

CHINA IN TRANSITION

THE CAUSES OF ANTI-FOREIGN FEELING: THE MIXED COURT¹

BY GEORGE KENNAN

Special Correspondent of The Outlook in the Far East

IN order to understand fully and estimate aright the manifestations of anti-foreign feeling which have been so noticeable in China during the past twelve months, and which seem likely to increase in frequency in the near future, the fair-minded investigator should take a few typical cases, such as the boycott, the Hankow-Canton railway concession, and the Shanghai riot, study them carefully, and try to look at the facts from the Chinese point of view. Many Europeans are disposed to regard the attitude of the Chinese toward foreigners as the outcome of Oriental exclusiveness, national self-conceit, and blind racial hatred for which there is no reasonable justification or excuse. They never think of trying to find out what the grievances of the Chinese are, nor do they ever ask themselves, "What should we do, and how should we feel, if all the conditions were reversed—if we were in their places and they were in ours, and if they treated us as we treat them?" On the contrary, they often assume, without investigation, that the Chinese have no real grievances; that they "kick" simply because they are conceited, wrong-headed barbarians who don't know what is good for them; and that even when they seem to have right and justice on their side, no concession should be made to them, because the authority and prestige of the white race must be preserved, and an admission of error or injustice would be regarded as an evidence of weakness, and would only make the "kickers" more presuming, impudent, and dangerous.

This view of the attitude of the Chinese toward foreigners seems to me narrow and one-sided. The Chinaman has faults and vices of various kinds and in great abundance, but he is reasonably patient and tolerant, and if he hates the people whom he regards as pushing, grasping, domineering intruders from the West, he often has good reason to do so, and acts only as we should probably act if we were in his place and were no more advanced than he is in culture and knowledge of the world. An interesting illustration of the way in which he looks at his relations with Westerners is furnished by the recent Shanghai riot—or rather by the trouble in the Mixed Court, of which the riot was the outcome—and inasmuch as the facts throw a good deal of light upon the causes of anti-foreign feeling in the treaty ports, I shall try to set them forth as fairly as I can with the knowledge I have, and to look at them from the Chinese as well as from the foreign point of view.

Hongkong and Shanghai, as the readers of *The Outlook* doubtless remember, were both captured by Great Britain in what is known as the "Opium War" of 1839-42. As a result of that war, China was forced to pay an indemnity of \$23,000,000, to cede to Great Britain the island of Hongkong, and to throw open to foreign settlement four or five other seaports, of which Shanghai was one. It is important to note at the outset that by the terms of the peace treaty Hongkong became an integral part of the British Empire, while Shanghai remained Chinese territory. The Chinese Government gave foreigners the right to live and do business in the latter city, and eventually leased to them there the

¹ Mr. Kennan's first article in this series, called "The Shanghai Riots," appeared in *The Outlook* of last week (February 17).—THE EDITORS.

ground on which the International Settlement now stands; but it never parted with its territorial sovereignty in Shanghai as it did in Hongkong, and consequently it still retains there all rights not definitely and specifically surrendered.

As soon as the bounds of the Concession had been agreed upon and marked out, the settlers, who were mostly British merchants, adopted a series of "land regulations" to serve as a sort of constitution, organized a Committee of Roads and Jetties, and proceeded to lay out the new city. As the population gradually increased it became necessary to provide some other form of municipal control than that exercised by the British Consul, and in 1854 the rate-payers elected a Municipal Council, which, with many changes in power and personnel, has governed the city from that time to this. In its present form the Council consists of seven Englishmen, one American, and one German, who are elected annually, for a period of one year, by foreign residents who have the necessary property qualification.¹

Up to the time when the Municipal Council was established, the inhabitants of the Concession were all foreigners—mostly Englishmen—but after the so-called "Triad Rebellion" in 1854 there was a great deal of crime and disorder in the Yangtse valley, and the Chinese in the vicinity of Shanghai, finding that the International Settlement was a safer place of residence than their own city or any part of the adjacent country, flocked into the Concession by the thousand and began to rent land and houses from the original owners or occupants. This influx of Chinese, which was permitted, but which had not been anticipated, gradually changed a Settlement which was intended to be purely Euro-

pean into a city whose ethnological complexion is almost purely Asiatic.¹ In the course of a few years the native population increased to twenty thousand or more, and it became necessary to establish some sort of legal tribunal which should have jurisdiction of civil and criminal cases in which Chinese citizens were concerned. In accordance, therefore, with the terms of a treaty entered into by Great Britain and China at Tientsin in 1861, the Chinese Government, acting in conjunction with the British Minister and the British Consul at Shanghai, organized and opened in the International Settlement a "Mixed Court" for the adjudication of all civil and criminal cases in which Chinese were defendants. The "rules" for this Court, which were agreed upon by the Chinese Foreign Office and the British Minister at Peking in April, 1869, have never been legally changed or abrogated, and consequently are still in force. They provide that the Court shall consist of a Chinese magistrate, of a certain specified rank, and a foreign consular officer to be known as an "assessor." In all cases involving the rights or interests of both foreigners and Chinese the consular assessor shall sit with the Chinese magistrate and have concurrent authority and power; but "*where Chinese only are concerned the Chinese magistrate shall adjudicate independently—the consuls shall not interfere.*"² The Chinese magistrate, furthermore, is directed and empowered to "provide food and lodging for the prisoners," that is, to keep them in the custody of the Court pending trial and during punishment.³

No one, I think, can read these "Rules," and the Tientsin treaty upon which they are based, without becoming convinced that the Mixed Court was intended to be, primarily, a Chinese tribunal, and that at the time of its establishment Great Britain fully admitted the right of the Chinese to try their own offenders in accordance with

¹ A citizen who pays taxes on property having a leasehold value of six hundred taels per annum (about \$360 gold) is entitled to a single vote. If the vested interest of a foreigner in the real estate and improvements of the city is greater than this, he may cast votes which, in number, are roughly apportioned to the amount of taxes that he pays, so that a single wealthy individual may cast forty or fifty votes. This sliding scale of property qualification has made the Council a sort of close British corporation, which represents and is responsible to a comparatively small part of the whole taxpaying population. The Chinese residents of the Settlement, although they outnumber the foreigners in the proportion of forty to one, and pay sixty-four per cent. of the general municipal tax, have no representation.

¹ Of the 43,339 inhabited dwelling-houses in the International Settlement in September, 1904, the Chinese occupied 42,437 and the foreigners only 902. This does not include the French Concession, which has a separate, independent government of its own, and which is not considered in this article.

² Rule 3. Mayer's collection of "Treaties between the Empire of China and Foreign Powers."

³ Rule 1, in same volume.

their own laws, and to detain and punish them in their own prisons. This, in fact, was nothing more than common fairness. The International Settlement was still Chinese territory, and if the foreigners living there claimed extraterritoriality for themselves, they were certainly bound to admit the jurisdiction of the native court in cases that concerned only the Chinese.

For a good many years no question was raised as to the status of the Mixed Court, and no attempt was made by the Europeans to modify or control its procedure. The Chinese magistrate adjudicated independently in all Chinese cases, and the foreign assessor interfered only when it was necessary to do so in order to protect some foreign interest. Gradually, however, the Court became the scene of collisions and conflicts of authority, due primarily to a series of persistent attempts on the part of the Municipal Council and the British consular assessor to limit or usurp the power of the Chinese magistrate. The "Rules" expressly prohibited the interference of foreign consular officers in Chinese cases; but, for one reason or another, they did interfere, and in 1901 they declared the "Rules" obsolete, and boldly assumed the right to sit with the Chinese magistrate and share his power in *all* cases, no matter whether foreign interests were involved or not.¹ Then the Municipal Council began to station its own European police officers in the court-room to watch the proceedings and report. The Chinese magistrate retaliated by sending one of his own constables to watch the proceedings in the police court of the British municipality. Finally, the Council built a jail of its own and proceeded to deprive the Mixed Court of the custody of its Chinese prisoners. From the Chinese point of view, as well as from the view-point

¹ The consular order which declares the "Rules" to be obsolete, but which, nevertheless, is headed "Amendment," bears date of June 13, 1901, and is signed by the Consuls-General of Great Britain, Germany, and the United States. It does not say directly, or by implication, that the "Amendment" has ever been submitted to the Chinese Government, or that it has the sanction of any representative of that Government. It would seem, therefore, to resemble an alteration in the terms of a partnership agreement which has been indorsed on one copy of the written instrument by one of the partners without the knowledge or consent of the other.

of international law, all of these encroachments were illegal; but the members of the Council, and in some cases the foreign consuls and assessors, defended and justified them by declaring that the Chinese magistrate was corrupt and venal; that Chinese criminals arrested by the municipal police and turned over to the Mixed Court were often set at liberty upon payment of a bribe; that the punishments inflicted were sometimes inadequate and sometimes cruel; that the Chinese jail was not a fit place of detention for human beings; and that the procedure of the Mixed Court, generally, was not to be tolerated in a civilized community. I have no doubt that, in the main, these statements were true. "Squeezing," bribe-taking, and the sale of privileges and exemptions by officials are almost universal in China, and the magistrates and "runners" of the Mixed Court probably robbed litigants, sold justice—or injustice—to the highest bidder, and, for a suitable consideration, liberated criminals who ought to have been punished. Such things were done everywhere else in China, and of course they were done in Shanghai. There is no doubt, furthermore, that, as the Chinese population of the city grew from 20,000 to 350,000, and as the Mixed Court became a more and more important part of the machinery of government, the unreformed and often corrupt and barbarous methods of that Court became more and more obnoxious to the Council and the Consular Body. The chief sufferers, it is true, were the Chinese themselves, but the foreigners who governed Shanghai had Western conceptions of justice and humanity, and they were not disposed to tolerate corruption and cruelty within the limits of their own Settlement, even though the victims were Chinese. Actuated, therefore, partly by motives which were good, and partly by the pride of conscious superiority which the Westerner always feels when he comes into contact with the Chinese, the members of the Municipal Council, in their dealings with the Mixed Court, adopted a policy of benevolent interference which had no sanction of law, and which irritated and exasperated even the people whom it was intended to benefit.

The Chinaman may be perfectly well aware that his officials "squeeze," and that his Government, generally, is inefficient and corrupt; but it is his own business; he is used to Oriental practices, and he resents foreign interference, however well meant, just as vigorously as we should resent foreign interference with the methods of Tammany or with boss rule in Philadelphia. In the case of the Mixed Court there were evils that needed to be remedied, but the Council and the consular assessors had no authority to remedy them by the course of treatment which they adopted. The rights and powers of the Chinese magistrate had been definitely fixed by international agreement, and had been set forth in certain "Rules" which could not be changed or abrogated without the consent of the Chinese Government. The Court might be corrupt or unjust or cruel; but it was dealing with its own people—not with foreigners—and over its own people, in cases not involving foreign rights or interests, it had as complete jurisdiction as the municipal police court had over the subjects of Great Britain.

About the middle of the year 1905 the Chinese Government made what seemed to be a sincere attempt to meet the complaints of the Municipal Council and to improve the character of the Mixed Court by appointing as magistrate a young and enlightened sub-prefect named Kuan-Chun, who spoke English well, and who was admitted, even by supporters of the Council, to be an "able, energetic, and intelligent official." About the same time the Taotai, or Chinese prefect of the city, wrote a letter to Dr. Knappe, then the senior Consul-General, calling his attention to the continued violation of the "Rules" by the Municipal Council and the European police, and asking him to lay the matter before the Consular Body for consideration and appropriate action. Dr. Knappe sent the Taotai's letter to the Council, and received from the Chairman a reply in which the alleged shortcomings of the Court and the remedial measures taken by the municipal authorities were fully set forth. This reply seems to have been very unsatisfactory to the Consular

Body, inasmuch as it elicited from Dr. Knappe the following caustic rejoinder:

Shanghai, 13th July, 1905.

F. Anderson, Chairman Municipal Council:

Dear Sir—I have the honor to acknowledge the receipt of your letter of the 4th inst., which has had the Consular Body's careful consideration. I have been instructed to express our most serious regret that the Council thought it advisable to make certain police arrangements in the procedure of the Mixed Court which exceed the power and authority of the Council as well as that of the Superintendent of Police. By your action the Consular Body is placed in a very awkward position. Instead of suggesting the measures to the Taotai, and threatening their execution, if necessary, without his consent, we have now to defend proceedings which the Council was not entitled to adopt. There is no doubt that the treaties do not recognize the Council as a controlling authority over the Mixed Court. If there is any such control, it rests with the Taotai and the Consular Body. Only reluctantly we have sanctioned your stationing a policeman within the precincts of the Mixed Court, and have taken the responsibility upon ourselves; but we are not prepared to continue this practice. We have shown by our action that we are willing to support the Council in its endeavors to put the Mixed Court of Shanghai on a proper basis; but you will facilitate matters by acting within your competence. In our letter of the 1st inst. we expressed our opinion that it will be inexpedient to press for the adoption at the present time of any amendments in the procedure of the Court beyond those to be effected by eleven new rules now under consideration by the Chinese Government, and you informed the Consular Body on the 4th inst. that you acquiesced in this decision. Notwithstanding, you introduce new rules at the Mixed Court without asking anybody, and modestly call them "police arrangements."

I have the honor to be, sir,

Your obedient servant,

DR. KNAPPE,

Consul-General for Germany and Senior Consul.

This letter, it will be observed, is, in effect, an official admission that the Municipal Council had no authority over the Mixed Court; that the "Rules" and procedure of the Court could not be changed without the consent of the Chinese Government, and that in making changes forcibly, without such consent, the Municipal Council had acted unjustly and illegally. These were the precise contentions of the Chinese, and their protests were based precisely upon these grounds.

One would suppose that, after receiv-

ing such a rebuke from the whole body of foreign consuls, the municipal authorities would have let the Mixed Court alone—especially as the Chinese magistrate then on the bench was a man of education and high character, who had already shown a disposition to reform the Court and make it all that it ought to be.¹ The Council still continued, however, to harass and irritate the Chinese by unwarranted interference and supervision, and even made it unpleasant for the American assessor, Mr. Arnold, when the latter declined to sanction certain municipal “police regulations” which limited the power of the Court in Chinese cases, and which were not in accordance with the “Rules.” Mr. Arnold took the ground that the Mixed Court was primarily a Chinese tribunal, and that he, as a foreign consular officer, had no right to interfere with its procedure unless foreign interests required such interference and the “Rules” of the Court sanctioned it. Resenting the attitude thus taken by the American assessor, the Council first made complaint of it in a letter to the Consular Body, and then, through the British assessor and the police, began to docket and remand a certain class of cases in such a way that they would not come up for hearing on the days when Mr. Arnold sat on the bench as associate magistrate. This increased the friction between the Chinese authorities and the Municipal Council, and on the 6th of December the Taotai found it necessary to make another protest to the Consular Body with regard to the continued interference of the Council and its police in cases where Chinese only were accused and in which no foreign interest was involved. This was only two days before the Mixed

Court trouble reached a crisis, and less than two weeks before the outbreak of the riot. Meanwhile, the Chinese Government had given further evidence of its desire to improve the Court by appointing as assistant magistrate another bright young Chinese official named King-Shao-Cheng, who had had three years of educational training at King's College, London.¹

Although the Chinese resented and resisted all encroachments upon the power and authority of their own magistrate in dealing with their own people, the thing to which they objected most strenuously, and which they opposed most vigorously, was the sending of arrested Chinese women to the municipal jail, to be under the charge of Sikh jailers.² The reasons for the feeling that they had in this matter were two. In the first place, they believed that they had a legal right to keep their women

¹ Mr. King (or, as the name is sometimes spelled, Ching) will perhaps be remembered in America as one of the three brothers who were held up as coolies by the customs officials in Boston when they landed there on their way back to China in June of the year 1905. In a letter written to President Roosevelt at that time by B. Atwood Robinson, of Boston, the King brothers were described as “of the highest class in China, and among the wealthiest and most influential in the Empire.” The appointment of one of these young men as assistant magistrate of the Mixed Court would certainly seem to indicate sincerity and good faith on the part of the Chinese Government in the work of reform.

² The Municipal Council and the foreign residents of Shanghai were well aware that the Chinese had this feeling with regard to the Sikh jailers. On the 12th of December—a week before the riot—the “North China Daily News,” the strongest journalistic supporter of the Council, and one of the ablest papers in China, said, in a leading editorial: “We believe it will be found, when the passions of the moment cool down among the Chinese, that a great factor in arousing them has been the dread they have of the Sikh police and the Sikh gaolers. It would, we believe, be useful if a joint inquiry were held into this question, and pains were taken to prove to the Chinese that no unnecessary harshness is practiced toward prisoners in the municipal gaol. . . . There are complaints, which may be entirely unfounded, of the Indian warders, and it would be well to reassure the Chinese on this point.” At almost exactly the same time the “Nanfangpao,” the leading Chinese paper of Shanghai, said editorially: “The opinion of the Chinese with regard to the municipal gaol is far from flattering. Notwithstanding its much-vaunted sanitary condition and the humane treatment of its inmates, the death-rate of the prisoners has been fearfully high, and there is just cause for the complaint that no official inquest is held when such deaths occur. This gives rise to rumors of ill-treatment and general abuse of the Chinese prisoners by the European gaoler and his fierce Indian warders. Be that as it may, the belief is that no Chinese sentenced to a term of imprisonment longer than one year ever survives his punishment at the municipal gaol, and that, however cruel the warders are at the Mixed Court or at any other Chinese court, the death of a criminal undergoing a long term of imprisonment is practically unknown.” According to the official report of the superintendent of the municipal jail, forty-one prisoners died in the year 1904, out of a prison population which averaged about four hundred and sixty. This would give a death-rate of nine per cent., which is certainly high.

¹ In July, 1905, the new magistrate, Kuan-Chun, discharged seventeen of the twenty-six “runners,” or Chinese attendants of the Court, and trebled the salaries of the remaining nine so as to leave them no excuse for the “squeezing” and bribe-taking of which the Municipal Council had complained. He also made arrangements to have the men’s and women’s wards of the Mixed Court jail inspected by a sanitary expert, with a view to improving their condition if necessary. About the same time the Taotai, or Chinese Prefect of the city, gave orders to enlarge the jail by erecting new buildings, and notified the senior Consul that the sites for these buildings had been approved by the British consular assessor, and that the necessary money for the improvements had been set apart. Early in December corporal punishment and the use of the cangue were abolished in the Mixed Court, by order of the Board of Punishments in Peking; so that this cause of complaint was also removed.

prisoners in their own jail; and, in the second place, they feared and hated the East Indian Sikhs who were employed in the municipal jail as turnkeys and wardens. It was bad enough to have to turn their male prisoners over to such guardians, but to be forced to put their women in the hands of Sikhs was absolutely intolerable. In order to get the native view of this matter, suppose, for a moment, that China had twice the military strength of Japan and was therefore powerful enough to treat American residents in China as she chose. Suppose that the Chinese authorities, having failed to get us to surrender our extra-territorial rights, put a Chinese assessor into our American consular court at Shanghai, for the purpose of looking after Chinese interests in "mixed" cases. Suppose that this assessor, in direct violation of the "Rules" agreed upon by the Chinese and American Governments, attempted to control and regulate the Court's procedure in purely American cases, where no Chinese interest was involved. Suppose, finally, that the Chinese Municipal Council and its police deprived the Court of the custody of its own American prisoners, and even went so far as to put American women into a Chinese jail, where their own consul could not look after nor protect them, and where the turnkeys and warders were not even Chinese, but were fierce Tibetans, or half-wild Mongols from the Desert of Gobi. How should we be likely to feel with regard to such a state of affairs? The supposition may seem extravagant, but it will serve, perhaps, to give the reader a glimpse of the case from the Chinese point of view, and will enable him to understand the storm of indignation raised by the Li-Wan-Chih incident, which I am about to describe.

On the 7th of December, Madame Li-Wan-Chih, a Chinese lady of some social position and the widow of a mandarin, took passage on a Yangtse River steamer for Shanghai, *en route* to Canton. She was carrying with her a coffin containing the remains of her dead husband; she had a hundred or more pieces of baggage; and she was accompanied by a retinue of servants and attendants,

including a number of young girls. Before she reached her proximate destination somebody up the river telegraphed to the British superintendent of police at Shanghai that she was a procuress; that she had kidnapped a number of young Chinese girls; and that she was taking them to Shanghai or Canton for immoral purposes.¹ Upon the arrival of the steamer at Shanghai the whole party was arrested and taken to the Mixed Court for examination. Madame Li, the accused, declared that she was neither a procuress nor a kidnapper; that the young girls in question were her personal attendants and slaves whom she had legally bought; and that she had documentary evidence in her baggage to prove the truth of her statements. In order to give her an opportunity to produce this evidence, the Court decided to remand the case, and both the Chinese magistrate and the British assessor, Mr. Twyman, agreed that meanwhile the young girls should be sent to a charitable institution for Chinese women known as "The Door of Hope." With regard to the disposition to be made of Madame Li the two magistrates differed. Mr. Kuan-Chun, believing that she was an innocent lady, wished to admit her to bail; while the British assessor insisted that she should be sent to the municipal prison. Before any agreement had been reached, the municipal police attempted to remove her by force, and were opposed by the Chinese constables and by Assistant Magistrate King. This led to a disorderly fracas, which broke up the session of the Court and ended in the forcible removal of the woman by the municipal police. The Chinese say that in the course of the fight Mr. Kuan-Chun and the assistant magistrate were insulted and threatened, and that a British policeman attempted to strike Mr. King with a club. This may or may not be true; but certain it is that Madame Li was forcibly taken from the custody of a Chinese court and put into the hated jail of the British municipality; and this was enough

¹ The Shanghai police have never made public the name of their informant. Some Chinese say that the telegram was sent by a missionary, and others that the sender was a steward on the river steamer, who was angry because Madame Li had not given him a sufficiently liberal fee, and who took this method of getting even.

to throw the whole Chinese community into a fever of indignation and wrath. The Chinese Chamber of Commerce and the powerful Canton Guild took the matter up; mass-meetings of excited Chinese were held in various parts of the Settlement; protests were made to the Viceroy of the province and to the Board of Foreign Affairs at Peking, and the Taotai notified the Consular Body that the Mixed Court would not reopen until the conflict of authority had been settled.

In a speech to representatives of the Chinese Chamber of Commerce, various educational societies, and the native press, made two days after the closing of the Court, the Taotai said: "I must apologize to you all for not having managed foreign affairs in the past with sufficient firmness, and the result is the disgraceful trampling upon our rights which was witnessed at the Mixed Court two days ago. Be assured that in this instance I will use every exertion to erase the shame inflicted on the Chinese Government and the people by the action of the British assessor and the municipal police. I am willing to give up my post in the fight for justice and fair play."

On the morning of December 13 the Consular Body, having become convinced of the innocence of Madame Li, directed the Municipal Council to order her release, and on the 15th she was set at liberty. This, however, did not quiet the excitement of the people, who continued to hold mass-meetings for the purpose of denouncing the Municipal Council, the British assessor, and the police, and protesting against the sending of Chinese women to the municipal jail. Finally, three days later, the smoldering embers of popular resentment and indignation burst into the flame of an anti-foreign riot. That this resort to mob violence was premeditated and planned there is, I think, little doubt; but it is impossible as yet to say who instigated and directed it. The better class of Chinese took no part in it, and the native press condemned it; although both undoubtedly sympathized with the feeling that seemed to lie back of it. So far as one could judge from appearances, the local Chinese authorities did what they could to repress the disorder. The

Taotai himself went repeatedly through the area of disturbance, addressing the people and trying to restrain them from violence, and, if I do not err in time, he was making his first trip through the storm-center at the very moment when my hot-headed fellow-countrymen at the Astor House were suggesting that he be lynched or sent on board a war-ship in irons.

In view of the fact that the fracas in the Mixed Court and the subsequent riot resulted, more or less directly, from the dispute with regard to the custody of Chinese prisoners, I felt a natural curiosity to see the jails in which the latter were confined; and Thursday afternoon, when the city had become fairly quiet, I went with Mr. Arnold, the American vice-consul, to inspect them. The Mixed Court and the Chinese jail attached to it were situated in a walled compound on one of the cross streets of the native quarter near the end of the Boone Road. At first sight there was nothing distinctively Oriental in the appearance of either of them. The substantial two-story buildings of gray brick would not have seemed particularly out of place in any British or American town, and the court-rooms and cells differed little from apartments of the same kind in the West. The jail would accommodate, I should think, about one hundred and thirty prisoners. The cells of the lower story, which opened on a grated, cage-like corridor, were as spacious as the kameras of a Russian prison, and were intended, apparently, to hold ten or fifteen men each. The floors were fairly clean, the walls had recently been whitewashed, and two sides of every room were occupied by low, bare wooden platforms, on which the inmates sat during the day and slept at night. Most of these cells had no windows, but their large doors of crossed iron bars admitted plenty of light and air—more air, in fact, than was desirable, inasmuch as there were no heating facilities and the weather was cold. The prisoners wore, apparently, the clothing in which they had been arrested, and I saw no blankets, pillows, or bedding. The second story of this building was intended for prisoners of a better social class, and was divided into rooms a

little larger than an American hall bedroom. In these cells there were windows, wooden sleeping-benches, and, in a few cases, chairs; and each room had two occupants. Smoking and tea-drinking were permitted.

In the women's ward, where there was a Chinese matron, the rooms were of the large kamera type, and contained no furniture except a single tier of wooden bunks around the sides. If overcrowded, they would be very uncomfortable; but a few women—half a dozen, perhaps—could live in each of them without great hardship. The jail, as a whole, was neither very clean nor very dirty, and its sanitary condition, so far as I could judge, was quite as good as that of Chinese houses generally. The cells were all cold, and for prisoners without blankets or pillows they must have been uncomfortable at night; but, on the other hand, the discipline was evidently rather lax; prisoners were allowed a good many privileges—especially if they or their friends could pay for them—and there was always the companionship which goes so far to ameliorate the hardships of prison life.

With regard to the municipal jail, which we visited the same afternoon, I need only say that it is a fine, large, modern penitentiary, where the system is that of solitary confinement; where the four hundred and eighty cells are small, bare, windowless boxes of cement and iron, arranged in superimposed tiers, like the book-stacks of a great library; where strict discipline is maintained by forty-four stern, dark-faced Sikhs in colored turbans; where the silence and stillness never seem to be broken; where all the sanitary arrangements are apparently perfect; but where the annual death-rate is nine per cent., and where a suicide net is stretched across the inner courtyard, under the four tiers of cells, to catch the bodies of prisoners who, as they go to their work, throw themselves down with the hope of dashing their brains out on the pavement. The jail has large, well-lighted, and well-ventilated workshops, a reformatory for children, and an up-to-date hospital; the prisoners are kept warm by a uniform prison dress lined with six pounds of

quilted cotton; they have three blankets to wrap around them when they lie down on their cement floors at night; they exercise an hour every day and take a bath once a week; and they are fed with rice and wheat enough to keep them in a state of health. Everything is clean and orderly; everything seems to be arranged and managed in accordance with the latest precepts of modern science; and yet the prison, as a whole, makes, even upon a foreigner, an impression of tomb-like stillness, loneliness, and gloom. It is, on a small scale, a British Dartmoor erected in the Orient for the detention and punishment of people who are extremely gregarious in their habits; who habitually live crowded together in the closest association; and who, from the cradle to the grave, are almost never alone. The dread with which they regard such a penitentiary and the preference which they show for their own prison are quite understandable. The average Chinese coolie would rather wear a cangue and be "squeezed" or occasionally bamboozled in the Mixed Court jail, where at least he has human companionship and where the jailers are of his own race, than live alone under the watchful, unsympathetic eye of a turbaned Sikh in one of those gloomy cement boxes over the suicide net. The Municipal Council may say that the object of a prison is to inspire fear, and thus deter from crime; but if Europeans wish to live in peaceful friendliness with Asiatics, they should pay some attention to Oriental feelings and conditions of life, and not impose Western institutions and methods upon the Chinese without the latter's consent and without sanction of treaty or law.

In the fourth week of December the Waiwupu, or Chinese Board of Foreign Affairs, and the diplomatic representatives of the Powers at Peking, agreed upon a *modus vivendi* with regard to the most important of the matters in dispute at Shanghai, including the custody of Chinese women, and on the morning of the 23d the Mixed Court was reopened, under protection of a strong guard of marines, European police, and Sikhs. Mr. Arnold and I were present as spectators, and through the courtesy of

Assistant Magistrate King and the German assessor, Mr. Schirmer, I was permitted to take a seat on the bench. The court-room, which contained no railings, seats, or furniture, was divided into a European half and a Chinese half. On one side stood the Chinese constables or attendants, on the other the municipal police, and between them there was an open space reserved for criminals and litigants. The Chinese prisoners were brought from the jail in gangs of three or four, tied together by their queues, and each culprit, as his case was called, was led forward by his queue and forced to kneel on the floor in front of the bench. A British police officer on the European side of the court handed to the German assessor a "charge sheet," and made a brief statement of the case in hand, while a native constable on the Asiatic side performed the same service for the Chinese magistrate. The cases, which were mostly larcenies, misdemeanors, and assaults, were disposed of at the rate of thirty or forty an hour, the Chinese magistrate entering the decision or sentence on his charge sheet with a slender brush dipped in vermilion ink. No witnesses were examined, and the accused were not represented by counsel; but in most of the cases there were material proofs in the shape of exhibits, which ranged from murderous-looking daggers and iron slugging-bars with handle-wrappings of bamboo, to ingots of copper, articles of clothing, pieces of broken furniture, and Singer sewing-machines. These objects, in turn, were held up before us for inspection or handed to us for closer examination. Now and then the accused were questioned by the Chinese magistrate, and sometimes they were permitted to make brief statements in their own defense; but, as a rule,

they were summarily condemned upon the evidence furnished by the police. Six or eight participants in the riot were arraigned, and were sentenced to imprisonment with hard labor for periods ranging from three to twelve months.

The case that interested me most was that of a pallid, unhealthy-looking slave child—a girl only seven or eight years of age—who had been treated with atrocious cruelty by an old woman who was said to own her. When the child attracted the attention of the police on the street, she was hopped or fettered with a brass chain and a padlock, which were handed up to us as an exhibit. By direction of the Chinese magistrate, the girl was undressed in the court-room, and we discovered that her back was a mass of big scars and deep, half-healed sores, which had evidently been made by holding a red-hot iron against the flesh. This method of punishing children is not uncommon in the East, but I had never seen its results before in an aggravated case, and I was surprised when the Chinese magistrate gave the woman only one month's imprisonment in the Mixed Court jail, and sent the unfortunate girl to the Sinza House of Refuge. I sat on the bench until I wearied of the evidences of cruelty, dissension, destitution, and crime, and then returned to the consulate to talk with Mr. Arnold about the Mixed Court and its probable future.

I have left myself no space for a discussion of the Shanghai riot and its causes in their international aspect; but some of the lessons of the conflict are sufficiently obvious, and I shall have occasion in a future article to consider, in a broader way, the reasons for the anti-foreign feeling in China and the best method of dealing with it.