THE TRUTH ABOUT THE OPIUM WAR.

THE article by Mr. David A. Wells which appeared in the NORTH AMERICAN REVIEW for June has for its expressed object to repel an unjust charge commonly brought against the policy of England by American writers. It may seem ungracious on the part of an Englishman to repudiate the plea which he makes in respect of the opium war; but that portion of his article is, in effect, an attack upon the position taken up by those British citizens who have, during the past half century, spent time and money in seeking to reverse the policy of their own government with regard to the opium traffic—not without many encouragements, and some notable victories. As one of those thus assailed, I trust that I may be allowed to controvert some of the statements contained in the article, which is very far indeed from being, as the writer claims, "a summary of the indisputable facts."

The "complete evidence" which Mr. Wells states to have only recently become popularly accessible to refute the charge against the British government of forcing opium upon China, is manifestly that contained in the appendices to the Report of the Royal Commission on Opium, presented to our Parliament last year. These papers, however, disclosed no new facts of any importance with regard to the opium war: they do but summarize the despatches presented to Parliament at the time, and already used by all competent historians, such as the American Dr. Wells Williams, in his *Middle Kingdom*, and Justin McCarthy, in his *History of Our Own Times*. They have also been fully referred to by the authors of the two prize essays which have become standard monographs on the opium question, the Rev. Storrs Turner, in his *British Opium Policy*, and Mr. J. Spencer Hill, in *The Indo-Chinese Opium Trade*.

To say that the opium war was instituted "in order to force" China to take opium may perhaps be taken to imply that such was the express intention of the statesmen responsible for it, and is therefore a mode of statement which is better avoided. But it is a good old rule of the common law that a man is taken to intend the consequences which he must have known were likely to result, and which have in fact resulted, from his action. For such consequences he is criminally responsible, and the law does not stop to enquire into his motives. Just in this way the government of Lord Melbourne, and the British Parliament, which, by a narrow majority, approved its proceedings, must be held guilty of having forced opium upon China.

The statement that "previous to the inception of the so-called opium war between England and China (*i. e.*, in 1840) opium was cultivated in no less than ten of the provinces of China," contains an important error of date. It is manifestly taken from a paper laid before the Opium Commission by the late Sir Thomas Wade, formerly British Minister in China, and stated by

him to have been compiled from information furnished by a respectable young Chinese merchant at Canton. But the date of that paper is 1847, and it contains the following statement with regard to one of these provinces: "The crop in Kwang Tung was said to be in 1847 from 8,000 to 10,000 piculs, so vastly has the quantity produced increased *since Commissioner Lin's proceedings in* 1839," the proceedings which led to the war. Sir Thomas Wade, in his evidence, quoted from the Chinese state papers on the opium question shortly before the war a declaration made by the censors that the poppy "was then grown in four or five provinces." It is plain that this was regarded as a new development of the evil, arising out of the taste that had been created by imported opium; for the opium crave, when once formed, is well known to be the most imperious of all appetites. The result of the war of 1840 was to defeat the honest and determined attempt of the imperial government of China to stamp out the traffic, and this naturally led to an increase in the home growth of the poppy.

After our second war with China, which induced the Chinese government reluctantly to submit to the legalization of the traffic by placing opium in the tariff of imports, there was a further and yet more rapid increase. According to the testimony of missionaries who have lived long in China, the growth of the poppy has enormously developed since they first went to that country, and consular reports are to the same effect. The Rev. Dr. Griffith John, who has been laboring in China more than forty years, in a letter I received from him a few years ago, writes: "We (the British people) are responsible, not only for supplying the Chinese with an enormous quantity of poison from India, but also for setting agoing its wide-spread cultivation in China. . . . The opium war gave an impulse to the cultivation, and, since the legalization of the traffic, the poppy, like a noxious weed, has been running over the whole land."

Mr. Wells is altogether in error when he says that before the war of 1840 the importation of opium "was permitted and regularly taxed the same as any other imports." The trade had been prohibited in China for more than a century before the war.* That there was much corruption among the mandarins, and that they had established a tariff of hush money, is notorious; if this is all that Mr. Wells means, he has certainly used very misleading terminology. There was no analogy between this contraband trade and the lawful commerce carried on at Canton in other goods, under regulations sanctioned by the Chinese government. So far from opium being "imported into China by the East India Company . . . without any inhibition," the company had long found it necessary, in order to preserve their liberty of trading in China, rigorously to exclude opium from their own ships: and the trade was carried on by outside merchants, whom they licensed, and to whom they sold the drug at Calcutta, but for whose dealings they nevertheless told the Chinese authorities they had no responsibility.

It is quite true that, on the question of intercourse, China made preposterous claims to treat all foreign powers as inferiors. But nothing is more clear than the fact that it was not these claims, but the seizure of contraband opium, which was the direct cause of the war. This was expressly stated to have been the case by Sir Henry Pottinger, the British plenipotentiary who negotiated, in 1842, the Treaty of Nanking.

* See Dr. Edkins' *Historical Sketch*, reprinted in the First Report of the Royal Commission, p. 156, par. 27.

With regard to the attempt to execute a Chinaman in front of the foreign factories, which Mr. Wells assumes to have been "for the purpose of deliberate insult to foreigners," he has omitted to mention that the man had been convicted of selling opium. The object of the Chinese authorities obviously was to impress upon the foreign merchants their determination no longer to permit their salutary laws against opium smuggling to be set at defiance, even by their own subjects. But every warning was lost upon the traders, and the Chinese were thus at length led to take the strong measures which brought on the war.

Impartial and unprejudiced readers of the contemporary despatches will agree with the judgment pronounced at the time by Dr. Arnold, of Rugby, that the opium war was "a national sin of the greatest possible magnitude." Mr. Gladstone's speech in the House of Commons, made during the debate on the war, has been ratified as the judgment of history, and may well be set off against the opinion of Mr. Quincy Adams, as quoted by Mr. Wells:

"A war more unjust in its origin, a war more calculated to cover this country with permanent disgrace, I do not know, and I have not read of. The right honorable gentlemen opposite spoke of the British flag waving in glory at Canton. That flag is hoisted to protect an infamous contraband traffic; and if it were never hoisted except as it is now hoisted on the coast of China, we should recoil from its sight with horror. Although the Chinese were undoubtedly guilty of much absurd phraseology, of no little ostentatious pride, and of some excess, justice, in my opinion, is with them; and whilst they, the pagans, the semi-civilized barbarians, have it on their side, we, the enlightened Christians, are pursuing objects at variance both with justice and with religion."

The United States have freed themselves from all complicity with the opium traffic by their treaty with China, which absolutely forbids American citizens to import opium into that country. Those who, in the United Kingdom, are striving to induce their native land to follow this good example, and thus do all that can now be done to wipe out the crime of the past, whilst getting rid of the national disgrace that attends her continued participation in the evil traffic, may surely count upon the sympathy and support of all right-minded citizens of the American Republic.

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Hon. Sec. Society for the Suppression of the Opium Trade.

ROMAN AND ANGLO-SAXON CRIMINAL JURISPRUDENCE.

The following correspondence refers to a point touched upon by the Mexican Minister in his article on "Criminal Jurisprudence, Roman and Anglo-Saxon," in the July number of the REVIEW.

I.

SENOR DON MATIAS ROMERO,
Minister of the Republic of Mexico, Washington, D. C.

DEAR SIR: I have read with deep interest your valuable article in the July number of the NORTH AMERICAN REVIEW, contrasting the systems of criminal jurisprudence in force in your own country and in this: and I am happy to say that I have gained from it much information which I had not before possessed, and of which very, very few of our American lawyers, and publicists even, have any adequate knowledge, and I desire, therefore, to sincerely thank you.

THE TRUTH ABOUT THE "OPIUM WAR"

A VERY common feature of any discussion in the United States of the trade or commercial policy of England in respect to other nations, is the preference of a charge against her, of having, more than a half a century ago, instituted a war "in order to force poor China to take the opium that England was trying to compel her to import, no matter what the great evils resulting." For this charge, which has been popularly regarded as irrefutable, there is no good or sufficient warrant, further than that complete evidence to the contrary has only within a recent period become popularly accessible through the publication of English state papers; although the would-be American authorities on this subject might, in at least a degree, have become cognizant of the exact truth (as will be presently shown), had they taken the trouble to acquaint themselves with the published results of an investigation of this subject by one of their own and greatest statesmen. A summary of the indisputable facts in the case are as follows:

Previous to the inception of the so-called "opium war" between England and China (*i.e.*, in 1840), opium was cultivated in no less than ten of the provinces of China, and its importation was permitted and regularly taxed, the same as any other imports. Opium, the product of India, was imported into China by the East India Company under such circumstances, and without inhibition; but to an estimated extent of more than two per cent. of what would be necessary to meet the demand of the whole Chinese population. The charge that England first introduced opium into China has, therefore, not the slightest foundation in facts.

Some time previous to 1840 the Chinese government prohibited not merely its importation but its use for any purpose, and any violation of these enactments was made a capital offence. As the appetite for opium on the part of the Chinese was not thereby extinguished, the business of smuggling and illicit dealing became very great, and is now known to have been largely participated in by the very Chinese officials whose business it was to enforce the law. The Chinese government, furthermore, was not successful in enforcing their law against opium. What was then also the policy of the British government towards China is demonstrated by the

fact that Lord Palmerston, then premier, sent a despatch to one British resident agent in China, to the effect that, if any British subject chose to contravene the laws of China in respect to trade in opium, "he must do it at his own risk." On the other hand, the Chinese Government, from the very outset of the opium trouble, refused to enter into any negotiations with the representatives of the British Government, not in the interests of the opium trade, not in the interest of trade at all, but in order to put the relations of the two governments on a footing that would be tolerable and induce the Chinese to no longer assume that all foreigners were barbarians, and that barbarians must be kept under control. When Lord Napier was sent as Minister to China in 1834, its government declined to have anything to do with him, and went out of its way to belittle him by using offensive characters for his name, and in other ways insult him. When Lord Napier, fairly driven out of China, was replaced by Sir Charles Elliot, the Chinese authorities at Canton, for the purpose of deliberate insult to foreigners in general, proposed to make the area in front of the so-called "factories," where British merchants and the citizens of other countries were virtually compelled to reside, a place for the public execution of criminals.

As might have been expected, war followed such a condition of things. It was virtually commenced by the Chinese, who sent a fleet of fire-ships to burn the English shipping in the harbor of Canton. It resulted in obtaining from the Chinese government a promise, that was not, however, kept, that the persons and property of the merchants of all nations trading with China should be protected in the future from insult and injury, and that their trade and commerce should be maintained upon a footing common to all foreign civilized countries. And if England had not undertaken the task of teaching the Chinese this initiatory lesson, the government of the United States would sooner or later have had to have done it, if they were to maintain peaceful commercial relations and trade with China.

The so-called "opium war" of 1840, thus brought about, attracted much attention in the United States, as the interests of its merchants prospectively involved was at that time very considerable, and among those of its citizens who especially considered the subject was ex-President John Quincy Adams, who gave to the American public, in December, 1841, the results of his investigations and study, in the form of a lecture before the Massachusetts Historical Society, which was subsequently reprinted in the *Chinese Repository*, an American missionary paper published in Canton. After tracing historically what had occurred up to the year 1841, Mr. Adams said: "Do I hear you inquire what is all this to the opium question or the taking of Canton? These, I answer, are but the movement of mind on this globe of earth, of which the war between Great Britain and China is now the leading star. The justice of the cause between the two parties—which has the righteous cause? I answer, Britain has the righteous cause. The opium question is not the cause of the war, but the arrogant and insupportable pretensions of China that she will hold commercial intercourse with the rest of mankind, not upon terms of equal reciprocity, but upon the insulting and degrading forms of the relation between lord and vassal."

DAVID A. WELLS.