

THE North-China Herald

SUPREME COURT & CONSULAR GAZETTE.

VOL. XII, No. 373.

SHANGHAI, JUNE 27, 1874.

PRICE, Tls. 12 3/4 AN.

CONTENTS.

Advertisements—Latest dates—Births, Marriages and Deaths, &c.	581
LEADING ARTICLE—	
The Woosung Bar	581
SUMMARY OF NEWS	582
EDITORIAL SELECTIONS (from <i>Daily News</i>):	
The Japanese in Formosa	584
The Recreation Ground Case	584
The Land Regulations	585
Woosung	586
The Municipal Council	586
OUTPORTS &c.—	
Peking	587
Tientsin	587
Chefoo	587
Ningpo	587
Foochow	587
Formosa	587
Hongkong	588
PEKING GAZETTES	589
OFFICIAL PAPERS—The Woosung Bar—	
Prince Kung's Despatch	590
PUBLIC MEETINGS—	
The Asiatic Society	591
The Municipal Council	593
AMUSEMENTS—	
Rifle Shooting—Hongkong v. Shanghai	595
CORRESPONDENCE—	
An Electric Phenomenon	595
The Recreation Ground Case	596
LAW REPORTS—(officially revised)	
H. B. M. Supreme Court—	
Civil Summary—	
Senna v. King	596
Police—	
R. v. How	597
R. v. Hill	597
R. v. Hughes and Smith	597
U. S. Consulate-General—	
U. S. v. Swenaki	597
U. S. v. Sullivan	597
Mixed Court—	
Opium Seizure Case	597
CLIPPINGS	598
COMMERCIAL INTELLIGENCE—	
Share Quotations	599
Silk and Opium Returns	600
Market Report and Prices Current	601
Exchange, &c., &c.	604
Freight Report, List of Tea Shippers from Hankow, &c. &c.	

Miscellaneous Intelligence.

LATEST MAIL DATES.

England,	May 15	Hankow,	June 24
San Francisco,	" 16	Yokohama,	" 17
Hongkong,	June 23	Nagasaki,	" 24
Tientsin,	" 21	Foochow,	" 16

Latest Mail dates in England, from China.

Hongkong,	April 2	Received 4th May.
Shanghai,	Mar. 27	

DEATH.

At Hongkong, on the 17th June, FRANCIS DOUGLAS, superintendent of Victoria Gaol, aged 47 years.

PASSENGERS.

DEPARTED.—Per *Deucalion*, for London—Mr. and Mrs. Penfold, and Miss Penfold.
ARRIVED.—Per *Fychoo*, from Hankow—Messrs. Pinckvoss and Krug. Per *Ningpo*, from Hongkong—85 Chinese. Per *Sin Nan-zing*—56 Chinese. Per *Tientsin*, from Hankow—Messrs. Nookoff and Carnie. Per *Shantung*, from Tientsin—Messrs. Leister and Nelson. Per *Appin*, from Tientsin—Mrs. Ohlsen and child. Per *Chinkiang*, from Hongkong—Mrs. J. Williams and child, and 33 Chinese. Per

Menelaus—One European, and 22 Chinese. Per str. *Nanking*, from Chinkiang—Mr. Novion. Per P. M. str. *Costa Rica*, from Japan—Mrs. C. A. Hall, Miss Mackenzie, Mr. J. J. Quin, wife and servant, Messrs. C. H. Haswell, Jr., Jno. Crofts and servant, W. H. Rowson, T. W. Hinchliff, J. C. Wheatley, Walter Austin, two Japanese, and nine in steerage.

LEAVING.—Per P. & O. str. *Venetia*, for Southampton—Mr. and Mrs. Monro, Mr. and Mrs. J. J. Quin and native servant, and Miss Mackenzie; for Venice—Messrs. W. H. Carter and R. S. Gundry.

METEOROLOGICAL REPORT.

Day of Month.	Barometer.		Thermometer in shade.		Oreometer.	Initials.	Hours of Rain during 24 hours.	WIND.	
	9 A.M.	Atmos. Therm.	Max.	Min.				Force.	Direction.
20	29.832	73.5	78.0	72.0	e	e	2	3	N. N. E.
21	29.954	77.5	79.0	71.0	e	e	...	3	W. S. W.
22	30.000	75.0	78.5	68.0	e	e	...	3	Z.
23	30.002	74.5	79.0	78.0	e	e	...	3	E. S. E.
24	29.904	78.0	84.5	74.5	e	e	...	4	S. E.
25	29.850	73.5	81.0	73.0	e	e	...	4	N. W.
26	29.902	75.0	80.0	72.0	e	e	...	5	Z.

EXPLANATION.

Oreometer from 1 to 10—Initials:—b. blue sky; c. clouds; f. fog; h. hail; l. lightning; m. misty (hazy); o. overcast (dull); r. rain; s. snow; t. thunder; z. calm. Force from 1 to 12 estimated.

CHINA: 1868 to 1872.

A RETROSPECT OF POLITICAL AND COMMERCIAL AFFAIRS IN CHINA during the Five Years 1868 to 1872.

For sale at office of "North-China Herald," and at Messrs. KELLY & Co.'s 1A Canton Road. Price—\$2.50.
tf 3052 Shanghai, 20th Sept., 1873.

NOW READY,

A TRANSLATION OF THE "PEKING GAZETTE" for 1873; 8vo. cloth. Price—\$2.

For Sale, at the North-China Herald Office, and at Messrs. KELLY & Co.'s, No. 1A Canton Road.

ALSO,

A TRANSLATION of the GAZETTE for 1872. Price—\$2. Reprinted from the N.-C. Herald & S. C. & C. Gazette.

tf 666 no-a-w Shanghai, 4th March, 1874.

NOTICE.

ON and after the 1st of July, Notices of Births, Marriages and Deaths will be charged \$1 each insertion.

Such Notices cannot be inserted in this journal unless endorsed with the name and address of the persons by whom they are sent.

Shanghai, 15th June, 1874.

THE publication of the North-China Herald and Supreme Court & Consular Gazette commenced at 3.30 p.m.

The North-China Herald.

IMPARTIAL, NOT NEUTRAL.

SHANGHAI, SATURDAY, JUNE 27, 1874.

It is difficult to restrain a smile at the ingenuous manner in which Prince Kung denominates the Woosung Bar as being a defence sent by Heaven for the protection of the Hwangpoo. But his whole despatch becomes more extraordinary when we contrast it with a letter from Mr. Wade to Earl Granville, dated the 22nd July 1872, saying he finds on enquiry "that Mr. Hart had been authorised by the yamen to expend a considerable sum upon a dredging apparatus to be employed specially at Woosung." Has the prospect of trouble with Japan impressed on the Yamen the extreme desirability of defences at Woosung; or what can have induced the complete change of view evidenced by the widely different tone of Prince Kung's present effusion? We can only point out the difficulty, and wait in the hope that further light may suggest a possible answer. To go on now with Prince Kung's present statement; if the defence afforded by the Woosung Bar be so useful to the *status quo* of the Empire, and if, according to his argument, it really prevents the sand (!) from entering the Hwangpoo in very large quantity, why should he not go further and fill it altogether, or at least so far as only to permit the passage of that heaven-devised craft, the Chinese junk? This would be carrying out his argument to its fair conclusion, and, moreover, would not contravene a single word to be found in the treaties of Tientsin. We would advise His Highness to try the experiment. Doubtless by this time he knows all the treaties and conventions by heart. He has at all events taken on himself the responsibility of reading them in the most literal spirit; but possibly forgetting that this is a sort of thing at which two sides can amuse themselves. While on the one side Ministers of Foreign Powers have, for the last fourteen years, been troubling themselves to see

Editorial Selections.

THE JAPANESE IN FORMOSA.

So far as we can learn, there are two parties in the North; one ready for immediate war with the Japanese, the other inclined to try peaceable means to induce their retreat from Formosa. Li Hung-chang is said to belong to the war party, and it is said that Wen-seang is on the side of peace. For the present, it seems clear that the war party preponderates, and that the despatch of a Chinese expeditionary force is a very likely contingency. But, at the same time that irritation at the intrusion of the Japanese is inciting them to war, there is no doubt the Chinese look forward to conflict with considerable apprehension. They are not fond of fighting, and they will have to fight this time under new conditions. The days of bows and arrows and jingals are forever gone; they have, now, both to use and to encounter the improved weapons of the West; and they neither feel very sure of their own proficiency, nor what degree of efficiency they may encounter in their opponents. They have been very proud in peace time of their arsenals and despatch-boats, and inclined to believe that they had now all things necessary to make them equals of European troops. But they do not feel so sure now the emergency has arisen. There are only 2,000 Japanese in Formosa, and still they do not see their way clearly, even to turning out this small force. The possession of two iron-clads gives the Japanese an immense advantage. Apart from some apprehension as to the prowess of their enemies on shore, the Chinese cannot but feel that they are themselves somewhat deficient afloat. Their gunboats are very fair and very costly specimens of their class, but one Japanese iron-clad could demolish the whole 17 that have been turned out of the Foochow Arsenal, while the second was accounting for all the products of Kao-chang-meau. The Chinese, therefore, will have some little difficulty in getting at their opponents, to begin with. It is not enough to have troops; an expedition in face of a hostile army and navy involves large means of transport, and a powerful navy to protect the transport-ships. Japan has had to buy and charter ships right and left; and China would have to incur great expense and risk in the endeavour to transport even 10,000 men from the mainland to Taiwan.

It can hardly be gratifying to Chinese Statesmen, to feel that they have brought this very much on themselves, by their own temporising and feeble policy. It is quite likely the Tsungli-yamén will deny that they ever told Soyeshima, that China did not claim jurisdiction over the Eastern half of Formosa; but it would take good proofs to convince us of their truth. There is little doubt the Chinese did not consider themselves masters of the Eastern coast;

for they thought they could only claim what land they had conquered. And it is only since they find that Foreigners recognise their right to the whole island, that they begin to think they have been foolish as well as weak. It no doubt seemed very clever statemanship to the members of the Tsungli-yamén, to disclaim responsibility, and to throw off on the Japanese barbarians the task of punishing a few savage tribes. But their political vision was too short to see the result. How can men, brought up in Peking and hampered by classical tradition, judge of outside events? The injury which the Japanese expedition would inflict on their prestige, the irritation it would cause among the population of the seaboard provinces, still less the chance of Japanese colonisation—could hardly occur to men who have been accustomed to regard the Confucian classics, elegant calligraphy, and court etiquette as the highest aims for human attainment. They have now to oppose a country infinitely smaller than China, but one that has gone ahead of it in almost every respect. The Mikado can positively learn, by telegram, every incident at the seat of war, some days before the Emperor can know what is happening in his own territory. The Japanese have bought iron-clads, while China has been lavishing untold sums on the conceit of building well-armed but unarmoured despatch-boats. Japan provides her own coal; China refuses to open her mines.

The question as to the military excellence of the two armies is an uncertain one. We incline to think the Japanese have more dash and pluck, and are somewhat better drilled. They are certainly better marksmen, and have better officers. But the Chinese have immensely the advantage in numbers. The Chinese would fight better against the Japanese than they did against the English in the North, because they have confidence in their new weapons and are less oppressed with the prestige of their adversaries. Unless, however, they can bring preponderating forces to bear, we should incline to favour the Japanese; and the cost and difficulty of transporting a large force to Formosa are great. However, the question even of an expedition is still under discussion, and it may be that negotiation will yet lead to a peaceable understanding. In the meantime, there can be no doubt that the Chinese are working up a war fever; while the Japanese are actively carrying out their designs.

THE RECREATION GROUND CASE.

SIR Edmund Hornby's lucid judgment in the Recreation Ground case so thoroughly exhausts the subject, that it would be redundant for us to attempt to go again over the ground. The whole history was, in fact, more familiar to most local readers than to the Counsel who were laboriously evolving facts in Court, from scraps of documentary evidence and the somewhat

dormant memory of individuals. The case really lay in a nut-shell. The old Race Course was sold because the Settlement was encroaching on it; and a new one was bought under careful precaution that no such contingency should again interfere with its location. Racing men only wanted a circle; but they took the precaution, in buying that circle, to bind the native owners of the interior not to build houses which should interfere with their view, and to secure the right of pre-emption in case the latter should sell their land. Partly because it was convenient to collocate Recreation Grounds, partly because they could get this inside land cheap—the newly created Recreation Fund bought this interior for Tls. 25 a mow, subject to the further condition that they should pay an additional Tls. 125 a mow to the native owners if ever the land were used for purposes of speculation. Both sides were thus protected. The Chinese, who were induced by the Taotai to sell their land cheaply for the sole purpose of recreation, protected themselves by stipulating for the balance of the higher price to which it would have been forced up by a speculative demand, in case the original design should be violated; while the Race people had protected themselves, by stipulating against the erection of any obstacle that could interfere with their object of a clear view. The Recreation Fund, in Court, admitted the former obligation but denied the latter; and sustained their right to do what they chose with their land, subject only to the contingency of having to pay Tls. 125 a mow extra, in case they built on or otherwise used it for purposes of speculation. The Race Club emphatically denied this position, maintaining that the original stipulation against houses was binding and absolute;—and, hence the fight.

The query—whether it is reasonable to suppose that people who had bought land for a certain purpose, and had taken pains to protect themselves in its enjoyment, would wilfully tear up their precautions, and allow new owners to acquire, free of obligation, other land over which they had acquired pre-emptory rights with the especial purpose of enforcing such obligation—would, alone, almost suffice to establish the Race Club's position in the eyes of reasonable men. Something more, however, than presumption was required in a Court of Law; but what was necessary even there has been equally forthcoming. We dare not pretend to say whether Sir Edmund Hornby's exhaustive judgment is proof, at all points, against the "ferret vision" of lawyers; but we do say that it will convince every unbiassed reader; and we unhesitatingly endorse his affirmation that, in deciding as he did decide,—that the balance of evidence was in favour of the pretension put forward by the Race Club—he has taken "not only a legal view of the rights and obligations of all parties,