composed of them, he would express his opinion with equal freedom – he must state that he was informed that almost every one of them was engaged in the illicit traffic in opium; that 30,000,000 dollars worth of opium were annually sold by British merchants in this illicit trade, at least three-fifths of which was sold at this very port of Canton. Now, they had heard that the Chinese officials were corrupt and connived at this illicit trade; and he did

not deny that this was partially the case – it was common to all Eastern Governments; but he would assert, without fear of contradiction, that the respectable inhabitants in China were strongly opposed to this illicit trade – this wholesale smuggling – and to the thinly disguised connivance of the officers whose duty it was to suppress it. He [1462](#) (Sir E. Perry) was told that they ought to shut their eyes to this, as having nothing to do with the immediate question before the House; but he asserted that it had all to do with the question, for it had produced those deep feelings of hostility to the English merchants and the English Government on the part of the Chinese, and a reciprocal feeling of animosity on the part of the English, so as satisfactorily to account for the truculent sentiments displayed by nearly all the British residents in China. He contended there were so many motives at work to disturb the judgment of China merchants as to make them very unsafe judges to follow on so important an occasion as this. He would now say a few words as to the course which he thought ought to be adopted by Her Majesty's Government. He quite agreed in the proposition that the English nation ought not to put up with insult from any foreign Power. But he denied that in respect to the Arrow we had any just claim for reparation; he would admit, however, that, with regard to the right of entry into Canton, we had an undoubted treaty claim. Whether we ought to enforce that claim was a question of policy which, he thought, must be decided in the negative; but we ought not to withdraw from the contest now that it had commenced, but were bound to protect British interests, and to send a naval force sufficient to do so. Should the opinion of the House be pronounced against the proceedings of our officials at Canton, it would behove the Government to send some man of eminence from England to inquire into the whole affair on the spot, armed with sufficient force in one hand to maintain the power of England, and in the other with terms of moderation and forbearance. The notions afloat in some quarters with regard to annexations in China had been derided as absurd. It was because he believed they were not so

visionary as some imagined that he had ventured to occupy the attention of the House so long, and to raise his voice on behalf of more moderate, liberal, and Christian doctrines. The most influential journals in India were week after week crying out for annexation in China and Persia, and the same principles of action were advocated by portions of the Press in this country. He had no doubt that the noble Lord at the head of the Government would repudiate all such schemes; but the war might cause the overthrow of the Chinese Government, already tottering [1463](#) to its base; and if Canton fell into our hands, and an attempt were made to create another Indian Empire in China, as loudly advocated by the Friend of India, the effects would be most disastrous to the best interests of this country.

§ MR. GREGSON

said, that as he had apparently been alluded to in such pointed terms by the hon. and learned Gentleman who had just sat down, he begged permission to say a few words. He would confidently assert that the hon. and learned Gentleman scandalized the English merchants at Canton when he stated that they were all engaged in the opium trade. None of those whom he (Mr. Gregson) represented had anything whatever to do with that traffic. That, however, had nothing to do with the question before the House; but as he (Mr. Gregson) had been thus put forward as the leader of the war party, he must speak from his long experience and intercourse with China – and he held in his hand a letter from twenty-nine gentlemen, now in London, who had resided for five, ten, and fifteen years in China, and who were as competent to form and express an opinion upon the question before the House as the hon. and learned Member – that they were well known, both here and in China, as men addicted to peace and to their own commercial pursuits. They were as averse to war as the hon. Member for the West Riding himself could be, and their worst wish with regard to that Gentleman was that, instead of contemplating

events in China at home and through the medium of Parliamentary papers, he might have the benefit of a few years' residence at Canton. For his own part, he admired the hon. Member's sentiments as a friend of peace, though he believed that if the "Peace party" were now, or at any time, in power, we should have no peace whatever. [Laughter.] However the Members of that party might dislike national wars, they had evidently no objection to personal wars. If any person could have gone to China with pacific intentions, it must have been the hon. Member's friend, Sir John Bowring; and if Sir John Bowring had failed in preserving peace, the hon. Member might in justice infer that even he himself could not have succeeded. The case of the Arrow had been so fully argued that he would not enter into it; but he ventured to say that that case was understood both by Chinese and Europeans in the same sense. On all [1464](#) sides it was understood that the Arrow carried the British flag. ["Hear, hear!"] The very name Arrow indicated that she was an English ship, for a Chinese ship would not have received such a name from the Chinese. The Commissioner Yeh was not justified in the proceeding he adopted, which constituted another insult to be added to the long series previously offered. This Commissioner Yeh was a person of considerable influence; he was one of the guardians of the heir apparent, High Chancellor of the Privy Council or Love-embodying Cabinet, President of the Board of War, and holder of other offices. The British residents on the spot were the persons best qualified to give an opinion on the matters in dispute, and they had addressed a memorial to the Admiral expressing their approval of the course he had pursued, and their hope that he would insist on his reasonable demands. As chairman of the East India and China Association he had received a letter signed by twenty-nine gentlemen, who had been many years in Canton, and they stated that their correspondents in China approved the measures which the British authorities in China had been reluctantly compelled to have recourse to; that the real matter of regret was that the due performance of treaty obligations had not long since been

insisted on; and that in their opinion coercive measures had been adopted only to the extent which the exigency of the case demanded. They added that it was their solemn conviction that if at the present juncture any sign of weakness or vacillation should be exhibited, or if the measures recently adopted were not vigorously prosecuted, under the authority of the Home Government, until every legitimate demand had been conceded and properly secured, ruptures between the two countries would be constantly recurring, and life and property would be henceforth unsafe in Canton. The Chinese there, again emboldened by a retrograde policy, would then in all probability induce their countrymen to interrupt the trade at the other ports, and even Her Majesty's colony of Hong Kong might be placed in serious jeopardy. Now surely the opinions of these gentlemen were entitled to consideration, inasmuch as the course they approved inferred the sacrifice of their own immediate private interests. He was sorry to hear the hon. Member for the West Riding speak so disparagingly of the character of [1465](#) the British merchant. He did not think that the British merchant was the selfish and avaricious being that the hon. Gentleman represented him to be, and he hoped, notwithstanding the hon. Gentleman's declamation against the course adopted by the British authorities in China, the noble Lord at the head of the Government would do everything in his power to enable the British merchant, in whatever part of the world he might be, to exclaim "Civis Britannicus sum" with the same feelings as a Roman citizen of old could say, "Civis Romanus sum." The hon. Gentleman had said that the American and French Governments would not join us in the course we had adopted towards China; but the representatives of both those Governments had already participated in it. The hon. Gentleman had also said that the debates of the British Parliament were published to the world. Now, he (Mr. Gregson) was sorry that they were so published in this instance, because it would be seen from the reports of those debates that men could be found in the House of Commons who, instead of defending, bitterly condemned our representatives for defending the interests of

our fellow-countrymen in distant regions of the world. He lamented as much as the hon. Member for the West Riding the calamities which had occurred in China, but he believed that they were inevitable. In conclusion, he begged to impress upon the noble Lord at the head of the Government the necessity of acting at this juncture of our affairs in China with the same firmness as he had done on a recent occasion, and to insist upon the fulfilment of our treaties with China as he had done on the fulfilment of our treaties with Russia. By so doing, he would be more likely to secure, in the words of that treaty, perpetual peace and friendship to be for ever established between the two countries.

§ [LORD JOHN RUSSELL](#)

I have every disposition to pay respect to the wishes and opinions of the British merchants trading at Canton; but, while we allow due weight to their opinions and representations, we must not forget that it becomes us, the House of Commons, when such a Motion as that of the hon. Member for the West Riding is put before us, seriously to contemplate what has taken place, and to decide according to our views of the rights, interests, and honour of our country, and not to allow our opinions to be entirely [1466](#) guided by any set of merchants, however respectable they may be. With this view I listened with great attention, and with no less anxiety, to the statement of my right hon. Friend the Secretary of State for the Colonies. I had hoped that the ambiguities which seem to rest upon the policy of Her Majesty's Government might be dispelled by his statement, that some new arguments might be adduced, and that, above all, some view of their policy might be unfolded to which Parliament might look for future security. I am sorry to say that in all these particulars the speech of my right hon. Friend was a disappointment. The question is shortly divisible, as it appears to me, into three heads. The first is the case of the *lorcha Arrow*; the second, the entrance into Canton, demanded

according to treaty; and the third, the policy which Her Majesty's Government intend to pursue, and the objects at which they aim by the hostilities that have been carried on in China. With regard to the first of these I will not trouble the House long, and I certainly need not enter into those questions of triple illegality to which my hon. Friend the Member for the West Riding referred. That argument has been stated by him with great perspicuity, and the general law of nations, so far as it affects this question, has been treated by my hon. and learned Friend the Member for Devonport. A statement, however, has been made by the Secretary of State for the Colonies which apparently bears upon this question, but which really does not seem to me to touch it at all. The right hon. Gentleman states that for a long time – he says for 200 years, but it matters not for how long – there has been the practice in certain of our colonies of granting licences or passes to colonial vessels, within certain limits and for certain specified purposes. No doubt these passes have been granted. No doubt they are legal, so far as they are not in contravention of any Act of the Imperial Parliament. But if they are in contravention of such an Act, I conceive that they are of no force or validity whatever. With regard to this particular question of the licence to the lorcha, it does seem as if Parliament had very lately declared that exceptions were to be made in the general law with regard to British vessels of British ownership. But, as these were exceptions, certain rules were laid down by which this privilege was strictly [1467](#) guarded; and among those rules is laid down a provision that every ordinance of a colony should be sanctioned by Her Majesty in Council. That, I imagine, cannot be evaded or set aside, and it has not, I believe, been observed with regard to the colony of Hong Kong. I conceive the question to be, not whether in Gibraltar or Malta passes might be granted which would be effectual for certain purposes, but whether those passes which are given to persons who are, in fact, subjects of another country can override the laws of that country of which they are the subjects. My right hon. Friend seems to

think that with regard to the Chinese we need not be so very particular as we are with other nations; but I will take the case of Gibraltar. Many Spanish subjects reside there. Now, suppose that one of these residents was the owner of one of those vessels to which passes had been given; that among a number of Spaniards on board there was a man who had been lately concerned in piracy; and that that vessel entered Malaga or Algesiras, I cannot believe that the Spanish authorities would hesitate to take that man out of the vessel and claim him as a person subject to their jurisdiction. In this respect the general law must obtain that, although your pass may be good in your own ports, it cannot prevail against the law of another country of which the crew of the vessel are the subjects. Will any man tell me that, supposing that the Governor of Malaga or Algesiras had arrested this man, supposing he had been claimed by the British authorities, but that claim had not been listened to and no apology had been made, the Governor of Gibraltar would have asked the Commander of Her Majesty's ships to attack Algesiras or Malaga, to burn the Spanish vessels in those ports, and to blow up the forts which protect them? I think every one must admit that no such course would have been pursued. It might have been that the Spanish authorities were wrong. The case would then have been referred home. The home authorities would have applied to the Spanish Government for redress. The correspondence might have lasted six months or perhaps a year, but I have no doubt that redress would have been given for the wrong committed. Let me say here with respect to this and to every other part of the question, that the gist of the accusation which has been made by the hon. [1468](#) Member for the West Riding (Mr. Cobden) is not that our representatives at Canton have raised disputed questions, but that they proceeded by force of arms to effect the solution of those questions when there was no such urgency in the case, and when arms need not have been resorted to until an appeal had been made to the authorities in this country. Then, Sir, we come to the next question – one no doubt of great importance – that of our right to enter into

the city of Canton. The terms of the treaty are explicit enough on the subject, and they give us a right to enter the city of Canton as well as the other four ports to which we have access. But that question has been postponed from time to time, and my noble Friend at the head of the Government, when Secretary of State for Foreign Affairs, stated most able reasons and conclusive arguments against pressing that question. He said in substance – “Above all, it is one of those advantages which, if you can obtain it by fair negotiation, may be of considerable use; but the whole advantage will be destroyed if you attempt to obtain it by force of arms. Every concession which you might obtain will become useless and barren, and even injurious in your hands, if thus obtained.” Unfortunately, Sir John Bowring has not taken that view of the question; and more than that, he has added this question, which of itself had been very difficult, and which since 1842 and 1856 had never been solved, to a quarrel already existing, and had thus embittered and aggravated the disunion between the Chinese Government and ourselves. I can imagine that the British Government might decide in conformity with the views of the hon. Gentleman who spoke last – they might say, “Our treaty rights have not been fulfilled; we have suffered injuries; we must state these injuries to the Chinese Government, and, unless within a certain period they are redressed and our treaty rights are fully granted, we give notice that it will be a *casus belli*, and that the refusal shall be equivalent to a declaration of war.” That might be possible. I do not say that it would be expedient, but it would be within the province of the supreme authority of Great Britain. But in that case how would you proceed? You would, in the first place, necessarily proceed with the authority of the British Government at home. So great a question, which has been so long in abeyance, ought not to be [1469](#) settled without the full, solemn, and deliberate determination of the British Government. In the next place, you would give the Emperor of China a certain time within which to decide upon his course. I will not say that, if you

said the decision must be made within a month, or six weeks, or three months, the Chinese Government would come to a determination to permit you to enter the city of Canton. It may be that they would so resolve. It may be that the question is not worth pressing; but this, at all events, would be in conformity with the usage of civilized nations, and would not be in contradiction to your own rights by treaty. But what has been done by Sir John Bowring, and Sir Michael Seymour acting in conformity with the wishes of Sir John Bowring? This occurrence with regard to the *Arrow* took place, I think, about the 8th of October. On the 21st and 22nd of that month Commissioner Yeh wrote letters which appear to me to be an apology for that occurrence. These letters are said by Sir John Bowring to be evasive. They do not appear so to me. He says most distinctly, "We considered this to be a Chinese vessel, and the information I have had is that the flag was not hauled down." To be sure, there is conflicting testimony upon that subject; but it is remarkable that the statement of one of the seamen who was on board the *Arrow* shows that the intention was not to insult the British Government, because he says that the mandarin who came on board, after looking round, said, "There is no British captain here, there is no Englishman here. This cannot be a British vessel, it must be a Chinese one, therefore haul down that flag." If that is a true statement, it certainly contradicts the Chinese Commissioner, and is in favour of the English testimony as to the flag being hauled down; but is it not a proof that if the mandarin had seen an English captain on board, he would not have lowered the flag, and would have asked him to redress the grievance of which he complained, that a pirate was harboured on board the ship? I conclude from this that it was not an intentional insult. But more than this. The Commissioner says: "In future, if there are foreign lorchas in the port, I will take care that no men are taken out of them without communication with the Consul." Besides this he had restored the twelve men. Now, considering these three things, [1470](#) that the flag, if taken down, was taken down because no Englishman was on board, that

it was promised by the Commissioner that never again should a foreign lorcha be deprived of its men or have its flag hauled down, and that the men were restored – I think, in the case of what was after all but a very paltry affair, this satisfaction might have been taken, and Sir John Bowring might have said: “I consider this affair is over, but I shall report it to my Government and see whether they think it necessary to take any further steps in the matter.” Instead of pursuing that course, Sir Michael Seymour, on the 27th, in conjunction with Sir John Bowring, makes positive demands that this entrance into the city shall be granted, and instead of giving three months, or a month, or a week, proceeds that very same day to open fire, and to commence hostile operations. Is that the way to obtain redress from any Government? Is that the way in which a great question which had been in abeyance for so long should have been revived? It is at this point that I think the responsibility of Her Majesty’s Government really begins. In the first instance, they received from Sir John Bowring and from the Admiral an account of the hauling down of the flag, and a statement that they had in consequence seized an Imperial junk. The Secretary of State replied that the law officers of the Crown had been consulted; that they were of opinion that the *Arrow* was legally entitled to the privileges of a British vessel, and that therefore he approved of the conduct of the authorities at Canton in having seized the junk. So far there was at least no great harm done, although I think there might have been added some caution not to pursue hostilities. But when they received – which must have been about the beginning of January – the account that hostilities had been continued, that Sir John Bowring and Sir Michael Seymour had on their own authority undertaken to raise this great question, upon which the whole of our amicable intercourse with Canton depended – namely, that of our entrance into the city – and that, without giving sufficient time for a reference to Peking or for a determination of the British Government, the Admiral had at once proceeded to attack the forts, and afterwards, I think, to destroy the

fleet – it does seem to me that Her Majesty's Government should have considered that these officials [1471](#) had committed a serious offence against the interests of this country; that they had without cause put in jeopardy our amicable relations with a great and populous empire, and had presumed to take upon themselves the solution of a question which three different Secretaries of State had declared, in the clearest and most explicit language, should not be decided without a reference home and without due deliberation by Her Majesty's Government. What, however, was the language addressed by Lord Clarendon to Sir John Bowring and Sir Michael Seymour? On the 10th of January he informed Sir John Bowring that "Her Majesty's Government entirely approve the course which has been adopted by Sir Michael Seymour and yourself." Sir, I do think that this is a very serious matter; I do think that the giving their approbation in these few words, without explicit instructions, without saying what was to be done, without any notice of the assumption of authority, was neglecting the duty, the solemn duty, which was imposed on Her Majesty's Government. I now come to another part of the question which seems to me, serious as are the other points, to demand the especial consideration of Parliament, and of which hitherto we have had no information from Her Majesty's Government. My right hon. Friend the Secretary of State for the Colonies says, "We are not at war with China." Well, if we are not at war with China it is not the fault of Sir John Bowring, or of Admiral Seymour, or of Her Majesty's Government. It is the result of the forbearance of the Chinese Government in not immediately directing that at all other parts of their empire we should be regarded as carrying on hostilities with them. For I take it that, barbarians as the people are – and I certainly am not much of an admirer of Chinese civilization – no Power in Europe, and undoubtedly not the United States of America, would allow its forts to be battered and one of its seaports, containing more than 1,000,000 of inhabitants, to be fired in more than one or two places, and not resent such acts, as an attack upon its integrity and independence. The

Chinese Government, however, has not done so, and happily we are not at war with it. But, then, what is to be our policy? I find that Sir John Bowring and Consul Parkes go very far on this subject. On the 8th of October and the following days [1472](#) Mr. Parkes asked that the men of the lorcha should be returned, that some kind of apology should be made for hauling down the British flag, and that an indemnity of some kind should be paid to the owner of the *Arrow* for the time she was detained. That, at all events, was not a very serious demand. As I have already said, I think that its spirit was complied with. But in the view of our authorities at Canton, it not being complied with, they proceeded on the 27th of the same month to add to that demand a further one, which could hardly be obtained except by hostilities, and hostilities, too, on the most extensive scale – namely, an entrance into the city of Canton. But this is not all. Is this policy adopted by our authorities at Canton also adopted by Her Majesty's Government? I am afraid not; because I see that on the 25th of November Sir John Bowring, writing to M. de Courcy, who had told him, with a degree of prudence and discretion that I could wish some of our English officers would imitate, that he had withdrawn the men whom he had sent in conjunction with the English, and that he would not undertake any operations without immediate authority from the Emperor of the French – Sir John Bowring, in reply, says: I thank you at the same time very cordially for the evidence you have given of agreement and moral adhesion with us in the grave events that have taken place at Canton, which cannot but have an important bearing upon that great question which so deeply concerns us all – the revision of our treaties with China. Now, what does that mean? You may ask, as I think you are entitled to ask, if you think it wise and politic so to do, that China should completely execute the treaty made by Sir H. Pottinger in 1842. You may say you will take nothing less than its full and strict fulfilment; but that is quite another question. You have no right to insist on new terms, such as that you shall be admitted to all other parts of China, or that you shall have

an Embassy at Peking, and various other things that have been spoken of, without going to war, or without having a justifiable cause of war. I defy you to say that the hauling down of the flag of this miserable lorcha, and the refusal to admit you to Canton after you had made it an understanding almost since 1849 that you would not insist upon entering the place – I defy the British Government to say that they [1473](#) have a justifiable cause of war with China, or any right to claim the revision of our treaties with that empire, upon two such contemptible pleas. You state that you are not at war at present – that you have nothing but a local quarrel at Canton; but then these new terms and this new treaty cannot be granted by the Governor of Canton. They can be granted only by the Emperor of China, after a reference to Peking, and a mature consideration of the whole interests of England and of China. For my own part, I have no wish to see these operations entered upon. I fear they might lead to a long and bloody contest. I fear, especially in the present disorganized state of China, that they might produce such social anarchy, such a complete rupture of all relations between man and man in that country, that it would cease to be a civilized nation – cease to be a nation with which we could advantageously carry on commercial intercourse. And uncertain and ambiguous objects like these are the benefits for which we are to risk the future prospects of our trade! An hon. Gentleman who has just addressed us spoke with some resentment of the conduct of the Chinese, and of various outrages, many of which were committed by low vagabonds in violation of their own laws. He told us, at the same time, of the increase in the export of silk from 3,000 to 50,000 bales, and the increase in the tea trade, we all know, has been enormous. Are the prospects of a friendly commerce, so beneficial and so useful to us in every respect, to be all sacrificed in order to secure some vain chimera which Sir John Bowring seeks at Canton? And we, the Commons of England, are not informed at this moment what these demands are! How do we know that Sir John Bowring may not by this time have framed new demands and looked for new advantages, or that

our ships, our marines, and our troops may not be now engaged in enforcing them? A humorous pamphlet, called Anticipation, was once written, in which Mr. Hartley is introduced, and ridicule is cast on the common-place he talks as to the Government of this country being vested in "King, Lords, and Commons." But, if we are to be uninformed of these things – if hostile operations are to be carried on, and we are not to be apprised of them – I think the truism of Mr. Hartley will become a very wise and weighty saying, which we all ought to take to heart. My right hon. Friend the Secretary for [1474](#) the Colonies says that we are to emancipate China from its cruel and tyrannical Government.



[§ MR. LABOUCHERE](#)

I beg my noble Friend's pardon. He has – unintentionally, I am sure – misrepresented me. What I said was that I certainly entertained a hope that the result of these proceedings might be to emancipate Canton and its neighbourhood from the government of a man whom I believe to be one of the greatest possible curses and inflictions to those under him.



[§ LORD JOHN RUSSELL](#)

Here, at all events, we have a new demand. We are not satisfied with the appointments which the Emperor of China makes of his own Governors; and thus this gentleman, who is entrusted with the government of 10,000,000 people, is to be removed, and somebody else put in his place, who may, perhaps, be recommended by our Foreign Secretary to the Emperor's attention. In the matter of tendering advice to an independent

Government I should have thought that our recent experience at Naples would have sufficed to warn us not to interfere with the internal affairs of China. Commissioner Yeh may be a very bad Governor. For a time we heard that he would probably be disavowed; but that does not appear to be the case; and the hon. Gentleman who spoke last gave us reasons for believing that he was very high in favour with the Emperor, and is not a person at likely to be removed – that, on the contrary, his views are likely to meet with approval from the Government of Peking. If that he so, I think you had better confine yourselves to demanding anything that you have a fair right to demand, but not to meddle with the Emperor of China's choice of the officers he will employ. Besides, how do you know that after all the Emperor might not say, "Well, my Commissioner may be a very intractable and violent sort of man; but I can't see that your own Superintendent has so very mild and easy a temper?" It is sad to think that the act of some inferior mandarin, probably, in the harbour of Canton, searching for a pirate and trying to make him subject to their criminal justice – with a doubtful, or even a bad case, it may be, in point of international law – should have led to consequences of bloodshed and destruction which cannot be too much deplored. I own I am sorry to find that, among all the papers laid before Parliament – among all the approbation which [1475](#) has been bestowed upon the Superintendent and the Admiral, there is not a single expression of regret for the havoc and the misery which their acts have caused. It would but have been decent that, with their unqualified approval of the acts of our officials should have been mingled some word of sorrow for the dreadful consequences which have flowed from them. In other cases where a flag has been used to protect criminal pursuits, I find that my noble Friend at the head of the Government has with indignation complained of the prostitution of that flag. The flag to which I allude is that of the United States, when employed to protect the slave trade. In 1840 my noble Friend had a correspondence of considerable length with regard to various cases in which it appeared that Spanish

vessels, with Spanish owners and Spanish crews engaged in the slave trade, had obtained licences from the American Consul at Cuba, and had then acquired the privilege of using the American flag. On that occasion my noble Friend wrote: But there is an essential and fundamental difference between searching a vessel and examining her papers to see if she is legally provided with documents entitling her to the protection of any country, and especially of the country whose flag she may have hoisted at the time. For though by common parlance the word "flag" is used to express the test of nationality, and though, according to that acceptation of the word, Her Majesty's Government admit that British cruisers are not entitled in time of peace to search merchant vessels sailing under the American flag, yet Her Majesty's Government do not mean thereby to say that a merchantman can exempt herself from search by merely hoisting a piece of bunting with the United States' emblems and colours upon it. My noble Friend then proceeds thus: Because what would be the consequence of a contrary practice? What would be the consequence if a vessel engaged in the slave trade could protect herself from search by merely hoisting the United States "flag"? Why, it is plain that in such case every slave-trading pirate, whether Spanish, Portuguese, or Brazilian, or English, or French, or of whatever nation he might be, would immediately sail under the colours of the United States. Every criminal could do that, though he could not procure genuine American papers. Thus, all the treaties concluded among the Christian Powers for the suppression of the slave trade would be rendered a dead letter; even the laws of England might be set at defiance by her own subjects, and the slave-traders would be invested with complete impunity. If opinions like these had been prevalent at Canton our officials would have said, "You might have searched this vessel in order to see whether she had papers, and having asked for the papers you would [1476](#) have been told that her register was with the Consul." Then it would have been discovered in a short time that the register had expired, and that, according to Sir John

Bowring's own law, the *Arrow* was not entitled to British protection. There the case would have fallen, at least it ought to have fallen; but, unfortunately – and this is the worst part of the case, though I do not see that it has been visited with any censure by the Government – Sir John Bowring, while declaring to his Consul that the flag was not rightly used, and that the vessel had lost all right to British protection, stands up for her claim as against the Chinese Commissioner, and bids him apologize for this insult to the British flag, which had been lawfully used. We have heard much of late – a great deal too much, I think – of the prestige of England. We used to hear of the character, of the reputation, of the honour of England. I trust, Sir, that the character, the reputation, and the honour of this country are dear to us all; but, if the prestige of England is to be separate from those qualities, if it is to be separate from the character, from the reputation, and from the honour of our country, then I, for one, have no wish to maintain it. To those who argue, as I have heard some argue – “It is true we have a bad case; it is true we were in the wrong, it is true we have committed injustice, but we must persevere in that wrong; we must continue to act unjustly, or the Chinese will think that we are afraid,” I say, as has been said before, “Be just and fear not.” Whatever we lose in prestige, of which I do not presume to be a judge, I am convinced that the character and the honour of this country will be raised higher by such a policy. Never will England stand higher in the world's estimation than when it can be said that, though troublesome and meddlesome officials prostitute her arms and induce a brave Admiral to commence hostilities which never ought to have been begun, yet the House of Commons, representing her people, have indignantly declared that they will be no parties to such injustice; and that neither for commercial advantages, nor for political advantages, nor for any other immediate advantages to their country, will they consent to stain that honour which, after all, has been and must be the sure foundation of her greatness.



§ MR. LOWE

said, he did not rise to answer the speech of the noble Lord the Member for the City of London, which had [1477](#) been received with such signal favour by the House, but to ask the indulgence of the House while he adverted to one or two points which had not yet been noticed in the debate, and which were of great importance to the question at issue. This was not a question of the right of search, but of the boarding by an armed force of a vessel bearing the British flag, and taking out her crew. It had been maintained in the course of the debate, and the hon. Baronet opposite (Sir Bulwer Lytton) had strongly maintained that argument – that we could not by any municipal law of ours give to Chinese subjects any rights as against their own Government, and that, therefore, whatever law might be passed at Hong Kong left the rights of Chinese subjects exactly as it found them. The first observation which he would make on that was that it proved a great deal too much. If that doctrine were carried out to its consequences the result must be that a great portion of British shipping would not be within this treaty, or within any treaty in which the nature of British shipping was not distinctly set forth. We should be carried back to that which would be British shipping by the law of nations; and if no statute were allowed to enlarge the capacity of British shipping nothing could be regarded as British shipping which was not British-built, British-owned, and British-manned. This was the legitimate and the somewhat inconvenient consequence of that doctrine. Another objection which he had to it was that it was not altogether fair to speak of the inhabitants of the British colony of Hong Kong as Chinese subjects in the same sense as inhabitants of any part of China would be spoken of as Chinese subjects. Hong Kong was ceded by the Chinese Government to the Government of England, the people went with the country, and

the sovereignty over them became vested in the British Crown. The supporters of the extreme doctrine laid down the maxim *Nemo patriam potest exuere*, and they maintained that these persons, though the Emperor of China had handed them over to the British Crown, and though he had ceased to perform towards them any of the functions of a Sovereign, were still to be regarded as subjects of the Emperor of China, and that therefore we could not by any law diminish the right of the Emperor of China over them. This, he contended, was a harsh and strained construction of that maxim, and one which could not be [1478](#) justified by the circumstances of the case. The maxim of those who argued thus ought to be *Patria potest neminem exuere*, because, certainly, all a country could do to cast off its citizens had already been done by the Government of China with reference to the inhabitants of Hong Kong. They were now under the dominion, not of the Chinese, but of the British Crown. The British nation owed protection to them as much as to the inhabitants of any other portion of the British dominions. They might not be subjects of the Crown in ordinary parlance – in the same sense as the inhabitants of these isles were, or even as their own children would be at a future time, but still they were quasi[1479](#) strong claim upon the justice and consideration of Parliament. The question as to the ordinance was a very simple one. A noble Earl had argued in another place that that ordinance was void, because it had not been passed in pursuance of the 547th section of the [Merchant Shipping Act](#). The ordinance could not have been passed in pursuance of that section, because the ordinance came into force in the colony on the 3rd of March, while the Act did not come into operation until the 1st of May. He maintained that the ordinance was legal in its inception; there was nothing to prevent the legislature of the colony from giving their qualified registry to Chinese ships; and it was for those who disputed the legality of the registers to show that there was anything to invalidate their effect. The hon. Baronet opposite (Sir Bulwer Lytton) had contended that in this instance the register had lost its effect because the

year for which it was granted had expired while the ship was at sea and before its return to Hong Kong, and he relied upon the grammatical construction of the section in support of his view. The grammatical construction of the rule might admit of some doubt; but he (Mr. Lowe) contended that no judicature would put upon the Act so monstrous a construction as this – that a vessel leaving the colony of Hong Kong, and being at sea for a year, might, on the 365th day, have a right to fly the British flag and to claim British protection, but that on the 366th day – having been kept at sea by stress of weather – it should absolutely and immediately lose the protection of the British flag, and be exposed to contumelious and insolent treatment, without having the slightest claim to protection. This conclusion was so monstrous that he thought the human mind would refuse to adopt it, and he felt no doubt that if the statute was referred to the construction of a competent tribunal, although there might be some little grammatical difficulty, the clause would not be held to sanction such an absurdity. There was another point which had not been mentioned, and which he wished to press upon the attention of the House. The question at issue was whether or not the Chinese had violated the 9th Article of the treaty. That Article was in these terms: – If lawless natives of China, having committed crimes or offences against their own Government, shall flee to Hong Kong, or to the English ships of war, or English merchant ships, for refuge, [1480](#) they shall, if discovered by the English officers, be handed over at once to the Chinese officers for trial and punishment; or if, before such discovery be made by the English officers, it should be ascertained or suspected by the officers of the Government of China, whither such criminals and offenders have fled, a communication shall be made to the proper English officer, in order that the said criminals and offenders may be rigidly searched for, seized, and, on proof or admission of their guilt, delivered up. In like manner, if any soldier or sailor, or any other person, whatever his caste or country, who is a subject of the Crown of England, shall, from any

cause or on any pretence, desert, fly, or escape into the Chinese territory, such soldier, or sailor, or other person, shall be apprehended and confined by the Chinese authorities and sent to the nearest British consular or other Government officer. In neither case shall concealment or refuge be afforded. The Chinese officers, however, did not make to the British Consul the communication required by the treaty, but they took the law into their own hands and seized the crew of the lorcha. Suppose, however, that, instead of seizing the crew, the Chinese mandarins had made the proper application to Mr. Parkes, the Consul, and had said to him, – “On board a lorcha now in the Canton river, flying the English flag, and having the name printed in Roman and Chinese letters, there are notorious pirates who have offended against the laws of China, and we demand that they be given up to us.” Suppose Mr. Parkes had replied, “That lorcha is not an English merchant ship, and I shall not interfere” – what words would have been strong enough to express the indignation of the hon. Member for the West Riding at the miserable quibbling, the paltry evasion, the wretched sophistry of the English authorities, who, having passed a colonial ordinance to give the vessel the character of a British ship, and having suffered her to fly the British flag, then turned round and sheltered themselves from the performance of their treaty engagements under the paltry quibble that the register was a colonial, and not an English register? If this would have been true of the English authorities, was it not equally true of the Chinese? After all, however, the main point in this case was not a mere question of legality, but a question as to the animus of the Chinese authorities. If the animus of the Chinese authorities was pure and fair towards the British representatives, and if they had only been misled in their proceedings, he thought the occurrences that had taken place could not be sufficiently regretted. But he was sorry to say that many circumstances rendered it impossible to come to that conclusion. He would not dwell upon the long course of outrages which had taken place from the peace of 1843 down to the present moment.

He would call the attention of the House to a document which showed that the very question which arose as to the Arrow had been brought by the authorities of Hong Kong before the Chinese Government. They knew what was likely to ensue if they took the law into their own hands; but with full knowledge and notice of the consequences they chose to do so. The 12th Article of the Supplementary Treaty provided that if the Chinese authorities detected vessels engaged in smuggling they should proceed to seize and confiscate the cargoes, but that the ships should be given up to the British officials. In a letter addressed by Sir John Bowring to Commissioner Yeh, and dated November 21, 1855. – eleven months before the occurrence under discussion – the following passages occurred: – Sir, – Mr. Consul Alcock has forwarded me copies of his correspondence with your Excellency regarding the seizure and detention by the Canton Customs of certain British lorchas alleged to have been engaged in salt smuggling. It is provided by Article 12 of the Supplementary Treaty that if any British vessel be detected smuggling, the Chinese authorities shall be at liberty to ‘seize and confiscate all goods, whatever their nature or value, that may have been so smuggled; and may also prohibit the ship from trading further, and may send her away as soon as her accounts are adjusted and paid.’ Such being the course proscribed by treaty, the Canton Customs, in seizing and dismantling the lorchas in question, exceeded their authority and committed a breach of treaty. The Consul applied to your Excellency and was told that the vessels were pseudo lorchas owned by Chinese, and that British subjects were in no way concerned. That was the precise answer given in the case now under discussion, and which some hon. Gentlemen contended was a bonâ fide answer on the part of the Chinese authorities. Sir John Bowring said, however, – Your Excellency seems not to be aware that Hong Kong being a British possession all persons, English, Chinese, or other, there residing may procure registers for boats owned by them, on complying with colonial ordinance No. 4, of 1855, of which I enclose a translation. The most important of its conditions, as your

Excellency will see, is the giving of a bond by which the owner and two sureties bind themselves, under a penal sum of 1,000 dollars, to comply with all the provisions of the ordinance affecting registered vessels, and with all laws binding on British subjects with regard to trade in China. The allegation of [1482](#) smuggling having been made within the port, the smuggled cargo alone was seizable. Over the vessels the British Consul alone had jurisdiction; and his appeal to your Excellency was made, no less with a view to the due punishment of the parties offending, than in consideration of those interests which it is his duty as Consul to protect. I have applied to our naval authorities to recover the vessels unlawfully detained by the Canton Customs. They have retaken them, and I shall now proceed to punish the guilty parties for their breach of the ordinance. It appeared, therefore, that eleven months before the occurrence which led to the present discussion a similar event had taken place – the seizure by the Chinese, under the 12th Article of the treaty, of a vessel, while they were only empowered to seize the cargo. On that occasion this colonial ordinance was brought to their attention, and they were told the vessels would be retaken by force, and were warned not to pursue a similar course in future. If the Chinese authorities had then made any remonstrance to the British officials with reference to the colonial registers they would have been entitled to the utmost respect and attention, but no remonstrances were made. The letter from which he had read extracts was allowed to remain on record for eleven months, and then, in the fulness of time, when it was thought the proper opportunity had arrived, in spite of the warning they had received, they seized the crew of a British lorcha upon which the British flag was flying. He thought it was impossible to acquit the Chinese authorities of unfair animus in this matter, because, if they had really only wished to capture the persons on board the lorcha, the most direct and easy course was to have made an application to the Consul; and they could not have erred through ignorance, because the ordinance had been brought under their attention

not long previously, and must have been fresh in their minds. A nation might, without loss of dignity, ask for redress in a temperate manner; but it made a great difference when parties took the law into their own hands, and made a violent armed seizure of men. Much as he deplored the consequences, neither the British authorities at Canton nor the British Government at home were responsible for them, but those who had committed these lawless, ill-advised, and unjustifiable acts. He was no advocate for dealing with Oriental Powers upon different principle, where justice was concerned, from those adopted in dealing with European nations. Conscience [1483](#) was of no country, and the laws of morality and justice were at least as extensive as the world in which we lived. But in the manner of dealing with an affront from Oriental nations there was a difference, for it was known that their conduct to those with whom they were brought in contact was proportioned to their ideas of their power of resisting their aggressions; and thus, insults which a great people might pass over, if offered by a member of the European confederacy, and leave to be dealt with by public opinion, must, when offered by Oriental nations, be resented and punished on the spot. That was, he admitted, no argument for pushing matters to extremity. But the violence, in the present case, did not come from us, but from the Chinese themselves. The Chinese were offered the opportunity of making a full measure of apology. They were requested to return the twelve men, and they did so. But they were to return them publicly – that is, to admit, in the face of the people, in whose presence they had dishonoured the British flag, that they were bound to make reparation. They dealt with us as hucksters and traders. They were willing to give back what they had taken; but our honour they declined to redress, and refused to this day. He had endeavoured to argue this case in a spirit of pure and calm reason, divested of feeling, a matter very difficult where the honour of the British flag was concerned. It was perhaps not very philosophical that a flag, which was nothing more than a bit of painted linen, should represent the national honour and dignity, and he dared to say

the association of ideas rested on no profound metaphysical principle. If it were torn down by the Chinese and a little soiled in the encounter it probably could be washed, or the constituents of the hon. Gentleman the Member for the West Riding could, he dared to say, turn us out a new one. Yet, this very flag brave men had held to their breast and glued there with their best heart's blood rather than surrender it on the field of battle even to a gallant enemy – this very flag at which hon. Gentlemen opposite sneered, brave and honourable men had nailed to the mast, and had preferred to go down with it to the depths of the ocean rather than indure the ignominy of hauling it down in the face of an enemy. And they did wisely and worthily, for these emblems of power, dignity, and honour – emblems [1484](#) though they were – were themselves a power and an influence over the human mind, and in proportion as we regarded and respected them would they be regarded and respected by others. subjects. We exercised power over them, and they owed allegiance to us. They might be indicted for high treason if they were to take up arms against Her Majesty. We had duties to perform to them. They were cast off by their own Government, and it was our duty to protect them, and to throw over them the ægis of our power. He submitted that this point had not been sufficiently considered; because it seemed to be supposed that we were seeking by our municipal laws to deprive the Emperor of China of his rights over a portion of his subjects living in China. In the name of humanity he would ask the House to consider, what condition could be more deplorable than that of the Chinese inhabitants of Hong Kong if, by the cession of that place to the British Crown, they had lost the protection of their own Government without acquiring that of any other – if they ceased to be Chinese citizens, without becoming British citizens, and if they were to lose all the rights they had inherited from their forefathers, without acquiring any in exchange. He apprehended it was upon this ground that the ordinance of which they had heard so much was passed. Those persons engaged in trade with China, as it was natural they should do, and it was considered

right to register their ships, and to give them, not the same rights as British subjects, but a qualified or local description of rights for the purposes of trade with China. He would not now argue the question whether that ordinance was legal or not. He submitted that the intention was just and benevolent, and if by any flaw in the law that intention had been frustrated, as it was contended that it had been, he thought it was much to be regretted, for he conceived that the Chinese inhabitants of Hong Kong had a

§ MR. WARREN moved the adjournment of the debate.

§ Motion made, and Question proposed, "That the debate be now adjourned."

§ MR. MILNER GIBSON

said, he had been under the impression that the Motion of his hon. Friend (Mr. Cobden) consisted of two separate Resolutions. That was the intention of his hon. Friend; but he understood the two Resolutions had been proposed by the Speaker as one Resolution. He held in his hand the original manuscript, handed in by his hon. Friend when he gave notice of his Motion. That manuscript separated the Motion into two Resolutions, with the figures "1" and "2" prefixed to each paragraph, and was prefaced by the word "Resolutions," in the plural number. He hoped that his hon. Friend would be allowed to amend the mistake made in printing the Resolutions, so that they might be submitted to the House in the form intended by his hon. Friend.

§ MR. SPEAKER

There can be no doubt it was the original intention of the hon. Member for the West Riding to move two Resolutions, though by some mistake of the printer they appear on the paper as one. The House will remember, however, that when the hon. Member sat down after addressing the House, he did not make

any Motion; I was therefore left to infer that the hon. Member meant to move the Resolution I found on the paper; and not having been interrupted by the hon. Member, I certainly put as one Resolution what he intended to have been put as two Resolutions. Of course, if the House sees no objection, they can still be separated; but the Motion for the adjournment of the debate and the original Motion must both first be withdrawn.

§ MR. COBDEN

said, his intention was, undoubtedly, to move the Resolutions separately, and he was utterly at a loss to conceive how the mistake had arisen. He thought directions ought to be given the printer to use more care in dealing with the manuscripts that were put into his hands, for he observed that a pencil mark had been run through the figure "2," and the word "Resolutions" converted into the singular from the plural.



1485

§ VISCOUNT PALMERSTON

apprehended the House could not reasonably object to allow the hon. Member to move his Resolutions in the manner he had originally intended – but he must say that he thought it was rather incumbent upon the hon. Gentleman to have looked at the Votes and seen whether his notice was printed in the manner he proposed to submit them to the House. Again, had he exercised that care which every Member who had a Motion to make should naturally exercise, and just hear whether the Resolutions were properly put or not, the mistake would have been avoided. He was sure, however, the House would not be disposed to offer any opposition to the change, but allow the Resolutions to be

put from the Chair in the manner the hon. Gentleman said he first intended.

§ Motion, and Original Question, by leave, withdrawn.

§ Motion made, and Question proposed – That this House has heard with concern of the conflicts which have occurred between the British and Chinese authorities in the Canton river; and, without expressing an opinion as to the extent to which the Government of China may have afforded this Country cause of complaint respecting the non-fulfilment of the Treaty of 1842, this House considers that the Papers which have been laid upon the Table fail to establish satisfactory grounds for the violent measures resorted to at Canton in the late affair of the Arrow.

§ MR. WARREN moved, that the debate be then adjourned.

§ MR. ROEBUCK

To what day?

§ VISCOUNT PALMERSTON

To to-morrow.

§ Debate adjourned till To-morrow.

§ The House adjourned at half after Twelve o'clock.