

CHAPTER 7

The First Clash with the West

7.1–7.4 MEMORIALS, EDICTS, AND LAWS ON OPIUM

After the abolition of the British East India Company's monopoly in the China trade in 1834, the amount of Indian opium reaching Canton increased dramatically. In 1835, over sixteen thousand chests of Bengali and Malwa opium with a dollar value of \$17,388,622 were imported illegally into China. The loss of silver specie paid for the drug was already a source of deep concern for the Qing court.¹ Also distressful from Peking's perspective was the failure of local authorities to quell the booming underground trade or halt the use of opium. Since each chest of opium weighed one hundred and seventy pounds and the normal user smoked only a tiny quantity of the drug, the volume of the trade was clearly already scaled to meet the needs of a huge population of habitual and casual users. The throne was also alarmed by the prospect of dealing with a useless and narcotized population dependent on foreign merchants for their "fix."

Economic and social dilemmas raised by the opium trade prompted a number of Qing officials to memorialize the throne on this question. What ensued was a carefully reasoned examination of China's existing opium laws. Some memorialists believed that opium should be legalized and paid for with trading goods. While China developed domestic sources for the drug to diminish reliance on imports, European traders could at least be forced to pay duty on shipments from abroad. Other memorialists advo-

1. Chang Hsin-pao, *Commissioner Lin and the Opium War* (New York: W. W. Norton, 1970), p. 223.

cated a "war on drugs" with strict prohibitions designed to dry up the supply of the drug and discourage its domestic marketing and use.

One advocate of legalization was Xu Naiji (1777–1839), an 1809 *jinshi* from Renhe County, Zhejiang, who had served as circuit intendant (*daotai*) at Canton. In the spring of 1836, while he was serving as a sub-director of the Court of Sacrificial Worship in Peking, Xu addressed his ideas to the throne in a memorial that remains controversial even today. In the memorial, reproduced below, he admitted the evil effects of opium but argued for a process of legalization whose end result would have been the elimination of the silver outflow and the dominant foreign role in the trade. The Daoguang emperor seemed to lean toward Xu's proposal but remanded it with a terse edict to Deng Tingzhen, the governor of Guangdong and Guangxi, for his consideration.

In the fall of 1836, however, other memorialists, among them Zhu Zun (1791–1862), addressed appeals to Daoguang for even tighter bans on the opium trade. Zhu, a vice-president of the Board of Rites and sub-chancellor of the Grand Secretariat, stressed the ethical importance of good prohibitory laws as a means of controlling clear social evils. His memorial, also reproduced below, was, likewise, remanded by Daoguang to Governor Deng for his perusal, but this time with an edict that indicated that the emperor was leaning toward an opium ban. Shortly, the emperor ordered Deng to devise plans for a stricter ban on opium, setting the stage for the confrontation between British traders and Commissioner Lin Zexu that erupted three years later in 1839.

7.1 *Memorial on Legalizing Opium, June 10, 1836*

Xu Naiji, sub-director of the sacrificial court, presents the following memorial in regard to opium, to show that the more severe the interdicts against it are made, the more widely do the evils arising therefrom spread; and that it is right urgently to request, that a change be made in the arrangements respecting it; to which end he earnestly entreats his sacred majesty to cast a glance hereon, and to issue secret orders for a faithful investigation of the subject.

I would humbly represent that opium was originally ranked among medicines; its qualities are stimulant; it also checks excessive secretions; and prevents the evil effects of noxious vapors. . . . When any one is long habituated to inhaling it, it becomes necessary to resort to it at regular intervals, and the habit of using it, being inveterate, is destructive of time, injurious to property, and yet dear to one even as life. Of those who use it to great excess, the breath becomes feeble, the body wasted, the face sallow, the teeth black: the individuals themselves clearly see the evil effects of it, yet cannot refrain from it. It is indeed

indispensably necessary to enact severe prohibitions in order to eradicate so vile a practice.

On inquiry I find that there are three kinds of opium: one is called company's; the outer covering of it is black, and hence it is also called 'black earth'; it comes from Bengal; a second kind is called 'white-skin', and it comes from Bombay; the third kind is called 'red skin', and comes from Madras.² These are places which belong to England.

In Qianlong's reign, as well as previously, opium was inserted in the tariff of Canton as a medicine, subject to a duty of three taels per hundred catties, with an additional charge of two taels four mace and five candareens³ under the name of charge per package. After this, it was prohibited. In the first year of Jiaqing, those found guilty of smoking opium were subject only to the punishment of the pillory and bamboo. Now they have, in the course of time, become liable to the severest penalties, transportation in various degrees, and death after the ordinary continuance in prison. Yet the smokers of the drug have increased in number, and the practice has spread throughout almost the whole empire. In Qianlong's time and the previous reigns, when opium passed through the custom-house and paid a duty, it was given into the hands of the hong merchants in exchange for tea and other goods. But at the present time, the prohibitions of government being most strict against it, none dare openly to exchange goods for it; all secretly purchase it with money. In the reign of Jiaqing there arrived, it may be, some hundred chests annually. The number has now increased to upwards of 20,000 chests, containing each a hundred catties. The 'black earth', which is the best, sells for about 800 dollars, foreign money, per chest; the 'white-skin', which is next in quality, for about 600 dollars; and the last, or 'red-skin', for about 400 dollars. The total quantity sold during the year amounts in value to ten and some odd millions of dollars; so that, in reckoning the dollar at seven mace, standard weight of silver, the annual waste of money somewhat exceeds ten million of taels. Formerly, the barbarian merchants brought foreign money to China; which, being paid in exchange for goods, was a source of pecuniary advantage to the people of all the sea board provinces. But latterly, the barbarian merchants have clandestinely sold opium for money; which has rendered it unnecessary for them to import foreign silver. Thus foreign money has been going out of the country, while none comes into it.

During two centuries, the government has maintained peace, and by fostering the people, has greatly promoted the increase of wealth and opulence among them. With you we witness the economical rule of our august sovereign,

2. Xu refers to Turkey.

3. Chinese money of account equalling 10 copper cash or 6 grains troy. "Tael": standard weight of silver and trade name for Chinese ounce with a varied value as measured against copper cash during the Qing. "Mace": $\frac{1}{10}$ of a tael.

an example to the whole empire. Right it is that yellow gold be common as the dust.

Always in times past, a tael of pure silver exchanged for nearly about 1000 coined cash, but of late years the same sum has borne the value of 1200 or 1300 cash: thus the price of silver rises but does not fall. In the salt agency, the price of salt is paid in cash, while the duties are paid in silver: now the salt merchants have all become involved, and the existing state of the salt trade in every province is abject in the extreme. How is this occasioned but by the unnoticed oozing out of silver? If the easily exhaustible stores of the central spring go to fill up the wide and fathomless gulf of the outer seas, gradually pouring themselves out from day to day, and from month to month, we shall shortly be reduced to a state of which I cannot bear to speak.

It is proposed entirely to cut off the foreign trade, and thus to remove the root to dam up the source of the evil? The celestial dynasty would not, indeed, hesitate to relinquish the few millions of duties arising therefrom. But all the nations of the West have had a general market open to their ships for upwards of a thousand years; while the dealers in opium are the English alone; it would be wrong, for the sake of cutting off the English trade, to cut off that of all the other nations. Besides, the hundreds of thousands of people living on the sea-coast depend wholly on trade for their livelihood, and how are they to be disposed of? Moreover, the barbarian ships, being on the high seas, can repair to any island that may be selected as an entrepot, and the native sea-going vessels can meet them there; it is then impossible to cut off the trade. Of late years, the foreign vessels have visited all the ports of Fujian, Zhejiang, Jiangnan, Shandong, even to Tianjin and Manchuria, for the purpose of selling opium. And although at once expelled by the local authorities, yet it is reported that the quantity sold by them was not small. Thus it appears that, though the commerce of Canton should be cut off, yet it will not be possible to prevent the clandestine introduction of merchandise. . . .

Since then, it will not answer to close our ports against [all trade], and since the laws issued against opium are quite inoperative, the only method left is to revert to the former system, to permit the barbarian merchants to import opium paying duty thereon as a medicine, and to require that, after having passed the custom-house, it shall be delivered to the hong merchants only in exchange for merchandise, and that no money be paid for it. The barbarians finding that the amount of duties to be paid on it is less than what is now spent in bribes, will also gladly comply therein. Foreign money should be placed on the same footing with sycee silver [lumps of fine uncoined silver], and the exportation of it should be equally prohibited. Offenders when caught should be punished by the entire destruction of the opium they have, and the confiscation of the money that be found with them. With regard to officers, civil and military, and to the scholars and common soldiers, the first are called on to fulfill the duties of their rank and attend to the public good; the others, to cultivate their talents and become

fit for public usefulness. None of these, therefore, must be permitted to contract a practice so bad, or to walk in a path which will lead only to the utter waste of their time and destruction of their property. If, however, the laws enacted against the practice be made too severe, the result will be mutual connivance. It becomes my duty, then, to request that it be enacted, that any officer, scholar, or soldier, found guilty of secretly smoking opium, shall be immediately dismissed from public employ, without being made liable to any other penalty. In this way, lenity will become in fact severity towards them. And further, that, if any superior or general officer be found guilty of knowingly and willfully conniving at the practice among his subordinates, such officer shall be subjected to a court of inquiry. Lastly, that no regard be paid to the purchase and use of opium on the part of the people generally. . . .

Prostrate I beg my august sovereign to give secret directions to the governor and lieutenant-governor of Guangdong, together with the superintendent of maritime customs, that they faithfully investigate the character of the above statements, and that, if they find them really correct, they speedily prepare a list of regulations adapted to a change in the system, and present the same for your majesty's final decision. Perchance this may be found adequate to stop further oozing out of money, and to replenish the national resources. With inexpressible awe and trembling fear I reverently present this memorial and await your majesty's commands.

7.2 *Memorial on Banning Opium, October 1836*

Zhu Zun, member of the council and of the Board of Rites, kneeling, presents the following memorial, wherein he suggests the propriety of increasing the severity of certain prohibitory enactments, with a view to maintain the dignity of the laws, and to remove a great evil from among the people: to this end he respectfully states his views on the subject, and earnestly entreats his sacred majesty to cast a glance thereon.

I would humbly point out, that wherever an evil exists it should be at once removed; and that the laws should never be suffered to fall into desuetude. Our government, having received from heaven, the gift of peace, has transmitted it for two centuries: this has afforded opportunity for the removal of evils from among the people. For governing the central nation, and for holding in submission all the surrounding barbarians, rules exist perfect in their nature, and well-fitted to attain their end. And in regard to opium, special enactments were passed for the prohibitions of its use in the first year of Jiaqing [1796]; and since then, memorials presented at various successive periods, have given rise to additional prohibitions, all which have been inserted in the code and the several tariffs. The laws, then, relating thereto are not wanting in severity; but there are those in office who, for want of energy, fail to carry them into execution.

Hence the people's minds gradually become callous; and base desires, springing up among them, increase day by day and month by month, till their rank luxuriance has spread over the whole empire. These noisome weeds, having been long neglected, it has become impossible to eradicate. And those to whom this duty is entrusted are, as if handbound, wholly at a loss what to do.

When the foreign ships convey opium to the coast, it is impossible for them to sell it by retail. Hence there are at Canton, in the provincial city, brokers, named 'melters.' These engage money-changers to arrange the price with the foreigners, and to obtain orders for them; with which orders they proceed to the receiving ships, and there the vile drug is delivered to them. This part of the transaction is notorious, and the actors in it are easily discoverable. The boats which carry the drug and which are called 'fast-crabs' and 'scrambling-dragons,' are all well furnished with guns and other weapons, and ply their oars as swiftly as though they were wings. Their crews have all the over-bearing assumption and audacity of pirates. Shall such men be suffered to navigate the surrounding seas according to their own will? And shall such conduct be passed over without investigation? . . .

It is said that the opium should be admitted, subject to a duty, the importers being required to give it into the hands of the hong merchants, in barter only for merchandise, without being allowed to sell it for money. And this is proposed as a means of preventing money from secretly oozing out of the country. But the English, by whom opium is sold, have been driven out to Lintin [a small island in the Pearl River estuary] so long since as the first year of Daoguang [1821], when the then governor of Guangdong and Guangxi discovered and punished the warehousers of opium: so long have they been expelled, nor have they ever since imported it into Macao. Having once suppressed the trade and driven them away, shall we now again call upon them and invite them to return? This would be, indeed, a derogation from the true dignity of government. As to the proposition to give tea in exchange, and entirely to prohibit the exportation of even *foreign* silver I apprehend that, if the tea should not be found sufficient, money will still be given in exchange for the drug. Besides, if it is in our power to prevent the extortion of dollars, why not also to prevent the importation of opium? And if we can but prevent the importation of opium, the exportation of dollars will then cease of itself, and the two offenses will both at once be stopped. Moreover, is it not better, by continuing the old enactments, to find even a partial remedy for the evil, than by a change of the laws to increase the importation still further? As to levying a duty of opium, the thing sounds so awkwardly, and reads so unbecomingly, that such a duty ought sorely not to be levied.

Again, it is said that the prohibitions against the planting of the poppy by natives should be relaxed; and that the direct consequences will be, daily diminution of the profits of foreigners, and in course of time the entire cessation of the trade without the aid of prohibitions. Is it, then, forgotten that it is natural

to the common people to prize things heard of only by the ear and to undervalue those which are before their eyes,—to pass by those things which are near at hand, and to seek after those which are afar off—and, though they have a thing in their own land, yet to esteem more highly such as comes to them from beyond the seas? Thus, in Jiangsu, Zhejiang, Fujian, and Guangdong, they will not quietly be guided by the laws of the empire, but must needs make use of foreign money: and this foreign money, though of an inferior standard, is nevertheless exchanged by them at a higher rate than the native sycee silver, which is pure. And although money is cast in China after exactly the same pattern, under the names of Jiangsu pieces, Fujian pieces, and native or Canton pieces, yet this money has not been able to gain currency among the people. Thus, also, the silk and cotton goods of China are not insufficient in quantity; and yet the broadcloths, and comlets, and cotton goods of the barbarians from beyond the place of the empire are in constant request. Taking men generally the minds of all are equally unenlightened in this respect, so that all men prize what is strange, and undervalue whatever is in ordinary use.

From Fujian, Guangdong, Zhejiang, Shandong, Yunnan, and Guizhou, memorials have been presented by the censors and other officers, requesting that prohibitions should be enacted against the cultivation of the poppy, and against the preparation of opium; but while nominally prohibited, the cultivation of it has not been really stopped in those places. Of any of those provinces, except Yunnan, I do not presume to speak; but of that portion of the country I have it in any power to say, that the poppy is cultivated all over the hills and the open campaign, and that the quantity of opium annually produced there cannot be less than several thousand chests. And yet we do not see any diminution in the quantity of silver exported as compared with any previous period; while, on the other hand, the lack of the metal in Yunnan is double in degree to what it formerly was. To what cause is this to be ascribed? To what but that the consumers of the drug are very many, and that those who are choice and dainty, with regard to its quality prefer always the foreign article?

Those of your majesty's advisers who compare the drug to the dried leaf of the tobacco plant are in error. The tobacco leaf does not destroy the human constitution. The profit too arising from the sale of tobacco is small, while that arising from opium is large. Besides, tobacco may be cultivated on bare and barren ground, while the poppy needs a rich and fertile soil. If all the rich and fertile ground be used for planting the poppy; and if the people, hoping for a large profit therefrom, madly engage in its cultivation; where will flax and the mulberry tree be cultivated, or wheat and rye be planted? To draw off in this way the waters of the great fountain, requisite for the production of goods and raiment, and to lavish them upon the root whence calamity and disaster spring forth, is an error which may be compared to that of a physician, who, when treating a mere external disease, should drive it inwards to the heart and centre of the body. It may in such a case be found impossible even to preserve *life*.

And shall the fine fields of Guangdong, that produce their three crops every year, be given up for the cultivation of this noxious weed—those fields in comparison with which the unequal soil of all other parts of the empire is not even to be mentioned?

To sum up the matter—the wide-spreading and baneful influence of opium, when regarded simply as injurious to property, is of inferior importance; but when regarded as hurtful to the people, it demands most anxious consideration: for in the *people* lies the very foundation of the empire. Property, it is true, is that on which the subsistence of the people depends. Yet a deficiency of it may be supplied, and an impoverished people improved; whereas it is beyond the power of any artificial means to save a people enervated by luxury. In the history of Formosa we find the following passage: “Opium was first produced in Kaoutsinne [?], which by some is said to be the same as Kalapa [or Batavia]. The natives of this place were at the first sprightly and active, and being good soldiers, were always successful in battle. But the people called Hongmao [Red-hairs, a term originally applied to the Dutch] came thither, and having manufactured opium, seduced some of the natives into the habit of smoking it; from this the mania for it rapidly spread throughout the whole nation, so that in process of time, the natives became feeble and enervated, submitted to the foreign rule, and ultimately were completely subjugated.” Now the English are of the race of foreigners called Hongmao [Red-hairs]. In introducing opium into this country, their purpose has been to weaken and enfeeble the central empire. If not early aroused to a sense of our danger, we shall find ourselves, ere long, on the last step towards ruin. . . .

Since your majesty’s accession to the throne, the maxim of your illustrious house that horsemanship and archery are the foundations of its existence, has ever been carefully remembered. And hence the governors, the Lt. governors, the commanders of the forces, and their subordinates have again and again been directed to pay the strictest attention to the discipline and exercise of the troops, and of the naval forces and have been urged and required to create by their exertions strong and powerful legions. With admiration I contemplate my sacred sovereign’s anxious care for imparting a military as well as a civil education, prompted as this anxiety is by desire to establish on a firm basis the foundations of the empire, and to hold in awe the barbarians on every side. But while the stream of importation of opium is not turned aside, it is impossible to attain any certainty that none within the camp do ever secretly inhale the drug. And if the camp be once contaminated by it, the baneful influence will work its way, and the habit will be contracted beyond the power of reform. When the periodical times of desire for it come round, how can the victims—their legs tottering, their hands trembling, their eyes flowing with child-like tears—be able in any way to attend to their proper exercises? Or how can such men form strong and powerful legions? Under these circumstances, the military will become alike unfit to advance to the fight, or in a retreat to defend their

posts. Of this there is clear proof in the instance of the campaign against the Yao rebels in the 12th year of our sovereign's reign [1832]. In the army sent to Yongzhou [Hunan], on that occasion, great numbers of the soldiers were opium-smokers; so that although their numerical force was large, there was hardly any strength to be found among them. . . .

At the present moment, throughout the empire, the minds of men are in imminent danger; the more foolish, being seduced by teachers of false doctrines, are sunk in vain superstitions and cannot be aroused; and the more intelligent, being intoxicated by opium, are carried away as by a whirlpool, and are beyond recovery. Most thoughtfully have I sought for some plan by which to arouse and awaken all but in vain. While, however, the empire preserves and maintains its laws, the plain and honest rustic will see what he has to fear, and will be deterred from evil; and the man of intelligence and cultivated habits will learn what is wrong in himself, and will refrain from it. And thus, though the laws be declared by some to be but waste paper, yet these their unseen effects will be of no trifling nature. If, on the other hand, the prohibitions be suddenly repealed, and the action which was a crime be no longer counted such by the government, how shall the dull clown and the mean among the people know that the action is still in itself wrong? In open day and with unblushing front, they will continue to use opium till they shall become so accustomed to it, that eventually they will find it as indispensable as their daily meat and drink, and will inhale the noxious drug with perfect indifference. When shame shall thus be entirely destroyed, and fear removed wholly out of the way, the evil consequences that will result to morality and to the minds of men will assuredly be neither few nor unimportant. As your majesty's minister, I know that the laws of the empire, being in their existing state well fitted to effect their end, will not for any slight cause be changed. But the proposal to alter the law on this subject having been made and discussed in the provinces, the instant effect has been, that crafty thieves and villains have on all hands begun to raise their heads and open their eyes, gazing about, and pointing their finger, under the nation that, when once these prohibitions are repealed thenceforth and for ever they may regard themselves free from every restraint and from every cause of fear.

Though possessing very poor abilities I have nevertheless had the happiness to enjoy the favor of your sacred majesty, and have, within a space of but few years, been raised though the several grades of the censorate, and the presidency of various courts in the metropolis, to the high elevation of a seat in the Inner Council. I have been copiously imbued with the rich dew of favors; yet have been unable to offer the feeblest token of gratitude; but if there is aught within the compass of my knowledge, I dare not to pass it by unnoticed. I feel in my duty to request that your majesty's commands may be proclaimed to the governors and lieut-governors of all the provinces, requiring them to direct the local officers to redouble their efforts for the enforcement of the existing pro-

hibitions against opium; and to impress on every one, in the plainest and strictest manner, that all who are already contaminated by the vile habit must return and become new men,—that if any continue to walk in their former courses, strangers to repentance and to reformation, they shall assuredly be subjected to the full penalty of the law, and shall not meet with the least indulgence,—and that any found guilty of storing up or selling opium to the amount of 1000 catties or upwards, the most severe punishment shall be inflicted. Thus happily the minds of men may be impressed with fear, and the report thereof, spreading over the seas (among foreigners) may even there produce reformation. Submitting to my sovereign my feeble and obscure views, I prostrate implore your sacred majesty to cast a glance on this my respectful memorial.

7.3 *Imperial Edict, September 1836*

The councillor Zhu Zun has presented a memorial, requesting that the severity of the prohibitory enactments against opium may be increased. The sub-censor Xu Qiu also has laid before us a respectful representation of his views; and, in a supplementary statement, a recommendation to punish severely Chinese traitors.

Opium, coming from the distant regions of barbarians, has pervaded the country with its baneful influence, and has been made a subject of very severe prohibitory enactments. But, of late, there has been a diversity of opinion in regard to it, some requesting a change in the policy hitherto adopted, and others recommending the continuance of the severe prohibitions. It is highly important to consider the subject carefully in all its bearings, surveying at once the whole field of action, so that such measures may be adopted as shall continue for ever in force, free from all failures.

Let Deng [Deng Tingzhen, the Qing governor-general of Guangdong and Guangxi] and his colleagues anxiously and carefully consult together upon the recommendation to search for, and with utmost strictness apprehend, all those traitorous natives who sell the drug, the hong merchants who arrange the transactions in it, the brokers who purchase it by wholesale, the boat-men who are engaged in transporting it, and the naval militia who receive bribes; and having determined on the steps to be taken in order to stop up the source of the evil, let them present a true and faithful report. Let them also carefully ascertain and report whether the circumstances stated by Xu Qiu in his supplementary document, in reference to the foreigners from beyond the seas be, true or not, whether such things as are mentioned therein have or have not taken place. Copies of the several documents are to be herewith sent to those officers for perusal; and this edict is to be made known to Deng and Ke, who are to enjoin it also on Wan, the superintendent of maritime customs. Respect this.

7.4 *Annexed Laws on Banning Opium, July 1839*FURNACE KEEPERS OR WHOLESALE
DEALERS

Whoever shall hereafter open a "furnace," and connive with and secretly buy opium of the outside barbarians, storing it up for sale, shall, if he be the principal, be decapitated immediately on conviction.

The royal authority shall be respectfully produced and the law executed, ere a report is sent to the crown. The head of the offender shall then be stuck upon a pole, and exposed upon the seacoast as a warning to all. The accomplices, advisers, participators, receivers, givers (those who deliver the drug), and boatmen who knowingly receive opium on board their boats for transport, shall be sentenced to strangulation and thrown into dungeons to wait the royal warrant for their execution. The houses and boats of these parties shall be sequestered.

1. Any officer or soldier on the coast station who shall receive bribes to connive at opium being brought in, whether the quantity be large or small, shall immediately upon conviction be strangled. He who, knowing it to be such, allows opium to be brought in, but without receiving a bribe, shall be transported to Xinjiang [Chinese Turkestan].
2. If any persons join together and open a furnace for the purpose of selling opium, he who originates the plan shall be considered as the principal.
3. He who stores opium brought by the foreign ships shall be dealt with in the same manner as accomplices in a "furnace." He who, knowing it to be such, consents to conceal opium for any notorious dealers who may have fallen into the hands of government, shall be punished one degree less severely than the principal.
4. He who receives a bribe to release any opium seller or smoker from his custody, shall be punished in the same manner as if he were an opium seller or smoker himself. Should the amount received be considerable, he shall be held punishable under the law against "false and malicious information."
5. Any jailor who shall buy opium and supply it to the prisoners under his charge, shall be transported to the most distant and unhealthy settlements. Any guard or overseer, guilty of a similar offence, shall be transported to a nearer settlement; should the amount received for purchases be considerable, it shall be computed and the offender held punishable under the act against "False and malicious information."
6. Any soldier or policeman, or any of those idle blackguards who infest every place, who shall, without a warrant, enter a house and under pretence of searching for opium forcibly carry off other articles, or who shall,

through malice or a desire to extort money, themselves secrete opium in the house, that an accusation may be supported [against their victim], shall, whether principal or accomplice, be held punishable under the law against "false and malicious information," and transported to the most distant settlements. If the amount stolen shall exceed in value 120 taels, the principal shall be sentenced to strangulation, and kept in prison till the warrant for his execution shall arrive.

7. All persons sentenced to transportation for crimes connected with opium shall be excluded from the benefit of the law respecting "indulgence to offenders for the sake of their parents."

SECTION 2ND. KEEPERS OF RETAIL AND
SMOKING SHOPS.

Any person who shall keep a shop for selling opium to be smoked on the premises, shall, if the principal, be sentenced, on conviction, to immediate strangulation, and his house shall be sequestered. Accomplices, accessories, or those who knowing for what purpose, still consent to let their houses to such characters, shall, on purpose, still consent to let their houses to such characters, shall, on conviction, be transported to Xinjiang to be slaves to the military, and their houses sequestered. Any soldier or policeman who shall receive a bribe for conniving at and "securing" these dens, shall receive the same punishment as a principal. "Ground-sureties" and neighbors, who know of the existence of such places and do not report the same to government, shall be punished with 100 blows, and transported for 3 years. If they shall receive hush money, the amount shall be computed, and the law respecting "False and malicious information" put in force against them.

1. Any native traitor who shall cultivate the poppy for the purpose of expressing its juice to make opium, for preparations and sale, or who shall sell either the "paste" or "mud" to the extent of 500 taels, or if, altho' the amount does not equal that sum, he shall sell at a great number of different places and times, he shall, if apprehended within the next 18 months, be sentenced to strangulation [if a principal], and thrown into prison to wait the arrival of the warrant for his execution. Accomplices shall be transported to the most distant and unhealthy places. If any are convicted of selling only once or twice, the whole amount of such sales not being taels 500—they shall be transported, if principals to Xinjiang to be slaves to the military, if accomplices they shall be transported to a distance of 4000 le. After the expiration of the 18 months, both principals and accomplices shall be sentenced to be strangled. If any soldier or policeman receives a

bribe to connive at and screen them, he shall be punished in the same manner as the principal. If the amount received be considerable, it shall be computed, and the offender punished under the law against "false and malicious information." Any landlord, who, knowing for what purpose, lets a field or house to opium dealers, or any boatman who shall knowingly hire his boat for transporting the drug, shall, if the offence take place before the expiration of one year from this time, receive a hundred blows, and be transported 2000 li—if after one year, he shall be transported to the most distant settlement, if within half a year he shall be sentenced to receive a hundred blows and three years transportation. The fields, grounds, houses, and boats, shall in all cases be sequestered. If any dealer shall voluntarily confess his crime and cause by his information the apprehension of other dealers, he shall be pardoned, and his house, ground, or boat shall not be sequestered. If the parties implicated by the said person's confession shall escape and elude the vigilance of government, although his crime shall be pardoned, his house, ground, field, or boat shall not be confiscated. Any "ground surety" or neighbor, who knows of the existence of such dealers and does not forthwith inform against them, shall be punished with 100 blows. If he receives hush money, the amount shall be computed and the law respecting "false and malicious information" put in force against him.

2. The law against the crime of opium smoking, shall take effect in Peking from the day the sacred commands were received; in the provinces from the day that the commands of the board were made known. These were received in the city of Canton on the 26th day of the 5th moon from which time they will date in all the cities, and towns, throughout the province. One year from that date will be allowed for all to renounce the habit. At the expiration of that period all who have *not* renounced the habit, whether they be of the nobles, the military, or vulgar, shall on conviction be sentenced to strangulation and thrown into prison to wait the arrival of the warrant for their execution. If any are apprehended *within* the year of probation, if of the vulgar, they shall be punished with 100 blows and transported to a distance of 2000 li. &c. If they are unable to say from whom they got the opium, their punishment shall be one degree more severe; they shall receive 100 blows and transported to a distance of 2500 li; if of the Tartar soldiery, the offender shall first be expelled from his banner, (or regiment) and then dealt with as one of the common people; if a government underling, a relation of an officer, a secretary or follower, the offender shall be punished one degree more severely than a common man; if an officer of government, the offender shall be sent to Xinjiang on some degrading and laborious mission; if of the provincials or general army, the offender shall be transported to a shorter distance. . . .

7.5 LORD PALMERSTON'S DECLARATION OF WAR, FEBRUARY 20, 1840

After China's seizure of British opium in Canton, Charles Elliot and the British community in Canton rejected Lin Zexu's demand for a bond requiring them not to engage in the opium trade. They fled to Macao, where, in June 1839 Elliot and the merchants separately petitioned the Tory foreign minister, Lord Palmerston, for stern measures by the Crown on the behalf of British subjects in China. Palmerston, despite his usual advocacy of British power in the international realm, was initially loathe to help the merchants and believed they should adhere to Chinese law. However, domestic pressure, in the form of letters from some thirty-nine Manchester textile firms who feared being cut out of both the Chinese and Indian markets, and energetic lobbying efforts by William Jardine in September 1839 caused the foreign minister to change his mind.

On October 18, 1839, Palmerston informed Charles Elliot that a British expeditionary force would reach China in the spring of 1840 and would endeavor to blockade the harbor of Canton and the Pearl river. Since the structures of the British Constitution provided Parliament with little control over foreign policy, the decision for war was made without parliamentary consultation. Indeed, China policy until Palmerston's departure from the government in 1841 was single-handedly shaped by the foreign minister himself. Neither Parliament nor the nation was fully informed of the circumstances of the Opium War.

The following dispatch from the pen of Lord Palmerston informs the Chinese government of Britain's intention to use force to protect the interest of its subjects in China and states Great Britain's war aims.

DESPATCH FROM LORD PALMERSTON TO THE MINISTER OF THE EMPEROR OF CHINA

F.O. London, *February* 20, 1840.

THE UNDERSIGNED, Her Britannick Majesty's Principal Secretary of State for Foreign Affairs, has the honour to inform the Minister of the Emperor of China, that Her Majesty The Queen of Great Britain has sent a Naval and Military Force to the Coast of China, to demand from the Emperor satisfaction and redress for injuries inflicted by Chinese Authorities upon British Subjects resident in China, and for insults offered by those same Authorities to the British Crown.

For more than a hundred years, commercial intercourse has existed between China and Great Britain; and during that long period of time, British Subjects have been allowed by the Chinese Government to reside within the territory of China for the purpose of carrying on trade therein. Hence it has happened that British Subjects, trusting in the good faith of the Chinese Government, have fixed themselves in Canton as Merchants, and have brought into that city from time to time property to a large amount; while other British Subjects who wished to trade with China, but who could not for various reasons go thither themselves, have sent commodities to Canton, placing those commodities in the care of some of their fellow Countrymen resident in China, with directions that such commodities should be sold in China, and that the produce of the sale thereof should be sent to the Owners in the British Dominions.

Thus there has always been within the territory of The Emperor of China a certain number of British Subjects, and a large amount of British Property; and though no Treaty has existed between the Sovereign of England and the Emperor of China, yet British Subjects have continued to resort to China for purposes of trade, placing full confidence in the justice and good faith of The Emperor.

Moreover, of late years the Sovereign of Great Britain has stationed at Canton an officer of the British Crown, no wise connected with trade, and specially forbidden to trade, but ordered to place himself in direct communication with the local Authorities at Canton in order to afford protection to British Subjects, and to be the organ of communication between the British and the Chinese Governments.

But the British Government has learnt with much regret, and with extreme surprise, that during the last year certain officers, acting under the Authority of The Emperor of China, have committed violent outrages against the British Residents at Canton, who were living peaceably in that City, trusting to the good faith of the Chinese Government; and that those same Chinese officers, forgetting the respect which was due to the British Superintendent in his Character of Agent of the British Crown, have treated that Superintendent also with violence and indignity.

It seems that the course assigned for these proceedings was the contraband trade in Opium, carried on by some British Subjects.

It appeared that the Laws of the Chinese Empire forbid the importation of Opium into China, and declare that all opium which may be brought into the Country is liable to confiscation.

The Queen of England desires that Her Subjects who may go into Foreign Countries should obey the Laws of those Countries; and Her Majesty does not wish to protect them from the just consequences of any offenses which they may commit in foreign parts. But, on the other hand, Her Majesty cannot permit that Her Subjects residing abroad should be treated with violence, and be

exposed to insult and injustice; and when wrong is done to them, Her Majesty will see that they obtain redress.

Now if a Government makes a Law which applies both to its own Subjects and to Foreigners, such Government ought to enforce that Law impartially or not at all. If it enforces that Law on Foreigners, it is bound to enforce it also upon its own Subjects; and it has no right to permit its own Subjects to violate the Law with impunity, and then to punish Foreigners for doing the very same thing.

Neither is it just that such a Law should for a great length of time be allowed to sleep as a dead letter, and that both Natives and Foreigners should be taught to consider it as of no effect, and that then suddenly, and without sufficient warning, it should be put in force with the utmost rigor and severity.

Now, although the Law of China declared that the importation of Opium should be forbidden, yet it is notorious that for many years past, that importation has been connived at and permitted by the Chinese Authorities at Canton; nay, more, that those Authorities, from the Governor downwards, have made an annual and considerable profit by taking money from Foreigners for the permission to import Opium: and of late the Chinese Authorities have gone so far in setting this Law at defiance, that Mandarin Boats were employed to bring opium to Canton from the Foreign Ships lying at Lintin.

Did the Imperial Government at Peking know these things?

If it did know these things, it virtually abolished its own Law, by permitting its own officers to act as if no such Law existed. If the Chinese Government says it did not know of these things, if it says that it knew indeed that the Law was violated by Foreigners who brought in opium, but did not know that the Law was violated by its own Officers who assisted in the importation, and received fixed sums of money for permitting it, then may Foreign Governments ask, how it happened that a Government so watchful as that of China should have one eye open to see the transgressions of Foreigners, but should have the other eye shut, and unable to see the transgressions of its own officers. . . .

Now as the distance is great which separated England from China, and as the matter in question is of urgent importance, the British Government cannot wait to know the answer which the Chinese Government may give to these demands, and thus postpone till that answer shall have been received in England, the measures which may be necessary in order to vindicate the honour and dignity of the British Crown, in the event of that answer not being satisfactory.

The British Government therefore has determined at once to send out a Naval and Military Force to the Coast of China to act in support of these demands, and in order to convince the Imperial Government that the British Government attaches the utmost importance to this matter, and that the affair is one which will not admit of delay.

And further, for the purpose of impressing still more strongly upon the Government of Peking the importance which the British Government attaches to this matter, and the urgent necessity which exists for an immediate as well as a satisfactory settlement thereof, the Commander of the Expedition has received orders that, immediately upon his arrival upon the Chinese Coast, he shall proceed to blockade the principal Chinese ports, that he shall intercept and detain and hold in deposit all Chinese ports, that he shall proceed to blockade the principal Chinese ports, that he shall intercept and detain and hold in deposit all Chinese Vessels which he may meet with, and that he shall take possession of some convenient part of the Chinese territory, to be held and occupied by the British Forces until everything shall be concluded and executed to the satisfaction of the British Government.

These measures of hostility on the part of Great Britain against China are not only justified, but even rendered absolutely necessary, by the outrages which have been committed by the Chinese Authorities against British officers and Subjects, and these hostilities will not cease, until a satisfactory arrangement shall have been made by the Chinese Government.

The British Government in order to save time, and to afford to the Government of China every facility for coming to an early arrangement, have given to the Admiral and to the Superintendent, Full Powers and Instructions to treat upon these matters with the Imperial Government, and have ordered the said Admiral and Superintendent to go up to the Mouth of the Peiho River, in the Gulph of Pechelelee, that they may be within a short distance of the Imperial Cabinet. But after the indignity which was offered to Her Majesty's Superintendent at Canton, in the course of last year, it is impossible for Her Majesty's Government to permit any of Her Majesty's Officers to place themselves in the power of the Chinese Authorities until some formal Treaty shall have been duly signed, securing to British Subjects safety and respect in China; and therefore the Undersigned must request that the Chinese Government will have the goodness to send on board the Admiral's Ship the Plenipotentiaries whom the Emperor may appoint to treat upon these matters with the Plenipotentiaries of The Queen of England. Those Chinese Plenipotentiaries shall be received on board the Admiral's Ship, with every honour which is due to the Envoys of the Emperor, and shall be treated with all possible courtesy and respect.

The Undersigned has further to state, that the necessity for sending this Expedition to the Coast of China having been occasioned by the violent and unjustifiable acts of the Chinese Authorities, the British Government expects and demands that the expenses incurred thereby shall be repaid to Great Britain by the Government of China.

The Undersigned has now stated and explained to the Chinese Minister, without reserve, the causes of complaint on the part of Great Britain; the reparation which Great Britain demands, and the nature of the measures which the British officer commanding the Expedition has been instructed in the first

instance to take. The British Government fervently hopes that the wisdom and spirit of Justice for which The Emperor is famed in all parts of the World, will lead the Chinese Government to see the equity of the foregoing demands; and it is the sincere wish of Her Majesty's Government that a prompt and full compliance with those demands may lead to a speedy re-establishment of that friendly intercourse which has for so great a period of time subsisted between the British and Chinese Nations, to the manifest advantage of both.

The Undersigned, in conclusion, has the honour to state to the Minister of The Emperor of China that he has directed Her Majesty's Plenipotentiaries to forward to His Excellency the present Note, of which he has transmitted to the Plenipotentiaries a copy, with instructions to cause a Translation of it to be made into the Chinese language, and to forward to the Chinese Minister the Translation at the same time with the original Note.

The Undersigned avails himself of this opportunity to offer to His Excellency the Minister of The Emperor of China the assurances of his most distinguished consideration.

PALMERSTON.