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THE

OPIUM QUESTION.

BY

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OF THE INNER TEMPLE, BARRISTER-AT-LAW.

LONDON:

JAMES RIDGWAY, PICCADILLY.

MDCCXL.
NOTICE TO THE READER.

The writer of this Pamphlet having had occasion to consider the facts giving rise to the important and embarrassing 'Opium Question,' has occupied the leisure afforded him by the Christmas recess, in preparing the ensuing pages for the public.

He feels the greatest diffidence in committing them to the press; and is certain that it will have been entirely his fault, if the reader do not find the subject to be one possessed of remarkable interest in all its details.

Inner Temple, London,
14th January, 1840.
THE OPIUM QUESTION.

The main question intended to be discussed in the ensuing pages, and which is independent of all party considerations, is this:—

Ought the British Government to adopt the terms of a contract assumed to have been entered into on their behalf by Captain Elliot, the Chief Superintendent of the trade of British Subjects in China, in his Public Notice issued from Canton upon the 27th of March, 1839, with the British owners of 20,283 chests of Opium, which, solely under and in pursuance of such Public Notice, were surrendered up to him for the alleged service of her Majesty's Government? In other words, who ought to bear the loss of this opium, amounting to the sum of about two millions four hundred thousand pounds sterling—Her Majesty's Government, or the late owners of that opium?

This question, though involving private interests to an unprecedented extent, and also, incidentally, very serious and extensive considerations affecting the honour and dignity of this country, and the permanent interests, if not, indeed, the very existence, of its Eastern commerce, depends, it is believed, upon plain principles; and it is the object of the writer of this
pamphlet to state and discuss that question candidly and temperately; to place admitted facts in their proper light before the public, and point out certain sources of misapprehension or prejudice, which may have prevented their due appreciation.

Before proceeding to detail the immediate occurrences out of which the present question has arisen, it may be as well to intimate generally that the British Opium Trade between India and China, which had been carried on, for upwards of forty years, under a nominal, if not an actual, prohibition,—became, within the last three years, the object of very strenuous opposition on the part of the Chinese, on grounds which will be clearly explained hereafter. The proposal to legalize the trade, was, in the latter end of the year 1836, seriously entertained, but at length abandoned, by the Emperor; the former circumstance giving a great impetus to it,—encouraged, too, as it was, by the highest provincial authorities in China, to whom it yielded a large revenue. In the years 1837 and 1838, measures of rapidly-increasing stringency and vigour were pointed by the Chinese at the traffic, the aspect of affairs becoming every day more threatening. No steps, however, appear to have been taken towards foreigners, till the 12th of December, 1838; on which day preparations were made by the Chinese authorities for strangling a Native Opium dealer in front of the Factory—an act to the foreigners most offensive and unprecedented, and which led to a brief stoppage of the trade.

At length, upon the 10th of March, 1839, there appeared at Canton a high Chinese functionary, Lin,
announcing himself by proclamation, (dated the 18th March) 'specially appointed an imperial commissioner' by the Emperor at Pekin, 'with great irresponsible authority,' and 'sworn to stand or fall by the opium question.' He had the day before issued an Edict, (dated the 17th March) to the Hong merchants, commanding them immediately to inquire into the state of the opium trade, 'declaring the utter annihilation of it to be his first object.' That, therefore, 'he had given 'commands to the foreigners to deliver up to Govern-' 'ment all the myriads of chests of opium which they 'had on board their vessels; and called upon them to 'subscribe a bond, in the Chinese and foreign lan-' 'guage jointly, declaring that thenceforth they would 'never venture to bring opium; and that if any 'should again be brought, on discovery thereof, the 'parties concerned should immediately suffer execu-' 'tion of the laws, and the property be confiscated to 'Government.' These bonds were to be obtained by the Hong Merchants, and the same reported to the High Commissioner, within three days, on penalty of death. On the 19th of March an edict was issued by the Hoppo to the Hong Merchants, ordering them to communicate to the foreigners that 'pending the stay 'of the High Commissioner in Canton, and while the 'consequences of his investigations, both to foreigners 'and natives, were yet uncertain, all foreign mer-' 'chants were forbidden to go down to Macao,' i.e. they 'were to be detained prisoners at Canton. This was carried into effect by the presence of a strong land and water guard, keeping all the Europeans close prisoners in their Factory. On the 22d of March.
Captain Elliot, the Chief Superintendent of the British Trade in China, (who for some time previously had anxiously endeavoured to gratify himself with the Chinese, by peremptorily forbidding, in accordance with their wishes, the smuggling of opium in British small craft, within the port of Canton, and confining the opium trade to the great receiving ships stationed at Lintin, an anchorage in the Chinese waters, beyond the limits of the port of Canton, and one hundred miles distance from it,) issued the following circular notice, dated Macao, 22d March:

‘The Chief Superintendent of the Trade of British subjects in Canton, having received information that her Majesty’s subjects are detained against their will in Canton, and having other urgent reasons for the withdrawal of all confidence in the just and moderate pretensions of the Provincial Government, has now to require that all the ships of her Majesty’s subjects at the outer anchorages should proceed forthwith to Hong Kong,* and hoisting their national colours, be prepared to resist any act of aggression on the part of the Chinese Government.’ After stating certain arrangements for ‘putting the ships in a posture of defence,’ he added, ‘And the Chief Superintendent, in her Majesty’s name, requires all British subjects to whom these presents may come, to respect the authority of the persons herein charged with the duty of providing for the protection of British life.

* An island lying a little to the north of the approaches to the Canton River, at about a hundred miles distance from Canton.
and property.—Given under my hand and seal of office.' On the ensuing day (23d March) he issued another 'Public Notice,' of a still more alarming character, thus specifying the principal grounds of his apprehensions.

'The dangerous, unprecedented, and unexplained circumstance of a public execution before the Factories at Canton, to the immense hazard of life and property, and total disregard of the honour and dignity of his own and the other western governments, whose flags were recently flying in that square, the unusual assemblage of troops, vessels of war, fire-ships, and other menacing preparations; the communication, by the command of the Provincial Government, that in the present posture of affairs the foreigners were no longer to seek for passports to leave Canton (according to the genius of our own countries, and the principle of reason, if not an act of declared war, at least its immediate and inevitable preliminary,) and lastly, the threatening language of the High Commissioner and provincial authorities, of the most general application, and dark and violent character.

'Holding it, therefore, impossible to maintain continued peaceful intercourse with safety, honour, or advantage, till definite and satisfactory explanations have passed in all these particulars, both as respects the past and the future, the undersigned has now to give further notice, that he shall forthwith demand passports for all such of her Majesty's subjects as may think fit to proceed outside within the space of ten days from the date that his application reaches the government, such date hereafter to be made known.'
‘And he has to counsel and enjoin all her Majesty’s subjects in urgent terms to make immediate preparations for moving their property on board the ships, “Reliance,” “Orwell,” and “George the Fourth,” or other British vessels at Whampoa, to be conveyed to Macao; forwarding him, without delay, a sealed declaration and list of all actual claims against Chinese subjects, together with an estimate of all loss or damage to be suffered by reason of these proceedings of the Chinese Government.

‘And he has most especially to warn her Majesty’s subjects that such strong measures as it may be necessary to adopt on the part of her Majesty’s Government, without further notice than the present, cannot be prejudiced by their continued residence in Canton (beyond the period now fixed) upon their own responsibility, or without further guarantees from the undersigned.

‘And he has further to give notice, that if the passports shall be refused for more than three days from the date that this application shall reach the Provincial Government, he will be driven to the conclusion that it is their purpose to detain all her Majesty’s subjects as hostages, and to endeavour to intimidate them into unsuitable concessions and terms, by the restraint of their persons, or by violence upon their lives or property, or by the death of native merchants in immediate connexion with them both by ties of friendship and of interest; or by the like treatment of their native servants.

‘Charles Elliot,
Chief Superintendent, &c.
On the ensuing day, (24th March,) Captain Elliot, to adopt his own official statement, addressed to the Chinese authorities 'repaired to Canton, and immediately proposed to put an end to the state of difficulty and anxiety then existent, by the faithful fulfilment of the Emperor's will, and he respectfully asked that he and the rest of the foreign community might be set at liberty, in order that he might calmly consider and suggest adequate remedies for the great evils so justly denounced by his Imperial Majesty. He was answered by a close imprisonment of more than seven weeks, with armed men by day and night before his gates, under threats of privation of food, water, and life. 'Was this,' he adds, 'becoming treatment to the officer of a friendly nation, recognised by the Emperor, and who had always performed his duty peaceably, and irreproachably, striving in all things to afford satisfaction to the Provincial Government? When it thus became plain that the High Commissioner was resolved to cast away all moderation, the Chief Superintendent, Elliot, knew that it was incumbent upon him, to save the Imperial dignity, and prevent some shocking catastrophe on the person of an imprisoned foreign officer, and two hundred defenceless merchants. For these reasons of prevailing force, he demanded from the people of his nation all the English opium in their hands, in the name of his Sovereign, and delivered it over to the High Commissioner (Lin), amounting to 20,283 chests. That matter remains to be settled between the two Courts.'

While thus imprisoned at Canton, Captain Elliot issued the following Public Notice, which is the me-
memorable document giving rise to the present question.

"I, Charles Elliot, Chief Superintendent of the "Trade of British Subjects in China, presently forcibly "detained by the Provincial Government, together "with all the merchants of my own and the other "nations settled here, without supplies of food, de- "prived of our servants, and cut off from all inter- "course with our respective countries, (notwithstanding "my own official demand to be set at liberty, so that "I might act without restraint) have now received the "commands of the High Commissioner, issued directly "to me, under the seals of the honourable officers, "to deliver into his hands, all the opium held by the "people of my country.

"Now I, the said Chief Superintendent, thus con-
"strained by paramount motives, affecting the safety of "the lives and liberties of all the foreigners here pre-
"sent in Canton, and by other very weighty causes, Do "hereby, in the name, and on the behalf of Her "Britannic Majesty’s Government, enjoin, and require "all her Majesty’s subjects now present in Canton, "forthwith to make a surrender to me, for the ser-
"vice of her said Majesty’s Government, to be deli-
"vered over to the Government of China, of all the "opium under their respective control, and to hold "the British ships, and vessels engaged in the trade "of opium, subject to my immediate direction; and to "forward to me, without delay, a sealed list of all the "British-owned opium in their respective possession. "And I, the Chief Superintendent, do now, in the most "full and unreserved manner, hold myself responsible
"for and on the behalf of her Britannic Majesty's Go-
vernment, to all and each of her Majesty's subjects
surrendering the said British-owned opium into my
hands, to be delivered over to the Chinese Govern-
ment. And I, the said Chief Superintendent, do
further specially caution all her Majesty's subjects
here present in Canton, owners of, or charged with
the management of opium, the property of British
subjects, that, failing the surrender of the said
opium into my hands, at or before six o'clock this
day; I, the said Chief Superintendent, hereby de-
clare her Majesty's Government wholly free of all
manner of responsibility, or liability in respect of
British-owned opium.

"And it is specially to be understood, that proof of
British property, and value of all British opium,
surrendered to me agreeably to this notice, shall be
determined upon principles, and in a manner here-
after to be defined by her Majesty's Government.

"Given under my hand and seal of office at Can-
ton, in China, this 27th day of March 1839, at six
of the clock in the morning.

"(Signed) CHARLES ELLIOT, Chief Superin-
tendent of the Trade of British Subjects
in China." (L. S.)

The merchants to whom this official notice was
addressed, and who either were, or represented, the
owners of the opium in question, were, as stated in
the notice, at that time detained prisoners at Canton.
Twenty thousand, two hundred and eighty-three chests
of opium, amounting to the sum of about two millions
four hundred thousand pounds sterling, were then on board the Receiving Ships, and other vessels, moored at the several outer anchorages of Hong Kong, Lintin, &c. or which had proceeded to more distant stations up the coast. This opium was, in fact, one hundred miles distant from the port of Canton; and though within the Chinese waters, yet as utterly beyond the reach of Chinese power, as if it had lain on ship-board at Spithead. It might, indeed,—although not protected by the presence, as the American vessels were, of one single ship of war, —have, nevertheless, bade defiance to the whole naval force of the empire. It may here be observed, that the Chinese themselves regard the fort of the Bocca Tigris, as the limit of the port of Canton—a boundary adopted in Lord Napier’s Instructions, as the extent of his jurisdiction. Whampoa (the station for large vessels) is within the limits thus defined ; but Macao and Lintin, as stated in a former page, are beyond such limits:—by Instructions, however, from the Secretary of State for Foreign Affairs, dated London, 28th May, 1836, and published by Captain Elliot, at Macao, on the 31st December, 1836, his powers over British subjects and ships were extended so as to include Macao and Lintin.

It is most important to be borne in mind, that the opium in question consisted almost exclusively of Bengal opium (grown by the Government of India, as will be hereafter explained, expressly for the purpose of exportation to China, with the sanction of Parliament), and of Malwa opium, transported direct to Bombay, and paying (also with the sanction of Parliament), a transit duty to the Indian Government
in respect of its passing over the territories of the East India Company to Bombay. The records of the Custom-House at Calcutta show that the vessels laden with this article were *cleared expressly for China.*

In obedience to the above injunction and requisition of the Chief Superintendent, 20,000 chests were at once freely and entirely surrendered to him. Upon what calculation the quantity of 20,283 chests was fixed upon, does not appear; but eventually Captain Elliot found that, after giving up to the Chinese all that was under his control, he was still deficient a certain quantity of what was demanded, and which he was obliged to purchase. He did so—paying for it by bills drawn on the British Government—which have not been honoured by the Lords of the Treasury.

After having thus received the 20,283 chests of opium, the Chief Superintendent soon afterwards issued the following statement of the *Terms and Conditions of the Surrender of the Opium* to the Chinese Government. The document bears no date.

*The undersigned has now to announce, that arrangements have been made for the delivery of the opium lately surrendered to him for her Majesty's service,* by which his Excellency the High

---

* An eye-witness gives the following account of the manner in which the Chinese destroyed the Opium thus surrendered—at the rate of 300 chests a-day:—“We reached at 11, the spot where the drug is being destroyed, and where the Commissioner has his temporary residence. We found the spot to be an enclosure of some 400 feet square, well palisaded, the side opposite (away from) the river, being occupied by neat buildings, for storing the Opium, &c. The larger part of the foreground, was covered by three vats of perhaps 75 feet by 150 each, opening by sluices into the river. The chests of Opium, after being
Commissioner, has stipulated that the servants shall be restored, after one-fourth of the whole shall have been delivered; the passage-boats be permitted to run, after one-half shall have been delivered; the trade opened, after three-fourths shall have been delivered; and every thing to proceed as usual, after the whole shall have been delivered (the signification of which last expression, the undersigned does not understand).

Breach of faith is to be visited, after three days' loose performance of engagements, with the cutting off of supplies of fresh water; after three days more, with the stoppage of food; and after three days more, with the last degree of severity [i.e. Death] on the undersigned himself.

He passes by these grave forms of speech without comment. But with the papers actually before him, and all the circumstances in hand, he is satisfied that the effectual liberation of the Queen's subjects and all the other foreigners in Canton, depends upon the promptitude with which this arrangement is completed.

The maintenance of the national character, and

re-weighed, and broken up in the presence of high officers, were brought down to the vats; the contents, ball after ball, broken down and crushed upon platforms, raised on high benches above the water, and then pushed by the feet of the coolies into the receptacles beneath. A large number of men were employed in thus macerating the balls for some days with long rakes, until the whole became a fetid mud, when the sluices were raised, and the vats emptied into the river. Every precaution seemed to be used by the officers to ensure the complete destruction of the drug, the spot being well guarded, the workmen ticketed,” &c.
the validity of the claim for indemnity, depend upon
that scrupulousness of fidelity, with which he is well
assured his countrymen will enable him to fulfil all
public obligations to this Government.

‘As soon as the whole opium surrendered shall
have been delivered over to the Chinese officers,
it will be the duty of the undersigned to communi-
cate with his countrymen again.

‘The ultimate satisfactory solution of the recent
difficulties need give no man an anxious thought.

‘The permanent stability of the British trade with
this empire, with honour and advantage to all par-
ties, rests upon a firm foundation—upon the wisdom,
justice, and power of her Majesty’s Government.

‘CHARLES ELLIOT, Chief Superintendent, &c.’

Notwithstanding, however, this prompt and pro-
digious sacrifice on the part of the owners of the
opium, the above ‘TERMS AND CONDITIONS’ were
utterly and deliberately disregarded and broken by
the Chinese.

‘The servants,’ says Captain Elliot, in his in-
dignant remonstrance, dated the 21st of June, 1839,
addressed to the Chinese authorities, ‘were not
faithfully restored when one-fourth of the opium
had been delivered up; the boats were not per-
mitted to run when one-half had been delivered up;
the trade was not really opened when three-fourths
had been delivered; and the last pledge, that things
should go on as usual, when the whole should
have been delivered, has been falsified by the re-
duction of the Factories to a prison, with one outlet;
the expulsion of sixteen persons; some of them who
never dealt in opium at all; some clerks, one a
lad; and the proposing of novel and intolerable
regulations.' And in consequence of this faithless-
ness, and want of security for life, liberty, and pro-
erty, he added—

The merchants and ships of the English nation do
not proceed to Canton and Whampoa, because the
gracious commands of the Emperor for their protec-
tion are set at nought; because the truth is concealed
from his Imperial Majesty's knowledge; because
there is no safety for a handful of defenceless men in
the grasp of the government of Canton; because it
would be derogatory from the dignity of their So-
vereign and nation to forget all the insults and wrongs
which have been perpetrated till full justice shall
have been done, and till the whole trade intercourse
shall have been placed upon a footing honourable
and secure to the empire and to England. That time
is at hand. The gracious Sovereign of the English
nation will cause the truth to be made known to the
wise and august prince on the throne of this empire,
and all things will be adjusted agreeably to the prin-
ciples of purest reason.'

The trade was accordingly stopped.

On surrendering up this opium to the Chief Su-
perintendent, its owners were severally required to
make the following affidavit:—

"I, A. B., a member of the British firm of , of
Canton, do hereby make oath that the opium spe-
cified in the certificate hereto annexed, viz. :—
Chests of Patna,
Chests of Benares,
Chests of Malwa,

Total. . . Chests,

"was at and before the issue of the public notice to
British subjects, signed by Captain Charles Elliot,
H. M. Chief Superintendent, under date Canton,
27th March, 1839, either bona fide the property of
my said firm of — , or consigned to the said firm
with full control over it; and I do further solemnly
declare that no collusive transfer of any part whatever
of the said opium was made to me or my said firm by
the subject of any foreign nation, but that the whole
of the said opium was surrendered by my said firm in
the character of British subjects, to the Chief Super-
intendent, for the service of her Majesty's govern-
ment, being in all respects, to the best of my know-
ledge and belief, opium falling within the letter and spi-
rit of the before-mentioned notice to British subjects.
"A. B."

Whereupon were delivered to them the following
documents.

(FIRST.)

"I, Charles Elliot, Chief Superintendent of the
Trade of British subjects in China, Do hereby certify
that — — , the person making the within
affidavit, is well known to me as a British subject
established at Canton. Given under my hand and
seal of office, at Macao, in China, this 15th day of
June, 1839.

"(Signed) "CHARLES ELLIOT."
[To this is appended a copy of the foregoing Proclamation of the 27th March, 1839.]

(SECOND.) The following "Certificate":—
"I, Charles Elliot, H. M. Chief Superintendent of the Trade of British subjects in China, hereby acknowledge to have received from ——, being British subjects, trading in Canton, —— chests of —— opium for her Majesty's government in terms of my public notice to British subjects, dated 27th March, 1839, hereunto annexed.
"The amount of indemnity for the said opium to be held to the order of the said ——.

<table>
<thead>
<tr>
<th>No. of Chests.</th>
<th>Kind of Opium.</th>
<th>Ship's Name.</th>
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</thead>
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"In witness whereof I have affirmed to four documents, all of this time and date, one of which being made good the others to stand void.
"(Signed) "Charles Elliot."

The holders of these Certificates (which were indorsed by —— "to the order of his correspondent in London," in due time presented them at the Treasury for payment; and the reader may imagine the dismay with which, after some considerable interval, the following answer was received:—

"Treasury Chambers, 11th Nov. 1839.
"Gentlemen,
"Having laid before the Lords Commissioners of her Majesty's Treasury your letter, in which you apply for a settlement of certain claims for opium de-
"livered to the Chinese government, and transmit "certificates signed by Captain C. Elliot, I have re-
"ceived their Lordships' commands to acquaint you "that Parliament has placed at the disposal of this "Board no funds out of which any compensation could "be made, and that the sanction of Parliament would "be required before any such claim could be recog-
nised and paid.

"To prevent any misconstruction of the intentions "of this Board, my Lords have felt it necessary to "direct me further to state that the subject has been "under the attentive consideration of her Majesty's "government, and to add, that her Majesty's govern-
"ment do not propose to submit to Parliament a vote "for the payment of such claims.

"(Signed) "R. GORDON."

And thus the case stands. Beyond this brief and ominous intimation, Government has neither said nor done any thing in the matter; leaving the holders of these 'certificates' under the impression that they are only so much waste paper. Having implicitly confided in the honour and liberality of the British Government, many, if not all of them—including several leading NATIVE MERCHANTS in India, with their extensive commercial connexion both here and there—are at this moment placed in a state of the most fearful anxiety, embarrassment, and responsibility. They ask, with mingled alarm and astonishment,—is there to be exhibited to the world, on the part of the British Government, the dishonourable spectacle of a PRINCIPAL seeking to escape from liability for the acts of an AGENT, whom
he has formally appointed, and held out to third parties as clothed with ample authority to act on his behalf,—only when an act of such agent, done within the scope of his authority, has entailed on his principal an unexpected extent of liability? An attempt to escape at all events from the obligations of the clearest moral responsibility, by resorting to refined special pleading,—to subtle legal distinctions on which even the most skilful lawyers would disagree,—and which it is impossible that the most clear-headed and experienced merchant could have thought of, or decided upon? It is incredible. They are willing to believe that Government, recognizing at all events the moral strength of the claims of these parties, but hesitating to act upon their own responsibility, on an occasion of such moment, choose to wait the will which may be expressed by Parliament in the impending session.

When Parliament shall have assembled, and the Government been called upon to state whether they intend to satisfy their claims,—to ratify or repudiate the act of Captain Elliot; should they declare their intention to take the latter course, it is apprehended that the only probable ground for doing so, will be an assertion that Captain Elliot had no authority to pledge the British Government to reimburse the holders of this opium, as the condition of their surrendering it up to him to be delivered to the Chinese. It thus will become requisite to ascertain the exact position in which he stood with reference to the British Government, and the British merchants in China; a position which will be found to have been anomalous
in the extreme, and, as it was calculated for the securing of most important objects, full of difficult responsibility; one which the Government would, of course, have selected none to occupy, in whose experience and ability they could not repose entire confidence. They selected a Peer of the realm (Lord Napier) as the first predecessor of the present Chief Superintendent, Captain Elliot.

The office held by Captain Elliot was created by virtue of an Act of Parliament (stat. 3 & 4 Will. IV. c. 93) rendered necessary in consequence of the abolition, in the year 1834, by statute 3 & 4 Will. IV. c. 85, of the East India Company's monopoly of the trade with China. Previous to that year, the direct trade between the United Kingdom and China was carried on exclusively by the East India Company; and British subjects were prohibited from visiting or residing in the territory of China without licence of the East India Company. There was, however, a trade carried on between India and China by British merchants; of whom there were several established for that purpose at Canton, to which port the Chinese Government, as is well known, limit the trade with foreigners. There were only a very few of the Chinese with whom foreigners were allowed to have commercial dealings, namely, the Hong Merchants, who were also the sole medium through which the will of the Emperor (the only known law, as promulgated by the Viceroy of Canton, and other provincial authorities,) was communicated to such foreigners. During the reign—for such it may be called—of the East India Company, their representatives in China—recognised
as such by Act of Parliament, 53 Geo. III. c. 155—were three superior officers, resident at Canton; on whom devolved the entire management of the Company’s affairs in China. They were called Super-fargoes; in whom were vested very great powers and authorities. The Act last cited empowered them, for instance, to remove intruders from Canton, and send them home. Independently of the absolute authority derived from the East India’s Company’s charter, the position of these Superfargoes necessarily gave them a weight and influence over the few resident British merchants established in China, who looked to the East India Company for protection from a violent, capricious, and barbarous Government. No vessels were allowed to sail direct from the United Kingdom to China, except those chartered by the Company; and the captains of all vessels proceeding from India to China were, by the terms of the licence granted to them, obliged to submit themselves to the orders and regulations of the above mentioned Superfargoes; who thus acquired the direct control over all the British and country shipping there, and also exercised a great and direct authority over the resident merchants. The ‘Licences,’ granted by the Governor-General, as above mentioned, contained a proviso, rendering the license void, if, (amongst other things) "the Master or Commander of the said ship, for the "time being, or other persons acting as Superfargoes "thereof, should be guilty of any breach of any of the "regulations established by or on the part of the "said United East India Company, in China;—or "should make any opposition to or act in disobedience to
any particular orders or instructions which should or
might from time to time be given in China by any of
the Supercargoes of the said United Company there,
although such order or orders should amount to re-
quisition for the said Master, or Commander, or
Supercargo, or either of them, to quit China with
the said vessel and goods." While such were the
high and extensive powers and authorities of the
Supercargoes of the East India Company, over all
British subjects in China,—it may be as well to men-
tion, that the only power or influence which they had
over the Chinese, was of an indirect, but at the same
time a pretty effectual description,—namely, stopping
the trade—which, operating immediately upon the
interests of the Hong merchants, soon led to an ad-
justment of any existing differences; and this power
was frequently exercised.

Thus stood matters previous to, and at the period
of, the abolition of the East India Company's mono-
poly—and when the flood-gates of independent and
unrestricted British enterprise were opened upon
China. In anticipation of that period, namely, in the
year 1831, the then Viceroy of Canton issued an
edict, containing the following expression of the wishes
of the Chinese Government, on the occasion of the
very great change in the mode of British commercial
intercourse which was anticipated.

"I hereby issue an order to the Hong merchants
that they forthwith enjoin my command on the chief
of the said nation (Great Britain), early to send a
letter home, that if, indeed, after the 13th year of
Taou Kwang, the Company be dissolved, it will, as
heretofore, be incumbent to deliberate, and appoint
a chief, who understands the business, to come to
Canton, for the general management of the commercial dealings; by which means affairs may be prevented from going to confusion, and benefits remain to commerce.”*

The British Government acknowledged the expediency and necessity of some such arrangement, and accordingly, by an Act of Parliament (Stat. 3 and 4 Will. IV. c. 93), passed on the 28th August, 1833, entitled “An Act to regulate the trade to China, and India,” after reciting that the East India Company’s Monopoly would cease on the 22d April, 1834, “and that it was expedient that the Trade with China, and the Trade in Tea, should be open to all his Majesty’s subjects,” by §§ 5 and 6, it was enacted as follows; (and it is on the effect of these most important clauses that much of the present case depends.)

“§ V. And whereas it is expedient for the objects of trade, and amicable intercourse with the dominions of the Emperor of China, that provision be made for the establishment of a British authority in the said dominions, Be it therefore enacted, that it shall and may be lawful for his Majesty, by any commission or commissions, or warrant or warrants, under his royal sign manual, to appoint not exceeding three of his Majesty’s subjects to be superintendents of the trade of his Majesty’s subjects to and from the said dominions, for the purpose of protecting and promot-

* Auber on British and foreign intercourse with China, p. 335.
"ing such trade; and, by any such commission or warrant as aforesaid, to settle such gradation and subordination among the said superintendents (one of whom shall be styled the Chief Superintend), and to appoint such officers to assist them in the execution of their duties, and to grant such salaries to such superintendents and officers as," &c. &c.

"§ VI. And be it enacted, that it shall and may be lawful for his Majesty, by any such order or orders, commission or commissions, as to his Majesty in council shall appear expedient and salutary, to give to the said superintendents, or any of them, powers and authorities over and in respect of the trade and commerce of his Majesty's subjects within any part of the said dominions; and to make and issue directions and regulations touching the said trade and commerce, and for the government of his Majesty's subjects within the said dominions; and to impose penalties, forfeitures, or imprisonments, for the breach of any such directions or regulations, to be enforced in such manner as in the said order or orders shall be specified; and to create a court of justice, with criminal and admiralty jurisdiction, for the trial of offences committed by his Majesty's subjects within the said dominions, and the ports and havens thereof, and on the high seas within one hundred miles of the coast of China; and to appoint one of the superintendents hereinbefore mentioned to be the officer to hold such court, and other officers for executing the process thereof, and to grant such salaries," &c. &c. &c.
§ VIII. requires every Order in Council issued by authority of that Act, to be published in the London Gazette, and annually laid before both Houses of Parliament.

In pursuance of this Act, an Order in Council was made on the 9th December, 1833, by which, after reciting the provisions of the statute above set forth, and also the request of the Chinese Government, above mentioned, and that "it was expedient that effect should be given to such reasonable demand of the Chinese Government," it was, by his Majesty, by and with the advice of his Privy Council, ordered—

"That all the powers and authorities which, on the 21st April, 1834, should by law be vested in the Supercargoes of the United Company of Merchants trading to the East Indies, over and in respect of the trade and commerce of His Majesty's subjects at the Port of Canton, should be, and the same were thereby vested in the Superintendents for the time being, appointed under and by virtue of the said Act of Parliament; and that all regulations, which, on the said 21st day of April, 1834, should be in force touching the said trade and commerce, (save so far as the same were repealed or abrogated by the said Act of Parliament, or by any commission and instructions, or orders in Council issued or made by his Majesty in pursuance thereof, or were inconsistent therewith,) should continue in full force and virtue; and that all such penalties, forfeitures, or imprisonments as might, on the said 21st day of April, 1834, be incurred or enforced for the breach of such then existing regulations, should thence-
forth be, in like manner, incurred and enforced for the breach of the same regulations, so far as the same were thereby revived and continued in force as aforesaid; and that all such penalties, forfeitures or imprisonments, when so incurred, should be enforced in manner following (that is to say)—either by such ways and means by which the same might, on the said 21st of April, 1834, have been lawfully enforced, or by the sentence and adjudication of the Court of Justice established at Canton aforesaid, under and in pursuance of the said Act of Parliament. Provided also, and it was further declared, that the regulations therein contained were and should be considered as provisional only, and as intended to continue in force only until his Majesty should be pleased to make such further or other order in the premises, in pursuance of the said Act of Parliament, as to his Majesty, with the advice of his Privy Council, might thereafter seem salutary or expedient, in reference to such further information and experience as might thereafter be derived from the future course of the said trade.*

(Signed) "C. C. GREVILLE."

The first 'Chief Superintendent' appointed under and by virtue of the foregoing Act of Parliament and Order in Council was the ill-fated Lord Napier—that still-unavenged martyr to Chinese cruelty and inso-

* The remaining article of the Order in Council is omitted, inasmuch as it relates entirely to the publication of a Compilation of Regulations, which were never, in fact, made.
ience;—who, though sent out, as we have seen, at the express instance of the Chinese Government, was yet refused to be recognised in any official capacity, and sunk under the injuries and indignities which they wantonly inflicted upon him. He arrived in July, 1834, and died on the 19th October in the same year. Mr. Davis succeeded him as First Superintendent, Captain Elliot (the present Chief Superintendent) being appointed by him to be Secretary. The Chinese refused to recognise these 'Superintendents,'—who, after the death of Lord Napier, retired to Macao; and the Government seems to have been doubtful what course to take. On the return of Mr. Davis to Europe, Captain Elliot was advanced to the post of Third Superintendent, and promoted to be Second Superintendent on the 1st April, 1835. On the 14th December, 1836, he was announced, by the following Public Notice at Macao, to have been appointed to perform the duties of 'Chief of the Commission'—the same notice, as will be seen, communicating the intelligence that the office and salary of the Chief Superintendent had been abolished.

"Official Notice to his Britannic Majesty's Subjects in China.*

"Despatches have been received from the Right Honourable the Secretary of State for Foreign Affairs, signifying the abolition of the office and salary of the Chief Superintendent of the Trade of British subjects in China; his Majesty's Government has

* Canton Reg. No. 50, 1836.
been pleased to appoint Captain Charles Elliot, R.N.,

to perform the duties of the Chief of the Commission from this date.

By order of the Superintendent of the trade of

British subjects in China,

Edward Elmslie,

Secretary and Treasurer.

Macao, December 14, 1836.

There is something sufficiently singular in this sudden and unexplained movement of the Government. The Public Notice in question, at once, with no recital of any expediency, announces the abolition of the office of 'Chief Superintendent,' and the appointment of a person to 'perform the duties of the Chief of the Commission.' That 'Commission' must have been, according to the Act of Parliament, the appointment of 'Superintendents;' and Captain Elliot was, in effect, thereby appointed 'Chief Superintendent.' At all events, he immediately and ever afterwards assumed, in all his official acts and documents, the style and title of 'Chief Superintendent,' and acted as such—a thing which undoubtedly it cannot be supposed that he would have done, if there had been any thing in his Private Instructions inconsistent with, or prohibiting his assumption of such style and character; and his various acts done, and documents issued, professedly in such capacity, have been repeatedly ratified by the British Government.*

* Probably the only intention of the Government was to abolish the salary of the 'Chief Superintendent,' and to leave the 'Chief of the Commission' to perform the duties of all the Superintendents.
It appears that Captain Elliot, having entered upon the performance of his very responsible duties, made such representations to the Chinese authorities as at length procured permission for him to proceed to Canton, to exercise the authorities thus vested in him,—but in the same capacity as the Company's supercargoes; and by an Edict published in March, 1837, the Government of Canton \textquotesingle orders, in conformity with the regulations which were applied to the former 'Taepans' appointed to Canton, that the 'foreigner Elliot should be permitted to come to the Provincial City and enter on his duties.'

This will, it is believed, be found to be as correct an account as can be given of the exact position, in point of fact, of Captain Elliot, at the time when he issued his Public Notice of the 27th March, 1839. It may be here observed, that the Government seems to have purposely, and perhaps necessarily, left his 'powers and authorities' in a state of great vagueness and obscurity. He was appointed to superintend and controul the British 'Trade and Commerce,' in a remote country, and with most bigoted barbarians, professing a peculiar contempt for the British people. The office itself was new, and, as already observed, anomalous; its power altogether undefined; and such as admitted of no guidance from precedent. As no expectation could be formed of the emergencies likely to arise, so no precise or specific rules could be laid down for the conduct to be observed on the arising of any such emergency. The only approach towards anything like a definite specification of the powers of this officer, after the very extensive language of the
statute, empowering his Majesty in Council to appoint him, is to be found in that part of the Order in Council, which confers upon him the powers and authorities by law vested in the Superintendents of the East India Company, on the 21st April, 1834. This instrument must be taken to have had a meaning—to confer some authority; and the reasonable interpretation of it is, especially construed in connection with the Act of Parliament, that the Superintendents created by it, were to possess all the powers exercised by the supercargoes—exercised as will have been seen by virtue of contract; and these contracts were required by the East India Company, because they deemed them necessary for the maintenance of the trade with such a Government as the Chinese. What the Privy Council meant to do, was probably to vest in the Superintendents, by law, all the powers theretofore exercised by the supercargoes.—If the act done by Captain Elliot, and which is now the subject of discussion, had been done by the Supercargoes, could they not have bound the East India Company to make good the amount of the opium surrendered to them? Does any one who knows the nature and extent of the powers practically exercised by the Super- cargoes, and from time to time sanctioned by the East India Company, suppose that the latter would have thought of repudiating such an act, under the circumstances?

But there are several important considerations to be borne in mind in estimating the value of this act of the Chief Superintendent, as compared with any similar act of the supercargoes of a former day. His
position was far more complicated, and his powers required to be far more extensive, than those of the supercargoes. They ruled over those under the direct control of the East India Company; he over independent merchants. He had, in all cases—of what emergency soever, to represent and sustain the character and dignity of the British Government—yet with no naval force at his command; being thus necessarily left to resort to such measures and devices as appeared to him likely to effect the important purposes for which he was sent. Had his object been merely a commercial one, why was he not appointed a Consul? The Government, however, knew the grave exigencies that might happen, and appointed an officer capable of encountering them—a Political as well as Mercantile Agent. Influenced by such considerations as these, Parliament framed the important Act originating the appointment of Captain Elliot. It declares the great objects of his mission, and indicates the nature of his rights, powers, and duties; and the Order in Council must be taken to have been framed in pursuance and in the spirit of such Act, and to have carried into effect the plain intentions of the Legislature.—May we not then, ask whether Captain Elliot was not duly constituted, and held out to those who have dealt with him, as an Agent of the British Government—and was not his Public Notice of the 27th March, 1839, an act done within the scope of the authority conferred upon him by his principal, and one, consequently, binding on his principal?

Perhaps a brief statement of the leading principles
of law, regulating the relation between Principal and Agent, may be worth bearing in mind, while attempting to appreciate the legal effect of the facts under consideration.

The whole doctrine of Principal and Agent depends upon this obvious maxim, that he who acts by another, acts by himself;—'Qui facit per alium facit per se;' and the general rule is, that in order to bind the principal, the act done must be within the scope of the authority which he has communicated to his agent. This authority may be expressly conferred by either a formal instrument, or a writing of a loose informal character,—or inferred from circumstances. It may be a general authority, or a special authority; it may be an express authority, or an implied authority: and however conferred, it is, unless the contrary manifestly appears to be the intention of the parties, always construed to include all the necessary and usual means of executing it with effect. A person is sometimes said to be a special agent, whose authority, though it extends to do acts generally in a particular business or employment, is yet qualified and restrained by limitations, conditions, and instructions of a special nature. In such a case, the agent is deemed, as to persons dealing with him in ignorance of such special limitations, conditions, and instructions, to be a general agent; though as between himself and his principal he may be deemed a special agent.—A great distinction exists, in all cases, between the authority given to the agent, and the private instructions given to him as to his mode of executing that authority; for although when a written authority is known to exist,
or is, by the very nature of the transaction pre-supposed, it is the duty of persons dealing with the agent to make enquiries as to the nature and extent of such authority, and to examine it; yet no such duty exists to make enquiries as to any private letter of instructions from the principal to the agent; for such instructions may reasonably be considered as of a secret and confidential nature, and not intended to be divulged to third parties. It is indeed doubtful whether there be any solid distinction between the case of a special authority to do a particular act, and a general authority to do all acts in a particular business; for each species of authority includes the usual and appropriate means to accomplish the end. In such case, the principal ought equally to be bound by the acts of his agent executing such authority by any of those means, although he may have given to the agent separate, private, and secret instructions of a more limited character.*

A consideration highly important to be borne in mind, in interpreting written instruments, and especially letters of instruction, and orders, is, first, the general rule that in cases of doubt, the words are to be construed most strongly against the writer. Secondly, that if the instrument be not expressed in

* The authority here spoken of, is an authority distinct and not derived from the instructions; for if the original authority is restricted and qualified, the restrictions and qualifications constitute a part of the power itself, and govern its extent.—See the Hon. Mr. Justice Story's very valuable Commentary on the Law of Agency (just republished in this country by Mr. Maxwell, under the direction of the Author), p. 60; (note).
plain and unequivocal terms, free from ambiguity, but the language is fairly susceptible of different interpretations;—and if the agent is, in fact, misled, and adopts and follows one, when the principal intended the other, there the principal will be bound, and the agent exonerated; for in such a case the agent has acted in good faith, and within the supposed limits of his authority; and if one of two innocent parties must suffer, he ought to suffer, in preference, who has misled the confidence of the other into any unwary act.

Finally, a principal is bound in all things where the agent is acting within the scope of his usual employment; or, is held out to the other party as having competent authority,—although, in fact, he has in the particular instance exceeded or violated his instructions, and acted without authority.

These are acknowledged principles of law; and it is submitted, that the application of them to the facts of this case, as set forth in the foregoing pages, in spite of any difficulties which may possibly exist as to the technical mode of proceeding to obtain such compensation, establishes at all events the moral obligation of Government not to withhold it.

Dropping, for a moment, the Order in Council, and adverting to the object of the Legislature, as declared in the Act of Parliament, in order to guide us to a correct view of the policy of its framers, let us suppose, that the Legislature had been able to contemplate the exact case which has so unexpectedly occurred on the spot, where it had resolved upon establishing a British Authority; that it had intended to authorise the representative of such British Au-
authority to act in the precise manner in which he has acted:—could there have been devised words to express its purpose more clearly, than those which are already used in the Act in question? Words conferring ampler powers to meet the most startling emergency that might arise; to silence speculation, and challenge obedience on the part of those over whom were to be exercised such undefined 'powers and authorities'?—Suppose this exact case, which has happened, to have been put to Parliament while the Act in question was under consideration, and the question asked, 'How shall we provide for such a case?' 'Be not too precise,' it would have been answered, 'remember the responsibilities you are imposing on this officer and representative of ours; the immense magnitude of the interests he will have to preside over and regulate; the novel exigencies he will have to encounter, suddenly and advantageously, while dealing with a barbarian people so capricious and dangerous as the Chinese; the vast distance at which he will be placed from the mother country!—Again, he should not be exposed to the risk of having his authority constantly called in question, and the extent of it speculated upon, and disputed by those, his fellow-subjects, over whom we place him in supreme authority—whenever he may think fit to act in a way at variance with their own notions and wishes. Use, therefore, the most general and extensive words that can be selected to make him our general agent. Give him 'powers and authorities' over, and not merely over, but also in respect of the trade and commerce; to make 'directions' and 'regulations' 'touching it;'
and 'for the government'—generally and absolutely—
'of his Majesty's subjects in the Chinese dominions.'
Parliament yielded to such suggestions; and behold
the exact language of the statute!—Whether this
Country had any right whatever to 'establish a British
Authority' in China, without having first obtained
the express consent of the Chinese—a step, which
may be that which has alarmed and exasperated them
against us, and led them to go all lengths in order
to defeat what they may believe to be sinister and
most dangerous intentions on our part—is a matter
which need not now be discussed. Very grave
doubts on this point were expressed, unless the
writer is mistaken, in his place in Parliament by
the Duke of Wellington: nevertheless the Act passed,
and such a question is now entirely beside the point
in dispute, which is in effect a simple question of principal and agent, and how the former has held out
the latter to third parties.

Now, in order to appreciate their situation, let the
reader imagine himself to have been present at Canton
on the 27th of March, 1839, and in the company of
the agitated holders of this enormous mass of pro-
erty, when they received the memorable Public
Notice of the Chief Superintendent. Is it—they ask—
a palpable and preposterous excess of his authority—
a vain prayer, a vainer promise, an idle threat, which
they may utterly disregard; or is it really what it pur-
ports to be—an official document which they are bound,
on peril of what may befall them, to respect and obey?
What are they called upon to do? Instantly to sur-
render up some two millions four hundred thousand

p 2
pounds worth of opium, for which they are responsible to distant principals; and which opium is moreover, at this moment, entirely beyond the reach and power of the Chinese! Who calls upon them to do so? Her Majesty's Chief Superintendent. They examine every word of the 'Public Notice' with anxious scrutiny; and having ascertained its grave requirements, they refer to the only means they have for judging of the authority of the Chief Superintendent to issue such a notice, namely, the Act of Parliament and the Order in Council appointing him. They refer to them in order to ascertain whether they are warranted in acting on Captain Elliot's representation,—or, more—bound to obey his INJUNCTION and REQUISITION. And are we to deal with them, not as plain merchants, ordinarily conversant with the principles regulating commercial transactions, and now suddenly placed in an unparalleled state of alarm and difficulty;—but as a knot of cool, skilful, experienced lawyers, sitting down in tranquil consultation at Chambers with these two documents before them; weighing every expression in the delicate balance of legal construction and interpretation; comparing and discriminating with long-practised acuteness and accuracy? No questions are, as is well known, more difficult than those which arise as to whether a particular act is, or is not, an excess of the authority devolved upon an agent.—Desirous, however, of forming the best judgment they can, they find in such Act of Parliament a recital, that the occasion of the Chief Superintendent's appointment, was its expediency for 'the objects of trade, and amicable intercourse with the dominions of the Emperor
of China'; that in order to 'protect and promote such trade,' he was appointed to the office, and invested with the powers and authorities set forth in the Act. Had he, for these purposes, power to make the present demand, and were they bound to comply? Were they given any option by the Act of Parliament?—Then they refer to the Order in Council. Had it any efficacy? If so, it conferred on Captain Elliot all the powers and authorities which had been by law vested in the supercargoes of the East India Company; but is not the plain meaning and spirit of the Order in Council, as read by the light afforded by the Act of Parliament, that the powers mentioned are those which had been exercised by the Super-cargoes? Must it not mean this, or nothing; and was it fitting or decent for these merchants to decide that the Order in Council was totally inoperative and void—a mere dead letter—a delusion?—They then reflect, that he has in his pocket his secret letter of instructions; at them, they know, they are bound to presume, that he has looked narrowly, before issuing his 'Public Notice;' and that having doubtless duly ascertained that he was authorised to do so, that he was acting, as he could afterwards prove, in accordance with the letter and spirit of those Instructions—he at once, in decisive and peremptory terms, issued the Public Notice which is in their hands. What if he should turn out to have misapprehended the scope and extent of his powers and authorities—to have exceeded or violated his instructions? So long as he appeared held out to them as possessed of competent authority, and to be acting within the scope of his usual employment, they
were safe in treating every act of his as one which would be recognized by his principal: and that principal, moreover, no other than the upright and honourable Government of Great Britain. They look then at the terms of his Public Notice. Impelled, he says, by "very weighty causes," over and above those supplied by the circumstances of constraint and danger, in which he and his fellow-subjects were then placed; desirous to "establish the British authority in the Chinese dominions;" to "protect and promote the British trade," and the "amicable intercourse with the Chinese dominions;" with all these objects to consider and promote, he proceeds to inform his fellow-subjects, that an extraordinary exigency in the said 'trade' and 'intercourse' having suddenly arisen, he has received an official demand from the Chinese authorities, to surrender into their hands all the opium, then in the hands, or in the power of the British merchants in Canton; and for that purpose requires and enjoins its owners to deliver it up to him, for the service of her Majesty's Government. And what then? Does he here give any option or discretion to the parties he addresses? Does he say that he is atrociously treated; that the demand made by the Chinese is an unwarrantable and unjust demand; but that, if not complied with, his life will pay the penalty, and therefore he entreats the surrender of the opium,—its holders relying on the liberality and consideration of the British Government to reimburse them? Had he done so, he would undoubtedly have thrown the opium merchants into a dreadful dilemma. Still they would have had a
choice; and they might have declined the responsibility of sacrificing such an immense amount of property, entrusted to them by principals whom they had no means of first consulting. They might have distrusted the good faith or liberality of the British Government, and refused to send the requisite orders to the ships for the delivery up of the article in question, leaving Her Majesty's Chief Superintendent with his neck in the bow-string, as their ships sailed away. Now had they done this, what would have been thought and said of them in England?—They would have been scouted and execrated as a herd of mercenary wretches, unworthy of the name of Britons.—But it is far otherwise, they find, with the Public Notice before them. Its writer clothes himself in the plenitude of that office and authority, which they are in the habit of implicitly recognizing and obeying, and issues a stringent and solemn order, "under his seal of office;" in the name, and on the behalf of Her Britannic Majesty's Government, he enjoins and requires the instant delivery up of the opium to him, for the service of her Majesty's Government; offering, on the part of that Government, the ampest and most emphatic pledge of indemnity which it was possible to have given; and explicitly threatening, that on failure of compliance, the protection of that Government would be withdrawn—that it would be 'released from all manner of responsibility, or liability in respect of the opium in question.' What then was the position of the parties to whom this Public Notice was addressed? They must either disregard or obey it, and that instantly. They are called on, not to comply
with a request, but to obey a command. What would they, in their situation, have more? A demand made in the name of their Government; the amplyst indemnity offered; an explicit recognition of that Government’s present ‘responsibility and liability’ in respect of the opium; and a declaration that in case of non-compliance, such responsibility and liability would instantly cease.—They are decided; they hear the British Government, commanding, promising, threatening; and in discharge of what they believed to be their duty as loyal British subjects;—not rudely and incredulously calling in question the authority which the British Government seemed to have intended conveying,—but in unflinching reliance on the good faith of their Government, they make the required sacrifice. Now only suppose for a moment, in order further to exemplify the true position of these parties, and ascertain the real quality of this act of surrender—that in the face of such a document as the ‘Public Notice’ of the Chief Superintendent, the holders of the opium had refused to give it up to him ‘for the service of her Majesty’s Government,’—and the Chief Superintendent had in consequence been put to death. His dead body, together with his private papers, is then delivered up to his fellow-countrymen; and amongst these papers are found documents proving beyond all doubt that the surrender of the opium, had it been made as required by Captain Elliot, would have insured signal advantages to the British trade with China—would have secured a commercial treaty infinitely advantageous to Great Britain. That, for instance, the Emperor had
suddenly resolved to legalise the opium trade—had communicated that resolution to Captain Elliot, and satisfied him that the present surrender of the opium (however large a sacrifice apparently, for the present) would have been the condition of its admission into the empire on terms eventually highly satisfactory to all parties (and be it observed, for the purpose of the argument, that the Public Notice nowhere states for what purpose the opium was to be delivered up to the Chinese); that the Authorities had convinced Captain Elliot, who knew that he could in due time convince his countrymen, that the surrender of this opium would, in fact, prove a most expedient and salutary sacrifice;—suppose now it should, when too late, turn out that these, and similar ones were those "other very weighty causes" significantly mentioned in his Public Notice, which had occasioned his issuing such notice—which had, nevertheless, been deliberately disregarded—set at defiance, by those to whom it had been addressed? Nay, suppose further—that the Secret Instructions of the deceased Chief Superintendent had then come to light, and the dismayed parties who had distrusted his representations and denied his authority, had discovered articles in the aforesaid Secret Instructions incontestably vesting in him powers to do what he had done, or, at all events, rendering it exceedingly difficult for him, or any one to say whether or not he had such powers. That with his eye upon these articles, he had been thus honestly taking the directest and most skilful steps towards "protecting and promoting the trade," and the "amicable intercourse with the Chinese dominions?"
would have been the language of Government and the country? All parties would have condemned these merchants; they would have sunk beneath universal execration. What multitudes would then have discovered in the Act of Parliament creating the office held by Captain Elliot, and in the Order in Council more definitely indicating its character, the clearest and plainest powers and authorities for doing all that he had done, and accused those who doubted and denied it, of wilful blindness and wanton disobedience!—Now is it unreasonable to suppose that reflections such as these occurred to the minds of those who were anxiously considering their duty with reference to the "Public Notice?" Again and again, it may be, they tried to satisfy themselves of the real nature of the Chief Superintendent's powers and authorities.—Could he not have exercised every power theretofore exercised by the Supercargoes—have suspended or forbade the opium trade altogether?—or required that that commodity should no longer be sold for silver, but exchanged for goods?—Why, had he not actually closed and suspended the whole trade on more than one occasion? Were any of these then, acts within the scope of his authority, as indicated in the Act of Parliament and expressed in the Order in Council? Was their language comprehensive enough to embrace these great exercises of authority, but not that by which he ordered the surrender of the opium to himself, for the service of her Majesty's Government? Would they, in short, have warranted him in demanding the delivery of one ball of opium on the terms and for the purposes specified in his notice? If no,
then would not the statute have been a dead-letter, his appointment a farce, his "powers and authorities over and in respect of the trade and commerce" assumed to have been conferred by the Order in Council, a mere mockery? If yes—then can quantity make the difference? or must the same rule apply to the surrender of one single ball, and of twenty thousand chests? Is the stopping of the whole trade warranted, and the demand of the delivery up of this opium unwarranted, by the language of this Act of Parliament and Order in Council?—If they try to recollect whether his Government has ever sanctioned and ratified his exercise of these great powers, they find that it has frequently done so, both by acquiescence, and in express terms.* Can they come to a different conclusion with reference to the power which he now assumes to exercise? On what principle? Apply to the case, in short, all the tests and criteria that can be thought of, they establish the existence of that degree of agency on the part of Captain Elliot which challenged the acknowledgment and recognition of these Merchants, and which is requisite to fix liability upon his principals to the extent of the indemnity which he gave in their names.—That he himself believed he had sufficient power to do so, is plain; as also that neither Parliament nor the Privy Council had given the parties with whom he was dealing, any means whatever of ascertaining that he had not the

* On the 27th Nov. 1839, for instance, Lord Palmerston, in his answer to the East India and China Association, distinctly stated that Captain Elliot's stoppage of the whole trade with China "had been proper and expedient."
power to do so.—They recollect, moreover, that on the 31st of the preceding December, he had pointedly and confidently challenged their attention to the great extent of his powers,—stating, in a Public Notice at Canton—that he "took that occasion to republish that "part of the Act of Parliament, and the Orders in "Council, on which his instructions were founded— "which latter, however, it was out of his power to pub-
"lish." In this view of the case, therefore, the principal's language in constituting his agent was, at all events, so ambiguous and obscure as to mislead that agent himself, as to the nature and extent of his authority; in what he did, he acted with good faith, within the supposed limits of his authority; and he must therefore be taken to have bound his principal.

Is it said or insinuated that Captain Elliot acted with gross imprudence and rashness? The author is no apologist of Captain Elliot—supposing him to require any—but would venture to suggest how very premature and unwarrantable it is in us to accuse that officer, whose zeal and integrity no one has ever questioned for an instant, of gross folly and incompetency for his situation—occupying as he did a novel position attended with the most difficult and harassing responsibilities. "In the execution of such an office as his own," he reminded his countrymen in his Public Notice at Canton, on the 31st December, 1838—"decisions must always be taken in moments of crisis, surrounded by embarrassing circumstances." Let us suspend, in common fairness, our judgment till we have before us his own account of the matters which have recently occurred. His disclosures may not a
little take us by surprise, and prove to be of the last national importance. Admitting him, however, to have been most rash and imprudent, it was the folly, and would now be the misfortune, of the principal employing so incompetent an agent. His ignorance and inexperience, however gross, cannot exonerate his principals from liability for his acts, involving the rights of third parties, done bona fide, and within the scope, or supposed scope, of his authority.—Can it, again, be seriously suggested that the trade and commerce which Captain Elliot was sent to protect and promote, did not extend to the traffic in opium, which was contraband?—This possible topic of objection, which it is believed that no one in the slightest degree practically acquainted with the question could think of urging, will be found disposed of hereafter.

It is hoped that it by this time appears, that whether as between himself and his principals, Captain Elliot actually had or had not, in point of legal strictness, sufficient authority to bind them to reimburse the holders of this opium; still, as between those principals (the British Government), and the present claimants, no such question can arise, on the short ground, that they had placed him in circumstances, and clothed him with a character, warranting, if not even compelling, such claimants to consider him possessed of such authority. If a great mercantile firm in the city were substituted for the British Government, in the present case, and made defendants in a court of law, the present claimants being plaintiffs, seeking to enforce their present demand, can there be a doubt as to the issue?
It is difficult to conjecture the exact grounds on which the satisfaction of these claims will be resisted by the Government. The Answer from the Treasury which has spread such astonishment and alarm both at home and in India, is framed with singular caution and brevity; and, on being closely examined, will, perhaps, be found more remarkable for what it does not, that what it does say. It was sent in answer to a Memorial, explicitly stating the grounds on which the memorialists considered themselves entitled to demand of the Lords of the Treasury the fulfilment of Captain Elliot's guarantee, which it set forth in terms. Now observe a most significant and unexpected statement in the very commencement of the answer of the Lords of the Treasury; they speak of this opium simply as having been "delivered to the Chinese Government." What is meant to be conveyed by this? No allusion made to the intervention of her Majesty’s Chief Superintendent—who, moreover, instead of being spoken of in this, his official capacity, is styled simply 'Captain C. Elliot,'—as if to divest the transaction still further of any official character! Can it be possibly the intention of the Government to rest any part of their case on a denial of Captain Elliot's being the "Chief Superintendent of the Trade of British Subjects in China," which, in his public notice of the 27th March, 1839, he represents himself to be; to draw any distinction between that officer and the position and character of "Captain C. Elliot, appointed to perform the duties of Chief of the Commission?"—Such would be a vain and idle subterfuge and evasion, which it cannot be supposed that the Government would
resort to, or the country sanction.—Do the Lords of the Treasury intend it to be inferred by the public, that the holders of the opium surrendered it directly to the Chinese on their bidding? If this were really intended to be given as their version of the affair, it is a palpably false version, whether taken as a suppressio veri, or an allegatio falsi. Come what might, this opium never would have been surrendered thus to the Chinese. No—her Majesty’s representative, the Chief Superintendent, officially demanded that it should be surrendered—to the Chinese?—No—to “himself, for the service of her Majesty’s Government,” to be “delivered over to the Government of China.” Why was this suppressed? Was it candid? Did not the framers of this answer well know that but for Captain Elliot’s special demand, his promise, and threat on the part of Government, none of this immense quantity of opium would have been placed at the disposal of those demanding it on behalf of the Chinese? Is it possible that it is intended to be argued that these 20,283 chests of opium were deliberately delivered to the Chinese, without regard to any pledge of indemnity on the part of Government? A glance at the admitted facts disposes in an instant of this fallacy.

When the Memorial in question was under the consideration of the Lords of the Treasury, of course the Secret Instructions issued to Captain Elliot lay on the table before them, and were often and anxiously referred to, and in connection with the Act of Parliament and Order in Council appointing him. Doubtless the opinions of the law officers of the Crown were taken, as to the nature and extent of Captain Elliot’s
engagement, his powers and authorities. Had those opinions been decisive against the claims now set up; had they said, 'the case is clear; there is no pretence for supposing that Government ought to redeem the preposterous pledge of its officer; he had no ground whatever for considering himself, nor these claimants for considering him, authorised to give such a pledge;—there is nothing in the Act of Parliament, nothing in the Order in Council, nothing in the Secret Instructions, to warrant such an impression on his part; he might as well have pledged the Queen to give up the crown jewels to the surrenderers of the opium; as will be plain to all when his 'Instructions' shall have been laid before Parliament.' Had anything like this been said, it might have been expected that the tone of the Treasury answer would have been somewhat different, in disposing of so vast but groundless a demand upon Government; it should have been peremptory, distinct,—explicit, decisive; checking all vain hopes in their very formation, and leaving no ground for uncertainty or misapprehension. But, on the other hand, suppose the law officers, when called in, to shake their heads; to look very grave when remarking upon the language and construction—the joint effect—of the Act of Parliament, the Order in Council, and the Secret Instructions; to say, even, that those Secret Instructions could not be brought to bear upon the question, however they might afford ground for heavily censuring their officer; to expound the whole law of principal and agent, as regulating all the transactions of society carried on by deputy, and apply it to the facts before them; to shew
that common sense, and legal principle, were here coincident.—Then their Lordships pause; grow uneasy; are startled on glancing at the immediate and ultimate consequences of refusing to ratify the act of Captain Elliot; mercantile confidence, here and in India, fatally shaken; the honour of Government and the character of the country damaged;—no—they will not commit themselves;—and out comes the Answer under consideration:—'It is the most prudent step we can take; we have no funds to pay, and do not intend to apply for them.' There is nothing here to shew that they consider these claims unfounded; nothing to shew that if Government should be called on in Parliament to satisfy such claims, that they will oppose them; all they say is, that it is not their intention to propose that these claims be satisfied. It may be that in so grave a matter, they desire time to consider; to devolve the decision upon Parliament; and in the meanwhile listen to the voice of public opinion.

Has then Public Opinion declared itself?

Suggestions have been thrown out from time to time, that there is one ground on which all good men should stand to scout the claims of the opium merchants: that they are mere smugglers of a deadly poison into China, which is demoralizing the character and destroying the lives of the inhabitants; and this, too, in flat defiance of the most determined, disinterested, and reiterated prohibition of the Emperor. It was done, therefore, at their own peril; and the issue affords them no just cause of complaint.

This, it is believed, is a fair statement of the
general grounds of objection to the entertainment of these claims, relied upon by most of those who have already formed, or expressed an adverse opinion; assuming to stand on the higher ground of religion and morality. Undoubtedly the most anxious and respectful attention is due to every one, believed to be guided by conscientious motives, and alleging reasons of virtue, of morality and religion, in opposition to any particular claim. That there are those who sincerely adopt the opinions just adverted to, with reference to the opium question, is certain. It is impossible not to respect such persons, to admire their philanthropy, and virtue: but they are also given credit for another noble quality, candour; to which an appeal is now made with earnest confidence.

Now let it be first calmly recollected who are the parties to this question; namely, the British Government, Captain Elliot, and the opium merchants; what is prayed for? namely, that that Government should redeem the pledge of its agent and representative, who on the faith of such pledge obtained the surrender of the opium. It is now contended that they should not redeem that pledge; and the defence put into their mouth, is the immoral and illegal character of the trade in opium. But what will be said, when (admitting for a moment that such is the real character of the trade in question) a fact already mentioned, is adverted to—namely, that by far the greatest portion of that identical opium had been manufactured, and sold by that very Government, to the late holders of it, for the avowed purpose of their immediately conveying it to China; by that very Go-
vernment appointing Captain Elliot as Chief Super-
ingent of the trade; and who had long derived a
large revenue, and immense collateral advantages to
the nation at large, from the opium branch of that
trade!
That the trade in opium is really a Government trade
can admit of no doubt, and a slight sketch of its rise
and growth may not prove unacceptable.
The plan of sending opium from Bengal to China
was originally suggested by Colonel Watson, and
adopted by Mr. Wheeler, then Vice-President in Coun-
cil.* In 1773 the British East India Company made
a small adventure of opium from Bengal to China.
In 1781 the Bengal Government freighted two ships
with opium, and sent one of such ships (armed) to
China, the proceeds to be paid into the Company's
treasury at Canton. That opium was purchased by a
Hong merchant. The Chinese authorities appear not
to have taken any public notice of the opium trade
till 1793. In the following year a ship laden with
opium alone came to Whampoa, and ships so continued
to do annually, with little or no molestation, till 1820;
but in 1799 laws were enacted in China against the
importation and sale of opium, and the supercargoes
recommended the East India Company, but in vain,
to endeavour to prevent the shipment of it for China,
either in England or India. By the connivance, how-
ever, of the local authorities, it was contrived to be
carried on to a great extent at Whampoa and Macao
till 1821; when the foreign dealers in opium were

* Phipps's Eastern and China Trade, 1835.
driven to Lintin (which continued to be, till last year, the great Opium Depôt) and the coast.

A vast portion of the surface of our Indian territory is now covered with the glistening poppy flower; and the amount of population and capital engaged in its cultivation, and in the preparation of the opium, is far greater than in any other part of the world. Malwa, Benares, and Behar (Patna), are the chief localities from which opium is obtained, almost every chest exported bearing the name of one or other of these localities. About one-half of the whole comes from Malwa, whose chiefs are under British protection; the soil entirely under the East India Company's authority; but both the cultivation of the poppy and the production of the opium are free. This opium is a rival growth, introduced within a few years, which the Government have often endeavoured to stifle. About two-thirds of this Malwa opium is transported direct to Bombay (paying a transit duty of 175 rupees a chest to the British Government), and then shipped in English vessels to China. The remaining third* is carried to the Portuguese settlement of Demaum, whence it is shipped to China in Portuguese vessels. In Benares, Behar, and all the territories within the jurisdiction of the East India Company, the cultivation of the poppy, the preparation of the drug, and the traffic in it until brought to Calcutta, are monopolized by the British Government in India. The inspissated juice is collected by the Ryot (the immediate cultivator of the

* See, however, post, p. 59, "Report to the House of Commons in 1832."
soil), and delivered to the agent of the Government in every February and March. After coming into the hands of the Government agents, it is examined, made into balls, and packed in chests, which are then transmitted to Calcutta, where it is sold by public auction, divided into four sales at monthly intervals, in lots of five chests, under the following singularly stringent conditions: "one rupee paid down as earnest; thirty per cent. in cash or Company's paper within ten days (unless a longer period should be allowed by the Opium Board), in failure of which the opium is to be re-sold at the risk of the defaulter; the remainder of the price is to be paid within three months of the day of sale, in default of which the deposit is forfeited to the Company, the opium disposed of, and the proceeds taken by the Company."* The opium then becomes the property of individuals, and most of the commercial houses at Calcutta are engaged in its traffic. On the other side of India, the number of traders and the amount of capital are equally great; and together they have brought into their service some of the finest vessels that ever navigated the Eastern seas. A few are

* "We should not here omit to state," say the British merchants at Calcutta, in their Memorial to the Privy Council, "that while the profits of opium shippers have seldom exceeded from five to fifteen per cent. on the Government sale price, those of the opium manufacturers, viz. the British Government of India, have usually varied from 200 up to the enormous amount of 500 per cent. on the cost of manufacture."—See post, p. 58, where this statement is corroborated by the Report of the Select Committee to the House of Commons, on the renewal of the East India Company's charter in 1832.
constantly employed, while others are only occasionally freighted. Four or five vessels are stationed as receiving ships, at Lintin (which is within the precincts of the Provincial Government, and has a free communication by water on all sides). An equal number of vessels drive the coasting trade. At Canton there are Native opium brokers; they pay the price of the opium into the hands of the resident foreigners, who thereupon give them orders for the delivery of the opium from the receiving ships; and there are native carrying boats plying up and down the river, by which the article is conveyed into the interior of the kingdom.*

The British Government in India, though always aware of the prohibition of the trade by the Chinese authorities, have, as is notorious, by every means which ingenuity could devise, 'encouraged the trade in opium, by facilities and assistance repeatedly afforded,' and fostered it to its present enormous magnitude;† so that it now forms more than two-thirds of the total exports of Bengal and Bombay. They have anxiously consulted, on every occasion, the wants, wishes, and tastes of the Chinese, with reference to the qualities of the opium; and afforded them compensation, on having it proved to them by the Chinese, that the opium supplied to them, was inferior to the standard guaranteed by the state. They have even made direct consignments to agents

* See the Chinese Repository, passim.

† The whole product of opium, in India, in 1836, was estimated at 35,000 chests, nearly half of which is sold in the manner above stated, at Calcutta—yielding probably a net revenue to Government of some two crores of rupees.
in China, in order that they might ascertain practically, what mode of package would be most acceptable to the Chinese. As to the amount and proportion of opium sent direct to China, the Custom-House books of Calcutta afford conclusive evidence. By them it appears, that of an aggregate of 79,446 chests actually despatched from Calcutta in six years (1832—1838), 67,083 chests were exported to China direct; the vessels laden with them, being, as the records of the Custom-House will shew, cleared expressly for China. Would it not be, in the teeth of these facts, an insult to common sense, to suppose, either that the Government was not perfectly aware of the existence of the opium trade with China,—nay, more; that they calculated upon, and most anxiously cherished such trade, as the principal source of consumption? And when from this trade they derived an enormous revenue, varying from one million to two millions sterling, per annum*—almost one-tenth of the total revenue of India; by which revenue, in fact, the proprietors of East India Stock have been hitherto enabled to receive the very high dividend, guaranteed by Parliament in the new charter—3 and 4 Will. 4. c. 85? Again. This opium was always paid for by the Chinese in Bullion; and a glance at the table of exports and imports to and from Calcutta, and Bombay, and China, will shew what a valuable portion of the supply of silver for the coinage of India, Government has received from China, principally by means of the opium trade.

* The net revenue for 1837 was £2,155,204. sterling.
The published statements of the British trade at Canton, demonstrate the immense importance to the direct trade from China to England, from the value of the trade of India with China; and which value, again, as already shewn, is to be referred to the opium trade. Without the Indian trade, the Court of Directors could not have so favourably conducted their large remittances for home charges; nor could merchants in England have purchased teas to the amount which they have purchased, without having sent remittances largely in Bullion to that country. The Bullion thus brought back in exchange for opium, (to supply which, the immense silver mines of China have been wrought to an extent, which the Chinese had not imagined possible—thus convincing them of the idle nature of their apprehensions on that score,) has thus been of essential value to commerce. It has drawn forth the resources of the most fertile and populous empire in the world—namely, China; and the Bullion thus brought back in exchange for opium, has covered vast tracts of British India with smiling fields and flourishing population. It has enormously extended the import of British manufactures throughout Hindostan; has increased largely the shipping and general commerce of those seas; and has brought into the British Indian treasury, a revenue, exceeding the land revenue of an entire presidency—that of Bombay.*

* For the facts contained in the last few pages, the author has referred to what he conceives to be the best sources—namely, the Memorials and Representations addressed by the British merchants in
So much, then, for the knowledge of this contraband trade on the part of the British Government in India, and their very substantial reasons for sanctioning and promoting it. On referring to the late Act, 3 and 4 Wm. 4, c. 85, for abolishing the East India Company’s monopoly of the trade with China, it will be seen, by sections 30, 32, that the Board of Control has the most intimate acquaintance with, and complete power over, all the acts, regulations and proceedings of the Court of Directors of the East India Company and Indian Government. This Board, therefore, must, of course, be held to sanction and authorise all that it permits to remain unrepealed. *Qui non prohibet, cum prohibere possit, jubet.* But who presides over this Board of Control? A Cabinet Minister; through whom, consequently, the Queen’s Government is thus fixed with the knowledge and sanction of this most productive trade, and all the responsibility attaching to such knowledge and sanction. By the 51st section of the same Act, Parliament has reserved its right to legislate for India, and all the laws and regulations enacted in India are directed to be laid on the table of the House of Parliament. This chain of connection—this direct privity, having been established between Parliament, the Cabinet, and the Indian Government, if the last—the Indian Government—could not resist the claim of the opium traders on the India to the Privy Council, and to different China and East India Associations in this country, (after ascertaining their consistency with authorised public documents). In many instances he has adopted their own words—as much more terse and pointed than any at his own command; on the principle ‘*cuique suadet arte credenda.*’
score of the illegality and immorality of their trade, how can the former two, Parliament or the Cabinet? As to the former, this very subject, in its most important bearings,—the nature of the trade, its alleged demoralizing tendency, its monopoly, its contraband character—was distinctly and pointedly brought to the notice of Parliament, and pressed upon its attention, as will be seen on reference to the debates on the occasion of renewing the charter of the East India Company: and the same will appear from the following extract from the Report of the Select Committee to the House of Commons, on the renewal of the East India Company’s charter, in 1832.

"The monopoly of opium in Bengal supplies the Government with a revenue amounting to Sicca rupees 84,59,425, or sterling money, £981,293 per annum, and the duty which is thus imposed amounts to 301\(\frac{3}{4}\) per cent. on the cost of the article. In the present state of the revenue of India, it does not appear advisable to abandon so important a source of revenue, a duty upon opium being a tax which falls principally upon the foreign consumer," [who were the foreign consumers, but the Chinese?] "and which appears, upon the whole, less liable to objection than any other which could be substituted."

* "The effect of these authoritative decisions on the mercantile classes, and on society at large," says a vehement opponent of the opium trade, the author of the 'Opium Crisis,' "could not but be powerful. By them the opium manufacture and the trade inseparable from it, received the highest sanction bestowable in one country, on an article proscribed in another. The British merchant went out from the high places of legislation to attend the sales of the East India
"Another source of revenue under this head is, the
duties collected on the transit of Malwa opium
through Bombay; the Government having, for the
last two years, abandoned their attempted monopoly
of that article, and substituted a permit or transit
duty, which has been attended with satisfactory re-
sults. It is in evidence that previous to this regu-
lation two-thirds of the opium of Malwa were
carried by a circuitous route to the Portuguese set-
tlement of Demaun, and only one-third brought to
Bombay; but latterly no more than one-tenth has
been exported from Demaun, and the remaining
nine-tenths have been shipped from Bombay, yield-
ing to the Government a revenue of £200,000 for
the current year."

From all this, it is surely abundantly manifest that
the trade in opium, to adopt the statement of the
British merchants at Bombay, in their Memorial to
the Privy Council, has been encouraged and pro-
moted by the Indian Government, under the express
sanction and authority, latterly, of the British Go-

government and Parliament, and with the full know-
ledge, also, as appears from the detailed evidence
before the House of Commons, on the renewal of
the last charter, that the said trade in opium was
confined to China, and was contraband and illegal.'

A word as to this contraband trade. Lord Mans-
field used to observe that there was 'no magic in

Company. Authority, example, sympathy, were on his side; what
cared he," adds this author, "for the interdicts of the strange, despotic,
repulsive government of China? Thus led by Parliament, he was
confirmed in error by the decisions of society."—Pp. 60, 61.
words;’ and we must not permit ourselves to run away frightened at a mere word, however big and ugly. Let us look at things, and in a practical point of view. The sale of opium in China has since the year 1796, undoubtedly been ‘contraband,’ and like the trade in Chinese crape, French lace, or tobacco, in Great Britain, or in British piece goods at Hamburg, during the war, has flourished through the connivance of Government officers; the edicts of the Emperor proving as unavailing in China as the celebrated Berlin decree of Napoleon on the continent of Europe. Has any British merchant engaged in the opium trade ever fancied, or had reason to fancy,—although carrying it on every moment under the eye, and paying tribute for it into the pocket of Government, that it was during these forty-three years illegal, except in mere name? If the opium trade really be ‘contraband’ it is not by any means the only contraband trade that has received the indirect sanction and protection of the British government. “At this moment,” in the language of an able writer in the Examiner (Nov. 17th, 1839)—“half our merchandise is smuggled into Spain, in open defiance of the Spanish laws. But setting this example altogether aside, who forgets that for whole centuries our entire trade with the Spanish colonies of America (no small affair either) was nothing but contraband—downright smuggling, in defiance of laws and edicts, and guarda costas? The Spanish government, in this case, was just as anxious to put down smuggling as the Chinese is now; but, arbitrary as it was, it certainly never ventured to arrest the English Ambassador at Madrid, or the British merchants of
Cadiz. Nations like the Spaniards and Chinese, who enact arbitrary and foolish custom laws that, from their very nature, cannot be carried into execution, must take the consequences of their being violated.” How, therefore, after all this, can it, in the name of candour, common sense, and justice, lie in the mouth of the British Government thus to take advantage of their own wrong, and now insist on the ‘iniquities of the opium trade’ as a plea for escape from the liability imposed upon them by their agent, Captain Elliot, sent to China to protect a trade of which the opium formed so large a branch,—who at the time of pledging their credit, perfectly well knew their intimate acquaintance with, and sanction of, and profit derived from, the trade in opium?

To proceed, however, to the main question forced into this part of the case:—Is the trade in opium an immoral trade; and ought the country, on that ground, to refuse to recognize the claims now under consideration, which have arisen out of it? On this score no inconsiderable feeling has been excited in several quarters. The vilest and most sordid motives are attributed to the opium merchants, who are represented as, for their own miserable gain, corrupting the morals and destroying the lives of the Chinese. The Emperor is presented to us in a noble, a sublime attitude; as it were ‘standing between the dying and the dead, that the plague may be stayed’—disdaining to enrich his treasury with a revenue derived from so polluted a source; a Pagan, shaming the vices of Christians, and by his disinterested and virtuous conduct challenging the sympathies and admiration of all mankind. Topics of this sort have been lately urged
upon the public with much force and eloquence, by several portions of the press, particularly by the Morning Herald (a paper which bears the stamp of sincerity broadly impressed upon it)—and may not have failed in producing, to a certain extent, the desired effect in rousing a prejudice which refuses even to listen to what can be said in answer. A most respectable clergymen (the Rev. Mr. Thelwall), has devoted an entire volume to an ‘Exposition of the Iniquities of the Opium Trade.’ Although his title page discloses a purely commercial object, viz.—‘A Development of the Main Causes which exclude British Merchants from an Unrestricted Commercial Intercourse with China,’ it is evident from the tenor of the work, which is written in a strain of very zealous piety, that his real object is, as befits his sacred office, to promote the highest interests of his species. His work is, he states, almost entirely composed of "a number of documents on the opium trade with China, put into his hands by several persons connected with the India trade, and deeply interested in the cause—of humanity." These he was "requested to digest into a little volume," and "the responsibility of the publication rests with those persons." All that need be said of this work is, that it really seems to take a very confined and one-sided view of the case; entirely overlooking certain important facts and obvious inferences, to which his attention, and that of the public, ought to have been distinctly called. The same observation applies to another pamphlet, entitled ‘The Opium Crisis,’ by an ‘American Merchant, resident at Canton,’ as he styles himself on the title page—‘C. W. King,’ as he subscribes himself at the close of his work. It is addressed to the Chief Superintendent, who is lectured
throughout with rather an amusing air of assumed superiority. It displays, as might have been expected, much familiarity with the practical details of the subject, and is rather cleverly written, but with a sadly overlaboured smartness of style. It is, indeed, pervaded by a most disagreeable tone of egotism and self-sufficiency. The little bits of plainly undigested Latin, with which it is here and there stuffed, give it a very ludicrous appearance. The efficacy of this gentleman’s interference is not a little impaired by the assumption of a confident, dictatorial, and even supercilious air, which is calculated, not to conciliate or convince, but to irritate—to stimulate the hostility of all adversely concerned in the question which he is discussing. Considerable weight, nevertheless, is due to the testimony of a person who seems to speak with a confidence concerning facts, which is derived from experience; and there appears no reason whatever to doubt, that however feeble may be his pretensions as an author, he is a sincere and well-meaning man. His pamphlet did not come into the hands of the writer of these pages till after he had completed them; and he is not a little gratified at finding many of his reasonings unexpectedly supported by the statements of the ‘American Resident at Canton.’ His silence, however, on one most important topic, which will be presently noticed, and respecting which the present writer looked into his pamphlet with some eagerness,—a topic which must have challenged the attention of this ‘American Resident Merchant,’ while scrutinizing the Chinese documents on which he comments so amply,—appears, as the present writer cannot avoid thinking, to impugn either the sagacity or the candour of that gentleman. But to proceed.
That the Emperor of China opposes, or that we are
given by his representatives to understand that he op-
poses, and that vehemently, the introduction of opium
into his dominions, is admitted; the question is, what
is his real ground for doing so? Is it a paternal
and virtuous regard for the morals and health of his
people, or does it arise from a very different cause,
a chimerical dread of draining the silver out of his
dominions, and a desire to force us to a different
footing of commerce—from sale to barter?

Previous to the year 1796 opium had been imported
into China for a long series of years, being included in
the tariff of maritime duties under the head of medicinal
drugs; and there was then no regulation against either
purchasing or using it. In the year referred to, how-
ever, it was prohibited—ostensibly on two grounds:
it being officially alleged to be “a subject of deep re-
“ gret, that the vile dirt of foreign countries should be
“ received in exchange for the commodities and money
“ of the empire;” and of “fear, lest the practice of
“ smoking opium should spread among all the people,
“ to the waste of their time and destruction of their
“ property.” The prohibitions, however, proved ut-
terly ineffectual, the supply of opium constantly in-
creasing down to the year 1836, and being invariably
paid for in silver, to such an extent as at length greatly
increased the anxieties of the Court of China, and
stirred them up to adopt stringent measures to remedy
the evil. The Commissioners of Finance and Justice
in the Province of Kwang-tung made a Report in the
month of August, 1836, to the heads of the Provincial
Government, ‘Requesting that their Excellencies, when
‘replying to his Majesty, would recommend that the use
' of foreign money might be still sanctioned, as being 
'suitable to the position of foreign affairs there; but 
'that all exchanges for, or clandestine exportation of, 
'Sycee [i.e. native] silver, should be disallowed.'—
They then enter into a very elaborate inquiry into the 
nature and extent of the circulation of dollars in China. 
The matter was taken into the deep consideration of 
the Government at Pekin. In the last mentioned year 
an elaborate memorial was addressed to the Emperor 
by a very high officer, Heu Nætse, the Vice-President 
of the Sacrificial Court, a man of great sagacity and 
experience. His eminent position made him of course 
intimately acquainted with the real feeling of the Court 
at Pekin, with the true sources of their fears, and ob-
ject of their wishes. In the very commencement of this 
memorial the gravamen of the charge against the opium 
trade—"the head and front of its offence"—the real 
ground of apprehension, in respect of it, is frankly 
avowed. After a preliminary statement of the extent 
to which the drug was sold, he thus proceeds :—

"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, stan-
"dard weight of silver, the annual waste of money 
"somewhat exceeds ten millions of tael."

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

* A tael is equal to about six shillings and eight pence of our money.
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." He then gives an instance of the consequent embarrassment which was beginning to be perceived.

"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."

After urging upon the Emperor that it will be manifestly impossible to prevent the clandestine trade in opium, which is producing such imaginary mischief, he proposes to legalise it:—

"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, and "the exportation of it equally prohibited." In the 'Conclusion,' after stating his various services to the state, and summing up the claims they afford him for having his opinions regarded with grave attention, he recommends an entire change of the system—and thus closes his Memorial:—"Perchance this may "be found adequate [to do what? To stay the plague "of disease and immorality? No; but] to stop "the further oozing out of money, and to replenish "the national resources."

An imperial edict was therefore issued, in which, as might have been expected, clearly the prominent evil aimed at is stated to be "the annual loss to the country of above ten millions of taels." It will be found that this startling discovery of Heu Naets—viz. the annual ex-
portation of ten millions of taels—is thenceforward kept steadily in view in framing all the public documents, and is palpably the great secret moving-spring at work in the stir against opium. It then recites the prayer addressed to the Emperor, "that a change be "made in the system, permitting the opium again to "be introduced, and given in exchange for other com-
modities;" and concludes by commanding the Pro-
vincial Government to enquire, deliberate, and report upon the matter. In the 'Report of the Hong Mer-
chants to the Provincial Government,' soon afterwards made, in pursuance of this command, there is a frank acknowledgment of the real state of things—that the balance of trade has fairly turned against the Chinese, and the exportation of silver to a great extent become unavoidable. The Provincial Government, having
duly 'enquired and deliberated,' on the 7th September, 1886, 'reported' to the Emperor. The document commences thus:—"We have, in obedience to the "imperial will, jointly deliberated on the subject of "repealing the regulation now in force in regard to "the importation of opium, and of permitting it to be "bartered for other commodities." They then state, "that after 'thorough examination and consideration," "they recommend allowing the introduction of opium "on its paying a certain duty, and being bartered for "native commodities—on no account sold clandestine- "tinely for money." They thus state the expected effect of such a change:—" "If this plan be faithfully and vigorously carried "into effect, the tens of millions of precious money "which now annually go out of the empire, will be "saved; the source of the stream will be purified; "and the stream itself may be eventually stayed.'" Nine regulations are then proposed; the very first of which is couched in these remarkable and decisive terms.

"The whole amount of opium imported, should be "paid for in merchandise: in this there must be no "deception. The object in repealing the inter- "dict on Opium, is to prevent the loss of specie "occasioned by the sale of the drug for money."

Again: in the Eighth Regulation will be found an equally significant statement, urging us to the conclusion that there was no real objection to the opium, on the score of its intrinsically poisonous qualities, or demoralizing effects. This regulation proposes to relax the restrictions against the cultivation of the poppy in China,
by the natives; that a better and purer article can be thus obtained than that imported from abroad, "which is, in all probability, not unmixed with things of a poisonous quality. To shut out the importation of it by foreigners, there is no better plan than to sanction the cultivation and preparation of it in the empire."

In the ensuing month (October), a counter-report was presented to the Emperor, by Choo Tsan, "member of the Council, and of the Board of Rites"—probably the political rival of Hsu Naetsse. This second report is of a very different description from the former. Instead of exhibiting anything like the practical sagacity and acquaintance with the true principles of political economy displayed by Hsu Naetsse, Choo Tsan is evidently a mere alarmist, who avows his belief that "the purpose of the English in introducing opium into China, has been to weaken, and enfeeble the central empire!" He proceeds to controvert, but not in a very confident tone, the proposition of his rival, that the legalizing the trade in opium would prevent the exportation of silver; and feeling his weakness here, is driven to dilate upon the grievous moral and physical effects of opium upon the people—his statements very evidently pervaded by a tone of great exaggeration. In the same month another memorial was presented by Hsw Kew, Sub-Censor of the Military Department, which at once proceeds to grapple with the real substantial question, how the ruinous exportation of silver by means of the opium is to be avoided; making most startling calculations of the extent to which the country is being by these
means annually injured; and asserting that the only remedy was to be found in the total prohibition of the importation of opium.

The Court at Pekin was puzzled by these—possibly only three out of a very great number—conflicting opinions upon so momentous a question. This is acknowledged in the Imperial Edict issued on the occasion. "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 failure." The Emperor then commanded a searching and thorough enquiry into the opium trade. But the efforts of the Emperor were unavailing; an increasing demand for opium in his dominions produced an increased supply, and at a commensurate cost of the silver of the country. To come down to the year 1839, and the proceedings which precipitated the recent unfortunate events at Canton. We still discover every official document, every act of the Chinese authorities disclosing, in spite of themselves, the real source of their apprehensions. Finding all their efforts unavailing to prevail upon foreigners to acquiesce in their new and unjust propositions,—namely, to exchange opium for goods, instead of silver, they grew desperate. See what appears in the very front of the proclamation of the Imperial Commissioner Lin, on the 18th March, 1839.
"Formerly the prohibitions of our Empire might still be considered indulgent; and therefore it was that from all our ports the Sycee leaked out as the opium rushed in: now, however, the great Emperor on hearing of it, actually quivers with indignation, and before he will stay his hand, the evil must be completely and entirely done away with." Again, the true object of his mission from the wrathful Emperor, is distinctly disclosed in his edict to the Hong merchants. "What was there," he asks, "to render impossible a free commercial interchange of goods between these parties themselves? Nothing." He charges them with conniving at the practices of the foreigners in getting silver for their opium.

"Thus it is in regard to the exportation of the pure silver beyond sea—a thing so very strictly prohibited. Did the foreigners really barter goods for goods, what silver could there be for them to barter away? But more than this: the Hong merchants once represented, that each year, in addition to the interchange of commodities by barter, the foreigners require always to bring into the inner land foreign money to the amount of four or five millions of dollars. Were this the case, how comes it that of late years, the foreign ships have brought into the port no foreign money, and that the foreign silver existing in the country has daily been diminishing in quantity? And how happens it that among the Hong merchants there have been bankrupts whose debts to foreigners have exceeded a million of money? It is clear that these four words, 'goods bartered for goods,' are totally and altogether false."
Towards the close of his edict, the Imperial Commissioner has worked himself up to a very high pitch, as the enormous mischief he has come to remedy presents itself with sudden vividness to his thoughts.

"It is computed, that the loss of the silver of China during the period of several years past, by exportation beyond sea, has been not less than some hundreds of millions. The imperial commands have been repeatedly received in reference to the importation of opium, and exportation of pure silver, re-proving all the officers of every degree, in the most severe terms. Yet these Hong merchants have continued in the same course of filthy and disgraceful conduct, to the great indignation and gnashing of teeth of every one. I, the High Commissioner, in obeying the imperial commands, in accordance with which I have come to Canton, shall first punish the depraved natives. And it is by no means certain that these Hong merchants will not be within the number."

Surely the above evidence is conclusive to establish the fact, whatever importance, in any view, may be attached to it, that the Emperor’s apprehension of the injury inflicted by opium on the minds and health of his people, is not a genuine apprehension; but is assumed only as a device to cloke his real wishes and purposes. The true state of the case is this. The Chinese, having long felt uneasy, under a suspicion of the fact, have at length made the discovery, that the balance of trade is fairly against them. That however great the advantages they have so long derived from foreign commerce, they have not been sufficiently sagacious
and sharp-sighted, to deal with their "barbarian" competitors in traffic. In spite of all their petty vexatious shifts and devices, during a long series of years, they find the scale constantly inclining towards the foreigners; and are at length making desperate efforts—the mere spasms of weakness, however—to retrieve a fancied false position. This affords a key to their whole conduct; it throws a new light on all their documents. Their dread of exhausting the silver of their country is indeed ridiculous and chimerical. "Like other half-civilized nations," justly observe the British merchants at Calcutta, in the document already quoted from, "which understand not the principles of political economy, the Chinese consider the export of bullion as injurious to their well-being, and thunder edicts against the leakage of Sycee, and the oozing out of dollars, as though such exports were actually a loss to the state. It is necessary to say but little in proof of this fallacy. China possesses silver mines of immense value; but which are worked only to a limited extent, and the circulation of whose products, the Government would fain restrict exclusively to the imperial domains. Those mines are exhaustless, save in the fear of their Government, whose proceedings in prohibiting the export of bullion are truly lamentable. As reasonable would it be for the British Government to prohibit rail-roads and steam-vans, because the one might exhaust the iron, and the other the coal mines of Great Britain. The export of opium from India, which has thus defeated the restrictive policy of the Chinese Government, and which has caused the mines of that empire to
wrought far more extensively than could otherwise have been the case, in order to replace the vacuum in circulation created by the continued export of Suyee from China, has thus been of essential benefit to commerce; for it has drawn forth the resources of the most fertile and populous empire in the world.

They cannot conceal from us, with all their pretences, that the "silver oozing out from all their ports" is the bugbear which is ever haunting and terrifying their imaginations. They seem poor hands at a disguise; they have, with all their cunning, too much simplicity and inexperience to preserve consistency in their pretences. In the very documents which are designed to satisfy us that their sole object is to check a physical and moral pestilence produced by the intoxicating use of the drug, thinning their empire in all directions, glare apparent the real objects, namely, to get our opium in exchange for their native commodities—"goods bartered for goods." "You import goods," says the Imperial Commissioner, in the Proclamation of the 18th March, 1839; "no matter what they be, with us they find a consumption: and respecting the cargo which you may wish to purchase in return, there is nothing in which you may not adventure." Had we been content to do this from the beginning; to take the produce and manufactures of the Chinese in exchange for our opium; not only to take goods for our opium, but bring our silver for their goods, which shews the extent to which the Chinese were disposed to go in their demands—does any one that has read the foregoing pages believe that we should ever have heard of these their wild denunciations of the drug, or experienced the
monstrous extent of fraud, insult, and outrage which they have at last presumed to inflict upon us? How is it that in the productions of Mr. Thelwall and 'the American Merchant'—while the one was exposing 'the iniquities of the opium trade,' and the other dealing with the 'opium crisis;' the latter with practical knowledge, the former with that derived from the very documents which he cites—no allusion is made to this prominent topic, challenging, one should have thought, observation and explanation? Was it the bias under which they wrote that disabled them from looking at the subject but in one point of view? Yet it may be said that almost in every document of the Chinese may be discerned the glitter of silver—the dim but very perceptible outline of the idol of their real worship, and object of their profoundest anxieties. Mr. Thelwall has put some of the passages on which the present writer founds his views, in italics—so that that reverend gentleman's attention must have been drawn to the facts they mention; yet he makes no allusion to or comment upon them. In 'the American Merchant' there appears a desire to suppress. In page 18, he professes to give, for instance, an account of the memorable 'Proclamation' of the Imperial Commissioner, dated the 18th March, 1839;* but sinks all mention of the repeatedly-disclosed dread of the loss of silver, and the Imperial determination to prevent it.—In page 13, he cites a proclamation of the Governor and Lieutenant-Governor of Canton to the people of Canton, dated the 13th March, in which they represent their intense anxiety to effect the object of the High Commissioner; and he thus

* Quoted ante, passim.
concludes his account of that document:—"Appealing to the higher sentiments of patriotic attachment, they entreat 'the sons of China no longer to take the substance of their native land, and give it to foreigners.'" And if this be really the case; if considerations of such a pure and virtuous character have been resorted to only as a mere make-weight and a pretence, in order to cloak their mean and fraudulent intentions towards us, what colours are dark enough to depict their conduct? Ought not feelings of sympathy and admiration to give place to those of contempt and indignation?

Any one not thoroughly familiar with the character of the Chinese would be charmed by the simplicity, gentleness, and virtue breathing in all the documents which they design to come before the eyes of foreigners. The Emperor here speaks as the Patriarch—the virtuous and pious father of his people, whose best interests he cherishes with the fondest jealousy, and would promote by every act of his life. Alas! how much reason is there to believe that on a near inspection nothing is visible but fraud, hypocrisy, and falsehood! With the Chinese, no pretence is too bare-faced, no lie too monstrous, to be resorted to, in order to conceal an object, or gain an end. The author of these remarks was one who was for some time deluded, by these means, into the persuasion that the Chinese, though a quaint, eccentric, and violent people, were full of simplicity and straightforwardness; but the more he read of their documents, and the better he became acquainted with the history of our intercourse with that people, the more quickly were his opinions changed to contempt and indignation at their meanness and
insincerity. His own opinion may be entitled to but little weight; he finds it, however, corroborated by almost all the works on the subject which he has consulted, and those practically acquainted with the Chinese with whom he has conversed. Above all, his views are confirmed by an unexpected witness—Mr. King, 'the American Merchant resident at Canton,' the author of the 'Opium Crisis,'—who avows his belief in the sincerity of the Emperor and his Government in respect of the grounds assigned by them for their hatred of the opium trade. Even he, on one occasion, speaks with sorrow concerning "the low place assigned to honour and truth by the Chinese."* And on another, while speaking of the Proclamation even of Lin, the Imperial Commissioner, he declines "vouching for the Commissioner's truth, a delicate thing where a Chinese is concerned." He goes on to assign, as the sole ground of his present belief in the sincerity of the Chinese, their actual destruction of the opium which they have seized!—as if that were an act not perfectly reconcileable with the explanation above given of the real motives which are actuating them.

And then it is said, these opium-merchants are mere smugglers. What is meant by smugglers? Do we venture to call them smugglers—we, who know of and sanction their trade, and reap the large profits derived from it? Who are these smugglers? Are they not some of our most eminent British merchants—men whose names would command respect and confidence in Great

* Opium Crisis, p. 14, (note.)
Britain—in India—in short, in every quarter of the world where commercial enterprise, honour, and good faith are known or appreciated? Whose word would pass good for untold thousands; who would spurn the suggestion of meanness or dishonour, equally in the minutest or the greatest transactions? Men openly, in the face of day, carrying on this trade (which enriches their country far more than themselves), under the protection of their country's flag? Among them are men, till lately resident at Canton, where they dispensed the most munificent charities among the poor Chinese who were left by their rich fellow-countrymen to perish in the very streets of Canton.* Are these the men who, when millions are at stake, are to be branded with an ignominious name, and their pretensions scouted as equally audacious and groundless? And what is the process of this smuggling? Every one in the slightest degree acquainted practically with the matter, knows how utterly absurd is such a charge. Had this opium been seized while its owners were in the act of really smuggling it into China, it is conceived that they might have had no just ground of complaint. But what are the facts? The opium is paid for, and an order on Macao given by the agent at Canton for its delivery. This order is presented by a China-man, on board the opium-receiving ship, outside the port of Canton; the property examined; weighed; bagged, &c. on board, by the Chinese, and taken away in their

* Whole cargoes of rice have been brought to Canton by these merchants, solely for the benevolent purpose above mentioned.
own boats; which boats have been latterly under the order of the Viceroy of Canton, and positively carry his flag, as the badge of his protection, while conveying this 'smuggled' article from the foreign ships!—In short, Captain Elliot indignantly and truly, and not with less truth than indignation, as doubtless he will in due time be able to prove, reminded the Chinese, in one of his recent official documents, "that "the traffic in opium has been chiefly encouraged and "protected by the highest officers in the Empire; "and that no portion of the foreign trade in China "has paid its fees to the officers with so much punctu-"tuality as this of opium." Is it, indeed, possible to believe that during the forty-three years' importation of this drug into China, attended, as alleged, with such important consequences to that people, both in respect of their precious silver, and the health and morals of their people, the Chinese Government could have failed to be aware of the fact—that they did not, in fact, wink at and indirectly sanction it? The very circumstance already alluded to, of the conflicting opinions submitted to the Emperor by the eminent Chinese authorities in 1836, and his formal acknowledgment of the existence of such conflicting opinions on so all-important a subject—his merely entertaining the idea of legalizing so destructive a trade as it is represented to have been—implies that it had long been a subject of inquiry and consideration; fixes them with a knowledge of it, and warrants us in believing that no serious objection ever was or would have been entertained to it, could they have contrived only to place it upon the basis they wished. It is indeed palpable
that, under all these circumstances, the prohibitory laws of the Chinese had virtually become a dead letter, and were regarded as such by the highest in authority, of whose views and opinions the foreign dealers could acquire any idea.

Duke. "We have strict statutes and most biting laws
(The needful bits and curbs of headstrong steeds),
Which for these fourteen years we have let sleep;
Even like an overgrown lion in a cave,
That goes not out to prey—
—So our decrees
Dead to infliction, to themselves are dead.

Friar. It rested in your Grace
To unloose this tied-up justice when you pleas’d—

Duke. Sith ’twas my fault to give the people scope,
’Twould be my tyranny to strike, and gait them
For what I bid them do: for we bid this be done,
When evil deeds have their permissive pass,
And not the punishment.”*  

What means, indeed, were the foreign dealers in this article allowed of knowing what was the real state of things at Pekin—at the Emperor’s court? They have ever been restricted to Canton, almost the southernmost extremity of the Empire, fifteen hundred miles from the capital. They have never been allowed any communication with the Emperor or his ministers, not even by petition; being prohibited from holding communication with any one but the Hong merchants and linguists. They cannot approach the Viceroy, or the collector of customs, except by petition. When in the season of 1820, they were, by the then Viceroy and the collector of customs, ordered away from Whampoa,

* Measure for Measure, Act I. Scene 4.
the senior Hong merchant waited on the consignees of the opium, and informed them that if the vessels obeyed the order by moving to Lintin, in the outer waters, they might there remain unmolested—*there*, where they were, in point of fact, as fully and directly under the cognizance of the Government, as if they had remained at Canton. During the reign of the present Viceroy (Tang), the opium vessels have moved again and again from one anchorage to another, at the request of the Hong merchants, who constantly declared that *such was the wish of the Viceroy*. As in the year 1820, the authorities contented themselves with prohibiting the coming of the opium ships into the *Port of Canton*, those ships never have since done so—and the opium merchants were warranted in believing, as they certainly did believe, that, under these circumstances, the prohibition extended only to the actual importation into China, and was not broken by adopting the method above-mentioned. There might be substantial reasons for prohibiting the ships from coming to Canton, and yet permitting them to remain at Lintin. Now, is it fair to say, in the face of facts such as these, that the trade in opium has been all along a *smuggling* trade? But, it is said, the trade has been, ever since 1796, carried on solely through the profligate connivance of the remote officials of the Chinese empire, disobeying the injunctions of their own Government—"a weak Government, clogged with a corrupt administration;" and is it not monstrous to found upon *this*, the right to carry on this trade as a proper and lawful trade, and
deny the Chinese Government the right to repudiate it, and vindicate in any manner they think fit their outraged laws?—Would not, on this principle, the fraud and corruption of our own coast-guard service, warrant French smugglers in bringing their brandy to this country, in spite of our revenue laws? But, it is submitted, that, however plausible, at first sight, may appear this mode of dealing with the question, there is no parallel between the cases. The distinction has been drawn with strength and clearness, in a weekly journal.* "Because we ourselves severely punish breaches of our own fiscal laws, in conformity to municipal and national law, the Chinese, it is alleged by some reasoners, may set all law at defiance in their punishments, because their Government wants the energy and virtue to punish in conformity, even, with its own laws. This is only extravagant and absurd.—When we wink at the smuggling of brandy for forty-three years, and when the highest officers of our Government, from the first Lord of the Treasury to the Lord Lieutenants of counties, take regular fees on every cask of smuggled brandy, and are, moreover, the greatest consumers of the smuggled article; and when, on a sudden freak we turn about, and place under arrest—denying them fire, water, and bread, until they come to any terms we think proper to dictate to them,—the French ambassador, with his suite, together with every French merchant in our country, whether suspected or innocent, that we can

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* The Examiner, Nov. 17, 1839.
lay our hands on; then, and not till then, will the two cases admit of fair comparison." Suppose that, for a long series of years, the Lord Lieutenant of Ireland had permitted the introduction, in immense quantities, of foreign spirits into Ireland—had even at length sent the boats conveying this spirit under his own order, and carrying the British flag—had known that not far from the Irish coast were constantly moored French vessels, freighted with this spirit,—that a very large tribute or duty had been exacted from these ships for the importation of this brandy;* and that all these circumstances had led the owners of these vessels, and of the foreign spirits, to invest a vast capital in the trade; and that the trade had become an object of national importance to the French;—and the British Government then should suddenly turn round, and act as the Chinese have acted: how long would France have delayed a declaration of war against us?

So much then, for the unwarrantable and most injurious charge, that the owners of this opium—the merchants engaged in this great branch of the China trade,—were 'smuggling' this opium into the dominions of the Emperor of China.

As to the fatally-fascinating qualities of this drug, a vast deal has been said, that is, it is suspected, based upon gross exaggeration; and it may not be impos-

* The best informed Chinese, in and about Canton, were in the habit of stating, that the Viceroy's military secretary received 13,000 taels per month, (i.e. about £3,800) from the commander of each boat; and it is notorious, that the Chinese dealers in opium, paid to the authorities from 60 to 80 dollars per chest, for permission to carry on their trade.
sible to detect one subtle, and perhaps, unsuspected source of prejudice against every one concerned in the supply of it. Ever since the year (1820), when Mr. De Quincy published his remarkable "Confessions of an English Opium Eater,"—a work which produced a thrilling sensation all over the country, owing to the extraordinary nature of its details—to the wild, dazzling, but often dismal splendour of his dreams; his unearthly ecstacies; the fearful mental re-action and physical agonies which he endured; all of which were described in a style enriched with evident fruits of universal scholarship—in a strain, too, of very great power and pathos—Opium has been invested with a mysterious kind of interest and awe, producing an impression long retained by minds suffused with the recollection of that extraordinary performance. By such persons almost any thing evil will now be received against opium; nothing can be said in too great disparagement of so potent and deadly a drug. When, in addition to this, persons of excitable fancy are presented with frightful pictures—of—as it were—two millions of De Quincys created in China, by the opium merchants, and represented in stages of suffering, and frequency of death, infinitely transcending all that has been described by that accurate and minute observer, and faithful narrator of his own sensations and sufferings; (and who, moreover, took opium to an extent—namely, *eight thousand drops of laudanum a-day, equal to three hundred and twenty grains of opium,*

*Confessions of an English Opium Eater, p. 128. (Ed. of 1823). Mr. De Quincy, (who, the author is happy to say, gives the
utterly beyond the reach of any but the richer Chinese); the very mention of those who are accessory to so fearful an infliction of alleged suffering, excites feelings of indignation and aversion. It is worth considering, whether this will not in some measure account for the degree of intemperate eagerness with which a decision, hostile to the claims now under consideration, is in several quarters clamoured for, and indicate the presence of a disturbing force, which ought to be got rid of. The observation above made, as to the extent to which Mr. De Quincy took opium, leads one to hope and to believe, that we have received very greatly exaggerated accounts as to the effects of opium upon the Chinese, in respect both of extent and intensity. That opium possesses the most inestimable medicinal qualities, all allow; and like every thing else, it may be abused, its uses perverted. The twenty or thirty thousand chests of opium which we distribute among three hundred and seventy millions of Chinese, surely produce scarcely a greater amount of physical suffering, and of immorality, than the ardent spirits sold openly and without complaint in all parts of our own virtuous and happy country, which derives from them so very large a revenue. If an inquisitive Chinese were to make his appearance here, and to be taken immediately from gin palace to gin palace, those frightful structures, round and within which are to be seen the pallid spectral victims of intemperance, which make one shudder as one

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public frequent proof of his being still alive, and in the full vigour of an extraordinary intellect,) assured him that this statement was literally true.
passes them with quickly-averted eye; and told to go home to China, and thence alone report to his country-men concerning the virtue and morality of Great Britain, enriching herself by a revenue derived from such an execrable source; this would be probably as candid a mode of procedure, as to fill page after page of works professing to give us a general account of China, with revolting pictures of opium smoking-shops, and the scenes to which they give rise. Who can advocate the one and repudiate the other?

Always protesting that these topics have no real connection with the question under consideration, however commonly they are mixed up with it, enough has been stated, it is hoped, to induce the candid reader to pause before yielding his assent to the representations alluded to; and to acknowledge that they are quite foreign to the real point in issue. He is respectfully solicited to hesitate, before he arrives at the conclusion which some have so hastily and confidently stated, that it is this opium trade which has interposed an insurmountable barrier to that consummation devoutly to be wished—the introduction of Christianity into China. Even were it to be granted that the attempt made in the foregoing pages to assign the real cause of the furious opposition of the Chinese authorities to the introduction of opium into the country, has been unsuccessful; it is thought that those who have acquired the best knowledge of the character and history of this most extraordinary people, can assign other and deeper, and more permanent sources of obstruction to the propagation of Christianity in that quarter—and which would continue to exist even were the
trade in opium—which it assuredly never will—to be already extirpated from China.—This, however, would lead to a discussion of matters beyond the scope of the present pamphlet.

Again it is urged upon the reader—Admitting, even, all that is alleged by the conscientious class of objectors to whom the preceding observations have been addressed, to be true; that the cultivation of the poppy in India is quite indefensible and the malignant root of wide-spreading mischief; that the trade in opium is clearly contraband; that the Emperor of China is sincere in his moral and humane objections to it; that it is really working all the evils alleged; that the right to carry on the trade rests on the untenable ground of corruption and treachery at the mere outskirts of the empire: what have all these, or any of these matters, to do with the present question? Nothing whatever. The Chinese are no parties whatever to this transaction, and ought not—nor ought any consideration connected with them—to be introduced into it. The only parties are—the British Opium Merchants, the Chief Superintendent of the British Trade in China, and the British Government. The topics discussed in the last few pages might perhaps have some bearing upon a question as to the liability of the Chinese for their recent conduct towards British subjects—or as to their right to vindicate their own laws, and punish, even to the death, those who wilfully violate them; but how can they avail to prove that the holders of Captain Elliot’s certificates have no right to look to the British nation to honour them?

It is undoubtedly difficult to say that there exists a
strict legal claim on the part of the holders of these certificates, against the Government—that is, a claim which can be enforced by legal process—either by Action, Petition of right, or Mandamus. Of course there is no pretence for attaching any legal liability to Captain Elliot—on the plain principle of law, that where an agent names his principal, the party to whom such principal is named, deals with such principal, not with the agent. But there is still another ground on which he stands exempted from liability—on considerations of general policy—that an officer appointed by Government, treating as an agent for the public, is not personally liable to be sued upon contracts made by him in that capacity—"for no man would accept of any office of trust under Government upon such conditions." This was decided in the case of Macbeath v. Haldimand, 1 Term Reports, 172. There the Governor of Quebec was sought to be sued for services performed by a person whom the Governor, in his official capacity, had employed as an agent.* The judge, (Mr. Justice Buller) told the jury, at the trial, on their asking him for information, that he was of opinion, that if the plaintiff's demand were just, his proper remedy was by a petition of right to the Crown—on which they found a verdict for the defendant; and a new trial was moved for, on the

* Again, in Unwin v. Wolseley, 1 Term Rep. 674, it was held that a servant of the Crown, contracting even by deed, on account of Government, is not personally answerable; and in Gidley v. Lord Palmerston, 3 Brod. & B. 275, the principle in question was carried to a great extent; and the rule there laid down has been considered ever since as the settled law of the land.
ground that the plaintiff had no remedy against the Crown by a petition of right—on the supposition of which the jury had been induced to give their verdict.

Lord Mansfield said that the "Court did not feel it necessary for them to give any opinion on that ground.

"That a great difference had arisen since the Revolution, with reference to the expenditure of the public money. Before that period, all the public supplies were given to the King, who in his individual capacity contracted for all expenses. He alone had the disposition of the public money. But since the Revolution, the supplies have been appropriated by Parliament to particular purposes; and now, whoever advances money for the public service, trusts to the faith of Parliament.

"That according to the tenor of Lord Somers' Argument in the Banker's case (11 State Trials, 159), though a Petition of Right would lie, yet it would probably produce no effect. No benefit was ever derived from it in the Banker's case; and Parliament was afterwards obliged to provide a particular fund towards the payment of those debts. Whether, however, this alteration in the mode of distributing the supplies had made any difference in the law upon this subject, it was unnecessary to determine; at any rate, if there were a recovery against the Crown, application must be made to Parliament, and it would come under the head of 'supplies' for the year."

From the above it may be inferred, that in the present case, no action can be maintained by the
holders of these dishonoured "certificates," either against Captain Elliot, or those whom he assumed to represent, and bind, viz. Her Majesty's Government. In fact, as already stated, it is difficult to see what legal proceedings could be adopted, either by Action, or by Petition of Right, or by Mandamus to the Lords of the Treasury.*

But what signifies the absence of a strict legal liability on the part of Government, or of means on the part of these claimants to enforce their demands, to the broad merits of the case, as already set forth? Who will deny the moral strength of their claims upon the Government? Suppose Captain Elliot to have gone never so far beyond both the letter and spirit of his instructions; how were these parties to know it? Even if they had had the strongest suspicion that such was the case, who would have advised them to act upon such suspicions, and incur the dreadful responsibility of disobeying the Injunctions and Requisitions of Her Majesty's Superintendent? Look at the whole circumstances of the case, as already brought before the reader; the unprecedented perplexity and peril in which these parties were

* To ground a successful application for a Mandamus, "there must be, in all cases, a specific legal right, as well as the want of a specific legal remedy," (Per Lord Ellenborough, C. J., in The King v. The Archbishop of Canterbury, 8 East, 219.) See the late cases of Rex v. The Lords of the Treasury, in Re Smyth, 4 Adol. and Ell. 286, ib. 976; Rex v. Same, (in Re Hand) ib. 984; exp. Ricketts. ib. 999, as to the principles which regulate the court in granting or refusing application of this kind against the Lords of the Treasury, or of the Admiralty, &c.
placed; their prompt and loyal obedience to what they
justly regarded as the authority of their Sovereign;
(or in the other point of view,) their bold reliance on
the honour of their country's Government—on its
determination to vindicate its outraged honour and
dignity; the fearful sacrifice of human life—the lives
of our countrymen—which they prevented by yielding
obedience to the call of the Chief Superintendent:—
who, considering all this, will say to them, "You
did wrong, nevertheless; you should have kept
your opium"? The validity of these claims is fully
recognised by one who publicly and vehemently repudiates
and execrates the trade which these claimants
were carrying on—namely, the American author of
the "Opium Crisis,"—and whose admissions, therefor,
on this point, both in respect of his position, and
his professions, may be worth citing.

"A broad and generous equity would suggest that
an interest in the creation of the trade—a sanction
lent to it—incur a share of the responsibility. If
this inference be a valid one, the suffering merchants
have a lien on two great sureties—the East India
Company, and the British nation."*

"To place the importers from the other side of
India on a like footing, we must recur to the other
great party to the traffic—the British nation. A
few words will suffice to shew that both Parliament
and society at large have been at fault, and that the
immediate (in some cases accidental) sufferers have
a lien on them—a claim not in right, but in equity."

* "Opium Crisis," p. 54.
"Let the forced surrenderers of opium throw themselves on the equity of their country, claiming its sympathy with their losses, because it was party to the tenure of the property while held, and to its relinquishment when sacrificed.

"It is not possible to give higher proof," than is afforded by an instance which he cites, "that the opium trade has been patronised by the country. Its magnanimity binds it to acknowledgment, its generosity to sympathy and reparation. Let the Administration respect the pledge of their active, and faithful servant, given, doubtless, in accordance with the spirit of his private instructions."*

Such is the language of one declaring that "he has no personal interest in the relief;" an American merchant, thoroughly well acquainted with the case, doubtless conscientiously opposed to the trade itself, and whose publication on the subject has been hailed by the opponents of this trade in England as a high authority.

As far as grounds of moral obligation are concerned, it may be asked, why did Parliament choose to grant twenty millions in compensation to slaveholders, who were chargeable with far more guilt and cruelty than can by any possibility be charged upon those now claiming compensation in respect of their surrendered opium? Admitting those who dealt in opium to be guilty of as grievous a sin against the law of nature—of morality, as those were who trafficked in slaves, what right has the one to compensation that the other has not? The claim for upwards

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* Opium Crisis, pp. 59—62.
of two millions for the surrenderers of the opium rests, it is repeated, on grounds of moral obligation, as strong and solid as those rested on by the claimants (and receivers) of twenty millions for their slaves; namely, both were based on the country's guilty participation in the crime, and in its advantages; in both we had sanctioned the conduct we at length are alleged to condemn; in both the country promised compensation, on compliance with certain conditions proposed—namely, the surrender of the opium, the emancipation of the slaves. In the latter case, undoubtedly, the legislature formally entered into the contract in express terms; and the strength of the present case is, that the legislature has substantially done the same through the intervention of a lawfully-constituted agent of this country, the Chief Superintendent: he made the promise, on the faith of which these opium-owners made the sacrifice in question; why should the nation draw back? Equity takes everything to be done, which ought to have been done—which was contracted to have been done. "The only difference," said the late Lord Chief Justice of the Queen’s Bench, Lord Tenterden, "between an express and an implied contract, is in the mode of substantiating it. An express contract is proved by an actual agreement; an implied contract by circumstances, and the general course of dealing between the parties; but whenever a contract is once proved, the consequences resulting from the breach of it must be the same, whether it be proved by direct or circumstantial evidence."* Such

* Marzetti v. Williams, 1 Barn. and Adol. 423.
is the nature of the contract between this country and the slave-holders, which is proved by the Act of Parliament; such the contract between this country and the opium surrenderers, which is proved by the circumstances and facts of the case so repeatedly set forth in the ensuing pages; and the same consequences ought to follow. Even supposing the cases not to be precisely parallel, there is undoubtedly the strongest analogy between them.

Should Parliament, unhappily, not think fit to entertain, and that promptly, the claims now under consideration, and provide a fund for the reimbursement of the amount of this opium, the consequences both immediate and remote, both at home and abroad, will be really most alarming. One-half of these 20,283 chests of opium (amounting to 5,000,000 dollars) is owned at Bombay. "Already there," said the Bombay Chamber of Commerce (3d June, 1839), "has the want of the usual returns produced a great scarcity of cash, which checks the purchase of many of the imports of British goods, seriously affects credit, and casts a general gloom over the trade of the port. The longer some settlement of the claims preferred is delayed, or a declaration of what the British Government really intend to do in regard to them, is withheld from the public, the evils we now suffer under will be prolonged in proportion, and be so much the more aggravated." "The case," says the author of the 'Opium Crisis,' "is one of wide calamity; and owing to the complexity of commercial arrangements in our time,—our advances, exchanges, &c., the loss, if left as it has fallen, involves many entirely innocent parties." In truth it is
so. How many extensive mercantile engagements in this country will be deranged and credit shaken? Again, 'beyond the quantity actually surrendered, there are some 80,000 chests of the drug in existence—namely, a considerable portion of the produce of 1858, and the whole crop of 1839, just gathered. What is to become of that? And of the crop preparing for 1840?'

Consider the case of the native merchants, who are so deeply interested in this most important question, and are awaiting, in agitating suspense, the announcement of the determination of Parliament. They have always hitherto trusted implicitly to the good faith, the liberality, the protection of the British Government—relied upon it with unwavering steadfastness. Are they now to be suddenly deserted in this their hour of danger? To be precipitated, many of them, into irretrievable distress and even ruin? If so, all confidence will be at an end—that confidence which is the very main-spring of the vast and complicated machinery which has raised our Eastern commerce to its present imposing eminence, and essential welfare to Great Britain. 'We hold India by opinion,' said the greatest authority that could speak on the subject, Warren Hastings: will not that tenure be loosened and destroyed if the British Government, in a matter of such magnitude as the present, shut its ear to the voice of justice and of honour? Let that confidence be once thoroughly shaken, as it will, should Government take the course now deprecated, and how is it to be repaired or replaced? Dissatisfaction will spread far and wide, both at our conduct in this particular mat-
ter, and our whole system of Eastern government. The disastrous consequences, especially in the present state of Indian affairs, who cannot foresee—who would not strain every nerve to avert?

It is fit that their own view of the case should be laid before the country. "Every one engaged in trade at the different provinces," they say, in their Memorial to the Governor-General of India, "is more or less mixed up with the opium trade, from the magnitude of the capital required in it. The direct shipper of the drug must lose immensely, and must then find the greatest difficulty in repaying the party through whose funds, lent to him, he was enabled to trade, who again will claim from others, engaged in other branches of trade, the money he may have lent to them, and so on will general distress and discredit for the time thus prevail, to the great injury of all individually, and of commerce generally, as well as of the Government who benefit by its prosperity.

"All these evils would be greatly increased to this country by the British Government delaying to declare the course they mean to pursue, and be still more aggravated by a reluctance to fulfil the guarantee of H.M. Chief Superintendent, which from the confidence we have been ever made to place in the British Government, for the honour and justice and liberal beneficence to those under its protection which have ever distinguished it, we, however, never can believe possible, as all faith would then be for ever destroyed, or much weakened, in the acts of those whom the British Government appoints to high and important trusts in this country, and every where else."
"We also feel confident that the Government of India will not abandon those, by whose capital and exertions India and England have reaped so many and great benefits, to the ruin that must ensue to thousands, should the British Government not recognize, in the fullest and most liberal manner, the acts of their own high functionary in China, to say nothing of the degrading effects that would result politically to all holding high appointments, from a course which, however, we repeat, we never expect the Government of such a nation as Great Britain could adopt."

Can Parliament turn a deaf ear to these representations?

It is difficult to bring this pamphlet to a close without adverting very briefly to one or two considerations of a more general nature connected with the late calamitous issue of affairs at Canton,—considerations which are pressing with momentarily increasing weight upon the minds of men of all parties, and which require at once the most anxious consideration and prompt decision of Parliament. Undoubtedly the very existence of our intercourse and trade with China, the welfare indeed of our Indian commerce generally, depend upon the result of the approaching deliberation. It will have to decide whether the act of the Chinese Government at Canton, in March last, was or was not a monstrous indignity and outrage upon the persons and property of British subjects,—upon the honour and character of the British nation. If it was, is it to be submitted to? Or is it to be resented? It is, indeed, the last of a long-continued and long-submitted-to series of insults, indignities, and outrages
inflicted upon us by the Chinese; and we are, by reason of our behaviour in this matter, in danger of becoming the laughing-stock of the whole world. As for the Chinese, their true character, as exhibited in all their dealings with us, is not sufficiently known to the public, or that public must long ago have uttered a loud and unanimous cry for retribution and reparation. Submission on the part of our unoffending and honourable countrymen, exposed daily, for a long series of years, to the most harassing insults and injuries,—oppression and extortion, has only invited their repetition and aggravation: "submission to insult has shown the Chinese how valuable is the trade, and they have acted accordingly."* One instance will suffice. A "proclamation against the Hong merchants conniving at and abetting vice in foreigners," of the most revolting and horrible description, is issued annually by the Governor and Hoppo, and stuck against our Factories. Our merchants, in 1830, made the most vehement efforts to have it removed. Hear the intolerable answer of the Hoppo!

"In the petition, they say that the insulting proclamation suspended against the Company’s Hong, has been reluctantly borne with for many years by foreign merchants. It has been stuck up against the Company’s Hong for more than thirty years. It did not commence to-day. As they say the language of the proclamation was rather ignominious—why did not the former barbarian merchants early indulge their

anger?”* Can this statement of undoubted authenticity be brought to the notice of the British public and received with indifference?

Again.—“There is, in fact, no charge, of whatever nature it may be, whether of treason against the state, or of violation of the laws and regulations of the Empire, that Chunqua may not procure to be alleged against any member of the Committee; and with the same facility, by means of the bamboo or torture, any number of witnesses may be brought forward to attest the truth of the accusation.” In another communication in the same year, the Select Committee† “offer “further melancholy proof of the total and entire “absence of truth, justice, or mercy from Chinese “tribunals; and where the undue influence of money “is applied, all chance of a fair trial ceases to the “unfortunate person accused.”‡

Such are specimens—and alas! hundreds such might be collected from the evidence adduced before Parliament—of the long continued, and bitter persecution and insult inflicted on our countrymen by the Chinese, even during the time when the local presence and power of the East India Company, in some slight degree kept them in check. They are indeed a people whose insolence swells in the proportion of submission to it; but their miserable pusillanimity shrinks before a determined front of resistance, or retaliation.

* 2nd Appendix, p. 427.
† 2nd Appendix to 3rd Report, &c., p. 502.
‡ Extract of a letter in the Secret Department, &c. 16th January, 1815,—2nd Appendix, &c. p. 528.
"They are uniformly overbearing and insulting to all those who happen to be in their power," says Mr. Holman, the celebrated traveller,—"but cringing and abject to those who exhibit a determination to resist them."* So say the Select Committee of the East India Company, (22nd February, 1814.)

"Carrying on an extensive commerce, sufficient to excite the rapacity of the officers of Government; protected by no laws; but, on the contrary, subject to such regulations, as are made so vague and undefined, as to admit of any interference or interpretation, that a corrupt or despotic Government may be disposed to give them; our only hope of preventing the recurrence of these attacks, is by a firm and decided resistance."†

Again they say, in December of the same year.

"From the experience and knowledge we possess of the Government, we are satisfied that their conviction, that their injustice will not be submitted to is the only security we can possess for their attempt being discontinued."‡

Passing over a greater number of similar instances, the last that shall be cited is in the communication of the Select Committee, in 1831.

"The existence of a powerful and influential body, in your representatives in this country, has opposed the only check to the evils and embarrassments to which foreign commerce is continually exposed. We believe that no effectual remedy will be found for them,

* Holman's Voyages and Travels, Vol. IV. p. 68.
† 2nd Appendix, &c. p. 487.  ‡ Ditto, p. 524.
until it suit the purposes or policy of Great Britain, to assume, in its turn, the attitude of dictation, which would readily demonstrate the weakness of this Government."*

Is it possible that this recital—alas, how easily it might be extended—of the long-continued and unprovoked sufferings endured by our countrymen can be read or listened to by any one with indifference; and can any one, with a knowledge of these facts, vindicate the conduct of the Chinese, and justify even the extremities to which they have lately gone,—to which they went in the case of Lord Napier, whose sufferings and death are to this hour unavenged? Exactly as stated to Parliament by those experienced members of the East India Company, whose evidence has been quoted from above, our submission to the preceding, inevitably produced the succeeding insult and indignity. And when they found that we called them to no account for their atrocious treatment of Lord Napier, was it to be wondered at that they proceeded to the lengths to which they ventured with Captain Elliot, Her Majesty's Chief Superintendent, and two hundred other foreigners? That a gross infraction of the law of nations has just been committed by the Chinese, first, in their seizure and imprisonment of the Chief Superintendent, and secondly, of the opium, the property of British subjects, is indisputable. But—say some—the Chinese acknowledge not the law of nations. What is the "Law of Nations?"—"Nothing," says

* Auber on British and Foreign Intercourse with China, p. 56.
Vattel, and all other jurists, "but the just and ra-
"tional application of the Law of Nature to the
"affairs and conduct of nations."* We have the au-
thority of the lawyers of antiquity, and of some of the
first masters of the public law, for placing the moral
obligation of nations and of individuals on the same
grounds. "States or public bodies are to be con-
"sidered as moral persons, having a public will,
"capable and free to do right and wrong, inasmuch as
"they are but companies of individuals, each of whom
"carries with him into the service of the community,
"the same binding law of morality and religion, as
"ought to control his conduct in private life."† "We
"ought not," says an enlightened American jurist,
"to encourage the dangerous suggestion, that govern-
"ments are not so strictly bound by the obligations of
"truth, justice, and humanity, in relation to other
"persons, as they are in the management of their own
"local concerns."‡

It is on these grounds, that the law of nature, so
far as it is founded on the principles of natural law, is
equally binding on every age, and upon all mankind;
and neither the Chinese,§ nor any other nation can
exempt itself from the operation of such law. Now
it is a fundamental maxim "of this natural law, that
"it is the duty of nations to fulfil their engagements,

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* Vattel Preface.
† Vattel Pref., Sect. I., 1 Kent Com. 3. ‡ 1 Kent's Com. 3.
§ The Chinese have expressly recognised, on several occasions, the
law of nations. See an instance in Auber's British and Foreign Inter-
course with China, p. 72.
“whether express or tacit.”* The Chinese may possibly have been entitled originally to refuse any intercourse with us, either social or commercial; but they have long resigned such rights. They have invited our commercial intercourse, and derived from it for centuries immense advantages. They have led us to invest in it our capital to an enormous extent, and to erect a machinery for carrying on such commerce, which they cannot now shatter to pieces at their will. The day is gone by when we can be deluded by their specious pretences: we see through them, and require justice to be done. Even the conciliatory and “temporizing”† Court of Directors of the East India Company, in 1816, could assert their right to resent the injurious conduct of the Chinese. “If the Chinese government,” they said in 1816, “were, in an unfriendly inhospitable spirit, by inequitable conduct, to force to a close a pacific intercourse which has subsisted so long, and in which this country has embarked so great a capital, it could hardly fail to resent so harsh and injurious a proceeding.”‡ Again, in 1818, some additional and intolerable oppression on the part of the Chinese, provoked a still more determined and threatening tone. The Directors said, “we are not in any degree inclined to surrender or abandon the immunities and privileges hitherto enjoyed by our Factory, and to which the imperial edicts have recognised our just claims.”§

The history of our intercourse with the Chinese, down

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* Vattel Pref., p. xvi. † Auber, p. 398. ‡ Auber, p. 257. § lb., 280.
to the present time, teems with occasions for calling
them, had we been so disposed, to a strict and serious
account, and proceeding even to extremities. "Letters
of marque and reprisal are grantable by the
law of nations whenever the subjects of one state are
oppressed and injured by those of another, and when
justice is denied by that state to which the oppressor
belongs."* "Justice is refused," says Vattel, "in
several ways; first, by a denial of justice, properly
so called—or by a refusal to hear your complaints,
or those of your subjects, or to admit them to es-
tablish their rights before the ordinary tribunals." †
Has not this been notoriously the case up to this mo-
moment with respect to British subjects at Canton? ‡
The treatment by the local authorities at Canton, of
the representation of the late Lord Napier, was a
clear cause for a declaration of war. It was solemnly
ratified by the Emperor; and has therefore "become
a public concern, and the injured party is to con-
sider the nation as the real author of the injury of
which the citizen was only the instrument."§ But
we submitted to it; we have demanded no expla-
nation, have received no amends; and at length we
find ourselves subjected to the crowning indignity and
outrage of all—the bodily seizure and imprisonment
of Her Majesty's Representative, with the threatened
infliction of death, in case of his fellow-subjects refusal
to comply with their unlawful demand; the like sei-

* 1 Black. Com., B. I. c. 7., p. 258. † Vattel, B. 2. c. 18. § 350.
‡ Matheson's Present Position of the China Trade, p. 16.
§ Vattel, B. 2. c. 6. § 74.
zure and imprisonment of all the British subjects at Canton, with the like threats of mortal peril; and the seizure of two millions four hundred thousand pounds worth of the property of British subjects. Can the British Government look upon these monstrous outrages with indifference? Is it not bound to interfere? "The prince," says the illustrious author of the Commentaries on the laws of England, "is always "under a constant tie to protect his natural-born "subjects at all times, and in all places."* They now ask for that protection; that their wrongs should, be avenged.

If Great Britain should at last determine to put an end to the long and ignominious toleration of Chinese insult and oppressions,—an ignominy endured in the presence of scornful fellow-nations—and exhibit promptly to the Chinese the evidence of such determination, there can be little doubt of the result. "I have always had but one opinion, in "reference to our connexion with, and policy towards "the Chinese," says that able and acute observer, Mr. Holman. "We have treated them with too "much forbearance. They have all the braggart, as "well as all the recreant qualities of cowardice in "their nature. If we were to make a decided de- "monstration of hostility, we should speedily obtain "all that we require at their hands."† But, the very feebleness of China, and her incapacity to resist any serious force we might choose to bring against her, are relied upon by some, as dissuasives against a

resort to such force. What reason is there in this? Surely, if China thinks fit, weak or strong, to give Great Britain a just cause of war, China must take the consequences, bloody as they may be. She should have thought of that, before she ventured upon a course of conduct which drove us to extremities. There is a point, at which insult and outrage become, even to the meekest of mankind, intolerable; where submission becomes base and despicable. Is it not long since that point has been reached by us, with reference to the Chinese?

Let it be known and remembered, that Captain Elliot has formally announced to the Emperor, in an official ‘Declaration,’ that the outrage committed by the Chinese has been communicated to the Queen of England. “It would,” he said, in his Declaration, dated Macao, 21st June, 1829, “be derogatory from the dignity of his Sovereign and nation, to forget all the insults and wrongs which have been perpetrated, till full justice be done, and till the whole trade and intercourse be placed upon a footing, honourable and secure to this empire, and to England. That time is at hand: the gracious Sovereign of the English nation will cause the truth to be made known to the wise and august Prince on the throne of this empire.” If after this, the Emperor finds that, nevertheless, we submit in silence—with what degree of scorn and contempt will not he be justified in treating the British nation, and their Sovereign? The very thought is intolerable, and would stir up emotion in the most phlegmatic and long-suffering; it would cause a blush of shame and indignation to start out
on the cheek of our young Monarch herself, as she called her people to arms!

The bloated vain-glory and grandiloquence of the Chinese would probably collapse at the very first prick of a British bayonet; their flimsy armaments fly like chaff before the wind at the sight of one single British man-of-war—portentous object—making its appearance before her coasts, cleared for action. It is not impossible that the roar of her first gun would fill Pekin with tottering knees and pallid faces.

—So, at least, say many who profess to be, and undoubtedly are, thoroughly intimate with Chinese character and affairs, and whose opinions, consequently, are entitled to great weight. But the writer of these pages would venture with deep deference to doubt the expediency of entertaining or acting upon such views and opinions. Would it not be wiser and safer to assume that China, considering her political existence to be at stake, has nerved herself for a desperate struggle, and that she may surprise us by the scale on which her defensive operations may be conducted? In spite of all our notions of her contemptible naval and military pretensions—shut out as we are, and ever have been, from all means of obtaining an accurate knowledge of the real condition of China, and left to guess it from appearances at the outskirts of the Empire, which may prove very delusive—China may, on what she may deem an adequate occasion, exhibit formidable resources,* which we ought to have been

* Their own notion of their warlike resources may be gathered from the following ludicrous expressions, to be found in a manifesto of the Viceroy of Canton (27th of Oct. 1830), to the E. I. Company:—
prepared to encounter. God forbid that we should find this out when too late. It is a safe and wise maxim, never to undervalue one’s opponent; and we demand, on behalf of the British nation, that if she put herself, as undoubtedly she ought, into a warlike attitude towards China—a power that, having presumed to inflict upon her intolerable insult and injury, deserves the most signal chastisement in our power—she do it with dignity and effect, so as to overawe resistance and compel submission. Let our land and sea force be such as may defy a harassing and protracted resistance; let the Chinese see not only that we are bent upon mischief, but able to inflict it. When we are fitting out our armament, let us recollect the long series of sufferings which our fellow-countrymen have submitted to, and let our preparations to avenge them be commensurate with the occasion. If China be really, as may perhaps prove to be the case, the bully and braggart she is represented, she will be the readier to avert the danger which menaces her, when she beholds man-of-war after man-of-war bearing down upon her, and taking up their station upon her north-eastern coast—a single broadside from any one of which would blow fifty of

“'How is it possible that for driblets of men in a petty—petty barbarian factory, troops should be moved to exterminate!?! [So in the original.] 'Only try to think—if indeed the said foreigners had among them an 'illegality of a very important nature,—I, the Governor, would instantly 'fly to the Emperor, and the Government troops would gather toge- 'ther like clouds, exterminate them, and leave a perfect vacuum!! 'How could those guns and arms they have brought presume to oppose 'such a force?"—Second Appendix, &c. p. 422.
her junks into the air. Not only our ships, but our men must be in readiness, and in adequate forces. Once having begun, we cannot stop short of effecting our complete purposes. The pride of China will not let her strike to a palpably insignificant hostile force, without a struggle which might have been spared;—and if she should prove an over-match for the force sent against her, what Minister that had directed such a movement could stand to answer for it before the British people? But no British Government can require to be thus apprized of its duty. Doubtless measures have by this time been taken to vindicate the national honour. Our men-of-war are now, it is to be hoped, far on their way towards China, which shall be "our oyster, which we with sword will open." Then may we extract from the Emperor an acknowledgment of the heinous offence—or series of offences—which he has committed against the law of nature and of nations, and read him a lesson, even from a barbarian book, which will benefit him and all his successors.

But God forbid that this matter should have a bloody issue. It is not, it need not be contemplated. The aspect of things, is undoubtedly, from all points, at present gloomy and threatening; but "out of this nettle danger may yet be plucked the flower—safety," both by China and by Great Britain. Let us take a legitimate advantage of the false position in which the audacious folly and fraud of the Chinese authorities has placed them. Let us turn a deaf ear to all fraudulent pretences; let us insist on establishing our future intercourse upon a more safe, a more adven-
tageous, a more honourable footing than it has hitherto rested upon. Let us look back calmly and steadily at the authentic history of our past intercourse, to discover the real character of the Chinese, and where have lain the faults of our system. Let us cautiously and prudently arrange the terms of our future intercourse—calling to the task those enlightened by long experience. Let the 'horrid alarum of war' serve no other purpose, and have no other object, than to startle them out of their antient conceit, and prejudice, and ignorance, awakening them to a sense of the real position of their affairs, with reference to European nations. Let us—a grand desideratum—penetrate to Pekin, and learn what is the real state of things there; and let us cheerfully yield to what we shall find to be the reasonable and just wish and will of the Emperor. If we discover the ground of his opposition to the opium trade, to be a genuine, a noble regard for the morals and lives of his people, whom we are plainly corrupting and demoralizing, why, in the name of outraged humanity, nay, in the name of God, let the trade be instantly annihilated—the countenance of Great Britain withdrawn from it at once, and for ever. If the writer of these pages really believed matters to be with the Chinese, as are represented by those who allege the immorality of the trade, he, as one of the humblest of her Majesty's subjects, would most bitterly deplore the dishonourable and degrading part which this country has taken and sanctioned, and say, fiat justitia, ruat caelum. Let the baleful glitter of the poppy-flower disappear from the vast plains of India; and its execrable and blasting influence in China cease for
ever. If such were really the case, the gloom that is deepening upon our Eastern prospects might be rightly deemed to be the frown of God upon them.

But it is because the present writer does not see sufficient reason to yield to the representations alluded to; it is because, on the contrary, he believes he has adduced evidence satisfactory to any unprejudiced mind, of the fact, that the object of the Chinese is a most unworthy and dishonourable one, and that they are resorting to fraudulent pretences in order to obtain that object—that he cannot for one respond to the call which has been made upon the Legislature, to condemn the Opium Trade, and uproot it from the commerce of the country. Were this, however, otherwise, redress must still be demanded from the Chinese for the flagrant violation of the law of nations, which we have experienced at their hands; and if we could but seize the opportunity for skilful negotiation, to effect its peaceful and permanent triumphs—if we could but, for instance, open the ports of China, and so indefinitely extend our means of amicable intercourse with their immense dominions—securing thereby incalculable advantages to British commerce, and also to China;—then, indeed, great would be the glory accruing to the councils by which such results should have been brought about; and what pains, anxiety, or sacrifice, would not have been richly recompensed?

We have good reason for believing, that the Chinese people are, in spite of all efforts of the jealous Tartar Dynasty to prevent it, and our discovery of it, most friendly towards us, and would hail any opportunity
that would open an unrestricted intercourse between them and us, as well as other foreigners. If it must be so, let then the Opium Trade vanish—its place would be well supplied. If we could but reach the ear of the Emperor, and disabuse it of the false representations concerning us, which have long been conveyed to it, what happy results might follow! Such representations might be made to him of the immense benefit to his empire, resulting from a full and friendly intercourse with us, as would soon decide him to adopt such proposals as might be offered to him, and so secure reciprocal advantages. Our injured national honour might be soothed by stately concessions; and shattered commercial interests re-constructed on a safe and permanent basis. One thing, however, should be borne in mind—to avoid a renewal of negociations at Canton. Should that attempt be renewed, the golden opportunity would be lost for ever. The local officers of that province are not authorised by their own Government to treat with Foreign Powers; while they are, at the same time, the parties most deeply interested in the failure of such negociations as are above alluded to, the successful issue of which would put an end to their long-enjoyed monopoly of fraud and plunder. The establishment of the Hong Merchants is one of the most artful and successful engines of oppression and extortion that was ever devised; and in fact, the Provincial Government at Canton would strain every nerve to preserve the lucrative monopoly at that place, of all the foreign intercourse with the kingdom.

But the author feels himself diverging from the point immediately under discussion, and to which he
is anxious to recall the reader’s attention.—Whether the duty and the interest of this country are now, on this subject, in distressing conflict,—or whether they combine to call upon us for prompt and vigorous measures against the Chinese; and what will be the consequences either of action, or inaction, at the present crisis;—are topics which demand and will doubtless obtain the early, the calm, and the profound consideration of the Legislature, as upon a question of the first magnitude.

But the claims upon the Government—upon the country—of the British merchants, in respect of the immense amount of opium which was surrendered by them to Her Majesty’s Chief Superintendent at Canton, under the circumstances stated in the foregoing pages—stand upon distinct ground, on which the general political considerations above alluded to, should not be allowed to enter. They raise a plain question of bona fides and of moral right, which such considerations would only confuse and complicate. A straightforward appeal is made to the honour, the sense of justice, of the Legislature and of the nation at large; and those who are so fearfully interested in the issue, await it with mingled anxiety and confidence.
ADDITION.

14th January, 1840.

Since the foregoing sheets were committed to the press, very alarming and exciting intelligence respecting China has reached this country, by the overland mail from India. By the 'Bombay Times' of November 28th, we find that the Chinese, not satisfied with the unprecedented extent of insult and injury which they had already inflicted upon us, and which forms the subject of several of the preceding observations, have at length, emboldened by the absence of all symptoms of serious resistance or resentment on our part, proceeded to the uttermost extremities. Events have just taken place in China which are without a parallel in our national experience. Our countrymen, under the full protection of the British flag, and under the sanction of British authority, resident in China, in pursuit of the objects of national commerce, have—since the happening of the events commemorated in the preceding pages—been most ignominiously expelled from China; British property to a great amount has been again sacrificed; British blood has been wantonly shed, by the Chinese, under circumstances of revolting barbarity; one of our countrymen has been dreadfully mangled and mutilated; the known Representative of the Queen of Great Britain has been treated with signal and evidently premeditated indignity and violence, by the representative of the Emperor of China;
attempted to be forcibly cut off from all supplies of food; and his vessel, bearing the British Flag, has been fired upon, and obliged in self-defence to return the fire. Attempts, it seems, were made to poison the wells supplying our countrymen with water—of which, it is said, the Chief Superintendent will transmit clear evidence to the British Government. Preparations, moreover, were making by the Chinese to destroy by fire-rafts the whole of the mercantile fleet of Great Britain, then in the outer anchorages, amounting to fifty-eight vessels, containing upwards of three millions of property. In short—to adopt the language of one of the latest communicants from India,—"the British name has fallen, in China, to a depth of degradation to which it has never before sunk."

And what now? Has enough been at length done to rouse us from our long apathy,—to make us start indignant from our posture of cringing and ignominious humiliation? Must all this also be submitted to? Must we still kiss the rod of the Emperor of China? Or are we, at this moment, at open war with China? With whom can Great Britain ever go to war again, if she do not now make war upon China? Her conduct to us for the last ten years would have supplied fifty causes for a declaration of war to the meekest and most peaceful nation in the world: as to ourselves—how many thousands within our dominions must be at this moment indignantly exclaiming—

"Where sleeps the pride of former days,  
When glory's thrill is o'er?"
In the name of the dear glory and honour of Old England, where are the councils that will hesitate for a moment in cleansing them, even if it be in blood, from the stains with which barbarian insolence has so deeply tarnished them? Why are not thousands of our bayonets bristling at this moment on the shores of China? Why are not there seen and heard there, by those incredulous and vaunting barbarians, the glare and thunder of our artillery? Thank God, that ere these sheets shall have come before the public, the British Parliament will have assembled; and in its keeping the interests and the honour of Great Britain will be safe. It is difficult to think or write calmly on this topic; if an Englishman be guilty of a little excitement, surely it is on the right side; and he claims his right to express himself boldly and decidedly.

Whoever will carefully consider recent events in China, will find good reason for believing that the course of the Imperial Commissioner was marked out for him by the Court at Pekin, and that he has acted up to the letter and spirit of his instructions, with zeal and resolution. The extinction of the Opium Trade was but a blind—a pretence—a farce. The real object was, to extirpate British power and influence from China—come what come would. Is any mean intriguing European rival, at this moment at the Emperor's ear, stirring him up against us, blighting our fair name—accusing us of the basest designs upon the Chinese Empire? Who is it that has suggested to him that by the act of establishing a British authority in China, we have gained a footing there which will
in time, aided by the blighting effects of our Opium on his people, enable us speedily to make those strides in China which the Emperor sees we have taken in India? However this may be, it is probable that both the pride and the fears of the Emperor concur in urging him to get rid of us at all hazards. For this it may have been that Lin, the Imperial Commissioner, was sent from "an Emperor actually quivering with indignation," and was "armed with great irresponsible authorities." Doubtless before being despatched on his errand, he was reminded that all past experience warranted him in the belief that we English would submit to every imaginable kind and degree of degradation, provided we could but go on with our trade; and was told to spare no indignity. He has fulfilled such suppositional instructions to the letter; and it is universally believed in India and China, that the Emperor knows and has ratified all that his representative has done. That functionary has undoubtedly at length done a deed which will cause the name of Lin to be long remembered in China. He has brought matters to a crisis indeed—a crisis fraught with incalculable importance both to China and to Great Britain. He is at this moment probably gloating over the prospect which our "American merchant resident at Canton" tells us in his pamphlet, is ever present to the imagination of the aforesaid Lin—namely, the immortal renown in China which he is earning by his present wise, vigorous, and successful proceedings against Great Britain. He may believe that he has at length effectually vindicated the dignity of the
Celestial Empire; exalting it as high as he has plunged us, barbarians, into degradation and dishonour. He imagines, perhaps, that henceforth no more silver shall “ooze out from the ports of China;” and that if the “reverently submissive Tributary,” the Queen of Great Britain, henceforth desire the produce of China, she must pay for them in her own silver.—These, and such like, may be the dreams of Lin, till awoke by quite a novel sound, and quite a novel sight—the military and naval force of Great Britain, suddenly disturbing all the ancient fooleries of his nation, and giving him and the Sublime Emperor a somewhat new and astounding view of the “petty barbarians,” whom he has insulted, oppressed, and tyrannized over so long. He may find his Celestial master’s junks blown out of the water, and his forts crumbling into dust beneath the cannonading of his puny and despised opponents; all his ports blockaded—in short, the shock may abate the fever which for centuries has inflated that strange people to such a pitch of presumption, and make them fit for intercourse with the civilized world. Their silver mines must forthwith disgorge the equivalent of the British merchandise which they have so presumptuously seized and wantonly destroyed;—we shall teach them both the real extent of their own resources, and of our power.

All this must be done promptly; it is not the genius of Great Britain to go about sulking under an insult. She is a lover of peace, but not afraid of war.
To turn to more practical considerations—however dead may possibly be this country to all appeals to its spirit to resent a gross and unparalleled insult to its honour, there are considerations connected with its mercantile interests, which are of a vitally important character. The fabric of our Eastern commerce has been shaken to its very foundations by the recent events in China. All is yet in a state of tremulous uncertainty and apprehension in India. No conception can be entertained here of the unutterable anxiety felt in India, as to the reception which their affairs will meet with in the impending session of Parliament. Many questions of vast importance are forcing themselves on the attention of Parliament; but which of them will so severely tax our senatorial resources as those involved in "The Opium Question?" Rival nations are watching with the utmost anxiety and eagerness, whether Great Britain will—quod Deus avertat—now make a false step—one which she cannot retrace. Clear and experienced heads, firm nerves, and resolute hearts, undisturbed by party considerations, are required for the guidance of the country in its present grave emergency. The following extracts from a document, entitled "A Voice from the East," are earnestly commended to the attention of every candid and thinking mind. They are infinitely worthier of the reader's perusal and consideration than any thing that can be found in the preceding pages. The "Voice from the East" speaks indeed in startling accents. Let us listen.
"To all Associations, Chambers of Commerce, Proprietors of India Stock, Merchants, Ship-owners and other parties in Great Britain, connected with the East India and China Trade, or interested in the maintenance of British influence and commerce in the East.

Fellow Countrymen,

"In consequence of a Chinese having been killed in an accidental affray at Hong Kong [the parties concerned in which were duly tried and sentenced by a Criminal Court held by Captain Elliot] the British have been forcibly expelled from Macao.

"A British Schooner, the Black Joke, has been attacked, boarded by the Chinese in the dead of the night, the whole of its crew, with the exception of one man, who jumped overboard, massacred in cold blood, and a British passenger on board mutilated with savage cruelty—his ear having been sawed off and thrust into his mouth, when he lay, as it seemed, expiring of his wounds.

"A hostile collision has already taken place between Her Majesty's boats and the Chinese war junks, with loss of life, but without any decisive result.

"Preparations were making by the Chinese to destroy, by fire-rafts, the whole of the mercantile fleet of Great Britain, at Hong Kong, amounting to 58 vessels, containing upwards of three millions of British property.

"Thus, a pacific adjustment of the commercial relations between the two countries appears now hopeless. Hostilities, in which the British flag is on the defence, have actually begun, and are now in progress;
and the British name has fallen, in China, to a point of degradation to which it has never before sunk.

'Captain Elliot, convinced of the futility of any attempt to open the trade till it is placed upon a secure footing, and the National honour vindicated, has applied, we understand, both to the Indian and British Governments, to prohibit any vessel with China goods being admitted to enter at any British Custom-house without his seal and passport.

'The necessity for decisive and immediate measures on the part of Her Majesty's Government is now become so strong, that delay or vacillation must prove ruinous to some of the most important interests of the British nation.

'Seriously as the present position of affairs in China embarrasses the general trade of India, and therefore indirectly affects the interest of Government, the revenue of England, as well as of India, must, we fear, directly suffer to a greater extent than either Government seems to be aware of, judging from their torpor in a matter where interests of such magnitude are at stake.

'As respects Bengal, we are not in possession of the same full and exact data to guide us as those regarding Bombay, to which we would now draw your attention; but we have no doubt the principal and general result will be found equally applicable to that side of India.

'At Bombay, the imports from China during the first six months of the Official year 1838 | 39, from 1st May to the end of October, amounted, by the Official returns of the Custom-house, to Rs. 6,68,383
of Merchandise, and Rs. 50,16,482 of Treasure. The gross amount of duties, collected in the same period, was Rs. 23,218.

‘During the corresponding months of the present year, the imports amount to Rs. 1,02,408 of Merchandise, and Rs. 4,51,680 of Treasure, while the duties paid are only Rs. 3,584.

‘In the former period, on the exports to China, the Government derived a revenue of Rs. 10,68,000 on Opium, and about Rs. 3,85,000 on Cotton. This year the amount from Opium is Rs. 2,85,000, and from Cotton Rs. 200,000.

‘From this it will be seen that, even while a partial trade has been carried on with China, the Government have already experienced a loss of Rs. 8,87,684; which loss, during the expected stoppage of all trade, for the next six months at least, must rapidly increase, while the decrease in the usual supply of bullion cannot but embarrass, in a corresponding degree, the Government as well as the mercantile community.

‘If the next crop of cotton has only the English market for its disposal, the Government must lose all the Sea Customs’ duties they now receive from the staple when exported to China, these being all repaid in the shape of drawback to the exporter to England, and these alone must amount, annually, to three lacs of rupees, making, with the loss (rupees 1,17,000) of the Sea Customs on China imports, the sum of rupees 4,17,000, of which the Bombay Treasury would be deprived under a stoppage of the trade with China, besides twenty-one lacs annually collected, on an average, from opium passes: thus, on exports, imports,
and opium passes, there must be, at the lowest estimate, a direct annual loss to this Government alone of upwards of twenty-five lacs, or one-fourth of a million sterling.

The merchandise imported at Calcutta, from China, last year, amounted to rupees 7,69,603, and the bullion to rupees 76,53,000; the exports in cotton to rupees 21,80,000, and of opium and other goods to rupees 1,25,00,000; so that the Bengal Treasury must suffer even still more severely; while, even allowing the upset price to be got for the opium at Calcutta, which we observe the Government has fixed at 400 rupees, scarcely twenty lacs will be netted to Government on that article, instead of upwards of a crore, as hitherto. We see little hope, indeed, of even this smaller amount being realised, under present circumstances.

Viewing the question thus, merely in its immediate and direct effects on the Indian Treasuries, and casting aside for the moment, what is of far greater consequence, the remote and indirect effects on British commerce and power, its importance would seem sufficient to arouse the Governments of India to the greatest activity, and cause them earnestly to urge the speedy settlement of the question on the Home Government. Even in this strictly fiscal aspect, her Majesty’s Ministers must see what a serious responsibility rests upon them, what a loss they will cause to the revenues of the local Governments, and what ruin to thousands of her Majesty’s subjects here, if they do not at once act with energy and decision.

Finally, the Chancellor of the Exchequer will be
compelled, in a very few months, if so long blind to the danger, to force on the attention of the Cabinet the absolute necessity of taking prompt and energetic measures for the restoration of our commerce, and the preservation of the revenue.

'Besides the duties from silk and other China produce, the gross amount of duty received on tea at home may be stated at three and a half millions sterling. During the last four or five years the imports of tea have averaged forty-three millions of pounds weight annually, and the average deliveries of the United Kingdom, of the last three years, have amounted to forty millions of pounds weight. Up to the latest date we have from China, the total exports of tea from 1st of July 1838 to 30th June 1839, amounted to 40,882,566 lbs. Higher prices may reduce the consumption, but the supply of tea now in England, with what is on the way, will be all nearly exhausted by January 1841. If, then, vigorous measures are not by that time put in execution, the English treasury, and English nation, will experience difficulties and distress which the Ministry, we fear, do not now sufficiently foresee, but which will eventually soon burst on them with a frightful reality.

'As connected with this subject we must again request your assistance in endeavouring to procure from Her Majesty's Government a speedy adjustment of the Opium Indemnity, upon the favourable or adverse reception of which depends the commercial stability or ruin of this Port.

'That the Chinese themselves knew they had no right to seize it; that they were conscious of wrong
and injustice in the matter, is proved by their subsequent offer of a paltry remuneration of 5 or 6 lbs. of Tea for each chest surrendered.

'From the Opium trade the Honourable East India Company have for years derived an immense annual revenue, and through them the British Government and Nation have also reaped, from the same trade, an incalculable amount of advantages both political and financial. Its profits have not only tended to turn the balance of trade between Great Britain and China in favour of the former, and draw an abundant stream of capital from India, which thus became enabled to increase ten-fold its consumption of British Manufactures; but they have contributed directly to support the vast fabric of British dominion in the East, to defray the expenses of Her Majesty's as well as the Company's Judicial, Military, and Naval establishments in India, and, by the operations of exchange and remittances in Tea and other Chinese produce, to pour an abundant revenue into the British Exchequer, and benefit the British Nation to the extent of six millions annually (as shown in Count Bjornstjerna's work) without impoverishing India or draining bullion from England.

"'Hence," says that author in his work on the British Empire in India, "we find that England's gain from its East India possessions amounts to no less than 6,500,000 pounds sterling a-year; a sum which would in the end completely ruin this colony, (or more properly speaking drain it of its bullion) if it were remitted in this form. But such is not the case; it
comes to England in the following manner. East India Opium is sent to China, and is there exchanged for Tea; this is taken to England, and covers all the exchange. Such are the *phenomena of trade*; what the one country gains is not lost by the other: they both gain.”

‘So alive has the East India Company ever been to the advantages derived from this trade, that it has done all in its power to foster and encourage it. The Company’s Government grew it on its own account, or restricted the grower from selling it to any other purchaser than itself—granted passes for its transit, had medical officers to inspect its quality—through its own civil officers, sold it in the markets of Calcutta and Bombay, and entered into treaty with the French Government, whereby it secured the latter’s abstaining from competition by an annual tribute of 300 chests. About fourteen or sixteen months ago, when the purchasers at Calcutta had suffered a loss from over-speculation in the drug, the Supreme Government, as an encouragement to the trade, allowed them an abatement of 200 rupees per chest, amounting altogether to thirty lacs of rupees. *Even at this day, and after all that has occurred, the last Calcutta Government Gazette announces another Government sale at 400 rupees per chest!*

‘For years the Honourable Court sent despatches to their Governments in India containing directions regarding the management of this trade, and ordering their officers, in the opium cultivation and exports, to *study the tastes of the Chinese*. These despatches
were all seen and approved by her Majesty's Board of Controul—these measures had, therefore, the declared sanction of her Majesty's Government.

'At the time the renewal of the Company's Charter was under discussion, the nature of this trade, its alleged demoralising tendency, its monopoly, its contraband character, were all openly discussed in the British Parliament. On the 13th June, 1833, Mr. Buckingham made it the prominent subject of invective, stigmatising in particular the fact that it was a trade of smuggling and contrary to the law of China (vide Hansard, vol. xviii. page 770). On the 12th July following, Lord Glenelg, then President of the Board of Control, declared the subject of the opium and salt monopolies in India was under the serious consideration of Government (Hansard, vol. xix. page 618); and after this serious consideration, on the 22nd July he stated in the House of Commons, as its conclusive result, that it was not to be forgotten that those monopolies, salt and opium, produced a revenue of £2,500,000! *

'After this will it be contended that this trade was not known, not sanctioned, not encouraged by the East India Company and the British Government?

'But conceding the objectionable nature of the trade and the expediency of suppressing it, should not an act of practical justice to individuals precede one of speculative good to masses? This principle

* Was not this the moment for the country to have protested against this vile immoral traffic—if such it had been believed—and insisted on its suppression?—S. W.
was conceded in the Slave Emancipation Act; and India looks to the justice of Great Britain for this principle being followed out now. Suppress the trade in Opium; but first indemnify those who, on the faith of the British Government, surrendered their property to facilitate its suppression.

'If this indemnity—guaranteed by the public act of Her Majesty's Representative, whom all British subjects in China were bound on their allegiance to obey, from whose command there was no appeal, upon the faith of whose public acts the merchants delivered up their property, as upon the faith of the British Government and Nation whom he there represented—if this indemnity be now withheld, and the act of the National Representative disowned, whether on the ground of his alleged incompetency, his having exceeded his power, or any other plea, the result will be, not only an immediate entailment of ruin on all who were directly connected with the trade, but a most serious financial crisis at Calcutta and Bombay, which will involve the whole commercial and money relations of those Presidencies in deep embarrassment and reduce to beggary thousands of individuals, who have never been in any way connected with the trade in Opium, but whose capital and financial affairs are inextricably bound up with what was a common centre of all the financial transactions of those two cities, and whose fate, therefore, depends on the stand or fall of those in whom these transactions centred. It will be more—if the competency and authority of Her Majesty's Representative be denied—if the faith in the engagements entered into by him in the name
of the British Government and Nation be once broken; it will not only undermine the authority, and render questionable the proceedings, of all British Officers to whom high power is delegated in India (not excepting the Governor-General himself) but give a shock to the credit of the British Government in the East which it will be impossible to recover, and the effect of which, in any great political or financial emergency, may prove ruinous to the Indian Empire. The facility of opening loans in India in time of war, and the fidelity with which such engagements have hitherto been met, have, on more than one occasion, proved the safety of British India; but, if the Opium indemnity be refused, this facility will receive a fatal blow; parties, who have seen the faith of the British Nation pledged and broken in China, will, in any real crisis, pause before they commit their funds to the same faith in India, which can so easily shake off engagements by raising the question of competency.

'At the present moment, no less than fifty-eight British merchant-ships are detained in China, under heavy expenses and unable to trade. Of these, twenty-eight vessels, from 400 to 1400 tons each, belong to this port alone. The capital of this Presidency locked up there, at the present moment, including the surrendered Opium, is estimated at not less than five millions sterling. The stagnation to all trade, and distress in the money market, produced by this state of things, is already inexpressibly severe; still the confident reliance on the faith of the British Government, and the hope of a spe-
adjustment, support the spirits of the commercial community, alleviate the pressure, and produce an admirable forbearance among all parties. The moment that hope is crushed, this forbearance will be at an end, and a universal panic must immediately follow.

'A VOICE FROM THE EAST.'

Bombay, 28th Nov. 1839.

Such is the perilous position of affairs in the East; but the eye of the British Parliament is fixed upon them; and let us hope that all will yet be well.

THE END.
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