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International Law & Diplomacy
of the Boxer Uprising in China

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INTERNATIONAL LAW AND DIPLOMACY OF THE
BOXER UPRISING IN CHINA

BY

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THESIS

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Chapter I. The Complexity of Oriental Politics.

There is nothing in the history of modern international politics that is of such moment as are the events which have transpired in China, in the last decade. If the amount that has been written on the subject can be taken as an index of popular interest it is a matter of ready inference that the vital importance, to the world, of the "awakening of China", and her future development is generally felt. But while the question is an absorbing one, any attempt that is made to discuss the problems that turn about Oriental politics must be made with an appreciation of the difficulties, involved in an understanding of the situation, for it is one of unusual complexity.

In the first place, there have been the difficulties that are always involved in the contact of different races. England has experienced them in India, we are facing them in the United States in our "negro problem", and, this fact of mere racial differences has also made the development of intercourse with Oriental nations a constant struggle between conflicting ideals. It is not necessarily true as so many popular writers have held that there is a wide gulf between Oriental and Occidental mind that is incapable of being bridged, or that the Chinese must forever remain an enigma to us. More careful students do not thus consider them, but there are, nevertheless, fundamental differences in civilizations, habits of thought and standards of life.¹ Those qualities which make form, ceremonial detail, and "face" so much to the Oriental, seem to the Occidental to be of little

¹ A. H. Smith - Chinese Characteristics.
Chas. Denby - China and her People - etc., etc.

value. As a result the Chinese consider the westerners "barbarious" and western civilization to be of a low order. The ordinary rules of diplomacy, therefore, have not been applicable and the task of foreign diplomats in China has been a hard one.¹

The situation has been further complicated in that the very fact which has turned the attention of the world to China - her commercial possibilities - has also brought a conflict of interests among the powers, as they have striven for national advantage. Not only has the east been ranged against the west but the western nations have been placed one against the other. It is well understood that diplomacy is now largely commercial. Its greatest aim, since the industrial development of Europe and America has been to satisfy the imperative demand for markets for the goods produced.² Naturally, therefore, the nations have looked to China for her resources are beyond computation. She has a soil well adapted to the growth of cereals and a climate healthful to foreigners. This with the vast coal fields and untouched mineral wealth which is in immediate proximity must make China in the future the industrial center of the world. She has a population estimated as being nearly 400,000,000,³ a people hardy, industrious and frugal whose efficiency in competition with our own workmen, we, in America, have had good evidence. Her weakness is not irremediable. It has been due to the ineffective

¹ J. W. Foster - American Diplomacy in the Orient.

² A. T. Mahan - N. Amer. Rev., 171 : 609.

³ Statesman's Year Book, 1902, p. 495.

political system which is capable of, and is undergoing gradual reorganization.¹ Though the commerce of China doubled between the years 1889 when it totaled 207,832,187² taels and 1899 when it reached 460,533,288³, yet the latter figure only means a per capita trade of less than \$1.00. If we compare this with that of Japan who with more limited resources has increased her per capita trade in the last three decades from \$1 to \$7 or consider that the trade of the United States amounts to \$25 per capita we see China's tremendous capability from a commercial standpoint when her government has become more stable, the wants of this great population have increased as they must, and when the vast resources are exploited.⁴ With the completion of the Panama canal in sight the prediction, that was made in 1868 by Senator Seward that "the Pacific ocean, its shores, islands and the coasts washed by its waves will in the future be the principle stage on which the events of the world will be played out"⁵, seems today almost a platitude. The nations have well understood the value of the stake and there has ensued a diplomatic struggle that is unprecedented. Writing in April, 1900, one of the foremost writers on Oriental politics said; "If a careful consideration of the powers engaged in the Chinese struggle, their policies and ten-

¹ John Barnett - Political Possibilities in China. Harpers W. 1900, p. 619.

² Statesman's Year Book, 1889, p. 419.

³ Statesman's Year Book, 1902, p. 502.

⁴ Harper's Weekly, 1900, p. 745.

⁵ Quoted by F. Crispi, North Amer. Rev., 171 : 700.

dencies is of the greatest necessity, it is not less a study of the most absorbing interest, for a drama is about to be enacted, the like of which the world has never seen. It dwarfs the conquests of Alexander, compared with this titanic conquest; the exploits of Napoleon seem a passing diversion and previous meetings between Orient and Occident seem the merest frontier skirmishes".¹

In the year this was written an important edisode in this 'drama' was enacted in the Boxer uprising of 1900. It is the purpose of this thesis to give an account of the outbreak and the negotiations between the powers and China in the settlement of the international questions arising as a result of it. In view of the difficulties in the situation, which have been briefly outlined, the account will be confined as far as possible to the action taken and when reference is made to the motives prompting these actions, the liability to error is acknowledged. The material has been taken chiefly from the British State Papers, Archives Diplomatique, The London Times and the United States Foreign Relations. The last named has really formed the basis of the narrative not only because the American attitude is of the greatest interest but also because of the fullness of the reports there given, some of which have been rather freely paraphrased.

¹ Paul Reinsch - World politics, pp. 88, 89.

Chapter II. The Situation in 1900.

I The Position of the Powers.

To understand the situation in 1900 it is necessary to review briefly the events leading up to the outbreak, particularly those following the Chinese-Japanese war of 1894, which really marked the beginning of the struggle of the powers for commercial advantage, which has been referred to. Of primary importance was the development of the idea of territorial control.

As a direct result of this was Japan acquired by the treaty of Shimonoseki the island of Formosa. By this same treaty China also ceded to Japan the Liao-tung peninsula, which she held at the close of the war, but this was viewed with disfavor by Russia as it would wreck her plans for the acquisition of an ice-free port on the Pacific and so with the support of France and Germany Russia informed Japan that she must keep off the mainland. Japan could not withstand such pressure and agreed to cede the territory back to China in consideration of an increase in the amount of the war indemnity.¹

The relation of Russia to China is somewhat different from that of any of the other European powers because of her geographical situation, being the only one of these lying contiguous. Being in imperative need of an eastern sea-port her policy has been territorial rather than directly commercial and her method has therefore been a permanent colonization and a gradual encroachment from the north. It is generally admitted that Russia is peculiarly adapted to Oriental politics. Being semi-

¹ Chas. Denby - China, Vol. II, p. 145 - 147.

Oriental herself she has understood the necessary combination of a display of power and the more subtle method of official corruption and consequently her influence at Peking has been predominant.¹ In view of her "friendly" action in withholding from Japan the territory acquired by conquest Russia secured permission to construct the Siberian trunk railway over a thousand miles of Chinese territory to Vladivostock, thus avoiding the long detour which otherwise would have been necessary. This grant by implication at least, would carry with it the right of placing Cossack guards along the line. According to a secret agreement, which though denied at St. Petersburg, is believed to have been drawn up by Count Cassani, Russia was to be given exclusive privileges in Manchuria and eventually a lease on Kiao Chou Bay and the use of Port Arthur. Russia's policy, therefore, was to wait the completion of the Siberian railway before making any further move, but her plans were upset by Germany, who also had designs on China, though from more purely commercial motives.²

In 1897, two German missionaries were murdered by a mob in a riot, which occurred in the province of Shantung. This opportunity was eagerly seized by Germany and her war vessels immediately seized Kiao-Chou and troops were sent on shore. In addition to demands for a large indemnity for the murder, punishment for the guilty parties and guaranties against future outrages, Germany asked for preference in railway and mining pri-

¹ Russias spread, Ind. 52 : 3021. Interview with Li Hung Chang, London Times, 1900, pp. 235 - 236. "World Politics",

² Quart. Rev., Jan., 1900.

(Reinsch, p. 206-221.

vileges in the entire province of Shantung, and a lease of Kiao-Chou and territory inland to the distance of 100 li., on the ground that the German government came to the assistance of China in securing the evacuation of the Liao-Tung peninsula by Japan for which she had never been recompensed; further as England, France, and Russia had taken maritime ports on the east and as Germany had no port as a rendezvous for her vessels and for a coaling station her position was not equal to the other great powers. The Chinese government finally consented to this proposition and Germany secured this territory on a ninety-nine year lease "upon the same conditions as the settlements at the concessions and the ports, the rent to be paid annually, that the territory should be self-governing, i.e., under Germany but still belong to China". Should Germany wish to hand over Kiao Chou to China at some future time China agreed to pay Germany the money she had expended on the place and China would select another suitable port for Germany. By the terms of the convention Chinese war and merchant vessels could enter and leave Kiao Chou at pleasure and no dues were to be levied on Chinese naval and merchant vessels on entering or leaving port. The Chinese liken stations were also to be retained.¹

By accepted principles of international law China was liable for the death of the two missionaries by reason of the treaty provision guaranteeing protection of foreigners,² but the demands of Germany were too excessive to receive justification on this ground and they must be regarded as a political move which China was powerless to withstand.

¹For. Rel. 1898 - 1899, p. 187 - 189, 1900, p. 383.

²Moore Digest Int. Law, VI, Sec. 1022.

In the memorial presented by the Tsungli Yamen (The Chinese foreign office) setting forth the terms of the convention, something of the apprehension of the Chinese is seen in the words: "Foreign powers should not be allowed to mediate in the matter as it is certainly known that foreign powers are not sincere in their purpose to come to China's assistance in this present emergency. It is in appearance only. China has suffered a great deal and there is just a possibility that the foreign powers in their contest with each other are merely making China a battlefield, which renders it most difficult for her to do anything".¹

When this convention became known Russia was moved to action and immediately demanded and secured on the pretext "to assist China in protecting Manchuria against the aggressions of other Powers" (by a convention signed March 27, 1898) a twenty-five year lease on Port Arthur and Ta-lien wan with the surrounding territory for 160 li. (53 Eng. miles) from north to south and 70 li. (23 Eng. miles) from east to west. As is the case with Kiao Chou, Chinese vessels of war and merchant vessels could enter and leave Port Arthur at their pleasure.²

England from the time of the first treaties, had always stood for equal privileges in China and had always given the other powers the benefits of the concessions she had gained. This was undoubtedly due, to some extent, to the fact that the "open door" policy was adapted to British interests and her com-

¹ For. Rel., 1898-99, p. 189.

² For. Rel., 1898-99, p. 182-187. Text of Treaty, For. Rel. 1900, p. 383.

merce was able to stand competition. Now, however, when Russia secured Port Arthur, England concluded negotiations for Wei-hai-wei on the Gulf of Pechili opposite Port Arthur, and a strip ten miles wide along the coast line to be held as long as Port Arthur should remain in the possession of Russia. On June 9th another convention was reported leasing to Great Britain, Mirs Bay, Deep Bay and the adjacent islands around Hong Kong. At Germany's request England made formal recognition of Germany's prior rights in Shantung and declared that she had no intention of injuring or contesting her interests there. There was considerable criticism of the policy of Great Britain expressed in England. It was asserted that had England firmly resisted Russias seizure of Port Arthur instead of taking Wei-hai-wei or had not acquiesced in the coup d'etat of 1898, the ascendancy of her northern rival would have been prevented and England would not have yielded the first place in Oriental politics, as was the case, for Li Hung Chang was undoubtedly right in saying that Russia was the power China really feared.¹

England and Russia came to an agreement in 1899 by which England was not to seek railroad or other concessions north of the Great Wall and Russia on the other hand, undertook not to seek for these advantages in the Yangtse region.

France, also, had followed the example of the other powers and gained a ninty-nine year lease on Kwangchow Bay on the southeastern coast.²

¹ London Times, 1901, p. 235. 19th Century, July, 1900.

² For. Rel. 1898-99, p. 191.

Italy, in February, 1899, attempted to get a concession in Chekiang but the Empress Dowager having assumed control, Italy met with a summary refusal though she was supported by British influence.¹

By informal agreements there were also created wide "spheres of interest" about these concessions in which China promised not to alienate the territory to other than the power holding the concession. Thus, by 1900, thirteen out of the eighteen provinces of China were marked out in this way as "spheres of influence", numerous mining and railroad concessions given and a large amount of foreign capital invested.

The term "sphere of interest" or "hinterland " is a comparatively new one in international law and so has not acquired a very definite meaning. Hall's definition in regard to European claims in Africa is fairly applicable. "It indicates the regions which geographically are adjacent to, or politically group themselves naturally with possessions or protectorates, but which have not actually been so reduced into control that the minimum of the powers which are applied in a protectorate can be exercised with tolerable regularity. It represents an understanding which enables a state to reserve to itself a right of excluding other European powers from territories that are of importance to it politically or as affording means of future expansion to its existing dominions or protectorates or strategically as preventing civilized neighbors from occupying a dominant military posi-

¹ London Times, 1899, pp. 131, 147, 163.

tion. No jurisdiction is assumed, no internal or external power is taken out of the hands of the tribal chief; no definite responsibility consequently is incurred."¹

Any agreement in regard to such "spheres of interest" such as the Anglo-German and the Anglo-Russian conventions have only an immediate legal effect upon the powers signing it² and the United States has refused to acknowledge that the European nations have superior rights in their respective spheres of influence. As is stated by Reinsch - "It must be emphasized that they do not necessarily involve any immediate or future political control, but, leaving the sovereignty of China otherwise undisturbed, simply demand from her that non interference shall be insisted upon and that no exclusive advantages shall be granted to other foreign powers. Should the partition of China become an actuality, however, the spheres thus delimited will be insisted upon by the powers interested as a basis of partition."³

Notwithstanding the immense political difficulties that would devolve upon any power which would attempt to exercise or assume actual sovereignty over Chinese territory⁴ many were led by the European aggressions in China to believe that the Empire was on the point of breaking up and that the partition of China among the powers was inevitable⁵.

¹ Hall - International Law, pp. 134, 135.

² Lawrence Principles International Law, p. 165.

³ Reinsch - World Politics, p. 113 - 114.

⁴ Robert Hart - Fortnightly, 75 : 198, etc.

⁵ D. C. Boulger - N. Amer. Rev. 171 : 171. Fortnightly 74 : 198.

The United States felt that it was necessary to protect her commercial interests in China and endeavored to secure from the powers the formal guarantee that their respective "spheres of interest" would remain free to international trade. On September 6, 1899, Mr. Hay submitted to the interested nations, through the American representative abroad, similar notes stating that while the government of the United States would in no way commit itself to a recognition of exclusive rights of any power within or control over any portion of the Chinese Empire under such agreements as had within the last year been made, it could not conceal its apprehension, that under existing conditions there was a possibility even a probability of complications arising between the treaty powers which might imperil the rights secured to the United States by our treaties with China. He, therefore, asked each to make a declaration to the effect that they, First, would in no way interfere with any treaty port or any vested interest within any so-called "sphere of interest" it might have in China; Second, that the Chinese treaty tariff of the time being should apply to all merchandise landed or shipped to all such ports as were within said "sphere of interest" (unless they be free ports) no matter to what nationality they belonged and that duties so leviable should be levied by the Chinese government. Third, That it would levy no higher harbor dues on vessels of another nationality frequenting any port in such "sphere" than should be levied on vessels of its own nationality, and no higher railroad charges over lines built, controlled or operated within its sphere on merchandise belonging to citizens or subjects of other nationalities transported through such "sphere" than should be levied on similar

merchandise belonging to its own nationals transported over equal distances¹.

However reluctant some of the powers addressed may have been to definitely commit themselves to this proposition all of them substantially acceded to it. Lord Salisbury wrote on November 30 that Great Britain would be prepared to make a declaration in the sense desired "in regard to Wei-hai-wei and all territory in China which may hereafter be acquired by Great Britain by lease or otherwise and all spheres of interest now held or that may hereafter be held by her in China provided that a similar declaration be made by the other powers concerned". M. Delcasse replied on December 16th that France desired "that the whole of China and, with the natural reservation that all the powers interested give an assurance of their willingness to act likewise, is ready to apply in the territories which are leased to it, equal treatment of the citizens and subjects of all nations especially in the matter of customs duties and navigation dues as well as transportation tariffs on railroads"².

Count von Bulow stated in note of February 17, 1900, that, "the Imperial Government has from the beginning not only assisted but also practically carried out to the fullest extent in its Chinese possessions equality of all treatment of all nations with regard to trade, navigation and commerce. The Imperial Government entertains no thought of departing in the future from this principle which at once excludes any prejudicial or disadvantageous commercial treatment of the United States of America

¹ For. Rel. 1899-1900, pp. 131-133.

² For. Rel. 1899-1900, p. 128.

so long as it is not forced to do so on account of reciprocity by a divergence from it by other governments. If, therefore, the other powers interested in the industrial development of the Chinese Empire are willing to recognize the same principles this can only be desired by the Imperial Government which in this case upon being approached will gladly be ready to participate with the United States of America and the other powers in an agreement made on these lines, by which the same rights are reciprocally secured"¹.

Italy signified her acceptance of the proposition January 7, 1900² and on December 26, 1899, Viscount Siuzo, foreign minister for Japan stated that the Imperial Government would have no hesitation to give their assent to "so just and fair a proposal of the United States provided that all the other powers concerned accept the same"³. Russia made reply December 30 saying that "as to the ports now opened or hereafter to be opened to foreign commerce by the Chinese Government and which lie beyond the territory leased to Russia the settlement of the question of customs dues belongs to China herself and the Imperial Government has no intention whatever of claiming and privileges for its own subjects to the exclusion of other foreigners". Russia made the reservation, however, that Talienwan might be separated from the other portions of the territory leased to Russia by a customs limit in which case the "customs duties would be levied in the zone subject

¹ For. Rel. 1899-1900, p. 131.

² " " " p. 138.

³ " " " p. 139.

to the tariff upon all foreign merchandise without distinction as to nationality".¹

On March 20, 1900 Mr. Hay sent a circular letter to the American representatives abroad saying that the interested powers had accepted the proposals of the United States and the Government would consider the assent given as "final and definitive".²

This action of the United States discouraged the spread of the spheres of interest as without special privileges they lose much of their value, but while the proposals of the United States placed commercial interests on a slightly firmer basis it offered no solution to the deeper problem of political control which still remained unsettled.

¹ For. Rel. 1899-1900, p. 141 - 142.

² " " " p. 142.

II Governmental Changes.

The years 1894 to 1900 also witnessed some important changes in the organization of the Chinese government. The weakness of the Empire was so conclusively shown in the war with Japan that while a large number of the people did not know that there had been a war or else thought that China had been victorious yet there was a pronounced feeling among the more enlightened that China must adopt western methods¹. The reform party became more active and the Emperor Kwang Su was interested in the movement and under the influence of Kang Yeu Wei planned an extensive program of reform. Young Manchus were to study foreign languages and travel abroad; a university was to be established at Peking for western sciences; temples were to be converted into schools; a Translation Board was to translate books of western learning into Chinese; a Patent Office was to be established to encourage invention; the essay system of examination for public office which had been in vogue 500 years was to be replaced by examinations in modern science; sinecures were to be abolished in Peking and in the provinces and other sweeping changes were to be made including the practically universal right to memorialize the throne. The last measure was the immediate cause of the Emperor's downfall. Some of the officials who had

¹ Arthur Brown - New Forces in Old China, p. 189, et. seq.

China and Powers, Cont. Review, Aug., 1900.

W. A. Martin - The Seige in Peking, Chap. II, etc.

been punished by the Emperor for refusing to transmit certain memorials to him, appealed to the Empress Dowager and she supported by the reactionary party seized the person of the Emperor and compelled him to issue a decree, September 21, 1898, making the Empress co-regent¹. The reform measures, with the exception of some relating to education, were repealed by successive edicts² and a number of the reform officers were executed³. On December 13th the Empress Dowager held a reception for the wives of the diplomatic representatives of the powers which all attended⁴. The British press thought that a mistake had been made in thus recognizing the success of this coup d'etat⁵. The Empress Dowager was now in control but on January 24, 1900, the Emperor was forced to issue another edict proclaiming the adoption of P'u Chu'un the 9 year old son of Prince Tuan as son and heir apparent of the Emperor's predecessor⁶. The reason assigned was the Emperor's ill health. This act removed him still farther from power and made him virtually a figure head with the Empress, the real ruler. Immediately following the coup d'etat she had begun to increase China's military strength, importing great quantities of munitions of war and drilling the troops. This had been carried to such a point by the early part of 1899 that the Government

¹ For. Rel. 1898-1899, p. 218.

² " " " p. 219.

³ " " " p. 220 - 221.

⁴ " " " p. 223 - 225.

⁵ Quarterly Review, January, 1900.

⁶ For. Rel. 1900, p. 92.

felt able to refuse Italy's demands for a concession. In November of this year secret edicts was sent the viceroys and governors of the maritime and Yangtse provinces urging cooperation in resisting concessions and stating that they were granted full power and liberty to resist by force of arms all aggressions upon their several jurisdictions, proclaiming a state of war if necessary without first asking for instructions from Peking, for this loss of time might be fatal to their security and might enable the "enemy" to make good his footing. The officials were to be responsible for any repetition of the indecision that had been displayed in Shantung ¹. Another edict also showed her warlike attitude. It said in part addressing the officials "Our Empire is now laboring under great difficulties which are daily becoming more serious. The various powers cast upon us looks of tiger-like ferocity, hustling each other in their endeavors to be the first to seize upon our innermost territories. They think that China, having neither army nor troops would never venture to go to war with them. They fail to understand, however, that there are certain things which this Empire can never consent to, and that if hardly pressed upon, we have no alternative but to rely upon the justice of our cause, the knowledge of which in our breasts strengthens our resolves and steels us to present a united front against our aggressors. . . . With such a country as ours with her vast areas, her immense natural resources and her hundreds of millions of inhabitants, if only each and all

¹ For. Rel., 1900, p. 85.

of you would prove his loyalty to his Emperor and love of country, what, indeed, is there to fear from any invader? Let no one think of making peace but let each strive to preserve from destruction and spoliation his ancestral homes and graves from the ruthless hands of the invader"¹.

The attitude of the Chinese government as here illustrated is the most significant and important fact in the whole situation and should never be lost sight of when subsequent events are considered.

¹ For. Relations, 1900, p. 85.

Chapter III Causes and Events of the Uprising.

It is impossible to attribute to any one cause this movement which was the result of the operation of numerous forces¹. There was the constant friction between Oriental and Occidental which has induced similar though less serious outbreaks since the earliest intercourse. There was the irritation due to the presence of the missionary, which carried with it the assertion of the inferiority of the Chinese religion particularly in regard to ancestor worship. This same feeling was engendered by the principle of extra-territoriality which (while a necessary measure from the western point of view) made the foreigners a privileged class, and the privileges were at times abused. There was also the superstitious nature of the Chinese which attributed the floods and famines to the violation of Feng Shin² by the foreign mines and the desecration of the cemeteries by the foreign railways. Then too, the introduction of cotton fabrics through the native weavers out of employment and the railroads deprived the native carriers of a livelihood. The liken tax imposed after the Chinese - Japanese war was also offensive. All these were contributing causes but the essential element in this outbreak which was not present in the earlier disturbances was the strong national feeling that had been developed by the territorial aggressions of the powers. This brought into focus the hatred

¹ See Chas. Denby - China, p. 174, et. seq.
G. B. Smyth - North Amer. Rev.,

² Chinese Superstition - Harper's Weekly, December 15, 1900.

of foreigners that had been stimulated by other causes; and although we may condemn the atrocities of which the Chinese were guilty there can be no doubt that they had some just cause for resentment. No people would willingly consider the partition of their land by foreign powers yet the discussions current in Europe and America to this effect were freely circulated in China.¹ The strong reactionary attitude of the Court and the Empress Dowager was also favorable for the uprising and it is hardly possible that without official tolerance, if not assistance it could have gone to such lengths as it ultimately did.

In October, 1898, there had been several attacks made on foreigners in Peking and the general situation in China was so critical that legation guards were called to Peking from the coast by the ministers stationed at the capital - a measure which the Tsungli Yamen consented to with great reluctance. The presence of the foreign guards inspired the Chinese Government to take unusual precautionary measures and the danger at Peking never became immediate. It was, however, deemed advisable to retain the guards throughout the winter and they stayed until the spring of 1899².

By the fall of this year the long continued drought made a large number of the people idle and discontented and conditions were ripe for the uprising that has become so famous. It originated in Shantung among the members of a secret society which were termed "Boxers" from the Anglicization of their

¹ Arthur Brown - New Forces in Old China, p. 174.

² For. Rel. 1898-1899, p. 225 - 244.

name I-Ho-Chan or Fist of Righteous Harmony and also "Big Sword Society"¹.

It is impossible to trace the origin of this society definitely from the scanty and conflicting accounts we have but it seems to have been an outgrowth of the ancient society which successively took the names Wai Kiang, Water Lily, Triad, etc. It was originally formed as an anti-Manchu society and though repeatedly denounced and prohibited by imperial edicts had continued to flourish and now following the German activities in Shantung proclaimed the patriotic doctrine of extermination of all foreigners. Its rites were based on hypnotism and all initiates, having faith, were rendered invulnerable to all weapons. The movement spread rapidly as secret societies are very common in China and every man belongs to several, so that the doctrine was readily transmitted from one to another. It was encouraged by the Governor of Shantung who was strongly anti-foreign and soon had a membership of several million².

¹ W. A. Martin says, "Their designation of Brothers of the Long Sword is due to the patronage afforded them by Yu Hsein a Manchu Governor who desiring them to oppose the Germans in their railway enterprise found the fittest instruments among those fanatical Boxers. He distributed among them a number of long swords which they desired and which gave them their name.

² See accounts by Geo. Smith - No. Am. Rev. 171 : 182. W. A. Martin - Siege of Peking, Chap. IV. Stephen Bousal, R. of R. 22 : 174.

In October they assembled in the neighborhood of Ch'ih Ping with the avowed purpose of driving out foreigners. Aid was requested by the missionaries and soldiers were sent meeting the Boxers in a conflict October 18 in which about fifty of the Boxers were killed and the rest dispersed. In the affair it happened that a number of the villagers were injured and the Governor Yu Hein arrested the officer who was in command of the troops and memorialized the Throne for his impeachment because he made the "mistake" of killing others than Boxers. They were naturally encouraged by this and soon rallied again and began abusing the native Christians and threatening the missionaries who appealed to the ministers at Peking. The Tsungli Yamen, upon demands for the protection of the missionaries replied that they had given preemptory orders to the Governor to disperse the Boxers and protect the people¹. Instead of doing this Yu Hein ordered his soldiers not to fight and his culpability was so clear that on December 5th Mr. Conger the American minister in a note to the Tsungli Yamen suggested the necessity of his removal. This was done and on December 6th Yuan Shih Kai who had a good reputation for ability and courage was appointed in his place.²

On the 1st of January, 1900, an English missionary Mr. Brooks, was murdered in Shantung. An imperial edict was issued expressing regret and ordering the punishment of the delinquent officials³ but shortly after (January 11) another decree

¹ For. Rel. 1900, p. 77 - 84.

² " " " p. 84.

³ " " " p. 86-87.

was issued which qualified and lessened the effect of the former one by distinguishing between good and bad societies¹. It was felt that this would be interpreted favorably by the Boxers and the German minister made a verbal protest to the Tsungli Yamen to that effect.

This result was soon seen in Shangtung and southern Chihli and the number of Boxers increased daily. The attitude of the Court was further shown by the conferring of honors upon Yu Hien, the former anti-foreign governor of Shantung². The situation was growing serious, new attacks on native converts being constantly reported³. Protests had brought small results so the French, German, British and American ministers decided to send identic notes to the Tsungli Yamen demanding an imperial decree to be published and promulgated "ordering by name the complete suppression and abolition of the "Fist of Righteous Harmony" and the "Big Sword" societies and stating that to belong to either of these societies or harbor any of its members was a criminal offense against the laws of China"⁴. These notes were sent January 27 and Mr. Conger not receiving any reply wrote again on February 6th and on February 21st⁵. On the 25th of February the ministers received word from the Tsungli Yamen that a decree had been issued directing the viceroy of Chihli and the Governor of

¹ For. Rel. 1900, p. 88.

³ " " " pp. 78, 79, 82, 83, 90, 98.

² " " " p. 93.

⁴ " " " p. 96.

⁵ " " " p. 105.

Shantung to issue proclamations prohibiting the societies¹. This did not comply with the demands of the ministers and the proclamation which was issued by the viceroy of Chihli, while an excellent one did not mention the "Big Sword" society nor was it given the publicity of the Peking Gazette as was the offensive decree of January 11. The British, German, French, American and also the Italian ministers called in a body on the Tsungli Yamen and each reiterated the demand that the decree should be published in the Peking Gazette and that it should name both societies, so that it might become generally known and counteract the ill effects of the former decree². But the Tsungli Yamen, probably fearing that to accede to a demand which the ministers were known to have made would cause them to "lose face" with their people and also because the former governor Yu Hien was either directly or in collusion with the society, made various excuses but refused to comply with the wishes of the ministers³. Believing in the necessity of this step the ministers on March 9th again sent identic notes insisting that the proposed action be taken and stating that if it were not done they would advise their governments to take such measures as would insure the protection of their nationals⁴.

In the meantime the Boxers were constantly organizing, drilling and spreading. The irritation in Shantung was increased by the activity of the Germans in undertaking the build-

¹ For. Rel. 1900, p. 105.

² " " " p. 103.

³ " " " p. 107.

⁴ " " " p. 103.

ing of certain railroad lines and the development of certain mining districts in the interior of the province. The missionaries were confined to their houses and their work practically abandoned, although as yet no missions had been actually attacked. The ministers advised their governments that if the Tsungli Yamen did not respond to their oft repeated request, a naval demonstration by the powers in the Bay of Chihli would in their opinion, be advisable, and, Mr. Conger said, that if, as a last resort, a marine guard were sent by each power to Peking on the plea of protecting the legations, there would be little doubt of ready compliance as nothing would chagrin or grieve them more than for the word to go forth that they could not preserve order or protection at their imperial capital and they would do anything rather than have this happen again¹.

Mr. Hay, in reply, informed Mr. Conger that the Department would detail a ship for independent protection of American citizens and interests in China. Mr. Conger's actions were approved though the Department would have preferred that in place of the identic notes which were sent to the Tsungli Yamen separate representation had been made; Mr. Hay stating that the "position of the United States in regard to China makes it expedient, that, while circumstances might sometimes require that it act on lines similar to those other treaty powers follow it should do so singly and without the cooperation of other powers².

¹ For. Rel., 1900, p. 103.

² " " " p. 111.

Still more evidence of the reactionary sentiments of the Empress Dowager appeared in the imperial edict of March 9th which prescribed punishment for five of the reform officials of Hamlin, the Imperial College of Literature, whose chief offense was their association with foreigners in their authorized schemes for the development of China¹. Also Yu Hien ex-Governor of Shantung was transferred to the Governorship of Shansi², which was considered a high office. The ministers resented his appointment to a position where there were so many missionaries in his jurisdiction, and several of them entered protests against his appointment³.

Conditions were temporarily bettered by the presence of two British men-of-war; one French, two Italian and one American (the Wheeling) which had arrived off the Taku Bar, and two German war ships which were lying at Kiaochow. The murderers of Mr. Brooks had been punished and proclamations had been issued both against the Boxers and Big Sword Societies and on April 15, the former demands of the ministers were complied with by an Imperial order published in the Peking Gazette⁴.

The new governor of Shantung proceeded against the Boxers in a stringent manner and on May 8th, Mr. Conger reported that the situation was much improved but that the Boxers seemed to be spreading northward through Chihli. In many places small bands mostly boys from 15 to 20 were drilling and practicing what

¹ For. Rel. 1900, p. 110.

² " " " p. 112.

³ " " " p. 109.

⁴ " " " p. 113, 118.

they termed quarterstaff. A number of teachers were going through the country gathering together the idle young men at the various villages, organizing them into companies and instructing them in the rites of the society. There were at this time no known or generally recognized leaders among them and they were as a whole practically unorganized¹. Their activity was not directed against Christians but against foreigners generally (or natives who had been associated with foreigners). Many false reports were circulated and placards posted which accused the foreigners of all sorts of evil practices such as poisoning wells, preventing rainfall and causing poverty, disease and death and which urged the people to rise and kill².

As has been stated it was evident that the Government either strongly sympathised with the Boxers or was afraid of them. Many of them were in the army and they all whether in the army or not, claimed to be patriotically in favor of the existing dynasty. So the Government was afraid that if they should be treated too harshly a revolution might result against which it was not in a position to make good defense. The Dynasty in power was not popular south of Chihli and with the existing police troubles found considerable cause for anxiety³.

There were several conflicts between Boxers and Catholics near Paoting fu seventy-five miles southwest of Peking in which about seventy Boxers were killed. Hostile booklets were sold

¹ For. Rel. 1900, p. 120 - 123.

² " " " p. 122.

³ " " " p. 122.

on the Peking streets until seized at Mr. Conger's solicitation¹ and on the 6th of May a stone was thrown into the Presbyterian mission and offensive placards posted near it². On the 8th and 12th of May while the British and Chinese commissioners were demarcating the boundary of the British leased territory of Wei-hai-Wei they were attacked by natives, several of the British and about 30 of the Chinese being killed³. The Boxers continued to spread throughout Chihli and came nearer to Peking. On the 12th of May they attacked a Catholic mission fifty miles from Peking and destroyed it killing 61 Christians and reports of many other similar outrages came from the missionaries at other points⁴. The ministers at Peking continued to press the matter of protection with the Chinese government and on May 21 the diplomatic body passed resolutions which they sent to the Tsungli Yamen demanding more immediate and effective measures than had yet been employed⁵. The Tsungli Yamen had declared to Mr. Conger on the 18th that the movement had not been thus far looked upon as serious but that the Government was now aware of the gravity of the situation and the Boxers would be suppressed. They asked Mr. Conger to telegraph his government to that effect, but he very properly replied that restored order would be the only possible proof and if this were not attained he threatened to send for marine guards⁶.

¹ For. Rel. 1900, p. 123.

² " " " p. 123, 124.

³ " " " p. 126.

⁴ " " " p. 127.

⁵ " " " p. 129.

⁶ " " " p. 128.

His request for permission to summon these if it became necessary was promptly granted by the Department of State¹. The situation grew rapidly worse and though the Chinese government apparently tried now to suppress the movement and published the prohibitory decree² that had been asked in the note of the diplomatic corps of May 21 action had been too long delayed and the disturbances developed into open rebellion.

Notwithstanding the protests of the Tsungli Yamen, who declared them unnecessary, guards were sent for and on May 31, 75 Russians, 75 English, 75 French, 25 Japanese, 40 Italians, and 50 Americans entered the city³. More outrages were occurring outside the city. Work on the railroads stopped. The Boxers now not only persecuted native Christians but began to attack foreigners and Mr. Conger wrote on June 4th that there was good ground for belief that notwithstanding the Imperial decrees against the Boxers they were secretly called patriots and the soldiers ordered not to fire upon them. It was also believed that in case of a general contest a large part of the soldiers would join the Boxers in which case the Government would be powerless to protect either itself or foreigners. The situation was a critical one and he said⁴ at this time that there was a possibility that the legations might be beseiged in Peking, in which case he asked that instructions be given the American Admiral to take measures warranted⁵ to relieve Peking. On the 5th he telegraphed that more ships were needed at Taku⁶.

1 For. Rel. 1900, p. 132. 4 For. Rel. 1900, p. 140

2 " " " p. 133 5 " " " p. 141.

3 " " " p. 132, 137, 138.

6 For. Rel. 1900, p. 142.

In reply to his request for instructions in regard to acting with his colleagues Mr. Hay instructed him to act independently in protection of American interests when practical and concurrently with the representatives of the other powers if necessity arose and said: "We have no policy in China except to protect with energy American interests and especially American citizens and the legations. There must be nothing done which would commit us to future action incompatible with your standing instructions. There must be no alliances"¹.

He was instructed that he might join in a demand for an audience with the Emperor and to state to the Throne "that unless the Boxer war is immediately suppressed and order restored the foreign powers will be compelled themselves to take measures to that end". The Boxers began to pour into Peking in great numbers and by June 11 all the communications with the coast had been severed and the famous seige of Peking had begun².

The Situation in South East Chihli³

The situation at Tientsin was similar to that at the capital. A pretext of activity against the Boxers was made by the Chinese troops, but no real protection was afforded and by May 27th the situation was so alarming that Mr. Ragsdale, the American counsel at Tientsin sent a message to Admiral Kempff at Taku, asking for a force of marines. In response, 100 marines

¹ For. Rel. 1900, p. 143.

² " " " p. 144.

³ A. H. Smith - China in Convulsion, Chap. XXIV.

under Captain McCalla were promptly dispatched to Tientsin, fifty of them being forwarded on June 31st to Peking, with the other guards, that the ministers there had solicited. The various foreign nations had present at Tientsin by June 8th about 1500 troops. Such urgent requests for relief were coming from Peking that the consular body decided that a relief expedition should be forwarded at once. The Russians and French had opposed this step but Captain McCalla declared that he would start if he had to go alone, and then they concluded to concur in the action. A demand was made upon the viceroy for transportation for the 800 men who were to be sent. He consented to their going but orders were sent out at the same time from Peking to destroy the railroad. As the troops from Tientsin were preparing to start on the morning of June 10th they were reinforced by the arrival of a body of troops from Taku under Admiral Seymour, who took command of the expedition, the strength of which was something over 2,000 men. They arrived at the station, 25 miles from Tientsin without any trouble, but here they found the rails torn up and it was impossible to repair the track as rapidly as it was destroyed by the large forces of Boxers, who subjected the allies to constant attack. On the 19th the track was cut in the rear and nothing definite was heard from them till June 25th when they were relieved by troops sent out from Tientsin. The expedition had, with great difficulty, pushed its way to Lang Fang about 40 miles from Peking but here it found itself confronted with a large detachment of the Imperial army. This was entirely unexpected and while one attack was repulsed, it was so clearly evident that the allied force was not strong enough to break

through to Peking that it was decided (June 18th) to withdraw. The retreat was rendered difficult by the presence of the wounded men who had to be carried, so that the expedition was unable to reach Tientsin again but took the position at the Siku arsenal 9 miles distant, which was held against all attacks, until relief came. Upon leaving the place several million dollars worth of munitions of war which had been accumulated by the Chinese were destroyed¹.

Capture of the Taku Forts.

In the meantime the presence of large bodies of Chinese troops between Tientsin and Taku cutting off communication with the former, the placing of torpedoes in the Pei ho river and the other warlike preparations of the Chinese led the Admirals of the fleet, that had gathered at Taku, to confer together and on June 16th they decided that the circumstances demanded that an ultimatum be sent to the Chinese leaders, calling for the disbandment of their troops and the Chinese were, therefore, given notice, that if this was not done by 2 A. M. of the following day the united squadron would destroy the Taku forts. About an hour before the expiration of the limit set, the forts opened fire on the fleet and an engagement ensued. The Chinese showed unexpected powers of resistance and the fight lasted over six hours, but the forts were finally captured. The American commander,

¹ London Times, 1900, p. 421.

Report of J. W. Ragsdale, counsel at Tientsin. For. Rel. 1900, p. 268 - 273 - Current numbers of the London Times.

Admiral Kempff , took no part in this engagement as he did not think this action was in accordance with his instructions to act conjointly with the other powers only in protection of American interests.¹ He, however, joined in all subsequent actions. There has been some discussion as to whether the capture of the Taku forts by the powers did not, really, comprise an act of war on their part, but these governments never so recognized it. It was undoubtedly a necessary expedient, though the Chinese government entered quite a strong protest against it. In an edict, June 21st, the policies of foreign governments in their relation to China was assailed. It said: "for the last thirty years they have taken advantage of Chinese forbearance to encroach on Chinese territory and trample on the Chinese people and to demand China's wealth. Every concession made by China increased their reliance on violence. They oppressed peaceful citizens and insulted the gods and holy men, exciting the most burning indignation among the people, hence the burning of chapels by the patriotic braves. The Throne was anxious to avoid war and issued edicts enjoining protection of the legations and pity to the converts. . . . But these people knew no gratitude and increased their pressure. A dispatch was yesterday sent by Du Maylord calling on us to deliver up the Taku forts into their keeping otherwise they would be taken by force. These threats showed their aggressions. . . . With tears we announced war in the ancestral shrines. Better to do our utmost and enter on

¹ A. H. Smith - China in Convulsion, Chapt. XXIV.

London Times, 1900, pp. 391, 501.

the struggle, rather than seek some means of self-preservation involving eternal disgrace. All our officers are of one mind and these have assembled without warning, several thousand patriotic soldiers, even children carrying spears in the service of the country. . . . Not to speak of the righteousness of our cause, our provinces number more than twenty, our people over 400,000,000, and it will not be difficult to vindicate the dignity of our country¹.

Fighting at Tientsin.

On the day following the capture of the Taku forts a seige of the foreign city of Tientsin was begun and there were several sharp engagements between the Chinese and allied troops who now numbered about 2,500. A relief force of 1,700 finally succeeded in reaching Tientsin from Taku, but, though this opened up communications to the east, it did not relieve the foreign settlements from attack, for the Chinese were strongly situated on the other sides. They continued to shell the foreign camp with their heavy artillery making its position decidedly precarious and some action was, therefore, imperative. On the 9th of June the camps of the Chinese were attacked and on the 14th an assault was made upon the native city, which was taken after hard fighting in which the Russians took a notable part. The Chinese fled and a provisional government was established by the military commanders².

¹ For. Rel., 1900, pp. 168 - 169.

² London Times, 1900, pp. 437, 452, 485.

For a period of nearly three weeks there was very little decisive action. The experience of Admiral Seymour's expedition led to the belief that a large force would be needed in any attempt to relieve Peking, it being thought that at least 5,000 soldiers should be left at Tientsin and 50,000 were needed for the advance. All the powers took steps to increase their forces as soon as possible. Japan was in the best position to furnish troops and the United States held that she should be allowed to furnish all the soldiers needful for the relief, which Japan was quite willing to do¹. Some of the powers immediately agreed to this, but there was also some expression given to the feeling that Japan should not be allowed to do this on the ground that it would result in her gaining an undue influence, or possibly a retention of Chinese territory². This imputation of her motives was naturally resented in Japan³ and the more general feeling was that such a question should not be raised when the ministers were in danger. But the military arrangements, nevertheless, involved considerable deliberation and occasioned no little delay. During this time there had been almost no communications with Peking. Reports and messages were constantly coming in by native carriers who claimed to bring them from the legations but their genuineness was always questionable and in most cases they were palpable falsehoods invented to gain the rewards offered for news⁴. Nor were there direct communica-

¹ London Times, 1900, p. 438. ³ London Times, 1900, p. 410.

² " " supplement, July 13, 1900.

⁴ The German Emperor made an offer of 1,000 taels for authentic news of the legations, See For. Rel. 1900, p. 327.

tions between Peking and Shanghai after the 14th of June, though messages sent by Yung Lu, commander of the Chinese army, through the governor of Shantung gave some news of the legations. But there was doubt as to their correctness as the whole matter of communications with Peking was uncertain and unreliable¹. On July 16th the North China News published an alleged message from the Governor of Shantung, which it claimed to have brought from a sub-official in the telegraph office. It reported the capture of the legations and the massacre of all the ministers². This was telegraphed to all the news associations and it appeared together with obituaries of the ministers in the papers of Europe and the United States³. On July 18th, the first authentic news, from the besieged legations, was received in a telegram from Mr. Conger, the delivery of which was secured through the kind offices of Mr. Wu Ting Fang, the Chinese minister at Washington. It read: "For one month we have been besieged in the British legation under continued shot and shell from Chinese troops. Quick relief only can prevent general massacre"⁴. Even this message was received with incredulity in Europe, although the United States accepted it as genuine⁵.

Throughout the month of July various Boxer outrages were taking place in Shantung, wherever foreigners or native converts were situated. On July 28th the massacre of foreigners and native Christians at Pao-ting Fu was reported⁶.

¹ For. Rel. 1900, p. 257.

⁴ For. Rel. 1900, p. 156.

² For. Rel. 1900, p. 258.

⁵ For. Rel. 1900, p. 282.

³ London Times, July 20, 1900.

⁶ London Times, 1900, p. 486.

Relief of Peking¹.

On the first day of August it was decided that the relief of Peking should be attempted immediately, although the force available was not as large as had been thought necessary and despite the unpropitious weather which made the difficulties of transportation very great.

The advance was begun August 4, with about 20,000 men and the allied army steadily pushed forward, driving the Chinese from the positions, which they successively occupied, until it was in the immediate vicinity of Peking and then on August 14 after a short respite the city was attacked simultaneously at several points and the legations relieved. The Japanese troops received especial commendation for their efficient service on the expedition.

The Seige in Peking².

The story of the seige of Peking, which had been in progress, has been repeatedly told and it is not within the scope of this paper to refer, in detail, to the many interesting incidents and heroic acts performed, but this episode is important in the revelation it gives of the attitude of the Chinese Government.

The Americans gathered on June 9th in the Methodist

¹ A. H. Smith - China in Convulsion, Chap. XXIV.

London Times, pp. 433 - 434; Supplement, October 5th.

² Dr. Martin - The Seige in Peking. A. H. Smith - China in Convulsion, Chap. XX - XXIII. London Times, 1900, pp. 661, 662, 675 to 679.

compound, which was the easiest to defend and two days later, Mr. Conger telegraphed Admiral Kempff that a movement in force should be made on Peking. The Tsungli Yamen was excited and the government helpless. Edicts were issued June 6th and 8th ordering the Boxers to disperse and threatening them with punishment if they did not obey, but they had no effect and it is doubtful if they were meant seriously. The presence of the Boxers strengthened the anti-foreign element in the cabinet and on June 10th four new members were appointed to the Tsungli Yamen, all of whom were bitterly opposed to foreigners¹.

Prince Tuan, father of the heir apparent, leader of the reactionaries, and a patron of the Boxers, was made President and so would be virtually in control, although Prince Ching, who was more friendly was not entirely superceded.

On June 11th the chancellor of the Japanese legation, Mr. Sugiyama, was attacked by soldiers at one of the gates, dragged off his cart and murdered. An edict was published expressing regret at the occurrence and ordering punishment for the criminals², but it has been claimed that secret edicts of a very different nature were circulated at the same time. When the Tsungli Yamen learned of the demand made by the admirals of the foreign fleet for the surrender of the Taku forts, they addressed the ministers in a note saying that this act showed the intention on the part of the powers to break off friendly relations. The note stated that the "Boxer banditti" had risen in Peking and had caused great excitement, so that China would find

¹ For. Rel. 1900, p. 147.

² For. Rel. 1900, pp. 145, 153.

it a very difficult matter to give complete protection. The ministers were, therefore, asked to leave for Tientsin within twenty-four hours. An escort of troops would be furnished and the local officials would be notified to allow them to pass¹.

The ministers feared that it would be fatal to leave the legations but felt that an immediate refusal would be unwise, so they inquired what safeguards would be provided and stated that on account of the women and children, it would be impossible to leave on such short notice. They asked for a conference with Prince Ching the next morning (June 20) at nine o'clock². The ministers met the following morning at the French legation ready to procede in a body to the Tsungli Yamen as soon as they were notified that Prince Ching would be there.

Not receiving any word by 9 o'clock, Baron von Ketteler, the German minister, who had personally notified the Yamen that he was coming there on business started out but before reaching his destination was shot by a Chinese officer³ (who afterwards stated that he acted under orders⁴).

The Chinese government could not have been unaware of the magnitude of this crime against the law of nations in conniving at the death of the representative of another state, for the rights of legation are clearly stated in Wheaton's treatise on International law, which had been translated into Chinese by Dr. Martin, who was, himself, now undergoing the seige in the legations.

¹ For. Rel. 1900, p. 175.

³ For. Rel. 1900, p. 162.

² " " " p. 176.

⁴ London Times, 1900, p. 597.

The Tsungli Yamen made no mention of the murder at this time and although they still charged the trouble on the mob, bandits and bad Boxers, their complicity is seen in the Imperial edicts which were published in the Peking Gazette. These decrees were, some of them, seemingly contradictory, due to the fact that there was a minority in the cabinet who disapproved of the anti-foreign movement and also to the fact that the conciliatory edicts were issued for effect and were, it is said, accompanied by secret edicts nullifying them. On June 24th, 1200 bags of rice were given for general distribution among the Boxers¹ and by another edict of the same day they were organized by the appointment of Prince Chuang and Kang I. to take general command of them with subordinate officials, who were also appointed. The edict said in part, "all the members of I Ho T'uan are exerting their utmost energies and the Imperial family must not fall behind in harboring revenge against our enemies"². On the next day the Empress Dowager made a gift of 100,000 taels to the "corps of the Boxers". They had been commended for their services at Tientsin in the middle of June and by edict of June 27 ordered "to arrange their forces to intercept the foreign troops and prevent their creeping northward. Let them also recover the forts at Taku"³. An edict of July 1st deprecated cases of robbery and murder by characters feigning to belong to the Boxers, saying that; All cases of gangs collecting to commit murder for

¹ For. Rel. 1900, p. 169.

² For. Rel. 1900, p. 169.

³ For. Rel. 1900, p. 170.

motives of vengeance would be dealt with under the laws governing brigandage. There would be no mercy shown to leaders of future disorders¹.

On July 2nd the converts were urged to repent of their former errors and not "invite their own destruction". The viceroys were commanded to issue the notification that "All those among the converts who repent of their former errors and give themselves up accordingly shall be ignored". The edict further stated: "As hostilities have now broken out between China and the foreign countries, the missionaries of every nationality must all be driven away at once to their own countries, so that they may not linger here and make trouble"².

From the time of the murder of Baron von Ketteler, until July 14th the legations had no communication with the Tsungli Yamen. The Methodist compound was abandoned by the Americans and all except a few guards for each legation gathered in the British compound under the general command of Sir Claud McDonald.

During this period from June 20th until July 17th Mr. Conger states that there was scarcely an hour during which there was not firing upon some part of the lines and into some of the legations varying from a single shot to a general and continuous attack along the whole line. He states that these attacks were made by men wearing the uniform of Chinese soldiers and that their barricades were mounted with flags of imperial officers. Mr. Conger points out that further proof of the guilt of the

¹ For. Rel. 1900, p. 170.

² " " " p. 171.

government is given in the fact that when the Chinese government wanted to communicate with the legations they could stop the firing and come through their lines at will¹.

On July 14th a note was received by the ministers signed by "Prince Ching and others" renewing the request that the ministers should retire from Peking and the next noon was set as the limit of the time in which a reply should be sent. The edict added "If no reply is received by the time fixed even our affection will not enable us to save you"².

The ministers, fearing ambush, communicated their refusal, to which Prince Ching replied that China would continue to exert all her efforts to keep order and asked that the legation guards should not fire at pleasure on the militia, thus creating resentment.³ Sir Claud McDonald denied, of course, that the guards had fired except in self-defense and sent a copy of the orders which had been issued to that effect.⁴ On July 17th Prince Ching stated that the feeling among the people had grown so strong that only the destruction of the legations would satisfy it. They, therefore, declared that the ministers should temporarily retire to Tientsin and if they decided to remain the court would not accept the responsibility.⁵ Sir Claud McDonald pointed out in his reply that as the foreign envoys came to Peking in reliance on the protection of the Chinese Court it was impossible for the latter to free itself of its responsibility.

¹ For. Rel. 1900, p. 161-167.

⁴ For. Rel. pp. 179, 180.

² " " " p. 177.

⁵ " " 1900, p. 181.

³ " " " p. 178.

He said, too, that their departure would mean that friendly relations with the powers of the world were severed and it would then take a long time to establish peace.¹ He again spoke of the difficulties of such a step and for several days the correspondence was largely taken up with the question of arrangements, though the ministers had no intention of going. On August 2 an Imperial decree appointed Jung Lu to conduct the ministers to Tientsin and on August 5th the Tsungli Yamen said that the various governments had expressed the desire that a guard be given the envoys out of Peking. The ministers, however, stated that they must communicate directly with their governments for instructions, with the object of again delaying settlement of the question.

The success of the powers at Tientsin toward the middle of July considerably lessened the confidence of the government and the attitude was not so hostile. From July 17th there was a slight armistice in which the firing was not so severe. An edict of July 18th expressed regret for the murder of the German minister, which had occurred the month previous and ordered the foreigners in the provinces to be protected.² On July 25th the ministers were told they might communicate with their governments "en clair" simply stating that all was well, but they refused to do so.³

The Chinese made several attempts to induce the ministers to surrender the native converts stating that there was no need for doubt or fear and it would be more convenient for the ministers if the converts returned to their homes as they were accused of causing the trouble.⁴ The ministers, however, had no

¹ For. Rel. 1900, p. 181; ² 173; ³ p. 183; ⁴ pp. 183, 185.

thought of turning the native Christians out to almost certain death and did not regard the request.

The advance of the relief expedition again brought a renewal of the attack which was pressed with great vigor and it is probable that the legations could not have held out another day when the relief column entered the city, August 14th. The court remained in Peking until the allies made the attack, when it fled westward "on a tour", first putting to death several of the reform councilors. The foreign troops took possession of the city and soon had it entirely under control.

The Situation in the Southern Provinces.

It is significant of the decentralized form of government which the Empire has that the Boxer uprising was almost entirely confined to the northern provinces. By an amicable agreement of June 26th with the consular body at Shanghai the viceroys of Nankin and Hankow guaranteed to maintain order in the Yangtse valley, the consular body on the other hand guaranteeing non-interference on the part of the foreign ships at Taku.¹ In fulfillment of this agreement these Chinese officials were very active in their endeavors to prevent any trouble. The viceroy of Nankin, Liu Kun-yi had held his position for 35 years. He had gone to the capital in March at the command of the Empress Dowager and he then told her that her reactionary policy meant the

¹ For. Rel., 1900, p. 249.

London Times, 1900, pp. 423 and 438.

ruin of China. In spite of this and of his active antagonism of Prince Tuan and other reactionary leaders, he was too strong to be dismissed and so was allowed to return to Nankin. While in Peking he helped arrange the league of the viceroys of central and southern China and the Liberals at Peking to resist the anti-foreign faction at the palace.¹

The action of the viceroys of Nankin and Hankow was followed by similar action by the viceroys south of the Yangtse region.

On June 20th Prince Tuan, who was then in control issued an edict ordering all viceroys to fight the foreigners but the viceroys of south and central China decided to ignore it.² For a short time the Governor of Che Kiang was uncertain what to do having already put out Tuan's edict among the officials but on July 5th he telegraphed Mr. Goodnow the American counsel at Shanghai that he would thoroughly protect all the foreigners in his district.³ The governor of Shantung was in a difficult position as the outbreak had first occurred in his province and he was also nearer the government at Peking. In the early part of July he was ordered to take an army of drilled men to Nankin and supersede Liu as viceroy and superintendent of southern trade and to carry out Prince Tuan's edict to fight the foreigners. He was threatened with punishment if he disobeyed. He, nevertheless, offered, finally, to protect foreigners in his province if the powers would agree not to attack him.⁴ Toward the middle

¹ For. Rel. 1900, pp. 252, 253.

³ For. Rel. 1900, p. 253.

² " " " p. 253.

⁴ " " " p. 253.

of July the governors of Honan and Shansi issued proclamations favoring the Boxers.¹ Immediately the viceroy of Hankow ordered the governors of Hupek and Nganhwei lying south to prepare to repel any invasions, and precautionary measures were promptly taken.²

British troops were sent to be landed at Shanghai with the explanation that they were to be used to assist the viceroy in preserving order. The consuls of the other powers declared that if the British government landed troops their governments would do likewise. The viceroys with Li Hung Chang protested, also, on the grounds that the landing of troops would provoke disorder. The troops were, therefore, not landed at this time although later an agreement was reached so that both British and French forces were sent ashore at this point.³

As the relief expedition approached the capital the southern viceroys were in constant expectation of edicts degrading them for their disobedience to orders. They asked that the powers guarantee that the persons of the Emperor and Empress Dowager would be respected, of which assurance was readily given them.⁴ There were a few sporadic outbreaks in the south but they were quickly suppressed and, in general, order was strictly maintained.

¹ For. Rel. 1900, p. 254.

² For. Rel. 1900, pp. 253, 254.

³ London Times, pp. 518, 534.

⁴ For. Rel. 1900, p. 265.

The Outbreak in Manchuria.

On the other hand the Russians who were located in Manchuria had considerable trouble. Their activity in the construction of the Siberian railway incensed the people and made them very susceptible to the Boxer propoganda which spread rapidly among them. Before the rest of Europe apprehended any danger from the Boxer movement Russia decided to take military precautions to insure greater safety for the property of the Siberian railroad and the persons employed on it. In the latter part of June the Boxers began to burn bridges and stations and to tear up the track. A large force of Russian soldiers was therefore mobilized and the Cossack guards reinforced. Toward the middle of July the Boxers invaded Manchuria in great numbers and July 16th they bombarded Blagoveshchensk. The following day Aigun, a Chinese city on the south side of the Amur, declared war on Russia. The Chinese attacked the Russians wherever they would be found and those at Harbin were beseiged.¹

The Russian Governor General declared the province to be in a state of war July 27th. An active campaign was inaugurated by Russia and large detachments moved against the Chinese from the north, and also from the east and south but it was not until the end of September that the entire province was brought under control.²

With the exception of the disorders in Manchuria the force of the Boxer uprising was broken by the capture of Peking. The imperial soldiers now turned against their former allies and showed them little mercy.

¹ London Times, 1900, pp. 423, 438, 453.

² London Times, 1900, pp. 470, 501, 519, 535, 568, 598, 629.

Early in August Germany suggested that the international forces be placed under the command of Field Marshal Count von Waldersee.¹ The other powers acquiesced in this but he did not arrive in China to take command until after the relief of Peking. The greater part of the allied forces remained in China during the progress of the negotiations between the powers and China but the only military events of any importance that occurred were the "punitive" expeditions made. The most notable of these was made in October to Pao-ting Fu where a number of foreigners and native converts had been killed. An inquiry was made as to the complicity of the local officials and several of them were executed.² The United States took no part in these expeditions and their wisdom has been seriously questioned.

¹ For. Rel. 1900, pp. 330, 331.

² London Times, 1900, pp. 663, 692, 693.

Chapter IV General Negotiations Between China and the Powers.

Even before the relief of Peking some steps were taken looking toward a settlement of the difficulty. On July 3 the United States declared her attitude and policy in China in a circular note of that date. It is of sufficient importance to reproduce in full. It read: "In this critical posture of affairs in China it is deemed appropriate to define the attitude of the United States, as far as present circumstances permit this to be done. We adhere to the policy initiated by us in 1857 of peace with the Chinese nation, of furtherance of lawful commerce, and of protection of lives and property of our citizens by all means guaranteed under extra-territorial treaty rights and by the law of nations. If wrong be done to our citizens we propose to hold the responsible authors to the uttermost accountability. We regard the condition at Peking as one of virtual anarchy, whereby power and responsibility are practically devolved upon the local provincial authorities. So long as they are not in overt collusion with rebellion and use their power to protect human life and property we regard them as representing the Chinese people with whom we seek to remain in peace and friendship. The purpose of the President is, as it has been heretofore, to act concurrently with the other powers; first in opening up communication with Peking and rescuing the American officials, missionaries, and other Americans who are in danger; secondly, in affording all possible protection everywhere in China to American life and property; thirdly, in guarding and protecting all legitimate American interests; and fourthly, in aiding to prevent

a spread of the disorders to the other provinces of the Empire and a recurrence of such disasters. It is, of course, too early to forecast the means of obtaining this last result; but the policy of the government of the United States is to seek a solution which may bring about permanent safety and peace to China, preserve Chinese territorial and administrative entity, protect all rights guaranteed to friendly powers by treaty and international law and safeguard for the world the principles of equal and impartial trade with all parts of the Chinese Empire".¹

It has been noted that in this communication Mr. Hay speaks of the "territorial and administrative entity" of China instead of her integrity which was formerly spoken of, as European aggressions had at this time rendered China's integrity non-existent. This note in conjunction with the note of September 1899, did much to allay the fears for a partition of the Empire which had been again brought forward. Substantially the same stand was taken by the other powers. M. Delcasse in a speech made in the French Chamber, July 3rd said: "France, as mistress of Indo-China has no interest in provoking or desiring the break up of China which is, perhaps without sufficient reflection, spoken of. . . . France is certainly anxious for the maintenance of the equilibrium in the far East. She will see that it is not broken to her detriment but she cherishes no secret designs".²

Count von Bulow declared, July 12th, in a statement to the several federated governments of Germany in regard to Chin-

¹ Rockbell's Report, p. 12.

² For. Rel. 1900, p. 313.

ese affairs: "The end for which we are striving is the restoration of safety to the persons, property and activity of German subjects in China, the rescue of foreigners shut up in Peking, the revival and assurance of order under an organized Chinese government and expiation and indemnity for the crimes committed. We desire no partition of China; we are striving for no special advantages. The Imperial Government is fully convinced that the maintenance of the understanding among the powers is the preliminary requirement for the restoration of peace and order in China and will, for its part, continue to consider this as of first importance."¹

In an interview with Mr. Choate on July 5th the British foreign minister, Lord Salisbury, expressed himself most emphatically as concurring in the declared policy of the United States.² The sentiment in Japan was in accordance with the note³ while the minister for Italy said her course would depend largely upon that of other powers.⁴

On the 11th of July the Emperor of China appealed to Japan to use her good offices with a view to effecting an amicable settlement of the affair, on the grounds of the common interests of the two countries, and on July 19th the Emperor sent similar notes to the Queen of England, the Emperor of Germany, the Czar of Russia and the Presidents of France and the United States, saying in each case that in her difficulties, China could rely only upon that special power for aid in settling the matter.⁵

¹ For. Rel. 1900, p. 328.

⁴ For. Rel. 1900, p. 357.

² " " " p. 345.

⁵ For. Rel. 1900, p. 167.

³ London Times, 1900, p. 423.

The President of the United States urged the Emperor to give reassurance of the welfare of the ministers, to put them in free communication with their respective governments and to cooperate with the relief expedition. If these things were done it was the belief of the Government that no obstacles would be found to exist on the part of the powers to an amicable settlement of all the questions arising out of the recent troubles.¹

On July 19th the fate of Mr. Conger being uncertain the President of the United States appointed Mr. W. W. Rockhill commissioner of the United States to China, his special duty being to promptly and fully inform the Department on all subjects coming to his knowledge bearing on the general condition of affairs in China and particularly on all points affecting the interests of the United States. As regarded the policy of the United States in China he was to be guided by the circular note of July 3, supplemented by the President's letter to the Emperor July 23rd.²

An Imperial edict of August 7th appointed Li Hung Chang (who had been in July made viceroy of Chihli) envoy plenipotentiary with instructions to propose at once by telegraph to the governments of the several powers concerned, for the immediate cessation of hostile demonstrations pending negotiations, which he was thereby authorized to conduct for China "for the settlement of whatever questions that may have to be dealt with".³

As the legations were at this time still in their dangerous position in Peking there was little ground for general

¹ Rockhill's Report, p. 13.

³ Rockhill's Report, p. 14.

² For. Rel. 1900, pp. 156, 157,

negotiations but Mr. Adee, Acting Secretary of State, indicated in his reply to this edict, sent him by Mr. Wu, that the United States was ready to enter into an agreement between the powers and the Chinese Government for a cessation of hostile demonstrations on condition that a sufficient body of the forces comprising the relief expedition should be permitted to enter Peking, unmolested, and to escort the foreign ministers and residents back to Tientsin, this movement being provided for and secured by such arrangements and disposition of troops as should be considered satisfactory by the generals commanding the forces comprising the relief column.¹ This reply was communicated to the governments concerned and instructions were sent to General Chaffee on August 14th that in case the Chinese authorities should communicate with him for the purpose of delivering the ministers and persons under their protection, under arrangements that he considered safe, he was authorized to make and carry out arrangements in concert with the other powers without referring to Washington.² From informal communications with representatives of the other governments all asserted similar attitudes.³ On August 13th Russia proposed to send an international detachment under a white flag as far as the city walls of Peking to effect a peaceful bringing back of the foreign envoys.⁴ The attacks upon the legations did not cease, however, so that these plans were not feasible and the advance to Peking was not arrested.

The foreign troops having entered Peking Li Hung Chang stated by cablegram August 19th that as it was the declaration

1 Rockhill's Report, p. 15. 3 For. Rel. 1900, pp. 333, 369.

2 For. Rel. 1900, p. 288.

4 " " " " p. 339.

of all the powers that the expedition of the allied troops was solely for the rescue of the ministers at Peking and this being accomplished it was proper that hostilities should cease and negotiations should commence.¹ He asked that an envoy be given full power to treat with China. Two days later in a cablegram received by Mr. Wu he further said that the Boxer rebels in Peking having been dispersed further military operations on the part of the powers was to be deplored. He urged Minister Wu to confer with the Secretary of State "upon the subject of the withdrawal of troops and the appointment of plenipotentiary to negotiate the settlement of all other questions so as to preserve amicable relations."²

Mr. Adee responded that though the ministers had been rescued without the aid of the Chinese government the United States welcomed any overture for a truce and would appoint a plenipotentiary to join with the representatives of the other similarly interested powers to attain the ends declared in the circular to the powers of July 3, as soon as security was established in the Chinese capital, and the Chinese government showed its ability and willingness to make on its part an effective suspension of hostilities in Peking and elsewhere in China. Japan's reply to a like proposal was substantially the same as that of the United States.³ Italy did not respond to Li's request as the government considered his suggestions premature as his authority to negotiate was not yet defined. The Italian

¹ Rockhill's Report, p. 16.

³ For. Rel. 1900, pp. 363, 364.

² For. Rel. 1900, p. 289.

government thought the basis of negotiations should first be settled between the Powers.¹ The British government replied to the request to name an envoy that she cared little who represented China if he were properly accredited but was not satisfied at this time (August 27th) that Li was plenipotentiary or authorized by competent authority to negotiate.² This was also the position taken by Germany³ and France⁴. The Russian Government approved Le Hung Chang's appointment but thought he should be required to exhibit quite satisfactory full powers from a de-facto government before beginning negotiations.⁵

Toward the end of August Russia made a statement to the powers in regard to her purposes in China. She affirmed that she had no designs of territorial acquisition in China, that equally with the other powers then operating there, Russia had sought the safety of legations at Peking and to help the Chinese Government to repress the trouble; that, incidentally to necessary measures on Russian border Russia had occupied Niuchuang for military purposes, and, as soon as order was reestablished, would retire therefrom if the action of the other powers was no obstacle thereto, that the purpose for which the various governments had cooperated for the relief of the legations had been accomplished, that taking the position that as the Chinese Government has left Peking there was no need for her representatives to remain Russia had directed the Russian minister to retire with his official personnel from China; that the Russian troops would

¹ For. Rel. 1900, p. 357.

⁴ For. Rel. 1900, p. 321.

² " " " p. 347, 348.

⁵ " " " p. 371.

³ " " " p/ 334.

likewise be withdrawn; and that when the Government of China should regain the reins of government and afford an authority with which the other powers could deal and would express desire to enter in negotiations, the Russian Government would name its representative. Hope was expressed that the other powers would subscribe to this.¹ There were many charges made at this time that Russia was trying to pose with China as her friend as after the Chinese-Japanese war with ulterior ends in view. Russia justified these proposals for the withdrawal of the troops to Tientsin on the grounds that, first, the purpose of the relief expedition had been accomplished so that there was no need for her representative to remain; secondly, that war had not been declared on China "but the continued occupation of the capital of the Chinese Empire by the military powers after the rescue of the legations would constitute an act of war"; thirdly, that as a matter of policy such a step would facilitate negotiations as it would induce the court to return to the capital; and, finally it was maintained that terms negotiated from Tientsin would have more valid force than would terms wrested from China under the compulsion of the presence of armed forces within the capital.²

This plan was supported by France, the minister of foreign affairs stating that she would adopt like measures. He declared that "the three objects of France were to rescue her legations and citizens, secure indemnity for the past and obtain guarantee for the future." As Peking had been relieved, he

¹ Rockhill's Report, p. 19.

² For. Rel. 1900, pp. 372, 374.

declared,"the first having been effected France expects to keep troops at Tientsin till the other two objects are accomplished".¹ The United States replied to the Russian proposals August 28th. After noting with satisfaction the reiterated statement of Russia disclaiming territorial designs on China and declaring these sentiments to be in accord with those of the United States, Mr. Ader dismissed the question of a withdrawal of troops from Peking to Tientsin. He agreed that the immediate object for which the military forces of the powers had been cooperating had been realized in the relief of the legations but there still remained the other purposes which all the powers had in common, enumerated in the note of July 3. Mr. Adee expressed the opinion that these purposes could best be obtained by a joint occupation of Peking under a definite understanding between the powers until a Chinese Government should have been reestablished and should be in a position to enter into new treaties with adequate provision for reparation and guarantees of future protection. With the establishment and recognition of such authority the United States would wish to withdraw its military forces from Peking and remit to the process of peaceful negotiations, her just demands. Mr. Adee said that a continued occupation of Peking would be ineffective to produce the desired results unless all the powers united therein with entire harmony of purpose. As any power that determined to withdraw its troops from Peking would necessarily proceed thereafter to protect its interests in China by its own methods this would make a general withdrawal ex-

¹ For. Rel. 1900, p. 316.



pedient. The United States would, therefore, give instructions to the commander of the American forces in China to withdraw the troops from Peking after due conference with the other commanders as to the time and manner of withdrawal.¹

The proposals of the Russian government were not favorably received in England. The British ambassador at St. Petersburg was instructed to acquaint the Russian foreign office that Her Majesty's Government had received communications from their officers in the Far East in a somewhat imperfect form and without forecasting the course it would be expedient to pursue in the future, it was thought that the time had not yet arrived when it would be expedient to withdraw British forces from Peking.²

Germany also considered such a step to be of doubtful wisdom. It was suggested "that an early evacuation of Peking would be construed by the Chinese as a sign of weakness and consequently instead of being conducive to tranquility might rather serve the purpose of increasing the courage of the parties hostile to foreigners and bringing about new atrocities". It was urged that it was not compatible with the defense by the powers of the cause of civilization to leave the Chinese Christians to the fate which undoubtedly awaited them in case the international troops were withdrawn. In view of the German commercial and missionary interests the Imperial Government would only feel at liberty to assume responsibility for the result of a withdrawal of troops from Peking in case for military reasons, such a measure should be of imperative necessity.³

¹ Rockhill's Report, p. 20

³For. Rel. 1900, p. 334.

² For. Rel. 1900; p. 348.

Italy believed with the United States that under the present circumstances the purposes which all the powers had in view would be better subserved by prolonging still for some time the international occupation of Peking, as "a sudden and not sufficiently explained withdrawal of troops from Peking might be interpreted by the Chinese Government and people as a sign of weakness and might revive the fanaticism of the rebels".¹

This was the view of Mr. Conger in Peking who reported that the military occupation of Peking was absolutely essential to successful negotiations and should continue until these were completed, as restoration of order in that province or of Chinese authority in Peking was for the time being impossible. He had stated, however, that one third of the force which numbered some 20,000 would be sufficient and a reduction would be necessary to prevent famine for he said, that military occupation by so many powers was creating irreparable devastation and bringing terrible punishment on innocent people and if long continued would arouse among the people such hatred as would render the situation very difficult and induce uprisings against all foreigners in the peaceable provinces.²

Russia in accord with her declared intentions had withdrawn the greater part of her troops from Peking by September 12³ and the legations retired to Tientsin September 29th⁴ but the other troops for the most part remained.

¹ For. Rel. 1900, p. 358.

³ For. Rel. 1900, p. 200,

² " " " " p. 200, 199.

⁴ " " " " p. 205

In the meantime little had been done toward the settlement of the difficulties, as the powers of negotiation was of necessity, a slow one. When the foreign troops entered Peking the Court fled and no representatives of the Chinese government remained. Toward the end of August, several members of the Tsungli Yamen were reported to be in the city but they did not make themselves known.¹ Prince Chung called on Mr. Conger September 6th and said that an edict appointed him and Earl Li with full power to settle matters. The latter was expected in a few days.² On September 16th Mr. Conger wrote that a whole month had elapsed since the arrival of the relief expedition and the flight of the Imperial Court and apparently no progress had been made toward a reestablishment of Chinese authority there or negotiations for a settlement. Prince Ching was still waiting the arrival of Li Hung Chang. Most of the foreign ministers there were without instructions. At a meeting of the diplomatic corps it was suggested that if the Emperor and Empress Dowager could be induced to return to Peking negotiations might be greatly facilitated. It was suggested that each minister should write an informal note to Prince Ching suggesting their return.³ Prince Ching and other ministers of Peking therefore sent a memorial to the Emperor requesting his return⁴ but no reply was received until October 21st when an Imperial edict stated the reasons for the Emperor's flight and said that when the negotiations were carried out the court would return.⁵

¹ For. Rel. 1900, p. 198.

⁴ For. Rel. 1900, p. 202.

² " " " p. 200.

⁵ " " " pp. 220, 221.

³ " " " p. 200, 201.

The appointment of Li Hung Chang as Chinese plenipotentiary which had first been announced by Imperial edict of August 12th was reaffirmed by similar edicts of August 24th and 27th.¹ On September 8th Prince Ching cabled Mr. Wu at Washington that he had received an edict appointing him plenipotentiary with full discretionary powers, in conjunction with Li to negotiate peace. He asked that instructions be telegraphed to the United States minister at Peking to open negotiations.²

This being delivered by Mr. Wu to the Secretary of State, the latter replied that the "Government of the United States accepts the plenipotentiary authority of Earl Li Hung Chang and Prince Ching as prima facie sufficient for the preliminary negotiations looking forward to the return of the Imperial Government and the resumption of its authority at Peking and toward the negotiation of a complete settlement by the duly appointed plenipotentiaries of the Powers and of China". To this end the United States minister in Peking would be authorized "to enter into relations with Earl Li and Prince Ching as the immediate representatives of the Chinese Emperor".³ Russia took the same view as to the credentials of these envoys.⁴ The German⁵ and Italian⁶ Governments were still doubtful as to the authenticity of their authority. Upon the advice of Japan Liu Kun Yi and Chang Chih-tung

¹ For. Rel. 1900, p. 285, R.R.p.21. ⁴ For. Rel. 1900, pp. 375, 376.

² R. R. p. 22. ⁵ " " " pp. 336, 337.

³ R. R. p. 22. ⁶ " " " p. 358.

the viceroys of Nankin and Wuchang were appointed to act with Earl Li and Prince Ching.¹

On September 18th Germany stated that she considered as a preliminary condition for entering into diplomatic negotiations with the Chinese Government, a surrender of such persons as were determined on as being the first and real perpetrators of the crimes committed in Peking against international law and therefore proposed to the interested cabinets that they request their representatives in Peking to designate the principle Chinese personages whose guilt in the instigation or execution of the crimes was beyond all doubt.²

Germany's position was warmly commended by the English press but the United States replied that while the Government of the United States had, from the outset, proclaimed its purpose to hold to the uttermost accountability the responsible authors of any wrongs done in China to citizens of the United States, yet, it was thought that no punitive measures could be so effective by way of reparation, for wrongs suffered and as deterrent examples for the future as the degradation and punishment of the responsible authors by the Supreme Imperial authority itself; and it only seemed just to China that she should be afforded, in the first instance, an opportunity to do this and thus rehabilitate herself before the world. So the Government of the United States was not disposed, as a preliminary condition, to entering

¹ For. Rel. 1900, p. 204.

² Rockhill's Report, pp. 23 and 24.

into diplomatic negotiations with the Chinese Government to join in a demand that said government surrender to the powers such persons as, according to the determination of the powers themselves, might be held to be the first and real perpetrators of those wrongs.¹

Japan also said that grave difficulties were anticipated in giving practical effect to the proposals of the German Government to insist upon the delivery of the responsible persons and further exchange of views on this point was necessary² and Russia thought that the crimes against international law in China had better be punished by the Chinese themselves and that such punishment was essentially a subject to be discussed in the negotiations and should not be regarded as a necessary preliminary to such negotiations.³ Mr. Conger expressed the opinion that if it were to be insisted on as preliminary to all, no negotiations would be possible.⁴

The Chinese Government evidently felt it to be politic to show some intent of punishing the guilty parties and on September 25th an Imperial edict was issued which provided for the removal from office of four of the principle offenders and ordered that Prince Tuan should be deprived of office and be handed over to the Imperial Clan Court which should "consult and decide on a severe penalty" and that the other four should be handed over to the board of censors for punishment.⁵

¹ Rockhill's Report, p. 24 and 25. ⁴ Rockhill's Report, p. 37.
² For. Rel. 1900, p. 365. ⁵ Rockhill's Report, p. 25.
³ " " " p. 376.

On receipt of this edict the German Government submitted a note to the powers stating that Germany considered this as the first step in the direction of peace and order in China and proposed that the powers instruct their representatives to report whether this edict provided punishment for the real criminals, whether the penalties prescribed were in accordance with the gravity of the crimes committed, and as to what control the powers should assume in the carrying out of these punishments.¹

This being referred to Mr. Conger, he said that the punishments so far named were grossly inadequate. Titles of nobility could easily be restored and he remarked that it was not uncommon for a Chinese officer to be degraded and soon after to be reinstated or promoted to a higher place. He also stated that some of the most important offenders as Yu Hsien former Governor of Shantung and General Tuang Fu-hsiang were not mentioned in the decree. Mr. Conger thought the question of punishment was most important, but it could well be left until after preliminary negotiations were begun.²

In regard to conditions in Peking, Mr. Conger wrote under date of September 27th; "that better order was being established particularly in the portions of the city under the jurisdiction of the Americans and Japanese; the Chinese were returning to their homes, opening their shops, etc., but each army was acting independently and controlling in its own way the section over which it had charge. Outside the city the Chinese soldiers

¹ Rockhill's Report, p. 25 and 26.

² Rockhill's Report, p. 39.

and Boxers were as active as ever. Scouts and reconnoitering parties were meeting them or being fired upon from ambush almost daily".¹

On October 2 Mr. Giers, the Russian minister, who had retired to Tientsin returned to Peking to join in the negotiations.²

The first definite step toward the settlement was made by France in a circular note to the powers October 4th. It submitted six proposals "as a basis for negotiations to be entered upon after the usual ratification of the full powers".

The plan included:

1. The punishment of the principle guilty parties who might be designated by the representatives of the powers at Peking.
2. The continuance of the interdiction against the importation of arms.
3. Equitable indemnities for the governments, corporations and private individuals.
4. The organization in Peking of a permanent guard for the legations.
5. The dismantling of the forts at Taku.
6. The military occupation of two or three points on the road from Tientsin to Peking which road would thus always be open to the legations to pass to the sea or to the forces which might go from the sea to the capital".³

The United States agreed to this note with a few reservations, particularly, in regard to the performance of the fourth

¹ Rockhills's Report, p. 36.

³ Rockhill's Report, p. 26.

² For. Rel. 1900, p. 377.

and sixth clauses and approved the Russian suggestion that in case of protracted divergence of views on the question of indemnity the matter might be commended to the consideration of the International Court of Arbitration at the Hague.¹ Russia approved the plans with the suggestion noted above² and Lord Salisbury telegraphed the British minister that all the governments had agreed to them.³ These plans formed the groundwork of subsequent negotiations.

Li Hung Chang arrived in Peking October 11th and reported he would soon be ready to negotiate.⁴ On October 16th Prince Ching and Earl Li submitted a draft for a general preliminary treaty, together with a request for a meeting with the foreign ministers. By this note China acknowledged her great fault, admitted her liability to pay an indemnity. It stipulated that each power should designate how matters of future trade and international relations should be dealt with, i.e., whether old treaties should be retained or new conventions entered into. These matters being settled the powers should allow the Yamen ministers to go to the Yamen and transact business as usual. When the items of indemnity were arranged the powers should withdraw their troops and when negotiations began for treaties of peace each power should first declare an armistice.⁵

Mr. Conger wrote October 19th, that the German ministers had not yet arrived. Sir Claud McDonald was replaced by

¹ Rockhill's Report, p. 27.

⁴ For. Rel. 1900, p. 213.

² For. Rel. 1900, p. 381.

⁵ For. Rel. 1900, p. 213.

³ Rockhill's Report, p. 40.

Rockhill's Report p. 41.

Sir Earnest Satow but the latter had not yet taken charge and the French minister was ill so that still further delay in commencing negotiations was inevitable. He thought that it would be useless for the foreign ministers to meet with the Chinese plenipotentiaries, for discussion until the powers had more fully agreed among themselves¹, an opinion, which was formally expressed by Japan in a note to the Secretary of State of October 20th, which suggested that all demands and proposals which were to form the basis of negotiations with China should, prior to the opening of such negotiations be submitted for collective examination and elaboration to the representatives of the powers at Peking. The Imperial Government of Japan was convinced that as all demands and proposals would thus receive the united support of the powers concerned the actual negotiations would, by this means, be greatly facilitated.² This was the most logical method of procedure and it was uniformly adhered to so the acceptance of the credentials of the Chinese plenipotentiaries was not of immediate importance. There was some difference of opinion among the ministers in regard to what the preliminary treaty should comprehend. The American representative held that a convention, the most preliminary possible, should be made which would include simply the restoration of order, the reestablishment of a potential government, agreement to negotiate, how and where, guarantees of punishment, indemnities and future protection of all foreign rights and interests, to be followed by due appointment of plenipotentiaries who shall make as nearly as could be done a general final settlement. However, most of the representatives thought, at

¹For. Rel.1900,p. 214. Rockhill's Rep.40. ²For.Rel.1900, p. 370.

this time, that the very first negotiations should include and settle, as much as possible, and that the rest should be settled by separate negotiations by the powers with China.¹

By an agreement between Germany and Great Britain, signed October 16th, an understanding was reached in regard to their mutual policy in China. The two powers agreed to exert their influence toward a maintenance of the "open door" policy in the ports of China for the nationals of all countries, and that they would direct their policy toward maintaining, also, undiminished the territorial conditions of the Chinese Empire. In case another power should make use of the complications in China to obtain territorial advantages, the two contracting parties reserved the right to come to a preliminary understanding as to the eventual steps to be taken for the protection of their own interests in China. This agreement was communicated to the other powers who were asked to subscribe to the principles recorded therein, and it was universally indorsed by them. It had no direct bearing on the negotiations, but indirectly as showing the attitude of Germany and England, it doubtless had some little influence in restraining any agitation for the partition of China.²

On October 25th Mr. Rockhill, who had been investigating the situation in the provinces since his arrival in China, was instructed to proceed to Peking and aid Mr. Conger with "counsel and advice", his stay being left to his discretion. Mr. Rock-

¹ For. Rel., 1900, p. 215.

² Rockhill's Report, pp. 31-32.

Rockhill's Report, p. 40.

hill was directed to pay special attention, in the final settlement, to the "open door", the protection of American missionaries, the establishment of a minister for foreign affairs instead of the Tsungli Yamen, the punishment of guilty persons and posthumous honors for Ching Yiu Huan (a reform minister who had been executed by the Empress).¹

On October 26th the foreign ministers met to formally begin the discussion of terms of a settlement to be presented to the Chinese plenipotentiaries. Each had been instructed that all the powers had agreed substantially or in principle with the French propositions, and as the question of punishment was the first of these it was first taken up. After much discussion it was unanimously decided that the punishment of death should be demanded for eleven officials, who, it was agreed by all the foreign ministers and the Chinese Government, were chiefly responsible for the crimes committed, the manner of their death not being fixed.²

It was deemed impractical to make the Chinese Government indemnify the native Christians for wrongs to their persons and property by the Boxer movement³ as it would open up an almost endless field for investigation, but it was finally agreed that indemnity should be demanded for the losses of all Chinese who were, during the trouble, in the employ of foreigners.⁴

¹ For. Rel. 1900, pp. 219, 220.

² Rockhill's Report, p. 43 and For. Rel. 1900, p. 221.

⁴ Rockhill's Report, p. 45.

³ Such claims would receive their justification in the clause of the treaties with China which stipulated that the Chinese Christians would not be discriminated against on account of their religion. Treaty of 1858, Article XXIX.

On the 31st of October Mr. Conger made the following proposal: "For a further guarantee against future trouble an Imperial edict shall be issued and published everywhere in the Empire making all viceregal, provincial and local officials responsible for order in their respective jurisdictions and whenever anti-foreign disturbances or any other treaty infractions occur therein and which are not forthwith suppressed and the guilty persons punished, they, the said officials, shall be immediately removed and forever prohibited from holding any office or receiving any official honor". It had been the experience, of the past, that there was little trouble in securing the removal of minor officials but the removal, except in rare cases, of those of high grades had been impossible. Or as in the case of Yu Hsein the former governor of Shantung, the official upon removal, was soon promoted to a higher position.¹

In regard to the punishment of the eleven persons determined upon, Mr. Hay thought it advisable that before submitting the proposed ultimatum to the Chinese government this should be asked what punishment it intended to inflict on the guilty officials. The representatives unanimously held, however, that such a step would greatly weaken the case and jeopardize the negotiations.²

At this time (November 3) the foreign ministers had unanimously agreed upon the following stipulations. First, The prohibition, at the discretion of the powers of the importation of arms. Second, The suppression for two years of civil and military examinations in criminal districts and the decreeing of death pun-

¹ Rockhill's Report, p. 45.

² For. Rel. 1900, p. 224.

ishment for future members of Boxer organizations. Third, That indemnities for governments, societies, individual foreigners, and Chinese employed by foreigners. Fourth, That the legations should have the right to put the legation quarters in a state of defense and to establish permanent guards and to occupy certain points to assure free communication between the capital and the sea. Fifth, The distruction of Taku and other forts which might interfere with such communication. Sixth, The substitution for the Tsungli Yamen of a minister for foreign affairs. Seventh, Court ceremonials similar to those in European countries should be adopted.¹

At the next meeting (November 6) the ministers all agreed that provisions for suitable reparation for the murder of Baron von Ketteler should be made in the general treaty. All except the Russian and French ministers agreed also to the three stipulations; that the Chinese Government should undertake to negotiate thereafter on lines which it might seem convenient for the foreign ministers to propose, for the requisite amendment of commercial treaties and other subjects relating to commerce and navigation, that the Chinese Government should undertake such financial measures to guarantee the payment of an indemnity and interest on Government loans as might be indicated by the foreign powers; and that the Imperial decree proposed by Mr. Conger, October 31st, placing responsibility on the officials for future disturbances should be issued.²

¹ For. Rel. 1900, p. 224.

² " " " p. 225.

The meetings of the diplomatic corps were held twice a week and as all the measures had to be referred to the various governments for their approval, progress was rendered slow. The seven proposed conditions agreed to by the ministers on November 1st were indorsed by the Department of State though the dismantling of the Taku forts was thought preferable to their destruction. Mr. Hay informed Mr. Conger that if the Powers could not agree on the first condition adopted November 6th the United States would reserve the right to negotiate in that sense with China independently, but coincidentally with the powers entertaining the same view. The third condition adopted at this time was held to devolve responsibility too completely on the local authorities as the primary responsibility of the Chinese government should be emphasized so that the suggested accountability and provision for punishment of delinquent local authorities would be "merely one phase of the enforcement of the supreme obligation to repress punishment and make adequate reparation for treaty infraction".¹

In the instructions submitted to Mr. Conger, November 16th, he was directed to try and arrange, before the negotiations closed, that Peking should be made a treaty post and that the Chinese minister for foreign affairs should be required to speak some foreign language. A lump sum was favored for the indemnity, to be subsequently distributed among the powers, possibly by arbitration. The suggestion for post humous honors to the friendly Chinese statesmen was repeated and it was also thought

¹ For. Rel. 1900, p. 225.

advisable to provide against arbitrary executions without trial of high officers of state. Mr. Conger was instructed to "keep always in view and to urge in conference the consideration that impossible terms must not be asked which would only result in the defeat of the purposes aimed at".¹

Mr. Conger pointed out in his reply to these instructions that if the requirement that the foreign minister be able to speak some foreign language were insisted on it would probably limit the choice to a very small number of mostly young men and preclude the selection of the stronger, better men of China. He stated that he would urge the question of Peking as a treaty post, the lump sum form of payment for the indemnity and the post humous honors but thought, from conferences with his colleagues, that these questions would have to be deferred to a later period of the negotiations. He felt that the preliminary demands should be as general and as simple as possible in order to avoid asking impossible terms which might defeat the purposes aimed at. He was afraid that if the death of all the strong men surrounding the court were included in the initial demand on punishment the execution would be impossible as there would be no one to perform the work. He, therefore, had suggested the omission of the names of General Tung Fu hsiang from the first demand for this purpose, but his colleagues, in view of the leading part this man with his troops performed in the whole anti-foreign movement insisted that his name should be on the first list and if the impossibility of compliance was made evident some different arrangements could be made as the negotiations progressed.²

¹ For. Rel. 1900, p. 226.

² For. Rel. 1900, p. 229.

At this time (November 20th) all the points that had been reported had been agreed to in principle except the one which required China to adopt such financial measures as the powers might indicate to guarantee the payment of the indemnity and the interest on the public loan.¹ The Russian minister still continued the opposition he had shown when it was first urged on November 6th while the German and English ministers had instructions not to sign the note without it. In view of the importance of a speedy termination of the negotiations, trade being at a standstill, the expense of the armies adding greatly to China's liabilities and there being also the danger that unexpected internal disturbances might arise to complicate matters, Mr. Hay telegraphed on November 23 that while the United States considered this provision an important one she did not wish to embarrass the general negotiations by insisting on its insertion in the general convention.²

It was not necessary to make this concession, however, as an unanimous agreement was reached the next day (November 24) to all the demands which have been enumerated and the ministers only awaited their instructions to sign them as they should be formulated in a joint note.³

During the progress of the negotiations it had been found rather difficult for the ten ministers to agree upon all points so some concessions had to be made by each. Mr. Conger had urged that there should be no names mentioned in connection

¹ For. Rel. 1900, p. 229.

³ For. Rel. 1900, p. 233.

² " " " p. 232.

with the death penalty at this time and later the omission of the name of Tung Fu-hsiang that he might punish the others. He also urged the dismantling instead of the razing of the Taku forts but he was almost alone on all these propositions and to have insisted on them would have delayed the negotiations indefinitely so he yielded on these points. The agreement of the Russian minister to the clause he had been opposing was obtained by employing the words "measures acceptable to" instead of "indicated by" the foreign powers.¹

The question now arose whether the note should be presented in the form of identic or a joint note. Although in previous instances the United States had objected to joint action with European powers² it was considered to be the most effective form as this was a question of world wide importance and the need of unanimity was apparent. This was also the view of the other governments interested.

The note was submitted to the United States November 26th. The text as finally adopted was as follows:

Text of Joint Note.

During the months of May, June, July and August of the present year, serious disturbances broke out in the northern provinces of China and crimes unheard of in human history, crimes against the laws of nations, against the laws of humanity and against civilization were committed under particularly odious circumstances. The principle of these crimes were the following:-

¹ For. Rel. 1900, p. 233.

² For. Rel. 1900, p.

1. On the 20th of June, H. E. Baron von Ketteler, minister of Germany proceeding to the Tsungli Yamen was murdered while in the exercise of his functions by soldiers of the regular army acting under orders from their chiefs.

2. The same day the foreign legations were attacked and besieged, these attacks being continued without interruption until the 14th of August, on which date the army of foreign troops put an end to them. These (attacks) were made by regular troops who joined the Boxers and who obeyed orders of the court emanating from the Imperial palace. At the same time the Chinese Government was declaring officially to its representatives near the powers that it guaranteed the safety of the legations.

3. A member of the legation of Japan in the discharge of an official mission was killed by regulars at the gates of the city. In Peking and in several provinces foreigners were assassinated, tortured and were attacked by Boxers and regular troops and only owed their salvation to their determined resistance. Their establishments were pillaged and destroyed.

4. Foreign cemeteries, particularly in Peking have been desecrated, the tombs opened and the remains scattered.

These events led the foreign powers to send their troops to China to protect the lives of their representatives and their nationals and to restore order. In their march on Peking the allied forces met with the resistance of the Chinese armies and had to overcome it by force.

China having recognized its responsibility expressed its regrets and manifested the desire to see an end put to the situation created by the disorders referred to, the powers have

resolved to accede to its request on the irrevocable conditions enumerated below which they deem indispensable to expiate the crimes committed and prevent their recurrence.

I

A Dispatch to Berlin of an extraordinary mission, led by an Imperial prince to express the regrets of his Majesty, the Emperor of China, and of the Chinese Government for the murder of his excellency the late Baron von Ketteler, German minister.

B Erection on the place where the murder was committed of a commemorative monument suitable to the rank of the deceased bearing an inscription in the Latin, German and Chinese languages expressing regrets of the Emperor of China for the murder.

II

A The severest punishment in proportion to their crimes for the persons designated in the Imperial decree of September 25, 1900, and for those whom the representatives of the powers shall subsequently designate.¹

B Suspension of all official examinations for five years in all the towns in which foreigners have been massacred or have been subjected to cruel treatment.

III

Honorable reparation shall be made by the Chinese Government to the Japanese government for the murder of Mr. Sugiyama, chancellor of the Japanese legation.²

¹ As originally presented to the powers this clause had stipulated the death penalty for eight of the prominent offenders.

² This demand was not included in the first draft of the note.

IV

An expiatory monument shall be erected by the Imperial Chinese Government in each of the foreign or international cemeteries which have been desecrated and on which the graves have been destroyed.

V

Maintenance under conditions to be settled between the powers of the prohibition of the importation of arms as well as of materials used exclusively for the manufacturing of arms and ammunition.

VI

Equitable indemnities for governments, societies and individuals as well as for Chinese who have suffered during the late events in person or in property in consequence of their being in the service of foreigners. China shall adopt financial measures acceptable to the powers for the purpose of guaranteeing the payment of said indemnity and the interest and amortization of the loans.

VII

Right for each power to maintain a permanent guard for its legation and to put the legation quarter in a defensible condition. Chinese shall not have the right to reside in this quarter.

VIII

The Taku and other forts which might impede free communication between Peking and the sea shall be razed.

IX

Right of military occupation of certain points to be

determined upon by an understanding between the powers for keeping open communication between the capital and the sea.

X

A The Chinese government shall cause to be published during two years in all subprefectures an Imperial decree embodying:

Perpetual prohibition, under pain of death of membership in any anti-foreign society. Enumeration of the punishments, which shall have been inflicted on the guilty together with the suspension of all official examinations in the towns where foreigners have been subjected to cruel treatment.

B An Imperial decree shall be issued and published everywhere in the Empire, declaring that all governor-generals, governors and provincial or local officials shall be responsible for order in their respective jurisdictions, and that whenever fresh anti-foreign disturbances or any other treaty infractions occur, which are not forthwith suppressed and the guilty persons punished, they, the said officials, shall be immediately removed and forever prohibited from holding any office or honors.

XI

The Chinese government will undertake to negotiate the amendments to the treaties of commerce and navigation considered useful by the powers, and upon other subjects connected with commercial relations, with the object of facilitating them.

XII

The Chinese government shall undertake to reform the office of foreign affairs and to modify the court ceremonial relative to the reception of foreign representatives in the manner which the powers shall indicate.

Until the Chinese government shall have complied with the above the undersigned (ministers) can hold out no expectation that the occupation of Peking and the Province of Chihli by the general forces can be brought to a conclusion¹.

In regard to this note, as first submitted, Mr. Conger was instructed that the President disapproved of the word "irrevocable" as apparently equivalent to the form of an ultimatum which the powers had all opposed. He gravely questioned whether it would be possible to have death sentences executed in all cases which was demanded by the first draft, and he also questioned the advisability of the clause prohibiting the importation of materials which enter into the manufacture of the munitions of war. Mr. Conger was instructed to present the foregoing views to his colleagues and after urging them, to advise the Department of the result before signing the note.²

In compliance with the position taken by the United States several changes were made in the text of the note although they were agreed to by a majority of the ministers only because Mr. Conger had strenuously insisted upon them and in order not to endanger negotiations by further unnecessary delay. All the other ministers except the British and Russian had been instructed to sign the note as it was. The British minister had not received definite instructions by Dec. 4th and the Russian minister had been instructed to sign only on condition that the death penalty was left out. Mr. Conger had, therefore, the active assistance of these two and the Japanese minister in securing a change in regard to the demand

¹ The last declaration was added after the note had been first submitted to the Government.

² For. Rel. 1900, p. 235.

for punishments. A meeting was called at Mr. Conger's suggestion on the 4th of December. Upon the question of substituting the words "severest punishment" for "death penalty" the German, Austrian and Italian ministers voted in the negative but agreed that when it came to signing the note they would not refuse. The death penalty having been stricken out it was thought by a majority of the ministers that there could be no serious objection to the use of the word "irrevocable" in the preamble but Mr. Conger insisted that it go out and instead of referring to the conditions as "irrevocable" they should be termed "absolutely indispensable" and finally all agreed that if the United States would not give way on this point they all would for the sake of harmonious and immediate action agree to the change. But the German, French, Italian, Spanish and Belgium ministers very much preferred to retain the word "irrevocable" and begged Mr. Conger to ask his Government to yield. Their principle reason was that any change would weaken the case and encourage the Chinese. With the words "death penalty" stricken out there was no danger in leaving the word "irrevocable" in and they insisted that it was not used in the sense of an ultimatum.¹

As they were only waiting for the British minister to receive the instructions he expected at any time Mr. Conger on December 5th asked the Department's approval and permission to sign the note as amended. Mr. Hay telegraphed in response "Sign joint note as transmitted, President sends congratulations".²

The negotiations, however, met with an unexpected delay

¹ For. Rel. 1900, pp. 237 and 238.

² For. Rel. 1900, p. 238.

at the last moment when the British minister who believed himself authorized to sign the note and had agreed to it but awaited formal authorization was instructed that his government objected to the word "irrevocable" as committing the powers to possible ulterior operations, the scope of which was not defined and Great Britain proposed to add to the end of the conditions the words "Until the Chinese Government has complied with the above conditions to the satisfaction of the powers the undersigned can hold out no expectation that the occupation of Peking and the province of Chihli by the general forces can be brought to a conclusion".¹

Most of the ministers construed the British amendment as in the nature of a promise to withdraw from Peking if the Chinese Government complied with the demands. Mr. Conger thought that if the Chinese Government so understood the situation and at once set about in compliance with the terms submitted by the powers, the execution of nearly all the demands could either be fully accomplished or such progress made toward that end, as would justify the withdrawal from Peking of all the troops except the actual legation guard and the return of the court to the capital. Only clauses VI and XI need be left for future adjustment. These were the most important of all and could not be settled at once.²

There was some little discussion as the result of a misunderstanding between Mr. Conger and the Department in regard to the insertion of the term "irrevocable" in the preamble of the note. On the 17th of December Mr. Hay inquired how this term

¹ For. Rel. 1900, p. 239. ² For. Rel. 1900, pp.239, 240.

came to be restored in the final draft of the note as the United States had objected to it from the beginning.¹ Mr. Conger explained the error by the fact that Mr. Hay's telegram of the 5th was translated incorrectly as "sign note as majorities". Although ungrammatical this did not appear unreasonable as it seemed to have direct relation to his statement in his telegram of the 17th that "the majority of them prefer to retain the word irrevocable".² He stated it would be hard to again strike it out. Mr. Hay telegraphed December 19th that Mr. Conger should insist on the omission of the word. Mr. Conger replied the following day that the omission could only be done, if at all, by opening the whole question for other and objectional changes. Mr. Rockhill joined Mr. Conger in advising against the insistence on this point. So on December 21 the Department gave permission to sign the note after another statement of the views of the government, objection also being raised to the amendment proposed by Great Britain as the United States could not engage to participate in indefinite occupation of China. The note was signed the next day, December 22, 1900.

On December 24th the representatives of the foreign powers met in formal session at the Spanish legation with Prince Ching who came with his secretary and interpreter. Li Hung Chang was unable to be present. The Joint Note was handed to Prince Ching by the Spanish minister, who made a few remarks.

¹ For. Rel. 1900, p. 240

² For. Rel. 1900, p. 241.

Prince Ching responded briefly and then delivered to each minister the full powers of himself and Li, which appeared to be in proper form - duly signed with the Imperial Seal.¹

On December 30, the Emperor decreed acceptance of the demands of the powers as a whole and the preliminary stage of the negotiations was concluded.

The negotiations were now concerned with an elaboration of these general provisions into a final and specific treaty. This was an involved undertaking and it was not until September 7th, 1901, that all the questions were definitely settled and the Final Protocol signed. During this time the foreign troops were retained in China and the capital occupied by them.

The stipulations of the preliminary treaty, which were the basis of the Final Protocol have been classified under four heads; first, measures of punishment and reparation for the crimes committed; second, the indemnification for losses of property; third, preventative measures against future outbreaks; and, fourth, the betterment of international relations with China.

These subjects will be treated topically and while the general chronological order of the negotiations may be somewhat obscured, as all of these questions were dealt with simultaneously, yet it is felt that only by this method can a clear understanding of the discussions be conveyed.

¹ For. Rel. 1900, p. 246.

Chapter V. Punishment and Reparation.

I. Punishment of Officials.

The question of the treatment of the officials whose culpability for the outrages committed had been demonstrated, aroused considerable divergence of opinion. There was a good deal of discussion which did not consider at all the fundamental basis which alone justifies the infliction of any punishment, by society which is essentially not the idea of reparation, but its social utility as a preventative of like occurrences in the future. By this principle the demands urged by some of the powers which strongly savored of the spirit of revenge were little less excusable than those which went to the other extreme and urged undue leniency. As a preventative measure a penalty should be imposed with some view to the standards of the people committing the crime, and while some of the more barbarous modes of punishment have been abolished in China yet with the widespread disregard for human life which will permit a man to commit suicide on his enemy's doorstep in order to spite him, it is clear that any indecisive action by the powers in this matter could not but lead the Chinese to feel a contempt for the magnitude of their offenses and they would be tempted to other crimes. So the death penalty was in some cases, a necessary demand and should not be condemned because more civilized countries have reached a point where less severe punishments are efficacious.

As has been said some progress had already been made in the settlement of this question before the adoption of the preliminary note. The United States had opposed the punitive expedition to Pao ting Fu and the proposals made by Germany for the

infliction of the punishments by the powers themselves, holding that China should be allowed to inflict them. Several Imperial decrees had been issued as of September 25 and November 19, but they were considered by the ministers to be in every way inadequate.

As finally adopted the joint note omitted the names of the officials to be punished and simply said that: "The severest punishment in proportion to their crimes for the persons designated in the Imperial decree of September 25, 1900, and for those whom the representatives of the powers shall subsequently designate."¹

The Chinese plenipotentiaries stated that the punishments had already been inflicted by Imperial decree, yet they would address the Throne for more severe punishment.²

Mr. Conger was convinced that the prompt and severe punishment of a very few high responsible officials would have vastly more effect upon the Chinese than that of hundreds of lesser criminals. The British minister informed the representatives on January 22 that his government had instructed him to insist on the death penalty for all persons mentioned in the decree of September 25th¹ and for Governor Yu Hsian and General Tung Fu Hsiang. The names of Prince I, Tsai Tien and Tsai Yung were mentioned in the decree but none of the ministers had any information concerning them so it was not thought advisable to demand any additional punishment for them. The Russian, Japanese and Belgian ministers together with Mr. Conger believed it impossible

¹ Rockhill's Report, p. 59.

² Rockhill's Report, p. 66.

at this time to secure the death penalty for Prince Tuan, Duke Lan, or Tung Fu-hsiang and therefore, opposed making such demands and hoped that the British ministers instructions in this regard were capable of modification. It was decided to demand post-humous honors for the four pro-foreign members of the Tsungli Yamen who had been executed a short time before the relief expedition entered Peking. Mr. Conger tried to get Chang Yu Huan's name included in the list but was unsuccessful.¹

A meeting of the foreign representatives with the Chinese plenipotentiaries was held February 5th in order to give the latter an opportunity to be heard on the question of punishments as set forth in the demands.

The dogen of the diplomatic corps presented a brief indictment of each case and an informal discussion was held. The Chinese said it would be impossible to execute Prince Tuan or Duke Lan but they said they would agree to their banishment for life to Turkestan. They said Prince Chuang would be ordered to commit suicide and that Yu Hsien would be executed. General Tuang Fu hsiang had already been degraded and that when it could be accomplished he would be more severely dealt with but they stated that he was very popular in Hansu and any attempt to deal harshly with him would cause an uprising among the people. As to the others they insisted that their crimes were not so great or so well proven as those mentioned above and so some lighter punishment should be inflicted. Reply was made that the least

¹ Rockhill's Report, p. 69.

of the criminals deserved death and as that was the severest punishment that could be inflicted the death penalty was demanded for all, including two others who were added to the list. The Chinese averred that it would be most difficult for the court to comply with the demands and it was placing them in a most trying position and they begged the ministers not to create unnecessary difficulty for them. They did not, however, hesitate to fix the main responsibility on these persons nor try to shield the Government.¹

A meeting of the ministers was held the same afternoon to continue the discussion. The English minister, and the German and some others had been insisting on demanding the death penalty for Prince Tuan and Duke Lan but the English minister finally consented that if in any way capital punishment could be recorded against these men, even if immediately commuted he would agree to it. A Chinese formula was found which seemed to fit the case and which it was believed would be accepted by the Chinese court. Demand was made in accordance therewith "Prince Tuan and Duke Lan are sentenced to imprisonment awaiting decapitation but if immediately after this sentence the Emperor desires as an act of grace to preserve their lives, they will be sent to Turkestan to be there imprisoned for life with no further commutation of punishment ever to be made in their favor." The ministers accepted for the time being the Imperial promise as to the future punishment of General Tuang Fu-hsiang and the suicide of Prince Chuang. The death penalty was demanded for Ying Mien, Chao Shu chiao, Yu Hsien, Chi Hsiu and Hsu Ching-Yu and a note

¹ Rockhill's Report, p. 71.

was submitted to the Chinese plenipotentiaries to that effect, and also request was made at this time for the post-humous honors which have been referred to.¹

As soon as the French minister could receive information from the interior another list was to be prepared of the provincial officials who were accomplices in or were responsible for the massacre or cruel treatment of missionaries for whom punishment would be demanded.²

On February 16th the foreign ministers received from the Chinese a note enclosing three Imperial edicts fixing additional punishment for the persons the ministers had named.³ They were, however, very unsatisfactory to the representatives, as they did not meet the demands made. Mr. Conger said that the decrees were apparently issued of the courts own motion though from some things in them it was shown that the representatives' note had been received. They did not record death sentences against Prince Tuan or Duke Lan as had been requested and as the plenipotentiaries had indicated could be done, and the decrees in other respects were objectionable. The decree conferring post-humous honors, which was desired, charged the officials with crimes and simply restored the rank of which they had been deprived by their punishment. Believing that this evasion was not necessary the demands were repeated in another note of February 18th.⁴

¹ Rockhill's Report, pp. 72, 73; British State Papers - China No. 1 (1902, pp. 16, 17).

² Rockhill's Report, p. 72.

³ Rockhill's Report, p. 88.

⁴ Rockhill's Report, p. 91.

Replying to Mr. Conger's report of these actions, Mr. Hay said that the decrees mentioned were not thought by the President to be unsatisfactory. Three of the principle culprits were dead, two of the highest rank were to be degraded and exiled and all the rest severely punished. The President entertained the opinion that with the fulfillment of these sentences, and considering the material chastisement already inflicted upon the Chinese and their cities the question of punishment should be considered by the powers as closed. This view was again stated on receipt of Mr. Conger's telegram of the 21st saying that a list of local officers deserving of punishment was being made up and Mr. Conger was instructed to make clear to his colleagues the President's earnest desire for peace, the cessation of bloodshed, and the resumption of normal relations.¹

On February 21st an Imperial decree was issued which complied as far as possible with the demands that had been made.² On February 27 the ministers considered the question of punishments to be demanded for provincial officers and other persons most responsible for the massacres and riots. The list comprised about 100 names against 10 of whom it was proposed that capital punishment should be asked. The others were to be cashiered and never to be employed again and some were also to be punished by exile for life. The Russian minister informed his colleagues that his government was opposed to demanding of the Chinese further capital punishment and he could not agree to the

¹ Rockhill's Report, p. 362.

² Rockhill's Report, p. 92.



demand prepared without explicit instructions from St. Petersburg. Mr. Rockhill (who had replaced Mr. Conger February 23rd, the latter being given a leave of absence) spoke of the President's wish for the cessation of bloodshed as embodied in the instructions to Mr. Conger.¹

The ministers received a note from the Chinese peace commissioners stating that responses had been received from the various high officers designated to see that the death sentences had been carried out against Prince Chuang, Yung Mien, Chao Shu chian and Yu Hsien and that these personages had either been executed or had committed suicide, but the ministers decided, nevertheless, on March 2 to ask for an Imperial edict stating these facts.²

On March 12th an attempt was made to come to an agreement on the ulterior list of punishment to be submitted. The Russian minister immediately made a declaration that under further instructions from his government he could not take any part whatever in any further discussion concerning punishments, as he had been ordered to declare that Russia considered this matter closed with the punishments already inflicted but the diplomatic corps with the exception of the Russian minister, was unanimous in its decision that the punishments should be asked for. The British minister said that he had categorical instructions from his government to insist on this question and his colleagues agreed that it should not be dropped. Mr. Rockhill restated the

¹ Rockhill's Report, pp. 94, 95.

² Rockhill's Report, p. 98; and British State Papers - China, No. 1 (1902) p. 39.

President's views of the matter but for sake of maintaining unanimity he voted with his colleagues. The ministers then awaited the decisions of their governments to whom they had transmitted the Russian statement.¹

The British minister again brought up the matter March 22nd. Prior to the meeting of the diplomatic corps the six ministers who had persons of their nationality killed met to revise the list of punishments previously prepared and on which figured ten demands for capital punishment. Owing largely to the sentiment of Russia and the United States the number of such punishments was reduced to four and for the other six the penalty was commuted into that which had been inflicted on Prince Tuan and Duke Lan. All the minor demands which figured on the first list were maintained. The revised list was submitted to the diplomatic corps and all the representatives except the Russian agreed to send the demand, but difficulty arose in deciding whether it should be sent in identic or a joint note. The British minister who expressed himself strongly in favor of a joint note said that in case this was not agreed upon his government reserved the right to present the original demand for the ten capital punishments if it had to do so alone.²

On April 2 the list of punishments was sent to the Chinese plenipotentiaries in a joint note signed by all the representatives except the Russian. A second list of persons whose guilt

¹ Rockhill's Report, p. 102.

² Rockhill's Report, p. 112.

should be inquired into by the Chinese Government was forwarded with the note. The total number of punishments to be inflicted amounted to 96 items.¹

After this list was communicated to the Chinese some of the ministers received information from their nationals in the interior, exculpating certain of the persons whose names were found on the list and the Chinese Government also addressed proof of the innocence of others or showed that they were not as guilty as at first supposed so that in some cases the punishments were mitigated.²

On April 29 a decree ordered the decapitation of three of the most guilty officials and an investigation of the case of the fourth, the death sentence to be promptly carried out if the charges made were proven to be true. The same decree awarded punishment to 48 other persons.³ Accounts of the execution of the officials whose death had been demanded were received from foreigners who were residents at the place of execution⁴ and in accordance with the demand of the representatives Imperial edicts declaring the punishments inflicted were appended to the Final Protocol⁵ and published throughout the Empire.

Toward the first of July the British and American ministers had renewed their efforts to gain the rehabilitation of Chang Yiu Hung the matter having been dropped from March 22 in view of certain opposition on the part of some of the ministers

¹ Rockhill's Report, pp. 123, 193, et. seq.; and British State Papers, China No. 1 (1902) pp. 89-90.

² Rockhill's Report, p. 192. ³ Rockhill's Report, p. 192.

⁴ Rockhill's Report, p. 166 et. seq.; and British State Papers, China No. 1(1902)p.178,179. ⁵ Rockhill's Rep. pp. 320-323.

and on account of the disinclination on the part of the Chinese plenipotentiaries. The matter was now pushed and though nothing was done in regard to the request and it did not form a part of the settlement, the request was nevertheless finally granted by an Imperial edict of December 31, 1901.¹

II The Suspension of Examinations.

The joint note adopted December 24, 1900, stipulated the "suspension of all official examinations for five years in all the towns where foreigners have been massacred or have been subjected to cruel treatment". This clause was inserted because of the responsibility of the literati or mandarin class in the Boxer uprising. This class has been intensely reactionary because their interests and power lie in the maintenance of old corrupt political systems. These officials are selected by a series of rigid examinations. The lowest of these is the district town examination and then for the successful competitors come the department, circuit, provincial and finally the Imperial examination, which is held under the supervision of the Emperor at Peking. The test is very severe because of the great number of aspirants for positions. The subjects treated in the examinations are the Chinese classics, style and calligraphy and an almost exclusively a test of memory. As has been said "even the introduction of an alphabet would at one blow take away the *raison d'etre* of the prominence of thousands".² So when Kwang Su attempted to reform the system he met bitter opposition and to the

¹ For. Rel. 1902, p. 41.

² Paul Reinsch "World Politics" pp. 91-93.

influence of the literati was largely due his forced abdication. They did much to stir up feeling against the foreigners, in the mass of the people and the foreign representatives thought their actions should not pass unnoticed.

In pursuance of the provision of the note, Mr. Rockhill submitted to the representatives on February 27, 1901 a tentative list of the names of the localities in which the examinations were to be suspended. The list was to be added to or revised by each legation and submitted to the Chinese.¹

In interpreting the prohibitory clause the Chinese maintained that it must refer to the local examinations held in the various prefectural and district towns by the literary chancellor of the province. It ought not they said, apply to the provincial examinations as this would exclude, not only those from the towns where foreigners had been cruelly treated but also those from the towns throughout the province where no disorders had occurred. If this were carried to the metropolitan examinations at Peking for the second and third degrees then the students of all the provinces would not be able to compete for these degrees and as a result of disturbances in many of the cities and towns the scholars of the Empire would all thus be cut off from entering the official career. The residents of Peking should be debarred from competing but these examinations should not in justice be prohibited. The Chinese also claimed that it was the "illiterate vagabonds" who caused trouble while the scholars were peaceable and law abiding and closely associated with the missionaries. Therefore, the suspension of

¹ Rockhill's Report, p. 95.

the examinations at Peking would create an undesirable feeling of enmity.¹

The dean of the diplomatic corps replied that guilt of the literati could not be denied and interpreted the clause strictly to include all the examinations both local and general. It was manifestly unjust, however, to prohibit the metropolitan examinations and a compromise was desired by some of the ministers notably the Russian, French and Japanese.² On May 28th the proposal was made that the metropolitan examinations might be allowed under conditions later to be agreed upon but this was opposed by Mr. Rockhill as it would leave the whole matter unsettled. The Russian minister then proposed that the metropolitan examinations should be allowed only for graduates of provinces in which foreigners had not been killed or subjected to cruel treatment but this was not supported by a majority of the ministers and the question was again deferred.³

On May 29th the list of towns where official examinations should be suspended for 5 years was submitted to the Chinese plenipotentiaries and an Imperial decree was asked declaring suspension.⁴

The only serious obstacle in the way of a complete settlement of the question was the British minister's refusal to agree to allow the metropolitan examinations to be held and can-

¹ Rockhill's Report, p. 67. ² Rockhill's Report, p. 165.

³ Rockhill's Report, p. 177 - British State Papers China No. 1 (1902) p. 105.

⁴ Rockhill's Report, p. 219 - 220.

didates from provinces in which no anti-foreign trouble occurred to come up for them. This obstacle was removed June 11th by the publication of an Imperial decree suspending all examinations in Peking and the metropolitan prefecture.¹

On June 29th Mr. de Coloyon, dean of the diplomatic corps informed the Chinese plenipotentiaries that the decree of June 11th was satisfactory and asked that it be posted throughout the whole Empire.²

The British minister interpreted the edict which was rather indefinite to absolutely prohibit the metropolitan examinations but the other ministers were not willing to press the subject and Mr. Rockhill stated that these examinations would probably be held in some provincial capital during the time Peking was closed.³

III The Mission to Germany.

In accordance with Article I of the Joint Note and Imperial edict of June 9th appointed Tsai Feng Prince of Ch'un as Ambassador of the Emperor and directed him in that capacity to convey to the German Emperor the expression of the regrets of the Emperor of China and the Chinese Government for the assassination of Baron von Ketteler, the German minister who was murdered during the seige of Peking.⁴

Prince Chun, with a suite numbering about fifty persons left China toward the end of July and arrived at Basel on August 25. Here the party halted owing to difficulties that arose in regard to the ceremonial to be observed at Prince Chun's re-

¹ Rockhill's Report, pp.245, 246. ³ Rockhill's Report, pp.281,245
² " " p. 282. ⁴ " " p.319.

ception by the Emperor. The German Government declared that the Chinese envoys should observe the same respect toward the German Emperor as they were obliged to show when they were received by their own monarch and therefore, all the envoys with the exception of Prince Chun should perform the "Kowtow" which consists in touching the ground three times with the forehead and in making nine profound bows. Prince Chun should make **three** obeisances.

The Chinese envoys protested that to perform the Kowtow before a foreign monarch would be tantamount to recognizing him as the suzerain of the Chinese Emperor. This, they said, they could not do. The Emperor finally yielded the point and Prince Chun was informed that the Emperor would receive him unattended by any other members of the penitential mission except an interpreter. This removed all obstacles to the fulfillment of the mission and Prince Chun left for Berlin September 2 arriving there the next day. The audience was held at the New Palace at Potsdam September 4th. On the arrival of Prince Chun at the palace attended only by his interpreter and advanced toward the Throne with many profound obeisances. The Emperor remained seated and acknowledged the Prince's bows with a slight movement of his hand. Prince Chun presented to the Emperor of Germany a letter from the Emperor of China, elaborately embroidered on yellow silk, expressing sorrow for the crime that had been committed. Prince Chun made a speech to the same effect and after listening to a short reply from the Emperor he retired with the same ceremony that he had entered.¹

¹ London Times, 1901, pp. 557, 573, 574.

As soon as his mission had been accomplished Prince Chun was no longer treated as a penitent, but as a guest of honor and he was accorded every courtesy during the remainder of his stay in Germany.¹

IV Erection of Monument for Baron von Ketteler.

As a further evidence of the regret of the Chinese government for the murder of Baron von Ketteler the request was made that a commemoration monument be erected at the place where the crime was committed and that it should bear an inscription in the Latin, German and Chinese languages expressing the regrets of the Emperor of China for the murder.²

In pursuance of this request work was commenced on the 25th of June, and a letter from the Chinese to the German plenipotentiary was annexed to the final protocol stating that in accordance with the wish of the Emperor of Germany a new archway extending across the whole width of the street would be put up.³

This monument was formally dedicated January 18, 1903. It is a large granite paloubuilt across the street. The inscription reads: "This monument has been erected by order of his Majesty the Emperor of China for the Imperial German minister Baron von Ketteler who fell on this spot by heinous murder on the 20th of June, 1900, in everlasting commemoration of his name, as an eternal token of the Emperor's wrath about this crime as a warning to all".⁴

¹London Times, 1901, pp.589,595. ³Rockhill's Report, pp. 319,320.

²Joint Note, Article I, p. 86. ⁴For. Rel. 1903, p. 78.

V Mission to Japan.

The final protocol stipulated that a mission similar to the one sent to Germany should be dispatched to Japan to convey the regrets of the Chinese Emperor and government for the assassination of Mr. Sugiyama the chancellor of the Japanese legation which occurred June 11, 1900.¹ An Imperial edict of June 18 appointed Na Tung, vice-President of the Board of Revenue to discharge this duty, which was done during the month of September.

VI Reparation for the Desecration of Cemeteries.

During the outbreak the anti-foreign feeling of the Boxers vented itself against the foreign cemeteries at Peking and in the provinces and these were entered, the monuments destroyed and in some cases the graves broken into and the remains scattered and burned. Some reparation was due for these outrages and the preliminary note stipulated by Article IV that "an expiatory monument shall be erected by the Imperial Chinese Government in each of the foreign or international cemeteries which have been desecrated and in which the graves have been destroyed".

The settlement of this matter was not a difficult one as the Chinese plenipotentiaries readily agreed to take such action. A commission was appointed to consider this provision and recommended at the meeting of the representatives March 14, 1900, that 10,000 taels be asked for each monument in each cemetery desecrated in Peking and 5,000 taels for each one of those in the provinces, this sum not to prejudice claims for material losses sustained in such cemeteries.²

¹ Rockhill's Report, p. 314.

² Rockhill's Report, p. 105.

This report was accepted and the Chinese notified of the action taken. They were to transmit the money directly to the legation of that government whose cemeteries had been desecrated and that legation would see to the erection of the monument. The funds to be paid were not included in the indemnity. Some little correspondence ensued in regard to the location of the cemeteries but on July 31, Mr. de Cologan informed the Chinese plenipotentiaries that the cemeteries desecrated were seven in number all of them situated in the neighborhood of the capital. These were one British, 5 French, and 1 Russian for which 10,000 taels each were due. Promptly on receipt of this note the Chinese plenipotentiaries sent the money, 70,000 taels, in all, and the matter was satisfactorily adjusted.¹

¹ Rockhill's Report, pp. 296, 297.

Chapter VI The Question of Indemnity.

The settlement of the question of the indemnity was beyond doubt the most difficult problem that the representatives had to deal with. It was universally conceded that an indemnity should be imposed for the losses incurred from the outbreak but the determination of amount, the claims to be allowed, the form in which the indemnity should be paid, the methods of providing the funds in order that just recompense might be given those who had suffered damage and at the same time that the Chinese Government might not be crippled by demands above her ability to pay all involved careful and extended deliberation.

China admitted her liability though naturally desired the powers to be lenient in the matter.¹ Of necessity the matter was treated in a very general way in the preliminary negotiations and the joint note simply said in article VI "Equitable indemnities for governments, societies, companies and private individuals, as well as for Chinese who have suffered in the late events in person or in property in consequence of their being in the service of foreigners. China shall adopt financial measures acceptable to the powers for the purpose of guaranteeing the payment of said indemnity and the interest and amortization of the loans".²

The question of punishment appeared to be of immediate need of settlement so the formal discussion of the indemnity did not begin for a time after the presentation of the joint note. It was soon seen that the various powers held widely divergent

¹ Rockhill's Report, p. 41.

² Rockhill's Report, p. 59.

views on the subject. The United States from the first urged that the demands be moderate and considered the future development of trade to be a more vital question while Germany on the other hand took an uncompromising position and wished reimbursement for all expenses incurred.

The question was taken up in the meeting held February 15th and Mr. Conger submitted the proposition of "the adoption of a lump sum within the ability of China to pay and as this would not be sufficient to meet the demands in full, each power would have to agree to a scaling down proportionate to their claims".¹

This did not meet with much of a response as only the Japanese minister really favored it. The German minister insisted that China was able to pay the entire amount of all demands and that his Government would require full compensation for all their expenditures and losses. It was understood by all that war indemnities or expenses must be fixed by the Governments themselves, but there was a difference of opinion among the ministers as to the indemnification of legation guards which some, especially the Italian minister, urged. It was pointed out that it would be difficult to discriminate between the soldiers at Peking and on the relief expedition.² The United States held that the legation guards were on the same footing as civilians killed or wounded for which indemnity was claimed but Mr. Hay said this point could be taken care of by each Government in distributing the indemnity.³ The ministers also asked for informa-

¹ Rockhill's Report, pp. 86, 87. ³ Rockhill's Report, p. 360

² Rockhill's Report, p. 87.

tion from their governments as to whether there was an understanding between the powers as to the manner of fixing the amount of war indemnity to be demanded of China and whether this would be done by the governments in accordance with uniform rules agreed upon between them or each reserve the right to make up separate demands.¹ Mr. Hay replied that separate itemized bills would be impractical and again urged a lump sum. He suggested the reference of the matter to the Hague if the agreement for distribution seemed too difficult, a suggestion first made by Russia.² When the subject was again taken up on March 12 Mr. Rockhill stated this view of the Department. The Russian minister said he was not aware that his Government had actually made this proposition, that it was a mere indication and he was not prepared to say his Government would finally accede. The British minister said categorically that his Government did not favor the Hague tribunal and the French minister did not consider the proposition favorably, though he was willing that it should be discussed as a possible solution in case of necessity.³

A commission was formed consisting of the representatives of Germany, Belgium, Netherlands and the United States to lay down principles to serve as a common basis for estimating and assessing private claims for indemnity to be presented to the Chinese Government. It made its report to the ministers at the meeting of March 12. It declared that it had attempted to effect a double purpose, first to insure an equitable indemnity to those who had been injured and second, to prevent the circum-

¹ Rockhill's Report, p. 360.

³ Rockhill's Report, p. 361.

² Rockhill's Report, p. 102.

stances being used as pretext for illegal gain or profit. They proposed the adoption of certain rules for the regulation of claims. Their report was considered March 13 and 14 and some amendments having been introduced was accepted as follows:

I Damages should not be claimed except in cases which were immediate and direct consequences of the anti-foreign movement which occurred in 1900.

II Indemnity claims might be classified under three principle headings; (a) indemnities to governments; (b) to societies, companies and individuals; (c) to Chinese in the employ of foreigners.

III A detailed enumeration was made of the cases which constitute immediate and direct consequences of the events of 1900 and also a list of those cases which should not be so construed. (This classification was made after a careful examination of the claims filed in the various legations.)

IV Claims for damages should in every case be addressed to the representative of the power which exercised protection over the claimant. Claims of an international character were to be addressed to the dean of the diplomatic corps. The representatives of the powers after examination of the claims preferred by the persons under this protection should make an appropriate estimate of the amount and should demand the sum total, without giving either details or explanation to the Chinese Government.

V (a) Damages should be assessed as far as possible and in conformity with the above mentioned principles with a view to putting governments, societies, companies and private individuals back in the position in which they would have been if the anti-

foreign movement of 1900 had not taken place. The valuation of articles for which damages were asked should be just and reasonable and in conformity with the real expenditure which would be necessary to replace them.

(b) The amount of the indemnities could not in any case be augmented by interest at more than five per cent on personal claims and seven per cent on commercial claims. Interest could only be allowed if it represents a loss actually incurred and which should have been proved in accordance with Article VII given below. It would be calculated from the day on which the wrong entitling the compensation took place.

VI-If societies or companies or private individuals had been required by the military authorities to furnish articles, furniture, real estate, or goods belonging to them for the necessities of common defense, the government exercising authority over the officer or officers who had signed such requisition or had signified to the correctness of the bills should be directly responsible for their reimbursement with a corresponding right against China.

VII-Proof of damage suffered should be made to the satisfaction of the representative to whom the claim was addressed in conformity with the usages of his country. The proof that the articles existed prior to the events which led to the claims being presented should be furnished in each case to the satisfaction of the representative of the power concerned. In examination of the different claims for indemnity for the loss of property it was desirable that the style of living and the presumable income of the claimant should be taken into account.

VIII The commission considered that the indemnity should be paid in Haikwan taels.

IX The Commission considered that the principles enumerated should serve as a basis for assessing all claims for compensation without distinction.¹

It was understood that Article IV did not prejudice the final presentation of the indemnity demand which was reserved for future consideration. This article followed in principle the desire of the United States for a lump sum. All the ministers had not received instructions in regard to the matter, at this time, but it seemed probable that a lump sum would be asked, although the Russian minister declared that while accepting the principle of the report, he would, unless otherwise instructed, present his claims separately. The representatives were of the opinion that it was better to ascertain the total amount of the indemnity before discussing the question of China's ability to pay it. France, Russia and most of the other powers agreed in the principle that China should be credited with the treasure seized by the troops during the operations.²

On March 18th the question of submitting all claims in a lump sum was put to an informal vote. Six of the ministers including the French, Japanese and Russian were in favor of the proposition but the representatives of Great Britain, Germany and Italy voted against it, and the question was again deferred. May 1 was fixed by the conference, on Mr. Rockhill's motion, as the latest date at which private claims could be filed. This

¹ Rockhill's Report, p. 105, 108. ² Rockhill's Rep. pp. 104, 105.

was later postponed to May 14 at the request of the British minister.¹

It was agreed that it was essential to take up without further delay the study of the financial resources of China for the payment of the indemnity and on March 22 a Committee was appointed consisting of the British, German and Japanese ministers which should report on this subject.²

Under date of March 21 Mr. Hay directed Mr. Rockhill "to endeavor regardless of the process by which the sum of the indemnity was reached to have the total kept within the limit of £40,000,000 and that this sum be demanded in a lump from China without either the grounds for the claim or the proportion claimed by each power being itemized, leaving the proportionate distribution to be settled among the powers.

The Hague arbitration was to be suggested if settlement at Peking was impossible. Mr. Hay stated that \$25,000,000 would cover claims of every description for the United States and this amount was subject to equitable proportionate reduction.³

Mr. Rockhill formally submitted these views to the diplomatic corps in a memorandum March 28th and again April 8th.⁴ Some of the ministers at this time were strongly advocating that China should contract a foreign loan for the payment of the indemnity as this would be the most rapid way of paying it off and they were anxious to be promptly paid for their military expenses.

¹ Rockhill's Report, p. 108.

² Rockhill's Report, p. 113.

³ Rockhill's Report, p. 36.

⁴ British State Papers, China No. 1 (1902) p. 4.

This, however, would be the most expensive method and it would inevitably result in establishing some form of foreign international financial control, affect thereby the administrative entity of China, and consequently conflict with the declared policy of the United States. This would be better served by the suggestions of Sir E. Satow and Sir R. Hart to raise existing revenues in conjunction with some administrative reforms.¹

On April 8 it was decided that the evacuation could not be commenced until not only the total amount of the indemnity to be asked from China had been ascertained but the securities for the payment of the same had been given and accepted by the powers. This made the early settlement of the question especially desirable as the occupation was estimated as costing the Chinese government some \$30,000,000 per month and if the evacuation was not begun by the middle of June it must be delayed until autumn as the climatic conditions in summer were not such as to allow the moving of troops.²

The diplomatic corps met April 23rd to consider the propositions of the United States submitted in the memorandums of March 27 and April 11th. Mr. Rockhill outlined the policy of the United States and said that as all the powers had disclaimed motives of territorial advantage, the indemnity should be reasonable and not one which would create financial embarrassment and imperil the independence and integrity of China. The United States thought that the limit of China's ability to pay was £40,000,000. The payment of this sum would cost China £50,000,000

¹ Rockhill's Rep., pp. 113, 119. ² Rockhill's Rep. p. 125.

but it was thought she could pay this, but that any additional demand would expose foreign interests to the gravest danger. New taxes would stimulate anti-foreign feeling which it was essential to alleviate.¹

It was generally felt that this proposal was premature as the committee on indemnities had not made their report, but in the discussion that ensued the ministers, for the most part, took the view that the proposed limit was much too low, although several thought some reduction might have to be made. The Belgium minister thought that any reduction should apply only to governmental, not private, claims. The French and German ministers believed Chinese resources would permit the payment of a much larger amount the latter maintaining that the entire cost of operation could be met. The Russian and British ministers stated that their Governments would accept what China was able to pay, but could not count themselves to any definite sum before the commission should report. The question was therefore deferred until this had been heard.

In an interview April 24 the British minister told Mr. Rockhill that his Government thought that the indemnity might be scaled down to £50,000,000 and that a date should be fixed after which no claims could be made thus limiting the amount for military purposes. His government would propose that China negotiate a loan in the open market for a sum sufficient to pay the powers £25,000,000 for which purpose it would give the native custom revenues and the still unalienated foreign customs revenue. As to

¹ Rockhill's Report, pp. 141, 142.



the time and mode of the payment of the remaining £25,000,000, the powers would have to make an agreement with China. Sir.E. Satow thought that such a proposition might be carried through despite some opposition but Mr. Rockhill said that the United States could not favor such a compromise and if the proposition of the £40,000,000 limit were not accepted he would urge a submission of the question to the Hague. The British minister feared that such reference if agreed to, would greatly delay the settlement and would involve great expense to China as the evacuation could not be carried out until the matter was satisfactorily arranged.¹

On May 1st the indemnity commission submitted their report.² It considered at length the possible modes of payment and the resources from which funds could be obtained. The methods of payment were outlined to be:

(a) Chinese loan, not guaranteed by the powers. This system would doubtless be very costly, the credit of the Empire being such that it would be difficult to borrow the sum of 65,000,000 (which appeared to be the probable amount demanded) at reasonable rates.

(b) Loan to meet the lump sum of the indemnities guaranteed by all the powers. Such a loan could undoubtedly be easily floated without too great expense and at a low rate of interest. Its realization would allow the immediate payment of the indemnities and the speedy restoration of China to its normal state. Financially the powers would not be gainers for they would have to borrow to pay themselves, each one having to assume besides

¹ Rockhill's Rep. pp. 143, 144. ² British State Papers, China

the commission previously deducted by the bank, the joint responsibility of the total loan. It might involve control of the revenues by the powers which would create a complicated situation.

(c) Chinese Bonds. Each power would receive from China bonds for the amount of its total indemnity. These bonds falling due at stated intervals would bear interest, and each power could use them as security for a national loan which each would have to make. The lump sum would then be distributed among the powers under various forms of loans and under conditions in harmony with the credit of each, instead of floating one international loan. Each State would be at liberty to only raise the amount of its private claims, if it were willing to accept its payment for public expenses in installments and to choose at its convenience the date of issue.

(d) Annuities. This system would have the disadvantage of extending the settlement of the expenses already paid by the powers over a number of years and of leaving the way open for political contingencies.

The Commission discussed quite fully the resources available. The maritime customs not required for the then existing debt, the likens actually under foreign control, the increase of the customs tariff to a 5 per cent effective ad valorem, the yield of the native customs and the taxation of certain merchandise at this time imported free, were held to offer good security from the point of view of income, collection and control and which could be applied to the service of the indemnities, without incurring any injurious effect on the internal organization of the Empire. There were objections to certain other resources

such as increasing the customs duties to 10 per cent, the salt duty, the rice tribute and saving from economies in the administration of the Manchu pensions and other expenses. The land tax and the liken were not considered as being satisfactory sources of income for this purpose.¹

The report contained no recommendations as to the method to be suggested to China for paying the indemnity. The important feature of the report and of the discussions of it was that it seemed to be almost impossible for China to pay £65,000,000 without raising the tariff to 10 per cent and the joint guarantee of the loan by the powers. Russia, having small commercial interests in China was quite willing that the tariff be raised and urged this, with a joint guarantee upon the presentation of the report,² but Mr. Rockhill stated the United States would not join in a guarantee and refused to consider the raising of the tariff to 10 per cent unless equivalent compensation should be given foreign trade, or at least the negotiations pushed on concurrently with those for the settlement of the indemnity.³ The British minister informed Mr. Rockhill that he was in favor of using, to secure the loan, the foreign customs, the native customs to be put under the maritime customs, the salt tax and the raising of the tariff to a 5 per cent ad valorem.⁴ Mr. Rockhill thought the last, while not objectionable, should be accompanied by commercial advantages.

¹ Rockhill's Report, pp. 146-153.

² British State Papers, China No. 1 (1902) pp. 37, 38.

³ Rockhill's Report, pp. 144-145.

⁴ Rockhill's Report, p. 372.

At the meeting May 7th the Russian and French ministers stated that it was of great importance to ascertain whether the governments would agree to a joint guarantee. They had formal instructions to urge this.¹ The Japanese and Austrian ministers expressed themselves in favor of such a guarantee but the Belgium, German, Italian and Dutch ministers were without instructions. Mr. Rockhill stated that the United States saw great difficulties involved in the proposition,² and Great Britain was opposed to it also.³

The total amount of the claims which had been submitted calculated to the first of July, was about \$ 67,500,000 or 450,000,000 taels. It was decided to submit this to the Chinese plenipotentiaries as the probable amount of the indemnity and ask them what measures they proposed taking for the payment of it. This was done, with the understanding that the note was not in any sense a demand, nor did this sum necessarily represent the final figure but it was simply a means of eliciting a formal expression of the views of the Chinese plenipotentiaries on the subject.⁴

In reply to this note the Chinese plenipotentiaries proposed annual payments of 15,000,000 taels of which 10,000,000 taels were to be derived from the gabelle, 3,000,000 taels from the native customs and 2,000,000 taels from the liken, this payment to commence July, 1902. They suggested that the maritime

¹ Archives Diplomatique, 1901-02, Vol. I, p. 64.

² Rockhill's Report, p. 155.

³ British State Papers, China No. 1 (1902) p. 43.

⁴ Rockhill's Report, pp. 155, 156.

Customs should see that monthly payments were regularly made into authorized banks which should transmit their proportion to each power. They referred to the extreme financial embarrassments which would result from the payment of such a sum and begged that it be reduced and also that the powers would agree to an increase of the tariff by one third.¹

Mr. Hay instructed Mr. Rockhill by dispatch of May 10th that the aggregate sum appeared exorbitant and repeated that the United States was willing to reduce by one half its already reasonable claims if the other powers would agree to do likewise. While these were grave objections to a guarantee the President would agree to it subject to the action of Congress rather than subject China to the necessity of paying so enormous a commission. The suggestion of reducing the total amount with compensating commercial advantages and Mr. Hay was instructed to propose that each power accept bonds of China without international guarantee. The United States would accept such bonds at 3 per cent interest without commission for its share of the indemnity.²

The situation was one of extreme difficulty. It seemed impossible to reach any understanding either as to the amount or the mode of payment. The British and Japanese were the only governments that joined the United States in the view that compensating commercial advantages should be insisted on, in case it was necessary to allow an increase in the import customs tariff. Russia, France and Germany were willing to see the tariff raised to 10 per cent if by so doing they could obtain more prompt-

¹ Rockhill's Report, p. 165. ² Rockhill's Report, p. 371.

ly the payment of their claims and Russia was most persistent in the desire to separate the financial from the commercial question. The Japanese and United States ministers, however, thought that the two must be treated together and that if tariff concessions were made to China without securing a settlement of the commercial questions an important leverage would be lost and the powers would be subjected to years of desultory discussions with China, before they could be adjusted.¹ The Russian and French governments were emphatic in their declarations that the only mode of payment acceptable to their governments was a loan with joint guarantee. The British minister's instructions were absolutely opposed to a joint guarantee and he submitted a memorandum which suggested that the powers receive bonds from China at 4 per cent interest and a sinking fund of 1/2 per cent be provided. Payment on these bonds would be made from the gabelle native customs and the increase of receipts accruing from a duty of 5 per cent ad valorem on imports (except rice and opium).² On May 22nd the British minister advanced the proposition he had earlier made to Mr. Rockhill that the powers should not present claims to China for military occupation after July 1. He did not, however, suggest a reduction in the claims estimated to that date, i.e. 450,000,000 taels. This last proposal was opposed by the Austrian, Russian and German ministers who wished their expenses paid in full. Upon Mr. Rockhill's statement that he would again bring up the suggestion of the United States to scale

¹ Rockhill's Report, p. 169.

² Rockhill's Report, pp. 170, 171.
British State Papers, China No. 1 (1902), p. 45.

down the indemnity, the German minister asked for a final vote on the subject. The American plan was rejected and it was definitely agreed to ask of China the expenses and losses actually incurred, reserving for future determination the question of the advisability of limiting the figure of the indemnity to the first of July, that is to the sum of 450,000,000 taels.

In regard to the payment by the method of bonds which the British minister's memorandum outlined the United States representative declared his government's approval, but the Russian minister still held this method undesirable and also advocated the raising of the tariff on foreign imports to 10 per cent as this, he said would give the best guarantees.¹ All the representatives except Mr. Rockhill were willing to accede to the 5 per cent ad valorem duty but he repeated the necessity for compensating commercial advantages.²

At the meeting May 22, the question the British proposed was again taken up a decided preference was shown for bonds in place of a guaranteed loan. France and Japan preferred the guaranteed loan but Germany with Great Britain and the United States was strongly in favor of bonds and Russia did not further urge the views of her government. The other ministers did not express any preference. The question of sinking fund was considered and the Indemnities Commission was asked to draw up a number of plans of amortization with as short a period to run as possible. The question of interest on the bonds was also dis-

¹ British State Papers, China No. 1(1902) pp.55, 57,58,59,61,115.

² Rockhill's Report, pp. 171, 172.

cussed the United States favoring 3 per cent and Great Britain 4 per cent. The Japanese minister said that some provision should be made for those countries which could not raise loans at such a low rate of interest as Japan for example had to pay 5 per cent. He thought this ought to be made up to these countries by an additional amount of bonds issued to them.¹

On May 25th the German representative stated that his government would accept the British proposition of fixing the indemnity at 450,000,000 taels with interest at 4 per cent reserving for future consideration the question of the amortization. Italy also agreed to this proposition, but none of the other ministers had yet received instructions on this point.²

On May 28 Mr. Hay instructed Mr. Rockhill to urge arbitration by the Hague or reduction of the amount which was considered excessive if there remained the slightest possibility of the suggestion of the United States being considered but if there was no hope of obtaining this the United States had no wish to cause indefinite delay.³

Any reduction did not appear feasible at this time as the Emperor had issued an edict accepting the demand of the powers for 450,000,000 taels with interest although His Majesty's Government hoped that it would be found possible to slightly reduce this amount.⁴

Several interviews were held with the Chinese plenipotentiaries to discuss these matters. They had omitted to provide for the payment of interest in their plans submitted May 11,

¹ Rockhill's Report, p. 174. ² Rockhill's Report, p. 176.

³ Rockhill's Report, p. 373. ⁴ Rockhill's Rep. pp. 179, 185.

but when this was pointed out to them they were not able to offer any practical solution of the difficulty. The diplomatic corps took up the questions of amortization and currency in which the indemnity should be paid but no conclusions were reached and on June 8, Mr. Rockhill in consideration of the fact that only Great Britain, Germany, Belgium, Holland and Italy had accepted the limitation of the indemnity to 450,000,000 and it seemed impossible to come to an agreement in the matter, formally proposed the submission of the whole question of indemnity to the Hague.¹

The question was again taken up June 11th and the resources to be appropriated for the purpose of the indemnity were considered. The French minister stated that his government believed that the revenue which could be placed under the control of the Chinese Maritime Customs presented the best guarantee and therefore favored an increase on the tariff on imports to 10 per cent. If this could not be the French Government was willing to accept the revenue derived from the salt gabelle, which had been offered for this purpose by the Chinese plenipotentiaries. The Russian minister had the same instructions but would accept the salt gabelle on condition that in case the payments on account of interest on the indemnities were not regularly made the powers would consider the eventual increase of customs dues on imports up to 10 per cent the increase derivable from the source to be entirely affected to the payments on account of this new debt. Mr. Rockhill then outlined five conditions on which the United States would consent to an increase to a 10 per cent duty. These were: (1) a general revision of the tariff and conversion

¹ Rockhill's Report, p. 226.

of ad valorem to specific duties; (2) removal of the prohibition on the exportation of rice; (3) abolition of all liken including transit dues and all inland taxation of every kind on all foreign imports; (4) revision of tariff of liken charges on native produce destined for exportation, especially tea, raw cotton and silk and other articles of export trade; (5) participation by the Chinese Government in improvements of the waterways leading to Shanghai and Tientsin.

The Japanese minister approved of these suggestions and submitted the advisability of an international committee being appointed to carry out the revision of the tariff. The British minister, however, objected to any partial reduction of the liken and could only consider its entire abolition with other considerations in compensation for the 10 per cent duty. He contended that the elevation of the tariff would not be sufficient and considered the salt revenue as the best fund available.¹ In view of the disinclination of his colleagues to avail themselves of the opportunity afforded to settle any of the questions affecting trade by treating them in conjunction with the indemnity Mr. Rockhill felt compelled to accept the revenue from the salt gabelle which amounted to 11,000,000 taels per year. This with the amount placed under the control of the Maritime Customs would make up a sum of 17,000,000 taels per year.

All the other ministers except Mr. Rockhill wished to raise the tariff to an effective 5 per cent. The United States wished the same concessions as for a raise to 10 per cent but Mr. Rockhill finally agreed to accept it if the first condition with

¹ British State Papers, China No. 1 (1902) p. 137.

the international committee suggested by Japan and the fifth condition were agreed to, together with a provision that the regulations, then in force, concerning inland navigation by foreigners for purposes of trade should be revised so as to open this trade to all classes of shipping. This revision would be of great service to Great Britain, Germany, France and Japan and would tend to improve trade generally. Mr. Rockhill inserted it to secure the support of his colleagues on the other points rather than for the benefit it would be to the trade of the United States. This last condition met with the strongest opposition from Russia because it tended to reopen discussion at a moment when it was most desirable to bring matters to a close. Mr. Rockhill therefore, asked if Russia would accept the other two commercial compensations of a placing of the customs dues to an ad valorem basis and the improvement of the waterways, and a compromise was finally affected on this basis.¹

At the meeting of the Diplomatic corps June 15th Mr. Rockhill stated that the United States desired to bring the negotiations to a close accepted the sum of 450,000,000 taels as the final amount of the indemnity calculated to the 1st of July and as a further concession would accede to the 4 per cent interest instead of the 3 per cent advocated. It seemed evident that France and Russia would accept ultimately the 450,000,000 taels indemnity although the latter's representative had no definite instructions on this point. The question of mode of payment was again raised. All the ministers were in favor of, or would

¹ Rockhill's Report, pp. 227-229, 255.

agree to the issuance of bonds at 4 per cent except the Russian and Japanese ministers. The Japanese minister said that if payment were made by bonds at 4 per cent his government would suffer loss as Japan's bonds sold at .78 so her claim would have to be raised if this method were adopted. The Russian minister also stated that the bonds of his government were below par and he was not certain that the 4 per cent rate would be acceptable.¹

On June 19th Russia and France declared their acceptance in principle of the sum of 450,000,000 with 4 per cent interest. Japan accepted with the reservation noted. The British minister surprised the other representatives by the declaration that England would not accept the eventual increase to 10 per cent duty in case of non-payment of interest which the ministers had previously agreed upon at the solicitation of Russia.² This produced a deadlock on the negotiations. Mr. Rockhill since the 8th had urged the submission of the question to the Hague but did not meet with any encouragement. In regard to the currency in which the indemnity should be paid, most of the representatives had formal instructions to insist that bonds be given them in the gold currency of their respective countries. This was impossible as the indemnity was to be asked without detail or explanation. There was also some discussion in regard to the payment of private claims. Germany was in favor of China contracting a special loan for this purpose as she could

¹ Rockhill's Report, pp. 244, 245.

² Rockhill's Report, pp. 246, 247.
British State Papers, China No. 1 (1902) pp. 180, 181.

not undertake to negotiate the bonds paid it on account of private claims. This scheme did not find any support and the United States minister said that his government would see to the payment of the claims of its own citizens out of the amount paid it by China and the French minister made a similar statement.¹

On July 18th Japan accepted the sum of 450,000,000 taels as the indemnity with interest at 4 per cent thus renouncing her claim for preferential treatment. A plan of amortization recently submitted was considered better than any yet examined and was adopted. The operation of the sinking fund was to begin in 1902 and both capital and interest were to be paid off by 1940.²

Repeated efforts were made to settle this dispute between England and Russia which had delayed the conclusion of the negotiations and the matter was finally compromised July 26th by the consent of Russia to the proposition that in case the revenue was insufficient the powers would examine and fix the revenues necessary to supply the deficiency, the import duties not being excluded from the examination.³

All of the financial matters were now seemingly settled and a note was sent to the Chinese plenipotentiaries July 27 embodying these conclusions. It had been agreed that the indemnity and interest were to be paid in gold at the rate of exchange April 1st, 1901. The United States Treasury rate on that day was 1 Haikwan tael = \$.742 United States gold.

¹ Rockhill's Report, p. 256. ² Rockhill's Report, pp. 277, 328, 379.

³ " " pp. 276, 283.
British State Papers, China No. 1 (1902) pp. 181, 183, 184, 186,
190, 191 and 192.

The payment was to be made monthly and a commission composed of bankers at Shanghai on which each power should be represented was to receive the amount of interest and amortization and divide it among the interested parties. Interest was to run from July 1st, 1901 but China was to be given the right to pay off within a term of three years beginning January 1902, the arrears of the first six months ending December 31, 1901, on condition that it pay compound interest at the rate of 4 per cent on the sums, the payment of which should be deferred. Interest would be payable semiannually, the first payment being fixed on July 1st, 1902.¹

The final protocol was to have been submitted August 6th but the English minister asked to have it postponed as he received unexpected instructions in regard to the indemnity. Great Britain objected to a number of passages in the draft. Among other things the British Government was opposed to the international commission for the conversion of ad valorem into specific duties claiming that the tariff in force at this time being a British tariff the "most favored nation clause" would protect all interests and that it could not admit of its tariff being converted by an international board. This plan had been unanimously accepted by the conference on June 11th when it was suggested by the Japanese representative as a condition for his agreeing to the proposal to convert the import duties into the specific form and the British attitude was severely criticized.²

¹ Rockhill's Report, pp. 289, 315.

² " " p. 298.

The Final Protocol was discussed August 12th and agreement reached on every part of it except the above provision. The British minister said that he could not refuse to sign the protocol if it were embodied in it but he would have to note on the Protocol the reservation of his government as to this clause.¹ It being held by the conference that such a course was not desirable and in the hope of closing definitely the final protocol the representatives of the powers while expressing their disapproval of reopening the question and on condition that no other question be raised agreed to the English formula. "All duties on imports levied ad valorem shall be converted into specific duties so far as it is possible to do so and with least delay". The chief argument of Great Britain against the commission was that it was unweildy and as all votes would have to be unanimous it would take a very long time to complete the work as there were more than twelve hundred articles. It was the purpose of the British Government to ask the chief commercial powers in China, Japan, Germany and the United States to join the work of conversion of the tariff conjointly with the Chinese Maritime Customs.²

In the final protocol it was stipulated that "capital and interest shall be payable in gold or at the rate of exchange corresponding to the dates at which the different payments fall due." This was subsequently interpreted by China and the United States as placing the debt upon a silver basis but the other

¹ British State Papers, China No. 1 (1902) pp. 206, 207.

² Rockhill's Report, p. 300.

powers held that it was calculated on a gold basis and was payable in gold. The question was quite important as there was an unexpected fall in the price of silver and on January 1, 1903, the exchange rate of the Haikwan tael to United States Treasury gold instead of being .742 was .59, so that if the indemnity was a gold debt it would be increased over 20 per cent with a corresponding increase in the amount due annually for interest and amortization. The matter remained unsettled for several years but though the powers were willing to make some concessions to assist China in her difficulty, they insisted that she acknowledge her liability to make the payment in gold, which she eventually did.¹ Toward the end of 1908 the United States who had from the first urged moderation in the indemnity demands, returned to China her share in the indemnity. The Emperor in expressing his gratitude for this friendly act, declared that the money refunded would be used to send Chinese young men to the United States for their education.

List of Indemnities.

Country	Total Claim - Public and Private.
Germany.	91,287,043.00 Haikwan taels
Austria - Hungary.	3,979,520.00 " "
Belgium.	8,607,750.00 " "
Spain.	388,055.22 " "
United States.	34,072,500.00 " "
France	75,779,250.00 " "
Great Britain.	51,664,029.00 " "

¹ For. Rel., 1901, p. 5.

Italy.	27,113,927.00	Haikwan	taels
Japan.	35,577,577.00	"	"
Netherlands.	800,000.00	"	"
Russia	<u>133,316,000.00</u>	"	"
Total - - - - -	462,538,116.22 ¹	"	"

¹ Rockhill's Report, p. 225. These claims were slightly revised so that the final amount demanded was 450,000,000 taels.

Chapter VII Precautionary Measures against Future Outbreaks.

I Fortification of the Legation Quarter at Peking.

As a precautionary measure in case of any similar outbreaks in the future the joint note provided for the "right for each power to maintain a permanent guard for its legation and to put the legation quarters in a defensive condition. Chinese shall not have the right to reside in this quarter".

In commenting on this provision the Chinese plenipotentiaries asked that a definite plan be drawn up denoting the boundaries of the legation quarters, the number of men to be stationed therein and providing minute regulations for keeping the guards under control.¹

At the request of the diplomatic corps, a commission of military officers, composed of one member from each of the military forces considered plans for the carrying out of this provision and it presented, February 16th, an elaborate report laying out the area, specifying a system of defense, etc. It declared that it was essential to begin the defense as soon as possible in order to get the work well advanced before the return of the Chinese Government and completed before the rainy season.² The diplomatic corps took no immediate action on the report. Mr. Conger said it provided for a "veritable fortress" in the midst of the city. He thought the area too large and the expense that would be involved and the destruction of private property unnecessary. In his judgment all that was needed was to keep in view,

¹ Rockhill's Report, p. 67.

² " " pp. 84, 85, 86.

when locating and enlarging the legations, the possibility of attack and to place them so as to make defense as easy as possible in case the necessity should even arise. As the legations in Peking were not the only foreign interests in China that might be attacked and as it would be impossible to provide defenses or even guards for every community he thought the surest way of protecting all foreigners was to require the most stringent guarantees for the future and to insist on their being carried out rigidly everywhere. Moreover the work need not be done immediately as some time would have to elapse before the foreign troops were withdrawn from the provinces and in the meantime the Chinese Government might return and show its ability to preserve order when defense would not be necessary but in any case work need not be begun while the troops were in the province.¹

On the 24th of February the diplomatic corps decided upon the boundaries of the area which they deemed necessary for the diplomatic quarter, the Chinese government having agreed in principle to concede one for that purpose. The demands were based on the report of the commission. It was felt that they were subject to some slight modification if they met with too strenuous objections on the part of the Chinese plenipotentiaries. Mr. Rockhill who had taken charge of the negotiations for the United States at this time declared that the area allotted to this government was in every way inadequate and he would only agree to demand such an area on the understanding that later on the propositions of the United States to make in Peking an international concession and put the city on the footing of a treaty port, would

¹ Rockhill's Report, p. 82-83.

be considered. Some protest was made against the seizure by some of the governments of the property of Sir Robert Hart and the Foreign Maritime Customs. The property could not well be returned but another tract was to be given the customs in lieu thereof.¹

At the meeting March 2nd the matter was discussed and referred to the various governments for instructions. From a political standpoint the carrying out of the elaborate plan provided for by the report seemed to Mr. Rockhill and some of the other ministers to be of very doubtful expediency if cordial relations were to be established with the Chinese Government. Although by the provision of the Joint Note the powers had acquired the right to make the diplomatic quarter defensible and to hold, with military force, the lines of communication with the sea, he thought the representatives should confine themselves to letting the Chinese know that these rights would only be exercised as far as conditions might require and the extent of the defensive measures must always depend on the spirit animating the Chinese Government and people. Moreover, the plans submitted were entirely dependent on an assured permanent garrison at Peking of 2,000 men. The British minister believed this number to be excessive.² Mr. Rockhill informed the diplomatic corps that the United States would not agree to enter into any scheme of permanent occupation and in fact could not without legislative action. He stated that the United States reserved absolute liberty of action not only as to the number of the guard she might

¹ Rockhill's Report, pp. 93, 94.

² British State Papers, China No. 1 (1902) p. 21.

keep there but even to keeping any guard there at all. The general sentiment of the conference was that only such measures of defense should be taken at this time as were unobtrusive¹

The determination of the new legation quarter involved the question of the titles to the property held. Immediately after the raising of the seige a number of foreigners at once began taking possession of and trying to purchase much of the burned and abandoned property where the future legation quarters would necessarily be located. Peking was not a treaty port where foreigners could purchase land at will but it was nevertheless apparent that if this was not stopped the entire property that had been burned would be taken and no opportunity left for the necessary extension of the legations. In order to prevent this the ministers passed resolutions November 6th, 1900, that "The diplomatic body agrees that no purchase of ground from the Chinese since the commencement of the seige in the quarter occupied by the legations will be of any value, without the consent of the foreign representatives". This resolution, Mr. Conger said, was a restriction or qualification of private ownership and the right of alienation, which during the military occupation the dominant powers had a right to exercise and no transfers within the time designated could be valid as against the powers represented there. The restriction was authorized by public law and was necessary to prevent the acquisition of the property needed by private individuals for speculative or other purposes. It did not represent the forcible acquisition of property for legation purposes

¹ Rockhill's Report, p. 97.

but was a precautionary measure against the vesting of intermediate rights. It did not therefore conflict with the policy of the United States to make just compensation for property taken for public use.¹

A notice was issued February 12, 1901, to the foreign land owners in Peking that the representatives had decided to organize the legation quarter so they were requested to make this representative acquainted with the titles and references relating to their property in these limits. The only proprietors who would be considered in legal possession were those who acquired title before June 20, 1900.²

A plan of the area which the representatives had agreed upon was sent to the Chinese plenipotentiaries on March 1st and two weeks later they were informed that the representatives had resolved to ask the Chinese Government to indemnify all the Chinese property owners whose expulsion from the diplomatic quarter was decided upon. To that end they had named a committee charged with making an inquiry into the validity of property titles and the value of ground. The Chinese were asked to designate a delegate to ask with the committee in order that Chinese interests might be fully guaranteed.³

The Chinese plenipotentiaries remonstrated against the view that their government should pay the indemnity for the land taken. They thought this ought to be done by the powers on the principle "that he who takes land for his own use must pay for the same and he who calls on others to remove their dwellings must make good the cost of their removal". Reimbursement should, they held, be made by the legations concerned and they asked for an

¹ Rockhill's Rep. p. 97. ² Ibid. 98. ³ Ibid 238.

acknowledgement of this principle.¹

The dean of the diplomatic corps replied that in view of the recent events the assertion that the pulling down and destruction of the buildings in the diplomatic quarter was unfounded. It was the work of Boxers and regulars and of the Chinese Government declared responsible for these events by the powers and which recognized itself as liable in accepting their conditions. It was the duty of the Chinese Government to supply to the diplomatic agents the means of defense rendered necessary by her failure to keep her just obligations. Among these means of defense of primary importance was the removal of the houses which served as a place of refuge to those attacking the legations and the walls of which shielded their attacks from the representatives of the powers. Therefore, China should pay their indemnification and the diplomatic corps insisted on the demand.²

The matter seemed likely to give a good deal of trouble but the Chinese finally, March 23rd, agreed in principle to indemnify those whose land was taken though they renewed their protest saying that according to international law "war is an act between two nations in which the populations were not concerned; that the victorious government has a right to seize public property but not the right of seizing private property; that nevertheless the victorious country can occupy for its use private property but naturally on the condition to pay the value of it to the former owner".

¹ Rockhill's Report, p. 238

² " " " pp. 238, 239

Also they declared that by Article VII of the joint note it was only stipulated the right for each power to establish a guard and to put in a state of defense the diplomatic quarter and it was not stated that it was possible to extend it at will or that they could encroach, according to their convenience, on the property of others. For these reasons other property taken should be paid for by the powers although as has been noted they reluctantly agreed to assume the payment.¹

Mr. de Cologan, dean of the diplomatic corps, in reply noted the practical acceptance of the demand made and in regard to the protest of the Chinese plenipotentiaries he remarked that it was not by right of conquest that the ministers seized private property but because it was indispensable for the future defense and because they were used as refuge by the Boxers in the seige. As to the distinction between the seizure of public and private property in case of war he called the attention of the Chinese representatives to the fact that a state of war never had existed between China and the powers "What happened was an attempted general massacre of foreigners by Boxers and regulars obeying orders from the Imperial palace". He repeated the fact that China had admitted its liability and declared itself ready to grant reparation and guarantee. The protest against meeting this expense was unfounded.² The Chinese appointed two representatives to the committee for adjusting the matter and also instructed several of the local officials to act with them.³

¹ Rockhill's Report, pp. 239, 240.

² Rockhill's Report, p. 240.

³ Rockhill's Report, p. 241.

Toward the end of March the diplomatic corps took up the discussion of a set of police regulations for the diplomatic quarter. It contemplated the organization of an international police and a number of other measures which Mr. Rockhill thought most impractical under existing conditions and he proposed that the section of the city which was ceded be called an international settlement and be organized in some form of municipal government. Otherwise he could not agree to such regulations as were proposed. No action however, was taken on this point.¹

In a report presented April 6th the Field Marshall Count von Waldersen enumerated the forces that each power should leave in Peking. Germany, France, Russia and Japan should furnish 300 men each, Great Britain 250, Italy, Austria Hungary, 200, and the United States 150; making a total of 2000,² a force which appeared to the ministers to be very large. The French, Russian and Austrian ministers expressed the belief that it was not probable that the Count would return with so large a force in the city and the general sentiment appeared to be that the number of guards should be reduced as soon as possible. There was a strong desire among many of the ministers to present any one nation having a larger guard than another. The German minister thought that if one of the powers would withdraw its guard another should have the right of bringing up the total of the garrison to the regular number but this view found no support.³

¹Rockhill's Report, pp. 112, 113

²Rockhill's Report, p. 136.

³Rockhill's Report, p. 139.

The presence of some of the most important of the Chinese public buildings in the area marked out for the legations raised some little controversy. In the note sent the Chinese plenipotentiaries March 1st they were requested to see that these buildings be removed. The Chinese protested against their removal as their arrangement had existed for some five hundred years and after some correspondence and discussion of the matter a compromise was reached and some of the public buildings excluded from the area.

II Military occupation of Certain Points Between Peking and the Sea.

By Article IX of the preliminary note, the powers were given the "right of military occupation of certain points to be determined by an understanding between the powers for keeping open communication between the capital and the sea".

In the note submitted to the diplomatic corps by the Chinese plenipotentiaries they asked for specific information in regard to the points to be occupied and the number of soldiers to be stationed at these points. They suggested that "the powers should frame up regulations for keeping the troops under control so that no cause for alarm be afforded to the inhabitants in the country round about. Such troops shall be sent solely for the protection of foreign officials and merchants, they will have nothing whatever to do with Chinese territory or Chinese travellers". They also said that "the Chinese Government will continue to take every precaution to insure the protection of foreigners, and on no account furnish them with cause to apprehend

the severing of communications between the capital and the sea. If after the lapse of a year or so, and a review of the circumstances of the case the powers have found that China's protection has proved effectual, the question of withdrawing the foreign troops of occupation shall be considered".¹

The clause was taken up by the diplomatic corps March 29th. It was then proposed by the German minister that the military commanders at Peking be requested to prepare a joint report on the measures to be adopted for carrying out this article together with Article VIII. Nine of the representatives had been instructed by their Governments to favor a conference of the military representatives of only such powers as were prepared to take part with their forces in the measures adopted, but the Russian and Austro-Hungarian ministers together with the American representative declared that their Governments as signatories of the Joint Note considered that they had the right to take part in the discussion of these questions which had an important political side and it was therefore decided to invite all the military commanders at Peking to bring about such a conference at an early date.²

The British minister considered the matter in some respects much as the Chinese plenipotentiaries viewed it. Saying in a memorandum presented to his colleagues April 4th: "It seems desirable that the local, judicial, civil and police administration at these points as well as elsewhere should be handed back to the Chinese authorities notwithstanding the military occupation which should be limited to the performance of garrison

¹ Rockhill's Report, p. 68. ² Rockhill's Report, p. 120.

duties".¹

A meeting of the military officers commanding contingents at Peking was held April 6th to consider the necessary measures for the execution of the Articles VIII and IX, and reported in regard to the latter article that all the officers were unanimous in recognizing the necessity of maintaining permanently a strong garrison at Tientsin and Shanhaikwan-Chin-Wang-tao the garrison of the former being fixed at 2,000 and of the latter at 1,500 men. Tientsin would be garrisoned by Germany, France, Great Britain, Italy and Japan and these same powers with the exception of Italy, and the addition of Russia, were to provide troops for Shanhaikwan. Austria-Hungary would only leave small guards at these points. It was also decided that permanent garrisons should be arranged for at various points along the railway, Peking, Taku, Shanhaikwan, to secure free communication between the capital and the sea. These points were Hwang-tsun, Lang-fang, Yangtsun, Chun-liang-cheng, Tongku, Lutsi, Tongshan and Changli, each to be occupied by 300 men including 50 mounted men, a few machine guns to be left at each. The distribution of these garrisons at the various contingents was arranged after consultation as follows, Italy to occupy Hwan-tsun; Germany, Lang-fang and Yang-tsun; France, Chung-liang-cheng and Tongku; Great Britain, Lutai and Tongshan; Japan, Lanchow and Changli. The Russian general expressed the view that the occupation of some of these points was unnecessary. The quartering of the troops in the various garrisons was to be undertaken by the contingent concerned, Each garrison would be responsible for the

¹ Rockhill's Report, p.126.

railway line to half way to the next garrison on each side of it. As long as the railway remained under military control the railway stations would remain occupied by British police guards. Each power would have the right of leaving small lines of communication detachments at important points such as Tongku.¹

The number of troops at this time occupying these points was greatly in excess of the numbers outlined for permanent occupation and it was not thought that the number could be reduced at once particularly at Tientsin where 6,000 men were to be left for a time and at Shanhaikwan. These troops were apportioned among the powers by the commanders of the contingents of the allied troops. The Russian military agent declared the reservation of his government of having as Russia's quota at Shanhaikwan as large a number of troops as she might "deem necessary to discharge the duties devolving upon her". The definite allotment of land, forts and buildings at the place were made by an international committee who met June 3 at the order of the Field Marshall, Count von Waldersee.²

The question of jurisdiction of the military posts to be established along the railway line was considered at a conference of the commanders-in-chief of the contingents held at Tientsin, July 16. It was stated that the jurisdiction of the commanders of posts only crimes or misdemeanors committed by Chinese against the railway, the telegraphic communications or the persons and goods of soldiers of the allied troops. It belonged to the contingents to determine themselves their judicial action for the suppression of these crimes or misdemeanors by applying their respective military laws. The action of the contingents being only of a purely military object should not be exercised against the Chinese injuring other Chinese as these come exclusively

¹ Rockhill's Report, pp. 135, 136.

² Rockhill's Report, pp. 163, 249.

sively under native jurisdiction.¹

The conclusions that were reached in regard to the jurisdiction to be exercised at these points were stated by Mr. de Cologan, dean of the diplomatic corps, in a note to the Chinese plenipotentiaries August 2 as follows:

"So far as Chinese subjects are concerned, the jurisdiction of the commanders of the military posts situated on the Peking - Shanhaikwan Railway will be confined to crimes and offences committed by Chinese affecting the railway or the telegraphic communications or the persons and property of soldiers of the allied forces. It will be exercised over the territory along the line to the extent of 2 miles on either side, and in the case of persons surprised in the act of committing offenses against the railway or the telegraph lines or against the persons or property of soldiers of the allied forces, pursuit can be continued beyond those limits wherever necessary. But with the exception of persons surprised in flagrant delicto, the search, pursuit and arrest of offenders outside the 2 mile limit, and handing them over to the foreign military authorities will be exercised by the Chinese authorities".² At the same time the Chinese were informed of the points which the representatives had decided should be held in accordance with the report of the military commanders and an enumeration of them was given in the Final Protocol.³

¹ Rockhill's Report, pp. 285, 286, 287.

² Rockhill's Report, p. 294.

³ Rockhills Report, p. 316.

III The Distruction of the Taku Forts.

Among the measures embodied in the French plans for settlement of the difficulty proposed October 4, 1900, was the provision for the dismantling of the forts at Taku.¹ In the subsequent preliminary negotiations Mr. Conger was instructed to endeavor to have the forts disarmed instead of destroyed but he did not find it feasible to press the point before the submission of the Joint Note and it was then stated that "The Taku and other forts, which might impede free communication between Peking and the sea shall be razed".

At the meeting of the diplomatic corps held March 29, it was decided to ask the military commanders to hold a conference to consider the measures which should be adopted for the carrying out this and the ninth article of the Joint Note. As has been stated in considering the ninth article of the Joint Note the German minister had proposed that this conference be limited to those powers that were prepared to take a part in these measures but on the protest of the Russian, Austro-Hungarian ministers and the American representative it was decided to include all the signatory powers.²

The military commanders presented this report April 6, 1901. At the conference General Chaffee had declared that the dismantlement of the fortifications would be a satisfactory compliance with the article to the United States, but, by an error, the report said that by the "unanimous decision" the razing of of the following forts was decided upon: (1) the military camp at

¹ Rockhill's Report, p. 27.

² Rockhill's Report, p. 120.

the south exit from Yangtsun; (2) the military magazine of Siku, Tientsin; (3) the yellow fort Tientsin; (4) the black fort (citadel) Tientsin; (5) the east arsenal Tientsin; (6) the two camps at Chun-liang-cheng; (7) the four camps at Hsinho; (8) all the fortifications at Taku, viz.: on the right bank of the Peiho, the coast battery with the camp attached to it, and the south fort of Taku with its camp, and on the left bank, the north west and north forts; (9) all the fortifications at Peitang, viz.: the south fort, the central and north forts, the two earthworks to the north of these and the camps between the lines of the forts and the railway; (10) all the camps at Lutai within a distance of 2,000 meters of the railway embankment; (11) the camps between Tangho and Shanhaikwan, within a distance of 2,000 meters of the railway.¹

Mr. Rockhill reported that these conclusions met with the objection of the Japanese minister who thought that the terms of the note only provided for razing "forts" whereas the commission recommended that a number of other works, camps, arsenals, etc., be also destroyed. Mr. Rockhill agreed with the Japanese minister and availed himself of the opportunity to urge the views of the United States that dismantlement of the forts seemed better than the razing of them, in view of the fact that military occupation by foreign forces of this part of China being only temporary the Chinese after its cessation would be deprived of necessary means of defense against an enemy; that as long as the foreign forces were there, they could either occupy these positions, or see that they were not occupied by the Chinese.²

¹ Rockhill's Report, p. 135.

² Rockhill's Report, p. 132.

These views seemed to find little support among the other representatives and the Chinese plenipotentiaries were informed July 28th that the destruction of the forts mentioned above was demanded.¹

A conference of the military commanders at Tientsin held the 16th of April considered plans for the destruction of these forts and recommended that the work should be done at the expense of the Chinese Government who should supply and pay the laborers necessary. This work should be carried out without delay and under the direction of a technical commission composed of officers designated for that purpose by the commanders of the allied forces. The work which lay within the territory of the provisional government of Tientsin should be carried out under its direction and supervision. These stipulations were made when the lists of forts was presented to the Chinese plenipotentiaries and they were asked to appoint a delegate to serve on the commission for carrying out the work.²

IV Prohibition of the Importation of Arms.

The fact has already been mentioned that when the Chinese Government assumed an anti-foreign tone in 1898 one of the first things undertaken was the extensive importation and manufacture of munitions of war. When the Boxer uprising was at its height the Great Britain Government by proclamation of August 7 and some of the other powers by similar action, declared that the exportation of arms and ammunition to China was prohibited.³

¹ Rockhill's Report, p. 293. ² Rockhill's Rep., pp. 286, 287, 293

³ For. Rel. 1900, p. 352.

Early in the negotiations, it was suggested that this prohibition be maintained and such a provision was embodied in Article V of the Joint Note as follows: "Maintenance under conditions to be settled between the powers, of the prohibition of the importation of arms as well as of materials used exclusively for the manufacturing of arms and ammunition". The Chinese plenipotentiaries protested against this prohibition on the grounds that in the interior of China local banditti were to be found everywhere carrying firearms and weapons mostly clandestinely imported from abroad. Unless the Chinese soldiers told off to hold them in check were armed with efficient weapons, it would be difficult to maintain order; and should these banditti create disturbances and make trouble, traders and others Chinese or foreign, could hardly avoid being injured thereby. They suggested that material for the manufacture of munitions of war consist of many different kinds and as far as the materials which were indispensable for governmental use were concerned the Tsungli Yamen ought, on giving notice in writing, to be permitted to purchase the same as occasion required.¹ (These were stated by the war department to be brass, copper, tin, nitre, lead, charcoal, guncotton, sulphur, alcohol, nitroglycerine, sulphuric acid, nitric acid, picric acid, mercuric fulminate, raw cotton, steel tubes and hoops forged and oil tempered.)²

The extreme difficulty of enforcing such a prohibition was clearly evident and Russia was the only power that seemed anxious to carry it out stringently.³ A commission consisting of

¹ Rockhill's Report, p. 67. ³ Rockhill's Report, p. 103.

² Rockhill's Report, p. 365.

the Russian and British ministers and the American representative drew up a report on the subject and submitted it to the diplomatic corps March 12th. The commissioners believed that as the carrying out of this article depended more on the powers than on China, all the powers having treaties with China should reach an agreement between themselves to maintaining their domains the prohibition of the exportation of these articles to China. When the list of the objects should have been agreed to by common consent by the Governments the representatives of the powers at Peking should take the necessary measures to preclude the possibility of their fraudulent entry. These measures it was maintained could only be efficacious if the authorities intrusted with carrying them out were given the right of seizure and of confiscation of the contraband articles of the ships taken "flagrante delicto" on arriving in China with contraband on board or unloading it either in an open port or on the coast. The commission thought these authorities should be the Maritime Customs, the consular body and the commanders of ships of war. The report also stipulated that the countries conterminous with China should adopt, on their part, the measures necessary for the interdiction of the importation of arms, ammunition, etc., by land routes, and that an Imperial edict should be issued prohibiting the importation of these articles. The term for the maintenance of this inhibition was recommended to be five years with privilege of extension.¹

This report was referred to the various governments.

¹ Rockhill's Report, pp. 130, 131.

As Mr. Rockhill says it simply embodied the views of the foreign representatives as to the measures they deemed indispensable to be taken if the powers should agree to prevent the introduction of arms into China. That they would come to such an agreement was not believed probable as the recommendations conflicted with certain important principles of International law in regard to the right of search¹ and any agreement between the powers in regard to the matter would have presented the same difficulties as were experienced in the case of the African Slave trade.²

The report of the commission provided for the enforcement of the prohibition for renewable terms of five years. The Japanese and Belgium ministers were in favor of a term of two years, contending that it was possible that within the first such term conditions might make it unnecessary to longer prohibit the importation of arms. The Russian minister, on the other hand, wanted the term fixed at ten years.³ The matter was taken up at the meetings held July 18th and 26th and practically all the powers with the exception of Russia declared in favor of the shorter term. The British government instructed her minister that the scheme suggested by the diplomatic corps was considered difficult of execution and that it was contingent on legislation by the various powers and that the Chinese Government could prohibit all importation of such articles and the maritime customs could be intrusted with its enforcement. The Russian minister thought there were grave inconveniences in intrusting the prohibition to

¹ Rockhill's Report, p. 111.

² Lawrence - International Law, pp. 214-219.

³ Rockhill's Report, p. 111.

China herself and did not consider the scheme submitted to the diplomatic corps by the commission to be too rigorous.¹ Russia was alone in this position, however, and in view of the impossibility of devising a practical scheme for enforcing this stipulation, it was finally decided to ask the Chinese Government to take the necessary measures itself to attain the desired end, and on August 6th a note was sent to the Chinese plenipotentiaries asking them to solicit the signing of an Imperial edict prohibiting for the term of two years the importation of arms and ammunition, etc. They were told that in fixing the term at two years the representatives wished to make it clear that at the expiration of that time new Imperial edicts renewing for like terms the prohibition should be promulgated if the powers requested it.²

In accordance with this request an edict was issued August 25th but parts of it were considered unsatisfactory by the diplomatic corps and these were struck out and the edict read as appended to the Final Protocol. "We command all Tartar generals, governor-generals, and governors of provinces and also the customs *taotais* to prohibit in the first place for a period of two years the importation of arms and materials used exclusively in their manufacture and brought from abroad".³

V Imperial Edict declaring the Responsibility of Local Officials.

As a further means of preventing future trouble the provision was inserted in the Joint Note at the suggestion of Mr. Conger that an Imperial decree should be issued and published

¹ Rockhill's Report, pp. 277, 278, 284.

² Rockhill's Report, p. 297. ³ Rockhill's Report, p. 304.

everywhere in the Empire declaring that all governors-general, governors and provincial or local officials should be responsible for order in their respective jurisdictions and that whenever fresh anti-foreign disturbances or any other treaty infractions should occur which were not forthwith suppressed and the guilty persons punished, they, the said officials should be immediately removed and forever prohibited from holding any office or honors.

This stipulation was complied with February 1st by the issuance of such an edict as was outlined.¹

VI Imperial Edict Prohibiting Membership in Secret Societies.

In accordance with the demands made by the representatives in the Joint Note another edict was issued February 1st and published throughout the Empire prohibiting on pain of death membership in any anti-foreign society.²

¹ Rockhill's Report, pp. 332, 333.

² Rockhill's Report, pp. 331, 332.

Chapter VIII Betterment of International Relations with China.

I Diplomatic Relations.

The difficulties which have attended diplomatic relations with China have been due to a considerable extent to the organization of the Chinese Foreign office, the Tsungli Yamen which had been regarded as the lowest of the various governmental bonds and to the forms of the court ceremonial which did not recognize the equality of other nations. This opportunity was, therefore, taken to secure a revision of these and a stipulation was inserted in the preliminary demands to that effect.

(A) Reform in Foreign Office.

A report on this subject was prepared by Mr. Rockhill in conjunction with the Japanese minister. They recommended in regard to the reform of the Office of Foreign Affairs, that in order to put this bureau in a better condition to promptly and regularly transact its business, there should be placed in it a small number of personages of high rank and unquestionable influence with the central government. To them should be intrusted by the Emperor the exclusive conduct of direct relations with the foreign representatives. These personages should be directly responsible to the Emperor for their actions and consequently be members of the cabinet of the Emperor, or have free access to him as a result of their high station in the state. The commission consequently recommended that at the head of the Office of Foreign Affairs there should be a Prince with the title President of the Office of Foreign Affairs. As the Prince President would probably be unable to devote all his time to the duties of the

Office of Foreign Affairs there should be under him two ministers members of the cabinet of the Emperor who could take his place in case of absence, and who would have the necessary authority to transact all current business. These three high officials only would carry on direct relations with the representatives of the powers and receive the foreign ministers for that purpose either singly or collectively.

The United States had repeatedly urged that the minister of foreign affairs should be required to speak a foreign language, but it was found to be impractical to make such a demand as the officials who were otherwise best fitted for this position did not possess this qualification. The commission recommended, however, that there should be in the office of Foreign Affairs two vice-ministers who from their personal experience would be able to place the administration of the office in greater harmony with the methods obtaining abroad. One of them should know a foreign language.¹

The report was discussed March 24 and was adopted without important modification except that all the ministers except the Japanese minister and Mr. Rockhill wished the name of the Foreign Office changed.² These modifications were suggested to the Chinese plenipotentiaries by the dean of the diplomatic corps April 22nd. In regard to the name Mr. de Cologen said: "The name of 'Tsunqli Yamen' which recalls such unfortunate remembrances and which does not indicate sufficiently the importance and authority of the power to which belongs, under the responsi-

¹ Rockhill's Report, pp. 121, 122.

² Rockhill's Report, p. 120.

bility and orders of the sovereign, the highest functions of the State is done away with. It shall be replaced, in virtue of an Imperial decree by that of 'Wai-wu-Pu', (suggested by Li Hung Chung)¹ and in the official order of precedence the Wai-wu-Pu shall pass before the six Boards or Ministries.²

An Imperial decree embodying these provisions was issued on the 24th of July.³

(B) Reform in Court Ceremonial.

The report of the same commission in regard to the modification of the court ceremonial was also accepted without substantial change and at the meeting of the diplomatic corps of March 29 and the wishes of that body in the matter were conveyed to the Chinese plenipotentiaries by a note on the 17th of April. These were stipulated as follows: "The solemn audiences given by the Emperor to the diplomatic corps shall take place in the T'ai-ho Tien. Those given to one of the representatives of the powers shall take place in the Chien-ching Kung. When a diplomatic agent shall present his letters of credence or a communication from the head of the state by whom he is accredited, the Emperor shall send him an Imperial sedan chair and an escort of honor, which shall take him at his residence and conduct him with his suite to the palace, where he shall be received. He shall be reconducted with the same ceremonial. In going to these audiences the diplomatic agent shall pass through the central doors until he has handed in his letters of credence or his

¹ British State Papers, China No. 1 (1902) pp. 122, 123.

² Rockhill's Report, p. 273. ³ Rockhill's Report, pp. 337, 338.

communication. In going away he shall comply with the usage, already established. The Emperor shall receive directly into his hands the letters or the communication which the diplomatic agents shall have to give to him. In going to solemn audiences the representatives of the powers shall be carried in their chairs to a place in front of the hall in which they are to be received by the Emperor. They shall again take their chairs at the spot, at which they previously left them. The Emperor shall be present in person at the banquets, which he may offer to the diplomatic corps, as he used to do before the events of last year and these banquet shall take place in the Chien-ching Kung".

In presenting these demands it was declared in a general way that the court ceremonial relating to the reception of the representatives should be in harmony with the usages established between independent and equal nations and the representatives asked that the details concerning the settlement of this question be incorporated in protocol drawn up between them and the Chinese plenipotentiaries.¹

The Chinese plenipotentiaries replied April 29th raising some objections to some of these stipulations. They declared it inconvenient to hold audiences granted to foreign representatives in the T'ai-ho Tien as this throne hall was used by the Emperor on the occasion of great celebrations and the elaborate ceremony of New Year's day. The etiquette involved in its use was very strict and it was not adapted to the purpose suggested. They asked that another hall be designated for the audiences.

¹ Rockhill's Report, p. 122.

They said in regard to sending an Imperial sedan chair for the representative, who should wish to present his letters of credence that it was not convenient to send the chair the Emperor used. They would prepare a sedan chair such as used by the high officials of the first rank to be sent for the minister. As to the question that foreign representatives should be taken to the steps of the audience hall and should be taken back therefrom it was pointed out that this was a privilege which had never been granted to the princes, dukes, ministers of state or even to Prince Kung the uncle and Prince Chien, father of the Emperor. All these officials alighted from their chairs before the various gates on entering the Forbidden City. The representatives should not insist on this point. They also noted the fact which perhaps had not been clearly, put in the statement of the demands that the giving of banquets by the Emperor was a purely optional matter.¹

The diplomatic corps decided to concede the holding of solemn audiences in the T'ai-ho Tien and informed the Chinese plenipotentiaries that all audiences might be satisfactorily held in the Chien-ching Kung. As to the Imperial sedan chair to be sent for the representative it was understood that it should be a sedan chair of the Imperial color similar to those used by the Emperor. The representatives insisted, however, in their previous demands as to the place where they should alight from their chairs where they were to be admitted into Imperial audiences.²

¹ Rockhill's Report, p. 161.

² Rockhill's Report, p. 163.

The Chinese renewed their objections stating that the Emperor was the only personage in China using the sedan chair covered with yellow. The Princes, Dukes, and Ministers of State all used chairs covered with green cloth and it was held that these would be suitable for the foreign representatives. They again gave their views in regard to the place where the foreign representatives should alight and take their chairs.

The diplomatic corps at first insisted on the demands made but finally, July 18th, it was decided to accept the proposals made by the Chinese plenipotentiaries in regard to this latter point. The final arrangement was that, in going to or coming from the Imperial audiences the representatives should be carried in their sedan chairs as far as outside of the Ching-yun gate. At this gate they would get out of the sedan chair in which they had come and would be carried in a little chair (i chiao) as far as the foot of the steps of the Ch'ien-ch'ing gate. On arriving here the representatives should get out of their chairs and proceed on foot into the presence of His Majesty in the Ch'ien-ching Kung hall.¹

The Chinese plenipotentiaries expressed their appreciation of this concession and the discussion was thus brought to an end.

II Commercial Relations.

In as much as the diplomatic relations between the powers and China have always been almost exclusively concerned with commercial questions any improvement in the commercial re-

¹ Rockhill's Report, pp. 280, 281.

lations which might be brought about in the course of the negotiations would be of great importance.

In a note submitted early in the negotiations the Chinese plenipotentiaries said: "As to future trade and general international relations, each power should designate how these matters should be dealt with - whether the old treaties shall continue or new conventions be made slightly adding to the old treaties or canceling the old treaties and negotiating new ones. Any of these plans may be adopted and when China has approved further special regulations can be made in each case as required".¹

The United States was anxious that Peking be put on the footing of a treaty port but though the question was discussed it was thought best that it should be deferred until after the presentation of the preliminary demands.² The eleventh section of the joint note therefore simply read "The Chinese Government will undertake to negotiate the amendments to the treaties of commerce and navigation, considered useful by the powers and upon other subjects connected with commercial relations with the object of facilitating them". In commenting on this demand the Chinese representatives said, "Any amendments which the powers may consider useful are naturally put forward with a view to promoting their own interests and those of China in equal measure. To propose such as would curtail China's privileges, injuriously affect the means of livelihood of the traders, or decrease her customs revenue would certainly not be the desire of the powers.

¹ For. Rel. 1900, p. 213.

² Rockhill's Report, p. 48.

China must naturally therefore, undertake to regulate any amendments with respect to commercial or any other matters which will tend to secure mutual advantages".¹

In reply to an inquiry made by one of the viceroys as to the commercial privileges desired Mr. Rockhill stated that the United States strongly urged as among the most important measures for trade, abolition of liken on imports and exports including transit pass duty; right of foreigners to reside and do business throughout the Empire; revision of inland navigation rules; creation of a mining bureau and good regulations; strict adherence to principle of equal opportunities to people of every nationality. Also that Peking be put on the footing of a treaty port and that measures be agreed to for improving the water approaches to Shanghai, Tientsin and Niuchwang.²

The United States was almost alone in the view that the negotiations afforded a good opportunity to gain China's agreement to these measures. As Mr. Rockhill says, throughout the negotiations the representatives of the powers deemed it advisable not to broach commercial questions, reserving their consideration until after the final settlement of the other articles of the Joint Note. The only exception made was the agreement insisted on by Mr. Rockhill during the discussions concerning the revenues, to be used by China in the payment of interest on the indemnities, to ask of China, in consideration of the increase of the tariff on imports to an effective 5 per cent, that the Chinese Government should undertake the improvement of the waterways

¹ Rockhill's Report, p. 68.

² Rockhill's Report, pp. 170, 171.

leading to Shanghai and Tientsin and also revise the customs tariff on imports. In general, however, the ministers were of the opinion that any negotiations on commercial subjects would have to be deferred until the next winter at least and many of them thought that it would be quite impractical for all the powers to negotiate jointly on these subjects with the Chinese Government, most of them believing that if such a plan were adopted the negotiations would be greatly protracted and probably no practical results obtained. Most of the obstacles to trade of which the foreign merchants complained were so intimately connected with the question of inland taxation that unless some method could be devised for either abolishing the inland tax or regulating it more satisfactorily it seemed improbable that any great results could be expected from a revision of commercial treaties. Believing that if these questions were postponed for future negotiations the same difficulties would be experienced as had always accompanied the negotiation for commercial advantages in the past. Mr. Rockhill had advocated the raising the tariff to 10 per cent with compensating commercial advantages, but the attitude of the British minister in insisting on the entire abolition of like if this were done prevented its discussion.¹ The other measures which the United States urged were also regarded as being of doubtful expediency or impractical. Among these was the throwing open of the whole of China to foreign residence and trade and the provision that the principle commercial powers should have advisory representation in

¹ British State Papers, China No. 1 (1902) p. 67.

the customs administration. The ministers believed, said Mr. Rockhill, that the extraterritorial rights of foreigners would create endless difficulties to China and the powers if foreigners of all classes were given a free run all over the Empire and that there were difficulties of a political nature. In regard to advisory representation in the customs administration, which the United States desired, they held that it would be impossible to exclude any of the powers from such representation and further that the result of such an arrangement would be that which the powers had been seeking to prevent, namely, direct international interference in the financial administration of the Empire. All the ministers approved in principle to the suggestion made by Mr. Hay that the "forming of Chinese revenues should be restricted if not wholly discontinued and an honest Imperial fiscal system substituted", but while they believed that it would be highly advantageous to China as well as to foreign interests they thought it must be the gradual outcome of the general reform of the Empire. Owing to the views held by the ministers on this subject the amendments to the treaties of commerce and navigation which China had agreed to make were reserved for future negotiations save for the enterprises referred to in connection with the indemnity, that is the improvement of the courses Peiho and Whangpu.¹

In regard to the Peiho, the works for improvement which had been commenced in 1898 were resumed in June, 1901, by an international committee. By the terms of the Final Protocol

¹ Rockhill's Report, pp. 252, 253.

the Chinese Government would be represented on this commission as soon as the administration of Tientsin should be handed back to the Chinese Government. The Government agreed to pay each year a sum of 60,000 Haikwan taels for maintaining the works.¹

The improvements of the course of the Wangpu as arranged for was to be under the management and control of a conservancy board created for that purpose. The board was to consist of members representing the interests of the Chinese Government and those of foreigners in the shipping trade of Shanghai. The expenses incurred for the works and the general management of the undertaking was estimated at the annual sum of 460,000 Haikwan taels for the first twenty years. This sum was to be supplied in equal portions by the Chinese Government and the foreign interests concerned. Detailed stipulations concerning the composition duties and revenues of the conservancy board were drawn up by a committee composed of the German, British and French ministers and the United States representative and with some slight modifications they were embodied in an annex to the Final Protocol.²

A new commercial treaty between Great Britain and China was entered into September 5, 1902.³ The most notable provisions were in regard to the abolition of liken (a surtax on British goods being allowed on partial compensation) the opening of new ports to foreign trade, the registration of trade marks and the establishment of a uniform coinage throughout the Empire.

¹ Rockhill's Report, pp. 257, 272, 317.

² Rockhill's Report, p. 317.

³ British State Papers, China No. 1(1902).

Great Britain was also to aid in a reform of judicial procedure and guaranteed to yield all extra-territorial rights as soon as conditions would warrant it. Japan and the United States also entered into treaties with China modeled on and containing similar provisions to the English treaty. China acceded to the Japanese treaty October 9, 1903, and the ratifications of the treaty with the United States were exchanged January 13, 1904.¹

¹ For. Rel. 1903, pp. 91 - 129.

Chapter IX Conclusion.

The final treaty with China, as might well be expected from the complexity of the situation which brought it forth, was received with some little criticism. It was declared that it should have secured a thorough reform of the commercial system; but as the most needed reform - the abolition of the liken dues - has since been accomplished by the treaty with Great Britain,¹ this criticism loses much of its force. The most serious charge made against the settlement was that the indemnity was exorbitant and that the military concessions imposed on China were too severe. This criticism was well founded and the United States by contesting these immoderate demands and in urging that the future development of China should be first considered was deserving of, and received great credit.

The final treaty was signed September 7th, 1901, but the Court did not make its return to Peking until January 7th, 1902, an event which was attended with great pomp and ceremony.² On January 22 the Emperor gave an audience to the foreign representatives which was especially noteworthy in that it was the first occasion on which the Empress Dowager appeared in an audience to the ministers of foreign affairs.³

Most of the foreign troops had been withdrawn during the summer but the evacuation of Tientsin and Shanghai, where foreign garrisons had been left, was unreasonably delayed by the powers. The Chinese government repeatedly asked for the with-

¹ British State Papers, China No. 2.(1902)

² For. Relations, 1902, pp. 142-145.

³ " " " pp. 205-208.

drawal of the troops from Tientsin but various excuses were made for non-compliance with the request. China requested the United States to use her good offices in the matter¹ and on January 29 Mr. Hay stated to the powers concerned the desire of the United States for a speedy evacuation.² Finally on April 12, 1902 the military representatives of the powers participating in the occupation, namely, Germany, Great Britain, Russia, France, Japan, Austria and Italy, met and drew up twenty-eight new conditions, not contained in the treaty of 1901, which they held that China should accede to before the restoration of the Tientsin government could take place. Among these conditions was the stipulation that China should bring no troops except a police guard of 2500 in Tientsin anywhere within a radius of 30 kilometers of the city but that foreign troops might go and come at will, within this zone.³ These demands were clearly unjustified and the Russian government decided to take no part in insisting upon any conditions for the evacuation.⁴ The other powers modified the demands to include only the steps thought necessary to secure the carrying out of articles VIII and IX of the final protocol.⁵ These conditions were accepted by the Chinese government and the evacuation was accomplished. The troops were not withdrawn from Shanghai until November, 1902.⁶

¹ For. Rel. 1902, p. 184.

² For. Rel. 1902, p. 185.

³ For Rel. 1902, pp. 191-194.

⁴ For. Rel. 1902, p. 196.

⁵ For. Rel. 1902, pp. 198-200.

⁶ London Times, 1902, pp. 680, 595, 712, 744.

In Manchuria also the withdrawal of the Russian troops was not coincident with the signing of the final protocol. Russia's movements here were guided by her general Oriental policy and she had no desire to lose the control she had gained over this province. In August, 1900, as soon as the Amur region had been quieted the military commander issued a proclamation declaring that it had become a part of Russian territory. Although published in the Official Gazette, it was afterwards disclaimed by Russia and all territorial designs disavowed.¹ During the progress of the general negotiations, however, Russia endeavored to secure a separate settlement of the Manchurian question and submitted a convention to China which virtually made Manchuria a Russian protectorate.² The other powers protested³ against these separate negotiations, before the final treaty was signed and strengthened by their attitude China, refused to enter upon such a convention.⁴ Later, on March 8th, 1902, a convention was concluded between Russia and China, which, while it gave Russia special privileges in Manchuria, provided for the entire evacuation by Russian troops, to take place gradually, within eighteen months.⁵ This evacuation was not accomplished as the treaty stipulated despite the repeated requests that the other

¹ London Times, 1900, pp. 647-8.

² Ibid, 1901, p. 124.

³ Ibid. 1901, p. 150

⁴ Ibid. 1901, pp. 203-204.

⁵ For. Rel. 1902, pp. 280-281.

powers made and the promises made by Russia,¹ and it was ultimately the cause of the next event in the "drama" of Oriental politics - the Russo-Japanese war. It is also true that the Boxer uprising was indirectly connected with the Russo-Japanese war in that, it was the efficiency shown by Japan at this time that led Great Britain to form the Anglo-Japanese alliance, which strengthened Japan for the conflict.

In summing up the effects of the Boxer uprising upon the Chinese government the most important result was the further breaking down of Chinese reserve. In 1900 the Imperial government had revived the idea as was expressed in some of the edicts, that have been quoted, that China could cope with the whole world. The march of the allies to Peking showed how futile such a hope was and demonstrated to China that if she were to take a place among the nations of the world the old idea of isolation must be discarded and western methods adopted, and the reform movement that has since been going on in China undoubtedly owes its impetus to a large extent to the contact with other powers gained in the Boxer uprising.

¹ For. Rel. 1903, pp. 46-77.

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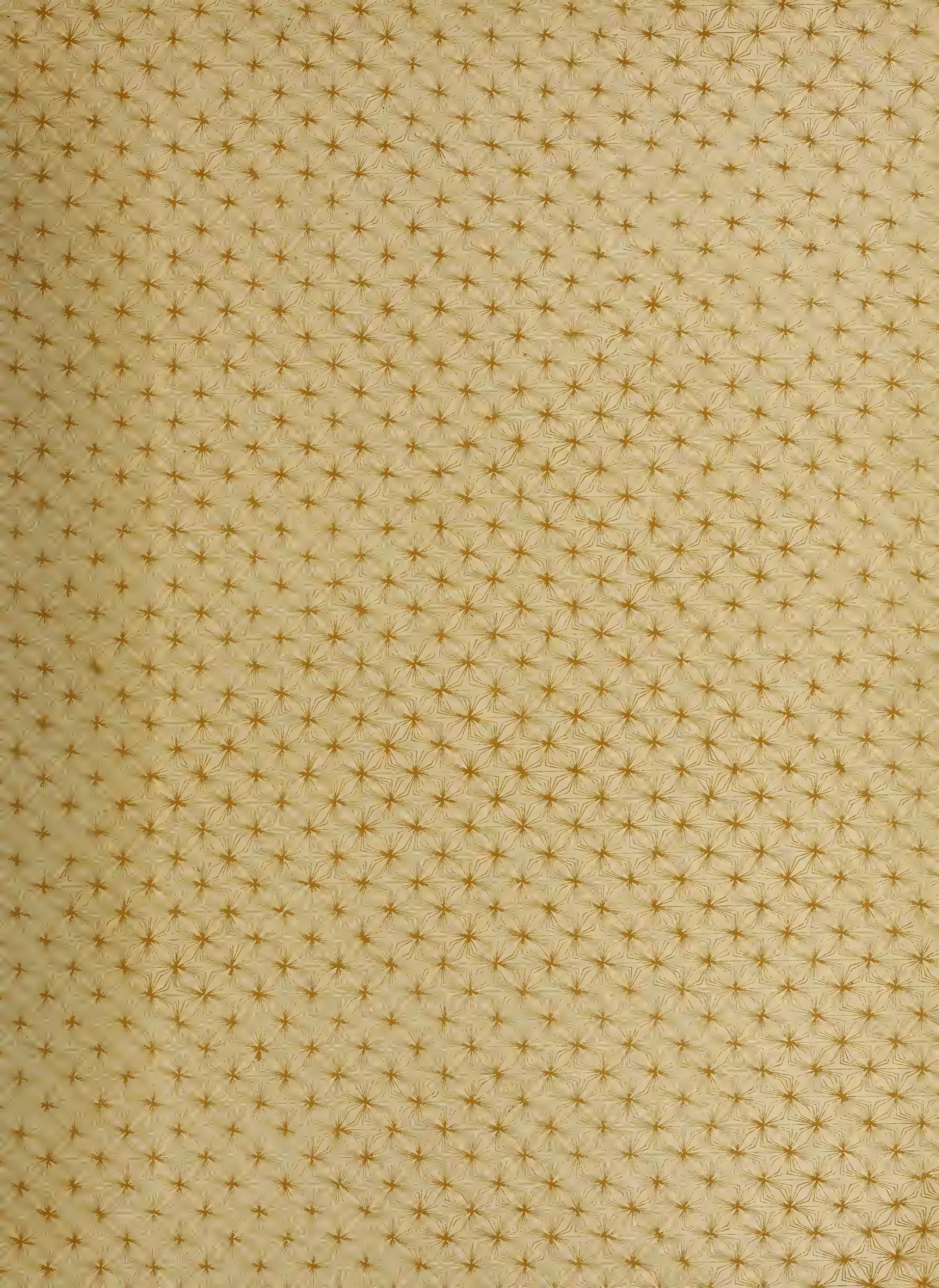
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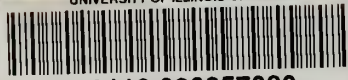
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