

PAPERS

RELATING TO

FOREIGN AFFAIRS,

ACCOMPANYING THE

ANNUAL MESSAGE OF THE PRESIDENT

TO THE

SECOND SESSION THIRTY-EIGHTH CONGRESS.

PART III.

**WASHINGTON:
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CHINA.

Mr. Burlingame to Mr. Seward.

No. 53.]

LEGATION OF THE UNITED STATES,
Peking, November 4, 1863.

SIR: I had the pleasure, in despatch No. 52, to inform you in relation to the translation of Wheaton. I have now the honor to inform you that the Chinese government have employed our countryman Raphael Pumpelly, of Owego, N. Y., to make a scientific exploration of the country near Peking, with particular reference to the discovery and development of coal mines. Mr. Pumpelly has completed his engagement with the Japanese government of a like nature, and was on his way home, via Mongolia and Russia. It occurred to me to make an effort in the interests of science, on his behalf, with the Chinese government.

I found, in a conversation with Sir Frederick Bruce, the British minister, that he would have an interview with Wansiang the day following our conversation. Fortunately, the idea had entered Sir Frederick's mind, and he was but too happy to aid me in getting Mr. Pumpelly in. He mentioned it to Wansiang, who immediately called upon me and had an interview with Mr. Pumpelly. I subsequently accompanied Mr. Pumpelly to the foreign office, where the whole affair was arranged. Sir Frederick kindly permitted Mr. Murray, a most accomplished young gentleman and government student, to accompany Mr. Pumpelly as interpreter. They set out in company, with and under the protection of military and civil mandarins, with letters to the officials in the interior. I learn by letters that everywhere they have met with kindness from the people. Thus Mr. Pumpelly has the singular satisfaction of being the first man employed by the Chinese government to carry the light of his branch of science into the hitherto unexplored mines of China. He is well fitted for the enterprise. He is young, modest, and capable. He was most thoroughly educated in Germany, after which he explored the silver mines of Arizona, and then, upon the recommendation of the eminent geologist, Mr. Whitney, of California, was appointed to make a survey of the island of Yedo, in Japan.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,

*Secretary of State.**Mr. Burlingame to Mr. Seward.*

No. 54.]

LEGATION OF THE UNITED STATES,
Peking, November 5, 1863.

SIR: The accompanying enclosure relates to a proposition on the part of the Chinese government to modify Art. XIV of the American treaty, which they think bears hardly on our citizens in some of its applications; and I have the honor to bring the subject to your notice, with one or two remarks.

It grew out of a complaint made to this government by its officers at Shanghai, (enclosure A.) that it was a common practice of American diplomats to present false manifests of their cargo, and that the customs were unable to

of article thirty-seven of the British treaty, and the legal penalty on conviction shall be a fine of 100 taels.

I am directed to make known this modification of article fourteen of the American treaty for your guidance and the information of American citizens.

By order:

[Sigs.]

A. WELLS WILLIAMS.

U. S. Consul, United States Consul at ———, &c.

Mr. Burlingame to Mr. Seward.

No. 55.]

LEGATION OF THE UNITED STATES,

Peking, November 6, 1863.

SIR: I have the honor to forward to you several documents relating to the wrecks of American vessels on this coast and my action thereon; they would have been sent sooner had I not expected some definite information respecting the loss of the Kien-wan.

The first (enclosure A) is my reply to Charles Nelson, giving my reasons for declining to bring his claim for indemnity for his losses to the notice of the Chinese government. He estimated his personal losses at \$2,622, but nothing has yet been presented to me on account of the ship and cargo by the owners or underwriters.

The second (enclosure B) is a similar answer addressed to O. B. Bradford, esq., the United States vice-consul at Amoy, giving my reasons for not presenting the claim of Frank J. Luders for losses sustained by him and others to the amount of \$18,000 by the wreck of the brig Askanderia on Formosa. These two letters contain the principal facts about both these wrecks, so that I do not send more; and I refer to them as containing my reasons for not demanding indemnity of this government for losses sustained thereby, and I hope you will approve the grounds for so doing. The subject is a difficult one to settle satisfactorily, but the conduct of the Chinese officers on occasions of wrecks is in general humane. Wrecks are frequent along this coast, and some of them are attended with much suffering. In most cases the lives of the unfortunate crews are safe, even if their vessels and cargoes are plundered, however, and the ruthless wreckers themselves are restrained from killing the men by a fear of condign punishment.

I am informed that when the thirteenth article of the American treaty was under discussion, the Chinese negotiators were desirous to learn the usages in western countries respecting wrecks, and refused to modify it so as to take the responsibility for the lawlessness of their subjects towards shipwrecked people. I am desirous to learn the views of the government on this question, and, in order not to hamper it in any way, I refrained from all reference to a claim in my note to the Chinese government. (Enclosure C D.)

The other two papers (enclosures E F) show that the treatment of castaways in other parts of the coast is sometimes in marked contrast to the experience of Captain Nelson, and I am told that such instances of kind treatment are not uncommon. I have not yet learned the proper name of the Kien-wan, (for the Chinese characters do not convey the true sound,) but as soon as the details of the wreck come to hand I will inform you, for I think the case a very good one (if the facts turn out to be true) for special approbation and reward on the part of the United States government. If I could obtain the insertion of a notice in the Peking Gazette that the prefect of Fah-chan had been allowed to receive a present for this kindness to American citizens, the effect might be encouraging to other officials in similar cases. Whenever native vessels are

wrecked, the shore people usually pounce upon them and take the hull and cargo as their lawful property, and the crews seldom try to defend their vessels.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,

Secretary of State.

A.

Mr. Burlingame to Mr. Nelson.

LEGATION OF THE UNITED STATES,

Peking, June 30, 1863.

SIR: I did not receive your favor of December 26, 1862, until some time last month, after I had learned the loss of your ship and the sufferings experienced by yourself and Mrs. Nelson and the crew, through Sir Frederick Bruce, her Britannic Majesty's plenipotentiary. The circumstances attending the loss of the *Lucky Star* were most distressing, more so than has usually been the case among the unhappy casualties along that part of the coast of Formosa, and I desire to tender yourself and Mrs. Nelson my sincere sympathies with your misfortunes. It was a relief to learn that no lives were lost through the cruel treatment of those barbarous natives; and I have already conveyed my thanks to Mr. Braune, her Britannic Majesty's acting consul at Tanshwai, and to Baron Meritens, for their active kindness in rescuing you all.

The claim which you have made upon the Chinese government through me for indemnity for personal losses can be pressed upon it only under the provisions of article thirteen of the treaty relating to shipwrecks. The account that you have sent me does not show that any application was made to the Chinese authorities in that part of the island to relieve the crew or save the cargo, though it is likely that nothing they could have done would have rescued the latter from their lawless subjects. If you will read that article you will perceive that a plain distinction is made between the acts of officials and the violence of their subjects, the responsibility of the imperial government being limited to the former. In all the treaties lately made with it, the complicity of its own agents in such cases forms the ground for a claim of indemnity. In the present case a demand for compensation for loss of the ship and cargo (which would of course be regarded as identical with your own) would be decided adversely on the same grounds; and, in this view of the case, I may add, incidentally, that I am supported by the British minister.

It is well known that the Chinese authorities are often unable to restrain their subjects along their coasts, though their own intentions might be most friendly. The pirates and wreckers that now infest many parts will, I hope, gradually be restrained, and during the last twenty years much has been done to put them down, but the provisions of our treaty are clear with regard to the liability of the Chinese rulers.

Under these circumstances, therefore, I am constrained to decline to prefer your claim for indemnity. I shall, however, bring the incidents of the wreck to the notice of the authorities, with a request that orders be sent to the local magistrates of Tanshwin to exert themselves more vigorously in relieving shipwrecked crews thrown on their coasts.

I am, respectfully, yours,

ANSON BURLINGAME.

CHARLES NELSON,

Late Master of the Lucky Star.

B.

Mr. Burlingame to Mr. Bradford.

LEGATION OF THE UNITED STATES,

Peking, June 30, 1863.

SIR: I beg to acknowledge your favor of the 13th ultimo, informing me of the confirmation of your appointment of vice-consul at Amoy, and congratulate you on this evidence of the approval of the government.

I have re-examined all the papers relating to the claim of Frank J. Lüders, late master of the brig *Iskanderia*, for indemnity for losses sustained in the wreck, including the reply of the Chinese officers to Mr. Hyatt, on his demand for the payment of some rice and money alleged to have been obtained from or on account of the wreck; and the result leads me to the conclusion that we have not sufficient grounds in the premises for making a demand upon the Chinese government for indemnity.

From the evidence it appears that the prefect of Taiwan did send some soldiers and others to the assistance of the sufferers as soon as application was made, though perhaps too late to be of any real service; but by doing so he came within the letter of the treaty in respect to furnishing assistance, while, by his offer of \$200 to the captain, he further showed his willingness to aid the crew in reaching home. It would be idle to suppose that any large portion of a cargo of rice would remain to be salvaged, after even two or three days, under the circumstances, and I do not think the local authorities can be held responsible for this condition of things.

In order to establish a claim for indemnity, the complicity of the Chinese officers in robbing a wrecked vessel is to be proved, and in this case the opposite was the fact; the only complaint made against them being that their power was weak, and their aid useless against the violence of the natives. The ferocity and insubordination of the inhabitants of that part of China is a well-known trouble to the rulers, and their weakness may gradually be strengthened, so that better government may arise; but this state of things is excepted in the treaties, and the power of the local officers to afford relief to needy foreigners must be estimated by their general ability to manage their own subjects.

I am compelled, therefore, on a careful review of this case, to conclude that the claim for losses in the wreck of the *Iskanderia* does not come within the meaning of article XIII of the treaty, and constitute a valid claim on the Chinese government, and you can inform the applicants to this effect.

I shall, however, bring the circumstances to the notice of the high authorities, with a request that orders may be sent to the officials in Taiwan to exert themselves actively in rescuing such American vessels as may unfortunately be lost on Formosa.

I am yours, respectfully,

ANSON BURLINGAME.

OLIVER B. BRADFORD, Esq., *Amoy.*

C.

Mr. Burlingame to Prince Kung.

LEGATION OF THE UNITED STATES,

Peking, July 28, 1863.

SIR: The United States consul at Amoy has informed me that the American ship *Iskanderia* was lost on Formosa, December 27, 1861, on her way from Taiwan to Amoy, at a place called Pu-tai-tsin, in the district of Kia-i, distant

about ten miles from the city of Taiwan. The ship was half imbedded in the sand when the villagers robbed her of everything, but did not wound the crew. The captain reported the wreck to the prefect of Taiwan, and besought protection and help; but he moved so tardily, that before any officials reached the spot the villagers had carried off everything, to the loss of more than \$20,000.

I have also learned that the American ship *Lucky Star*, on her passage from Shanghai to Hong-Kong, went ashore on Formosa, last November, between Tanshwin and Kilung. When she was seen, more than two thousand natives arrived with knives and spears, assembled on the beach to watch her, and when the captain with his wife and son reached the shore with a boat's crew, they were all robbed of their clothes, the female of her ornaments, and thus stripped, carried several miles into the interior and held for a ransom of a thousand dollars. The other sailors made their way to Tanshwei, and reported these proceedings to the officers, who declined to act on the instant. The foreigners there learning the state of the case, collected a party of men, and went to the place to bring away all the party, but they found that the ship and her cargo of cotton, valued at \$80,000, had been entirely plundered.

I have learned the truth of these reports, and bring the circumstances of these two wrecks to the notice of your Imperial Highness, in connexion with the provisions of the XIIIth article of the United States treaty, which stipulates that when a vessel is wrecked, the local Chinese officers shall, on learning the case, afford all the protection and aid possible, and not permit the natives to injure and rob her. The coasts of Formosa are exceedingly dangerous to navigators, and it would appear from these two cases that the local authorities there have either no power to restrain the people, or are too dilatory and negligent to do it; and I, therefore, avail myself of the occasion to request that particular orders may be sent to the proper officers on Formosa to exert themselves to afford all the protection to shipwrecked persons and property they are able. It might be proper, too, to inform the natives generally, through their head man, that when they assist in saving persons and property from wrecked vessels, a portion of what is saved will be given to the salvors, as is the usage in western countries, according to the toil and danger incurred in protecting it.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

His Imperial Highness Prince KUNG, &c., &c., &c.

D.

Prince Kung to Mr. Burlingame.

Prince Kung, chief secretary of state for foreign affairs, herewith sends a reply.

I have the honor to acknowledge the despatch of the 28th ultimo, in which your excellency informs me that "in December, 1861, the American ship *Iskanderia*, on her voyage from Taiwan to Amoy, was driven ashore by a storm at Pu-tai-tsin, in the district of Kia-i, where she was stranded; that when the case was reported to the authorities of Taiwan city, they were so dilatory in affording relief that the villagers on the spot had already completely plundered the vessel.

"Also, in another instance, that the ship *Lucky Star*, on her voyage from Shanghai to Hong-Kong, was driven ashore near Ki-lung, in Formosa, and broken up; that the wife and son [of the captain] were seized by the natives and plundered, and afterwards held for ransom, while others of the crew reported the circumstances to the authorities at Tanshwin; but they, also, would

not exert themselves to afford any help, and the whole of the cargo of cotton and the wreck were carried off by the natives. You, therefore, request that orders may be given to the local authorities of those places to exert themselves, and afford aid and protection in such emergencies."

It is well understood that whenever foreign vessels are wrecked or driven ashore [upon our coasts] by tempests, or [their crews] suffer injury or robbery at the hands of natives, that the officers at the place, on hearing the facts of the case, shall do all in their power immediately to save and relieve the sufferers; but in the above-mentioned cases the authorities at Taiwan and Tanshwin failed to exert themselves when the masters of the two vessels reported their losses. However, neither of these instances having been hitherto reported to the foreign office by the officials of Fukien province, the statement now received from your excellency shall be copied for transmission to the governor general of the province, directing him to make inquiry, and report upon the same; and, moreover, specially to enjoin on the authorities along those coasts to exert themselves, in all cases of wrecks, to save and succor the sufferers, as far as lies in their power. And to this end I now reply.

His Excellency ANSON BURLINGAME,

United States Minister, &c., &c., &c.

(August, 2, 1863,) Tunchi 2d year, 6th moon, 18th day.

E.

Prince Knng, chief secretary of state for foreign affairs, herewith sends a communication.

I received a despatch on the 4th instant from the general in command at Mukten, enclosing a report from the military magistrate at Fuh-chan,* to the following effect:

"On the 24th of September the American ship Kien-wan, on her passage along the coast near the mouth of the Han-kia river, was driven by a tempest on the ledges and wrecked. A linguist (or comprador) came and reported the disaster at this office, and begged that two junks might be hired to take off the cargo, and carry it to Yingtsi, at the same time handing in a despatch from Mr. Knight, the United States consul there. Soldiers and policemen were accordingly detailed to go to the spot and carefully guard the property; and seeing that the vessel was fast on the rocks, I had the cargo taken ashore and stored in a fish warehouse hired for the purpose. This place (*i. e.*, Fuh-chan) lies along the sea-side, however, has no harbor or shipping, nor is there any regular price for hiring boats.

"After this there came in another despatch of the linguist, requesting that four policemen might be retained in charge of the property, and a large junk be immediately hired to proceed to the spot to be in readiness for use at the ship, as a small one would not serve. I accordingly despatched a messenger post haste to Niang-Niang to hire a junk; and lest the merchants should become impatient, I wrote to inform them that Fuh-chan was a very small incommensurable place, and really furnished no large junks that could be hired.

"Shortly afterwards the consul sent for nine Americans to go to Yingtsi to get a junk. So I engaged three carts for them, and detailed a gens d'armes to accompany them. On the 27th the captain of the ship went off to the reefs, and set fire to the vessel, which was entirely burned. He also urgently pressed

* Fuh-chan is a small district town lying on the east side of Gulf Liatung, latitude 39° 40', longitude 121° 43'.

the hiring of a vessel; and on the 30th three junks arrived from Niang-Niang, with the messengers. He immediately put aboard all the goods which were stored on shore into two of the junks, all in good order, nothing being lost or left, and sailed the same day for Yingtsi, full of joy and grateful for the accommodation."

It is the rule that whenever a foreign vessel is disabled or wrecked within Chinese territory, the local authorities at the place shall, on being informed thereof, devise means to assist the crew and save the cargo. Now, in this instance of the ship Kien-wan, lost on the shoals near Han-kia river, within the jurisdiction of the magistrate of Fuh-chau, it appears that the latter, on receiving the despatch of Mr. Consul Knight, forthwith sent policemen to the spot to look after things, hired a house to store the goods in, and, seeing no junks could be engaged there, despatched men to go to Niang-Niang to procure three, into which the cargo was laden without loss or injury. It may justly be said that the officers at Fuh-chau have exerted themselves in every way to afford their help and protection.

In the despatch [from Mukten] there is a sentence, however, respecting the *linguist's despatch*, which needs to be noticed, for it is contrary to the treaty; and if the linguist did himself write an official communication, (as if he were a consul,) such presumption should be reprimanded and the practice stopped. If it is not, I am afraid that when another instance like the present occurs, the local officers will be offended at its impropriety, and refuse to receive the document, whereby detriment may perhaps result to the distressed seamen. I have accordingly notified the general in command at Mukten to send a copy of the linguist's despatch for the information of the consul, that he may reprove the man.

I also inform your excellency of these occurrences, that a notice may be sent to merchant captains, that if they meet with disasters along the coast, where a consul's help cannot be obtained, they had better resort to the magistrate's office, state their case, and ask for assistance; but by no means get the linguist to write a communication in the name of the consul.

His Excellency ANSON BURLINGAME,
United States Minister.

October 8, 1863—Tungchi, 2d year, 8th moon, 26th day.

F.

Mr. Burlingame to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, October 12, 1863.

SIR: I have the honor to acknowledge the despatch of your imperial highness of the 10th instant, in which you inform me of the loss of the American ship Kien-wan, on the 27th ultimo, by a storm, and that her crew had been indebted to the military magistrate of Fuh-chau for hiring a junk and making arrangements to protect them and their cargo, &c.

I shall at once bring this praiseworthy kindness of the officers of his imperial Majesty to men from afar to the notice of the President, and respectfully request your imperial highness to accept my thanks on behalf of the crew of the ship.

With respect to the statement that the linguist wrote an official despatch, as it has not been reported to me by the United States consul at Yingtsi, Mr. Knight, nor had I before heard of it, I will inform him of the conduct of the

linguist, and ascertain what seal and official title he used, that the circumstances may be inquired into and the man admonished.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

His Imperial Highness PRINCE KUNG,

Chief Secretary, &c., &c., &c., Peking.

Mr. Burlingame to Mr. Sumner.

[Extract.]

No. 26.]

LEGATION OF THE UNITED STATES,

Peking, November 7, 1892.

SIR: I have the honor to inform you of the settlement of the most difficult question that has arisen since my arrival in China. You have doubtless heard much of the building in England of war steamers for the Emperor of China, and finally of the building of the "*Odessa Florida*." But unless you were more fortunate than I was, you did not learn the exact terms on which this fleet was to be made available, or on what precise service it was to be employed. When I entered into the co-operative policy with my colleagues, as recounted in my despatch No. 22, it was understood that the steamers were to put down piracy, and aid in maintaining the revenue laws. On the condition that the fleet was to act in this sense, and that the service was to be nonpartisan, no special objection was made to it by the ministers of France, Russia, and the United States. I disclosed a little suspicion, in my despatch, it is true, but immediately qualified it by the confidence I expressed in the wisdom and fairness of the British minister, Sir Frederick Bruce. When I saw, in the English newspapers, strange accounts of the number of war steamers which were said to be building for China, I felt it to be my duty to make inquiries of the Chinese government in relation to them. I did so, and gave you the result in my brief despatch, No. 21, but I could not then learn the names of the vessels, nor of their ornaments, for the Chinese had not been informed upon those subjects. About five months since Mr. Lay, inspector general of customs, came to Peking to secure a ratification of certain agreements he had made in relation to the steamers. He did not, so far as I know, make known his purpose to the ministers. We only gathered them from two cleverly written papers in "*Blackwood*," of February, 1892, in which Mr. Lay's merits are fully set forth, as by one intimately acquainted with them, and expostulations were raised of what might result from his rare qualities, in the way of civilizing China. Those papers were so full of hope and good intentions, that, though we, at Peking, felt that the author was under a misapprehension as to affairs in China, still we could but wish Mr. Lay success. His discussions with the Chinese ran through the greater part of four months without any realization of his hopes. In the mean time Captain Howard Odgers arrived with his fleet, ready for service. We soon learned that there was a "*blitz*," owing, it was said, to the "*anxiety and bad faith of the Chinese*." Not knowing then all the questions involved, I believe I may say, with truth, that there was a general feeling against the Chinese.

The Chinese government refused to ratify the agreements, and the papers were then placed in the hands of Sir Frederick Bruce, and the nature of the agreements, for the first time, came fully to his knowledge, and to the knowledge of his colleagues; and that you may better understand them, I will give briefly their history. For a long time past the ministers have suggested to the government, that for police purposes, and in aid of the revenue laws, a few small steamers